

CITY OF NEWBURYPORT



NOTICE OF CITY COUNCIL HEARING ON A PARTIAL DISCONTINUANCE OF BARKER STREET AND A PARTIAL DISCONTINUANCE OF HARNCH'S WAY

Notice is hereby given pursuant to Massachusetts General Laws (M.G.L.) Chapter 82, Section 32A (Abandonment of Municipal Ways), that the Newburyport City Council will hold a Public Hearing on Monday, December 8, 2014 at 6:45 p.m. in the City Council Chambers at City Hall, 60 Pleasant Street, Newburyport, MA 01950.

The purpose of the Public Hearing is as follows:

1. To hear testimony and comment from interested persons relative to the proposed permanent discontinuance (abandonment) of a portion of the Barker Street Right-of-Way. Said portion of the Right-of-Way is a vacant (unimproved) portion of the land (between 245 Northern Boulevard and 22 Harbor Street) as shown on a plan, a copy of which is on file with the City Clerk and Office of Planning & Development, entitled "Plan of Land in Newburyport, MA Showing a Re-Division of Land at 245 Northern Boulevard," prepared by Millennium Engineering, Inc., 62 Elm Street, Salisbury, MA 01982 and dated August 15, 2014.
2. To hear testimony and comment from interested persons relative to the proposed permanent discontinuance (abandonment) of a portion of the Harnch's Way Right-of-Way. Said portion of the Right-of-Way is a thin triangular-shaped sliver of land between the constructed portion of Harnch's Way and the adjacent "Famous Pizza" restaurant. Said portion of the Right-of-Way is shown on a plan, a copy of which is on file with the City Clerk and Office of Planning & Development, entitled "2 Ferry Road Discontinuance," prepared by DGT Survey Group - North Shore, 18 Center Street, Newburyport, MA 01950 and dated October 12, 2012. This sliver of land (approximately 731 sq.ft.) is currently used as parking for the "Famous Pizza" restaurant and contains a metal guardrail and subsurface utilities (sewer line).

In accordance with M.G.L. Chapter 82, Section 32A, these portions of Barker Street and Harnch's Way, respectively, will be declared abandoned and unused for ordinary travel and the Council is expected to determine that the common convenience and necessity no longer requires this portion of the public way to be maintained in a condition reasonably safe and convenient for travel.

Subject: RE: Barker Street Discontinuance

From: Mark W Griffin (mark@markgriffinlaw.com)

To: jaredeigerman@yahoo.com;

Cc: edcameronnbpt@gmail.com; rjones@cityofnewburyport.com;

Date: Tuesday, November 18, 2014 2:41 PM

Hi Jared:

You requested title work on the Barker Street area and that has been completed. I have attached the relevant documents for your review. Based upon the results of this review it is my opinion that the City of Newburyport does own the fee in Barker Street in spite of the fact there was never any taking. Indeed, based upon what I have come up with it appears that the City may own the majority of the ways on Plum Island. Below is an explanation of the attached documents:

1. Deed from John Ratcliffe conveying all of the property on Plum Island to the Plum Island Beach Company. This deed conveys essentially the whole island with the exception of certain parcels identified in the deed. For instance, where the Plum Island hotel used to be and the lighthouse. These exceptions are not relevant to this application except to let you know that the parcels including Barker Street were not excepted.
2. Mortgage from Plum Island Beach Company to Exchange Trust Company. This mortgage was later foreclosed. The foreclosure affidavit lists (by exception) what is not being foreclosed upon. The subject property and the way is not excepted in this.
3. Foreclosure Deed to the Micawber Company from Exchange Trust Company (by its agent Douglas Day) encompassing all of the land and buildings that were still owned by the Plum Island Beach Company. The subject property and the way are a part of this deed although they are not described therein.
4. Deed from the Micawber Company to Evelyn Slavit conveying all of the PI property in bulk (including the subject property and the way).
5. Deed from Evelyn Slavit conveying all of the PI property in bulk (including subject property and the way).

I have included the Raftery's deed to 0 Harbor Street for reference. The deed is for lot 35 on the PI Beach Co plan (plan book 34, plan 22) I realize the documents are somewhat confusing. However, based upon this information I believe the discontinuance order needs to be amended to account for the City's ownership of the fee. If there is anything else I can help you with please let me know.

Mark W. Griffin

70/ 11/ / /
ASPROGIANNIS S G & D G TRUSTEES
S & D REALTY TRUST
2 STOREY AVENUE
NEWBURYPORT, MA 01950

70/ 12/ / /
CITY OF NEWBURYPORT
VACANT LAND
60 PLEASANT ST
NEWBURYPORT, MA 01950

77/ 37/ / /
REAGAN JANICE
WALLACE TAYLOR T/E
6 76TH ST
NEWBURYPORT, MA 01950

77/ 38/ / /
WILLIAMSON LISA
1 BARKER ST
NEWBURYPORT, MA 01950

77/ 39/ / /
HAWKES GLENN W
ANNE MARIE T/E
5 TAYLOR ST
NEWBURYPORT, MA 01950

77/ 41/ / /
PICKETT JUDITH M TRUSTEE
NANA'S LEGACY TRUST
4 TAYLOR ST
NEWBURYPORT, MA 01950

77/ 42/ / /
NORTON MICHAEL R
7001 BALLENA WAY UNIT 29
CARLSBAD, CA 92009-6068

77/ 44/ / /
COOKKE JENNIFER K
23 BRIDGHAM FARM RD
EAST PROVIDENCE, RI 02916

77/ 45/ / /
THOLEN LISA A
102 WARREN STREET
WEST MEDFORD, MA 02155

77/ 47/ / /
RAFTERY KEVIN
DEBRA T/E
245 NORTHERN BLVD
NEWBURYPORT, MA 01950

77/ 48/ / /
PETERSEN BONNIE J
RYDZY KRYSZYNA J/T
16 BARKER ST
NEWBURYPORT, MA 01950

77/ 50/ / /
HOBART EDWIN T.
390 BROADWAY APT#42
SOMERVILLE,, MA 02145

77/ 51/ / /
MCDONALD DORIS M
227 N BLVD PI
NEWBURYPORT, MA 01950

77/ 52/ / /
LAMBERT SCOTT
SUSAN T/E
8 BARKER ST
NEWBURYPORT, MA 01950

77/ 53/ / /
ALTMAN ELIZABETH J
19 GARVEY ROAD
FRAMINGHAM, MA 01701

77/ 54/ / /
PALETTA WILLIAM T
JUDITH L T/E
2 BARKER ST
NEWBURYPORT, MA 01950

77/ 67/ / /
RING WILLIAM E JR
9 78TH ST
NEWBURYPORT, MA 01950

26/11/2014

Print

Subject: FW: Barker Street Discontinuance
From: Mark W Griffin (mark@markgriffinlaw.com)
To: jaredeigerman@yahoo.com; edcameronnbpt@gmail.com;
Cc: krafery@comcast.net;
Date: Monday, November 17, 2014 3:11 PM

Jared and Ed:

NFD comments on this below.

Mark W. Griffin

Law Office of Mark W. Griffin, P.C.

11 Market Square, Suite 8

Newburyport, MA 01950

Tel 978-358-7072

Fax 978-358-7082

e-mail: mark@markgriffinlaw.com

From: Steve Bradbury [mailto:SBradbury@CityofNewburyport.com]
Sent: Monday, November 17, 2014 2:53 PM
To: Mark W Griffin
Subject: RE: Barker Street Discontinuance

Hi Mark, checked it out today and spoke to Andrew in planning office. No problem with fire department on this.

Thanks

Deputy Steve Bradbury

From: Mark W Griffin [mailto:mark@markgriffinlaw.com]
Sent: Thursday, November 06, 2014 4:48 PM
To: Steve Bradbury
Subject: Barker Street Discontinuance

Hi Steve:

My clients, Kevin and Debra Raftery own 0 Harbor Street and 245 Northern Boulevard. They are petitioning the City Council to discontinue the paper street area between their two lots on the attached plan. The City Council has asked for input from the fire department as to this proposal. I believe the area is unnecessary for access to any other property as there are paved streets serving all contiguous lots. Would you kindly respond to this e-mail to provide that input so that I can place your comments in the City Council records? Thanks.

Mark W. Griffin

Law Office of Mark W. Griffin, P.C.

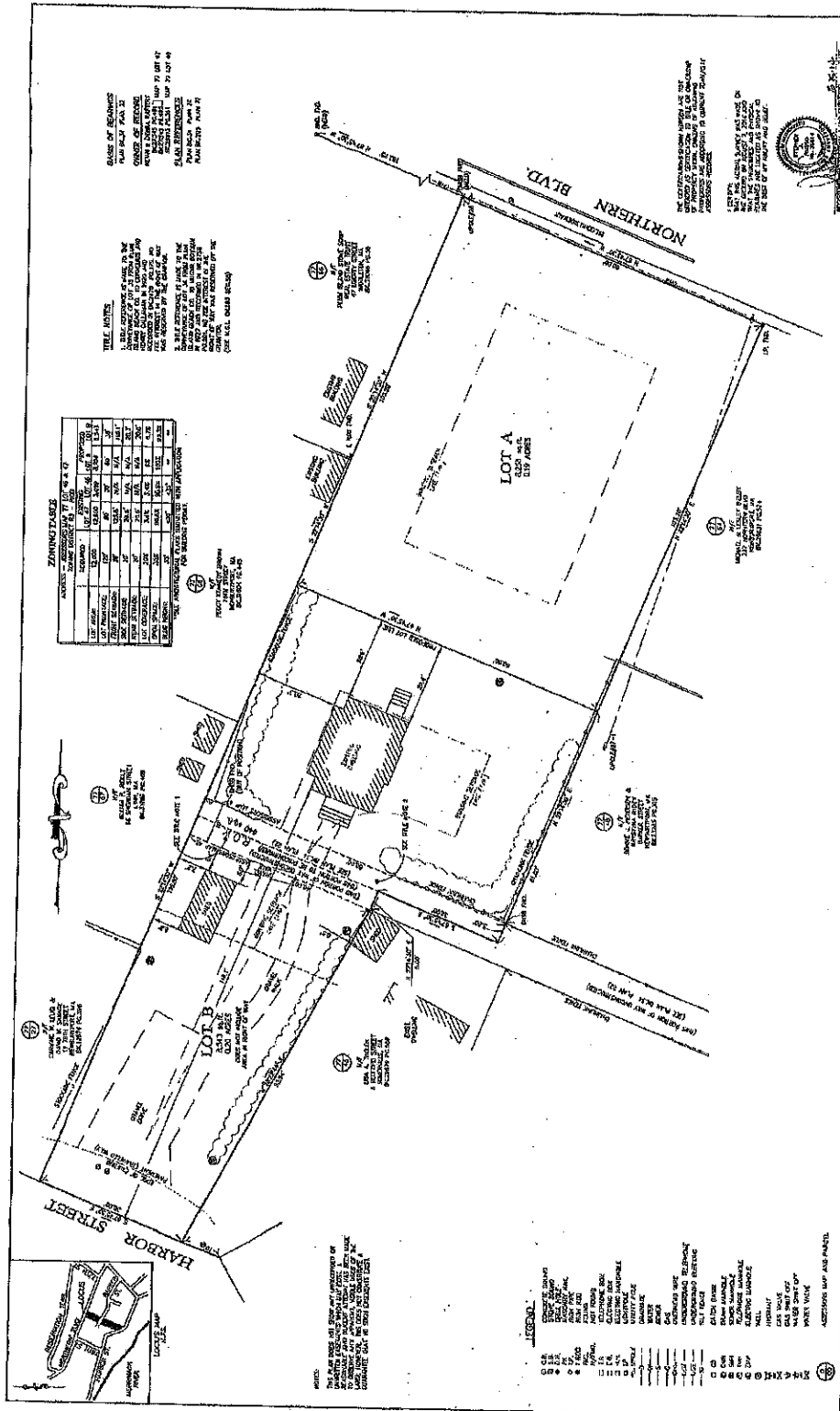
11 Market Square, Suite 8

Newburyport, MA 01950

Tel 978-358-7072

Fax 978-358-7082

e-mail: mark@markgriffinlaw.com



ZONING TABLE

USE	MIN. LOT AREA (SQ. FT.)	MIN. FRONT SETBACK (FEET)	MIN. SIDE SETBACK (FEET)	MIN. REAR SETBACK (FEET)	MAX. BUILDING HEIGHT (FEET)	MAX. GROUND COVER (%)	MAX. LOT COVERAGE (%)
RESIDENTIAL	10,000	10	5	5	35	30	30
COMMERCIAL	20,000	15	10	10	45	40	40
INDUSTRIAL	50,000	20	15	15	60	50	50
OFFICE	10,000	10	5	5	40	35	35
RETAIL	5,000	5	3	3	30	25	25
RESTAURANT	5,000	5	3	3	30	25	25
BAR	5,000	5	3	3	30	25	25
CINEMA	10,000	10	5	5	40	35	35
THEATER	20,000	15	10	10	45	40	40
CONVENTION	50,000	20	15	15	60	50	50
OFFICE BUILDING	10,000	10	5	5	40	35	35
RESEARCH & DEVELOPMENT	10,000	10	5	5	40	35	35
MANUFACTURING	50,000	20	15	15	60	50	50
WAREHOUSE	50,000	20	15	15	60	50	50
INDUSTRIAL PARK	50,000	20	15	15	60	50	50
UTILITY	50,000	20	15	15	60	50	50
TRANSPORTATION	50,000	20	15	15	60	50	50
RECREATION	50,000	20	15	15	60	50	50
EDUCATION	50,000	20	15	15	60	50	50
HEALTH CARE	50,000	20	15	15	60	50	50
GOVERNMENT	50,000	20	15	15	60	50	50
RELIGIOUS	50,000	20	15	15	60	50	50
CULTURAL	50,000	20	15	15	60	50	50
AMUSEMENT	50,000	20	15	15	60	50	50
ENTERTAINMENT	50,000	20	15	15	60	50	50
SPORTS	50,000	20	15	15	60	50	50
CONVENTION CENTER	50,000	20	15	15	60	50	50
OFFICE BUILDING	10,000	10	5	5	40	35	35
RESEARCH & DEVELOPMENT	10,000	10	5	5	40	35	35
MANUFACTURING	50,000	20	15	15	60	50	50
WAREHOUSE	50,000	20	15	15	60	50	50
INDUSTRIAL PARK	50,000	20	15	15	60	50	50
UTILITY	50,000	20	15	15	60	50	50
TRANSPORTATION	50,000	20	15	15	60	50	50
RECREATION	50,000	20	15	15	60	50	50
EDUCATION	50,000	20	15	15	60	50	50
HEALTH CARE	50,000	20	15	15	60	50	50
GOVERNMENT	50,000	20	15	15	60	50	50
RELIGIOUS	50,000	20	15	15	60	50	50
CULTURAL	50,000	20	15	15	60	50	50
AMUSEMENT	50,000	20	15	15	60	50	50
ENTERTAINMENT	50,000	20	15	15	60	50	50
SPORTS	50,000	20	15	15	60	50	50
CONVENTION CENTER	50,000	20	15	15	60	50	50

PLAN OF LARD
NEWBURYPORT, MA

MILLENIUM ENGINEERING, INC.
1000 STATE STREET, SUITE 200
NEWBURYPORT, MA 01960
TEL: 978-535-1100
WWW.MILLENIUM-ENG.COM

PROJECT: ZBA

DATE: AUG. 15, 2011

PREPARED FOR: HENRY & DEBRA BATTERY, NEWBURYPORT, MA

GRAPHIC SCALE:
1" = 20' (ON PLOT)
1" = 100' (ON SHEET)

LEGEND:
 - LOT A (150,000 SQ. FT.)
 - LOT B (150,000 SQ. FT.)
 - HARBOUR STREET
 - NORTHERN BLVD
 - WATER MAIN
 - SEWER MAIN
 - GAS MAIN
 - ELEC. MAIN
 - TELEPHONE MAIN
 - FIBER OPTIC MAIN
 - STORM SEWER
 - SANITARY SEWER
 - WATER SERVICE LINE
 - SEWER SERVICE LINE
 - GAS SERVICE LINE
 - ELEC. SERVICE LINE
 - TELEPHONE SERVICE LINE
 - FIBER OPTIC SERVICE LINE
 - DRIVEWAY
 - SIDEWALK
 - CURB
 - STREET LIGHT
 - SIGN
 - FENCE
 - WALL
 - DOOR
 - WINDOW
 - ROOF
 - FOUNDATION
 - CONCRETE
 - BRICK
 - STUCCO
 - SHINGLE
 - ASPHALT
 - GRASS
 - PAVEMENT
 - DRIVEWAY PAVEMENT
 - SIDEWALK PAVEMENT
 - CURB PAVEMENT
 - STREET PAVEMENT
 - PARKING PAVEMENT
 - BIKEWAY PAVEMENT
 - TRAIL PAVEMENT
 - GOLF COURSE PAVEMENT
 - TENNIS COURT PAVEMENT
 - BASEBALL FIELD PAVEMENT
 - SOFTBALL FIELD PAVEMENT
 - BASKETBALL COURT PAVEMENT
 - VOLLEYBALL COURT PAVEMENT
 - RUGBY FIELD PAVEMENT
 - HOCKEY RINK PAVEMENT
 - ICE SKATING RINK PAVEMENT
 - SKI LIFT PAVEMENT
 - SNOWMAKING PAVEMENT
 - FISHING PAVEMENT
 - HUNTING PAVEMENT
 - GOLFING PAVEMENT
 - SWIMMING PAVEMENT
 - BOATING PAVEMENT
 - FISHING BOAT PAVEMENT
 - HUNTING BOAT PAVEMENT
 - GOLFING BOAT PAVEMENT
 - SWIMMING BOAT PAVEMENT
 - BOATING BOAT PAVEMENT
 - FISHING BOAT PAVEMENT
 - HUNTING BOAT PAVEMENT
 - GOLFING BOAT PAVEMENT
 - SWIMMING BOAT PAVEMENT
 - BOATING BOAT PAVEMENT

CITY COUNCIL MEETING AGENDA - VERSION 1

January 12, 2015

7:00 PM

HEARING - Barker Street Discontinuance

7:30PM

(Sound Check)

1. **ELECTION OF COUNCIL PRESIDENT**
2. **MOMENT OF SILENCE**
3. **PLEDGE OF ALLEGIANCE**
4. **CALL TO ORDER**
 1. **Committee Assignments - TBA**
 2. **City Council Meeting Schedule 2015**
 3. **City Council Rules 2015**
5. **LATE FILE ITEMS**
6. **PUBLIC COMMENT**
7. **MAYOR'S COMMENT**

CONSENT AGENDA

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

8. **APPROVAL OF MINUTES**
December 8, 2014 (Approve)
9. **TRANSFERS**
1. EMR Gen. Exp. To EMR Deputy Coordinator \$701.86 (Approve)
10. **COMMUNICATIONS**
 1. DEP Notice of Application Harbormaster and Visiting Boater Facility (R&F)
 2. Second Hand Motor Vehicle License Renewal GNFD dba Newburyport Sunoco (L&P)
 3. Correspondence Unnamed Way off Spofford Street (P&D)
 4. First Refusal to Purchase Lot 8 Low Street (P&D)
 5. Taxi License Renewal Harold Congdon Port Taxi, Inc. (L&P)
 6. Second Hand Motor Vehicle License Renewal LCA Motors (L&P)
 7. Second Hand Motor Vehicle License Renewal Plum Autoworks, Inc. (L&P)
 8. Jeanne Geiger Crisis Ctr. 3rd annual Billion Rising Flashmob Feb. 12, 2015 (PS)

11. APPOINTMENTS – First Reading

- | | | |
|-------------------------|--|--------------|
| | APPOINTMENTS | |
| 1. Marian Leighton Levy | 323 Merrimac St. Fruit Street Local Historic Dist. | Dec. 1, 2017 |
| | RE-APPOINTMENTS | |
| 2. James D. O'Brien | 8 67 th Street. Conservation Commission | June 1, 2017 |

END OF CONSENT AGENDA

REGULAR AGENDA

12. INTRODUCTION OF 1st ESSEX REPRESENTATIVE JAMES KELCOURSE

13. **COMMUNICATIONS**
 4. **LATE FILE Mayor's Update**

14. APPOINTMENTS Second Reading -

- | | | |
|---------------------------|---|--------------|
| | APPOINTMENTS | |
| 3. Shawn Flaherty | 3 Summit Place Diversity & Tolerance Commission | Dec. 1, 2017 |
| 4. George H. Ellison, Jr. | 2A Noble Street Waterfront Trust | Dec. 1, 2019 |

RE-APPOINTMENTS

5. Enrico Caruso	34 Russett Hill Road, Haverhill	Asst Harbormaster & Spec PO	Dec. 31, 2017
6. Francis F. Chaisson	300 Merrimac Street	Asst Harbormaster & Spec PO	Dec. 31, 2017
7. Michael Chaisson	46 Lake Attitash Rd, Amesbury	Asst Harbormaster & Spec PO	Dec. 31, 2017
8. Joseph Grande	52 Linwood Ave., Methuen	Asst Harbormaster & Spec PO	Dec. 31, 2017
9. Adam R. Hayden	76 Longfellow Drive	Asst Harbormaster & Spec PO	Dec. 31, 2017
10. James Maranto	167 Harper Ridge Rd, E. Hampstead, NH	Asst Harbormaster & Spec PO	Dec. 31, 2017
11. Benedetto Orlando	104 N. Ave, Apt. 2, Haverhill	Asst Harbormaster & Spec PO	Dec. 31, 2017
12. Philip Stern	271 Merrimac St, Apt. 2	Asst Harbormaster & Spec PO	Dec. 31, 2017
13. David Willey	13 Devonshire Crossing, Lowell	Asst Harbormaster & Spec PO	Dec. 31, 2017
14. Kristian Zoeller	115 Timber Swamp Rd, Hampton, NH	Asst Harbormaster & Spec PO	Dec. 31, 2017
15. Rabbi Avi Poupko	2 Pleasant Street	Diversity & Tolerance Commission	Nov. 1, 2017
16. Daniel Raycroft	1 Brown Ave, Amesbury	Assesor	January 1, 2018

15. ORDERS

1. TABLED - Discontinuance Harnch's Way until January 26, 2015 at 7:30 pm
2. Add referendum question regarding Flouride to Nov. 3, 2015

16. ORDINANCES

1. 2nd READ Amend ORD 13- 179 Handicap Space Emma Andrews Library
2. 2nd READ Amend ORD 13-168 Parking Restricted Court Street
3. Revised ORD Amend Zoning Ordinance Section III-C Back Bay
4. Amend ORD 13-136 Stop Intersections Beacon Avenue

17. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Mayor letter regarding Order for Revolving Fund Expenses *03/17/2014
2. Order Amend Revolving Fund expenses *03/17/2014
3. Order Home Rule Petition- supplementing education budget (COTW) *05/12/2014
4. Amend ORD Ch. 2 Section 2-45 City Council Salary *05/12/2014
5. Amend ORD Ch. 2 Section 2-61A School Committee Salary *05/12/2014
6. Human Resources Dependent Audit *06/30/2014
7. Letter from Hope Church regarding Master Box fee *11/10/2014
8. Mayor Free Cash \$21,865.43 to Essex North Shore Tech School *12/08/2014
9. Newburyport Retirement Board Expense Budget C/Y 2015 *12/08/2014

General Government

Joint Education

In Committee:

1. Order Home Rule Petition- supplementing education budget (COTW) *05/12/2014

License & Permits

In Committee:

1. Movable Sign Application Newburyport Brewing Company *02/10/2014
2. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas *04/28/2014
3. Letter regarding transient vendor licensing *06/30/2014
4. Renewal of Second Hand Motor Vehicles Sales License RL Currie Corp. *12/08/2014

Neighborhoods and City Services

Planning & Development

In Committee:

1. Letter from Newburyport Preservation Trust *03/31/2014
2. Amend ORD Zoning Change, R3 Zone to R2 Zone - Back Bay Neighborhood *09/29/2014
3. Order Proposed vote of Discontinuance of Barker St. *10/14/2014

Public Safety

In Committee:

- | | |
|--|-------------|
| 1. Amend ORD 13-174 State Street Resident Parking | *11/10/2014 |
| 2. Flag Day 5K June 13, 2015 Soldiers Assistance Fund | *11/24/2014 |
| 3. Letter from Parks Commission close Greenleaf St. January 31, 2015 Winter Carnival | *12/08/2014 |
| 4. Amend ORD 13-184 Handicapped Parking Regulations | *12/08/2014 |

Public Utilities Committee

In Committee:

- | | |
|--|-------------|
| 1. Letter from Daniel Eyink, MD regarding water fluoridation | *05/27/2014 |
|--|-------------|

Rules Committee

18. GOOD OF THE ORDER

19. ADJOURNMENT

2015

City Council Meeting 7:30 PM in the Council Chambers, City Hall.

January 12, 2015
January 26, 2015

February 9, 2015
February 23, 2015

March 9, 2015
March 30, 2015

April 13, 2015
April, 27, 2015

May 11, 2015
May 26, 2015 -

Tuesday

Monday (May 25, 2015 - Memorial Day)

June 8, 2015
June 29, 2015

July 13, 2015

August 10, 2015

September 14, 2015
September 28, 2015

October 13, 2015 - Tuesday
October 26, 2015-

Monday (October 12, 2015 - Columbus Day)

November 09, 2015
November 30, 2015

December 14, 2015

**RULES OF THE CITY COUNCIL OF THE CITY OF NEWBURYPORT
2015
ORGANIZATION**

Rule 1. At the organizational meeting following the regular municipal election, the City Clerk shall preside until the President has been elected by the membership.

Thereafter, each year the City Council shall, by majority vote of all members elected, elect a President from within its membership at the first meeting in January of that session.

Within the first 30 days of each year of a City Council session, the members of the Council shall vote its Rules and Regulations and its annual calendar.

REGULAR MEETINGS

Rule 2. City Council meetings shall be held in the Council Chamber of City Hall unless, the President, or a majority of the Council determine that such meeting be held in an alternate location.

If a scheduled meeting of the City Council is in session until 11:00 pm, said meeting shall be adjourned until 7:30 pm of the following evening, unless another date and time is voted by a majority of the Council.

HOLIDAYS

Rule 3. Except as otherwise provided in the City Charter, whenever the day set by these rules for any meeting of the City Council shall fall upon a holiday, then such meeting may be canceled or postponed to a date certain by majority vote of the Council.

PRESIDING OFFICER

Rule 4. The President, if present, shall preside at all meetings. In the absence of the President, the senior most member in terms of consecutive service shall serve during the absence of the President. If more than one member has served the same length of time the Council shall elect a President Pro Tem by majority vote from the most senior Councillors in consecutive service.

DUTIES OF THE PRESIDING OFFICER

Rule 5. The presiding officer shall; preserve decorum and order; speak to points of order in preference to other members; decide all questions of order, subject to appeal; declare all votes. If any member doubts the vote, the presiding officer without further debate on the question, shall require that a count be taken by roll call of the membership.

The presiding officer may call for a 5-minute recess without a vote during any regular meeting.

RELINQUISHING THE CHAIR

Rule 6. When the presiding officer desires to relinquish the Chair, he may call upon any Councillor to replace him, but such call to the Chair shall not continue beyond the will of the presiding officer so relinquishing the Chair or beyond an adjournment, except as hereafter provided.

If the presiding officer wishes to express an opinion on the any subject under debate, he shall relinquish the Chair as above provided and shall not resume the Chair until he is through speaking and all points of order arising therefrom have been decided.

Notwithstanding the previous two paragraphs, the presiding officer may, however, state facts and give opinions upon questions of order without relinquishing the Chair.

COMMITTEES

Rule 7. The President shall appoint all City Council committees (standing, special and ad hoc), designate the chair of all committees and fill any vacancies thereof.

Committee meetings shall be regularly held on the last Monday of every month 1-hour prior to the start of the regularly scheduled meeting in the Council Chamber.

City Council committee meetings scheduled for 6:30 pm the evening of the last City Council meeting of the month should be used for the purpose of clarification of information from previous meetings and/or to deal with time sensitive requests only.

Committees may also meet at any time, subject to the Massachusetts General Laws and the City Charter.

Committees shall meet and review any agenda item referred to the committee within fourteen (14) days of referral.

City Council Committee meeting will be cancelled when scheduled during the period of time when a snow emergency is declared.

REMOVING AN ITEM FROM COMMITTEE

Rule 7A. Whenever any item of business duly referred to a Council Committee has not been acted upon within six weeks of that referral, a petition signed by two Councillor's shall be sufficient to bring that item directly to the floor under "New Business" at the next regularly scheduled meeting of the Council.

7B. The Chair or member of a committee may remove an item from that committee upon making a motion and receiving a second from any Councillor. Any Councillor may move to approve, not approve, or refer back to committee, an item on the floor for discussion.

Rule 7C. All items that are in committee at the end of the session shall die unless a majority of the Council votes to carry an item into the succeeding session.

SUFFICIENCY OF VOTE

Rule 8. The affirmative vote of a majority of the members present shall be sufficient to adjourn any meeting of the City Council.

MANNER OF VOTING

Rule 9. A vote to confirm appointments on a second reading to Boards or Commissions shall by roll call.

A vote on approval of an ordinance, for first and second reading, shall be by roll call. Amendments to the motion for approval to an ordinance may be recorded by voice vote.

At the first meeting of a two-year session of the City Council which requires a roll call vote or votes, the City Clerk shall begin the order of voting throughout the meeting with that Councillor whose last name is first in alphabetical order. At each successive meeting which shall require a roll call vote or votes, the City Clerk shall begin roll calls throughout that meeting with the Councillor whose last name follows the previous Councillor in alphabetical order until the last meeting of the session. The Council President shall continue to vote last.

In the event a member wishes to have his vote recorded differently after announcement of the results of a roll call vote by the Chair, the member must receive unanimous consent from the remaining present members of the Council.

Rule 9A. Motion to table or postpone indefinitely once seconded are not debatable, but clarifying points of information will be allowed for the purpose of understanding the effects of tabling.

GAINING THE FLOOR

Rule 10. All Councillors, when desiring to speak on a matter before the Council, shall raise their hands and respectfully address the Chair, and wait until recognized.

Once recognized by the Chair the Councillor shall stand to speak on the matter. Councillors shall remain standing while speaking. Councillors shall sit down to indicate to the Chair the conclusion of the Councillor's speech.

All Councillors are allowed to speak a second time on an issue only after each Councillor has the opportunity to speak once.

In speaking, members shall confine themselves to the issue on the floor, shall use parliamentary language and appropriate demeanor at all times, and generally shall avoid

the use of first names and refer to other members as either the Councillor from a particular ward or the At-Large Councillor, or as the Chair of a particular Committee.

No member shall leave a City Council meeting while in session to seek counsel, information or to conduct any other city business.

The City Council President shall have the responsibility and discretion for recognizing speakers other than Council members. Any member of the Council may request of the President recognition of a speaker other than a Council member.

SPONSORSHIP OF ORDERS, RESOLUTIONS, OR ORDINANCES

Rule 11. No order, resolution, or ordinance shall be placed on the agenda or acted upon unless sponsored by a member of the Council. Without sponsorship by a Councillor, the Mayor may not place an item on the agenda.

Rule 12. Ordinances submitted to the council must be received by the Council and submitted to the appropriate Council Committee. In the event that the sponsoring member of any order, resolution, or other matter is not present when the clerk reads the matter, the presiding officer shall instruct the Clerk to withdraw the matter from consideration at the meeting, unless the sponsoring Councillor has presented a written statement requesting the council to proceed on the matter presented.

WITHDRAWING ITEMS FROM THE AGENDA

Rule 13. After an order, resolution, or ordinance is stated or read by the City Clerk, it shall be deemed to be in possession of the City Council, and shall be disposed of by vote. The sponsor and, if applicable, all cosponsors may prior to a measure being in the possession of the Council, withdraw the measure by so informing the President or the Clerk.

RECONSIDERATION

Rule 14. After a vote has been taken, it shall be in order for any member voting with the prevailing side to move reconsideration thereof at the same meeting at which the vote was taken, or to file with the City Clerk, not later than noon of the next business day following such meeting, notice of a motion to reconsider such vote. After receiving such notification from a member, the Clerk shall place it on the agenda for the next regular meeting of the Council. When such a notice of reconsideration has been filed, the City Clerk shall forthwith, either verbally or in writing, notify all members of the City Council of such intention to reconsider.

DUTIES OF THE CLERK

Rule 15. The City Clerk shall attend and keep all records of all meetings of the Council, shall record the names of the members present, shall record the vote of members on roll calls, shall have the care and custody of the City records, and all documents, plans, and

papers pertaining to the business of the City Council. The Clerk shall also, at the request of the members, assist in the drafting of items to be presented at the meetings of the City Council. The Clerk shall cause notice to be made to each Councillor of each meeting, regular and special. All City Committee meetings shall be electronically posted to the city website 48 hours prior to commencement.

DEADLINE FOR AGENDA ITEMS

Rule 16. All written matters of whatever description which may require consideration by the City Council shall be presented in complete form to the City Clerk not later than 4:00 pm on the Tuesday preceding the next regular meeting, except when the Tuesday is a holiday, they must be presented to the Clerk the Monday prior. Pursuant to this rule, Committee Chairs shall submit to the City Clerk the text of any items being removed from committee at the next regular City Council meeting. Papers presented after that time shall be considered late file items and will not be taken up without a suspension of the rules, which requires a super-majority vote of the Council.

CLERK SHALL PREPARE AGENDA

Rule 17. The City Clerk in consultation with the President shall compile an agenda comprised of all written matters to come before the Council at each meeting in accordance with the order of business below, and shall make available such list in printed form by 12 noon of the Wednesday preceding such meeting. Said agenda and compilation of written materials shall be referred to as the "packet." The City Clerk shall cause the packet to be delivered to each Councillor by their individual preferred means.

Items that are to be added to the agenda as late file items must be submitted for approval to be placed on the agenda following the approval of the minutes and prior to communications.

The order of business for the agenda shall be as follows:

1. Opening Prayer
2. Pledge of Allegiance
3. Call to Order
4. Late File Items
5. Public Comment
6. Mayors Comment
7. Consent Agenda
 - a) Approval of Minutes
 - b) Transfers
 - c) Communications
 - d) First Reading of Appointments
7. Mayor's Transfers
8. Communications
9. Second Reading of Mayor's Appointments
10. Orders
11. Ordinances

12. Committee Reports (Including the text of any item to be voted on)
13. Good of the Order
14. Adjournment

PUBLIC COMMENT

Rule 18. There shall be designated a public comment time during each meeting of the City Council. The procedure for this comment time is listed below:

1. Individuals who wish to speak before the Council; whether on their own behalf or on behalf of a group, must sign in on the door of the Council Chamber prior to the start of the Public Comment Segment of the meeting. Each individual must provide their name, address and indicate which agenda item they will be speaking on. Council President will advise attendees of their right to speak and responsibility to sign-up.
2. Two minutes allotted to each individual
3. One opportunity per individual to speak
4. Comment must be related to an agenda item

Rule 18a. There shall be established a designated time during each meeting of the City Council in which the Mayor may address the Council. The procedure for this is as follows:

1. Should the Mayor wish to speak before the Council; the Mayor shall provide notice prior to the meeting to the President of the Council.
 - 1.1 Prior Knowledge shall be defined as notice at any time prior to the President of the City Council calling the meeting to order.
2. Paragraph 1 of this rule may be waived by motion and with simple majority vote of the Council allowing the Mayor to speak during a meeting should the need arise.
3. The Mayor will be provided with a total five minute time allotment at the conclusion of Public Comment and prior to the Consent Agenda.
 - 3.1 This designated time must be related to agenda item(s)
 - 3.2 Nothing in this rule prohibits the City Council by majority to allow the Mayor further comment.
4. The Mayor will be offered reserve seating in the first row of the bench seating in Council Chambers

PRESENTATIONS

Rule 19. Presentations by individuals or groups need to be sponsored by a Councillor and placed on the communication segment of the agenda. Such presentation must be approved by a simple majority vote of the Council to allow the presentation to proceed.

MAYORAL APPOINTMENTS

Rule 20. Mayoral appointments will be received and filed by the Council at the meeting of their introduction to the Council. The appointments will be considered for confirmation or referred to a Committee of the Whole for further consideration at the next scheduled City Council meeting. All new appointments by the Mayor shall be accompanied by a resume of the appointee. Formal notice of the expiration of appointments shall be provided to the Council one month prior to the expiration of such appointments.

MID-YEAR BUDGET REVIEW

Rule 21. The Budget & Finance Committee shall conduct a mid-year budget review as soon as practical after six (6) months of actual expenditures are available in written form, but no later than February 15.

The Budget & Finance Committee shall schedule a meeting of the committee for the purpose of conducting the mid-year budget review. The City Auditor and City Treasurer shall attend. All members of the City Council shall be invited to attend.

Prior to the mid-year budget review, the City Auditor shall distribute documentation at least one (1) week in advance of said meeting depicting a year-to-date actual budget summary to all members of the City Council. Any member of the City Council may request that a Department Head be present at the mid-year review by notifying the Council President or Chairperson of the Budget & Finance Committee.

ELECTRONIC COMMUNICATION DEVICES

Rule 22. The use of cell phones, pagers and other electronic communication devices are strictly prohibited within the City Council Chambers while the Council is in session. Such items must be turned off upon entering any City Council Meeting or Hearing, provided however computers for the use of Council Documents are expressly excluded from this rule. Any person violating this rule shall be asked to leave the meeting. This notice is to be posted at the City Council entrance. Exceptions will only be allowed for on-duty public safety officers.

Rule 23. In all matters of parliamentary practice not provided for in these rules, the City Council shall use Robert's Rules of Order as a guide.

CONSENT AGENDA

5. Michael Chaisson	46 Lake Attitash Rd, Amesbury	Asst Harbormaster & Spec PO	Dec. 31, 2017
6. Joseph Grande	52 Linwood Ave., Methuen	Asst Harbormaster & Spec PO	Dec. 31, 2017
7. Adam R. Hayden	76 Longfellow Drive	Asst Harbormaster & Spec PO	Dec. 31, 2017
8. James Maranto	167 Harper Ridge Rd, E. Hampstead, NH	Asst Harbormaster & Spec PO	Dec. 31, 2017
9. Benedetto Orlando	104 N. Ave, Apt. 2, Haverhill	Asst Harbormaster & Spec PO	Dec. 31, 2017
10. Philip Stern	271 Merrimac St, Apt. 2	Asst Harbormaster & Spec PO	Dec. 31, 2017
11. David Willey	13 Devonshire Crossing, Lowell	Asst Harbormaster & Spec PO	Dec. 31, 2017
12. Kristian Zoeller	115 Timber Swamp Rd, Hampton, NH	Asst Harbormaster & Spec PO	Dec. 31, 2017
13. Rabbi Avi Poupko	2 Pleasant Street	Diversity & Tolerance Commission	Nov. 1, 2017
14. Daniel Raycroft	1 Brown Ave, Amesbury	Assesor	January 1, 2018

Removed by Councillor Herzog.

END OF CONSENT AGENDA

Motion to approve the consent agenda as amended by Councillor Cameron, seconded by Councillor Herzog. So voted.

REGULAR AGENDA

5. COMMUNICATIONS

- 4. LATE FILE Mayor's Update

Motion to receive and file by Councillor Cameron, seconded by Councillor Herzog. So voted.

6. APPOINTMENTS First Reading –

APPOINTMENTS

- 2. George H. Ellison, Jr. 2A Noble Street Waterfront Trust Dec. 1, 2019

Motion to receive and file by Councillor Herzog, seconded by Councillor Cameron. So voted. Councillor Herzog stated it would be a good idea to meet with the Waterfront Trust as the Council has met with the NRA.

RE-APPOINTMENTS

- 14. Daniel Raycroft 1 Brown Ave, Amesbury Assesor January 1, 2018

Councillor Herzog complimented Assesor Raycroft for many years of service. Motion to receive and file by Councillor Herzog, seconded by Councillor Cameron. So voted.

7. APPOINTMENTS Second Reading –

APPOINTMENTS

- 15. Noah A. Luskin 36 Plummer Ave. Planning Board May 31, 2019

APPOINTMENTS

- 16. Greg M. Ogden 6 Merrill Street Licensing Board June 1, 2018
- 17. Tracy Maynard 16 Doe Run Dr. Human Resources Director January 1, 2018

Motion to approve second reading concurrently by Councillor Cronin, seconded by Councillor Cameron. Roll call vote, 11 yes. So voted.

8. ORDERS

- 1. TABLED - Discontinuance Harnch's Way

Motion to remove from the Table by Councillor Cameron, seconded by Councillor Cronin. So voted. Motion to Table by Councillor Cameron, seconded by Councillor Cronin. So voted.

9. ORDINANCES

- 1. PENDING PRINTING Amend ORD 13- 179 Handicap Space Emma Andrews Library
- 2. Amend ORD 13-184 Handicapped Parking Regulations

Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Herzog. So voted.

10. COMMITTEE ITEMS

Budget & Finance

In Committee:

- 1. Mayor letter regarding Order for Revolving Fund Expenses *03/17/2014
- 2. Order Amend Revolving Fund expenses *03/17/2014
- 3. Order Home Rule Petition- supplementing education budget (COTW) *05/12/2014
- 4. Amend ORD Ch. 2 Section 2-45 City Council Salary *05/12/2014

- 5. Amend ORD Ch. 2 Section 2-61A School Committee Salary *05/12/2014
- 6. Human Resources Dependent Audit *06/30/2014
- 7. Letter from Hope Church regarding Master Box fee *11/10/2014
- 8. PERAC 2016 Fiscal Year Appropriation *11/24/2014

Motion to remove by Councillor Tontar, seconded by Councillor Connell. So voted. Motion to receive and file by Councillor Tontar, seconded by Councillor Connell. So voted.

General Government

Joint Education

In Committee:

- 1. Order Home Rule Petition- supplementing education budget (COTW) *05/12/2014

License & Permits

In Committee:

- 1. Movable Sign Application Newburyport Brewing Company *02/10/2014
- 2. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas *04/28/2014
- 3. Letter regarding transient vendor licensing *06/30/2014

Neighborhoods and City Services

Planning & Development

In Committee:

- 1. Letter from Newburyport Preservation Trust *03/31/2014
- 2. Amend ORD Zoning Change, R3 Zone to R2 Zone - Back Bay Neighborhood *09/29/2014
- 3. Order Proposed vote of Discontinuance of Barker St. *10/14/2014

Public Safety

In Committee:

- 1. Amend ORD 13-174 State Street Resident Parking *11/10/2014
- 2. Flag Day 5K June 13, 2015 Soldiers Assistance Fund *11/24/2014
- 3. Amend ORD 13-168 Parking Restricted Court Street *11/24/2014

Motion to waive the rules and remove by Councillor Cronin, seconded by Councillor Giunta. So voted.

Motion to approve 1st reading and order published by Councillor Cronin, seconded by Councillor Giunta. Roll call vote, 11 yes. So voted.

Public Utilities Committee

In Committee:

- 1. Letter from Daniel Eyink, MD regarding water fluoridation *05/27/2014
- 2. Water and Sewer Commissions adjustment of sewer bill charges re second meters *11/24/2014

Rules Committee

11. GOOD OF THE ORDER

Councillor Giunta agreed that we should meet with the Waterfront Trust.

Councillor Connell suggested that the Councillors could ring the bell for the Salvation Army on Saturday, Dec. 20th and handed out a sign-up sheet.

Councillor Herzog spoke and offered an apology for voting to authorize the Dec. 9th election when the school committee did not vote on it.

Councillor Cameron made a motion to cancel the December 29, 2014 meeting, seconded by Councillor Herzog. So voted.

12. ADJOURNMENT

Councillor Cameron moved to adjourn, seconded by Councilor Herzog at 8:18 pm. So voted.

TRANSFERS



City of Newburyport

FY 2015

BUDGET TRANSFER REQUEST

Transfer #1
January 12, 2015

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2015 JAN -6 P 12:07

Department: Emergency Management

Submitted by: Thomas Howard, Marshal

Date Submitted: 1/12/2015

Transfer From:

Account Name	<u>EMR - General Expenses</u>	YTD Bal:	<u>\$ 2,000.00</u>
Account Number:	<u>01291007-57409</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$701.86</u>	Trans Out:	<u>\$ -</u>
Why are Funds Available:	<u>The line item is budgeted for unforeseen emergency-related expenses.</u>		

Transfer To:

Account Name	<u>EMR - Deputy Coordinator</u>	YTD Bal:	<u>\$ (350.73)</u>
Account Number:	<u>01291001-51102</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$701.86</u>	Trans Out:	<u>\$ -</u>
Why are Funds Required:	<u>To cover labor costs incurred to set up monitoring equipment funded by an Emergency Management Preparedness Grant for the Police Department and Emergency Management.</u>		

Donna D. Holaday, Mayor
Ethan R. Manning, Auditor
City Council Approval: (Stamp)

Donna D. Holaday
Ethan R. Manning

Date: 1/6/15
Date: 1/6/15

COMMUNICATIONS

City Council

Communication #1
January 12, 2015

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM**

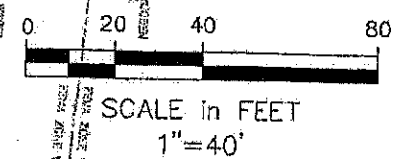
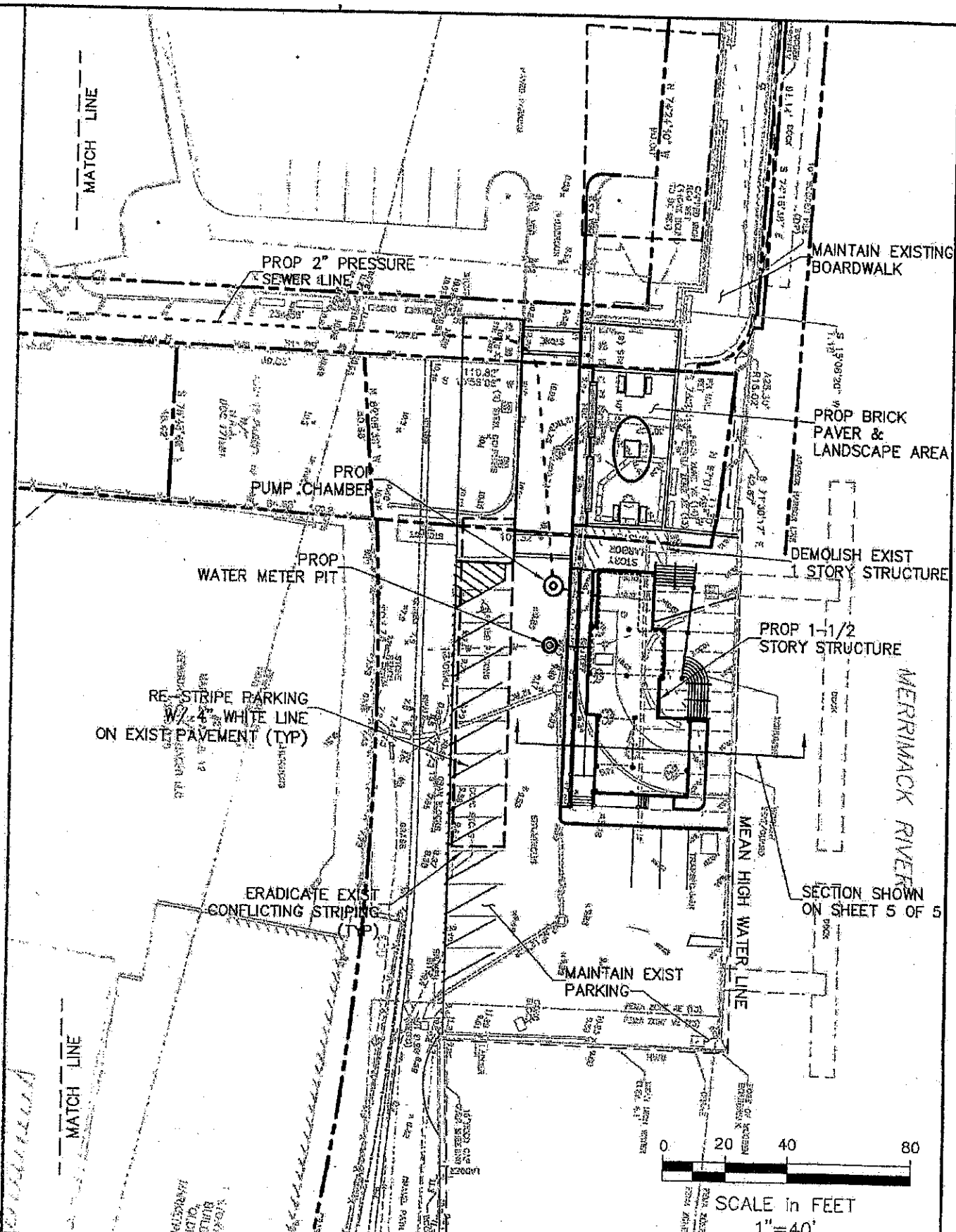
**Notice of License Application pursuant to M. G. L. Chapter 91
Waterways License Application Number W14-4298
City of Newburyport**

NOTIFICATION DATE: December 26, 2014

Public notice is hereby given of the application by City of Newburyport to construct and maintain a new Harbormaster and Visiting Boater Facility, including associated utilities and landscaping at 25 Water Street, 27 Water Street Rear and 22 Merrimack Street in the municipality of Newburyport over filled tidelands of the Merrimack River. The proposed use of the project is to provide public amenities to transient boaters and general public, and provide administrative and operational space for the Harbormaster and is a water dependent project.

The Department will consider all written comments on this Waterways application received by within 30 days subsequent to the "Notification Date". Failure of any aggrieved person or group of ten citizens or more, must include no less than five citizens who are residents of the municipality in which the proposed project is located, to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4) (c).

Additional information regarding this application may be obtained by contacting the Waterways Regulation Program at (617) 292-5500. Project plans and documents for this application are on file with the Waterways Regulation Program for public viewing, by appointment only, at the address below. Written comments must be addressed to: David Slagle, MassDEP-WRP, One Winter St., 5th fl., Boston, MA 02108.

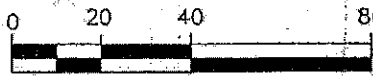
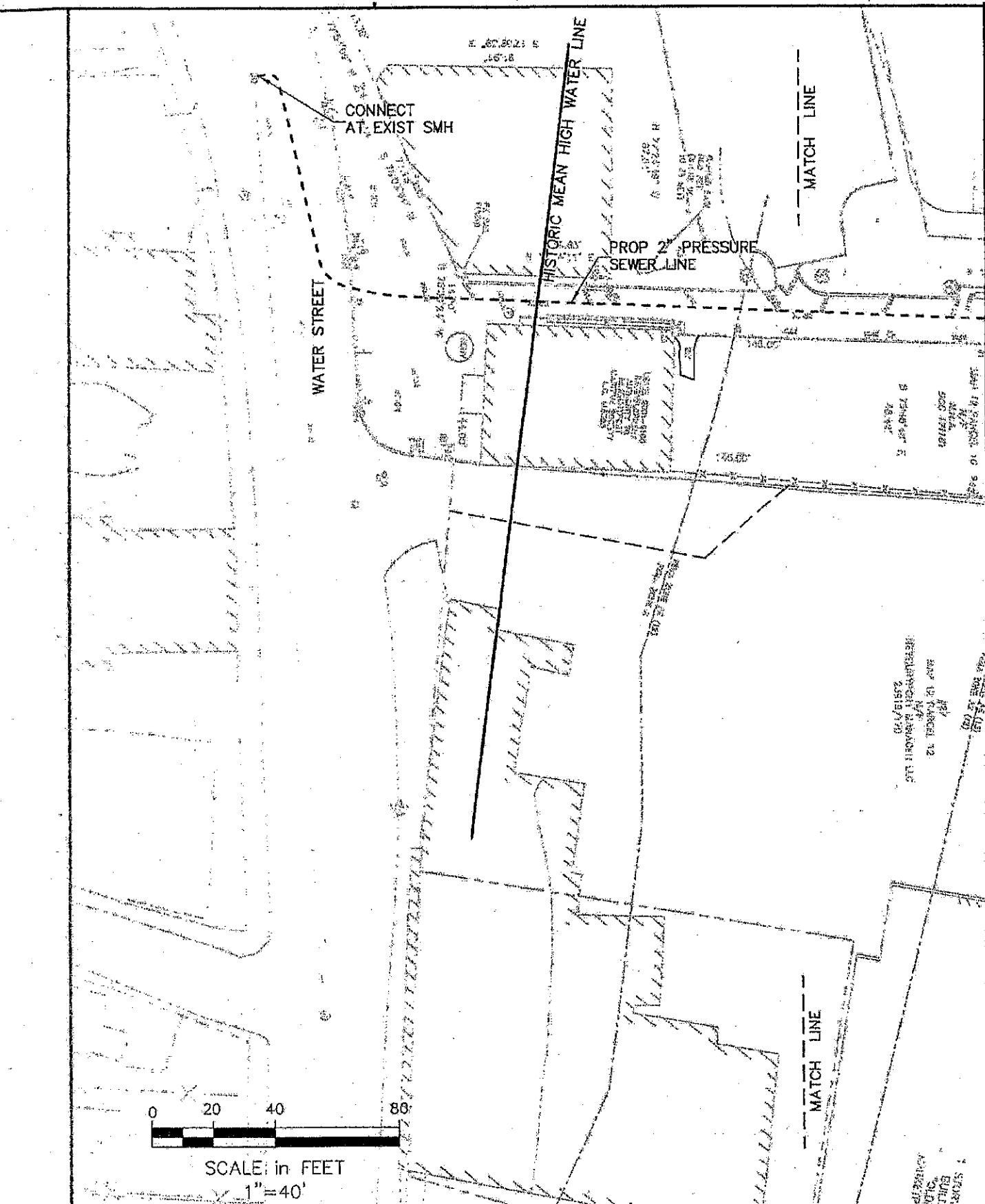


PLAN ACCOMPANYING THE PETITION OF THE CITY OF NEWBURYPORT FOR PROPOSED HARBORMASTER FACILITY ABUTTING THE MERRIMACK RIVER NEWBURYPORT, MASSACHUSETTS HARBOR AND LANDS COMMISSION WATERWAYS

DATE: NOVEMBER 2014

PROPOSED HARBORMASTER FACILITY

Design Consultants, Inc.
 Consulting Engineers and Surveyors



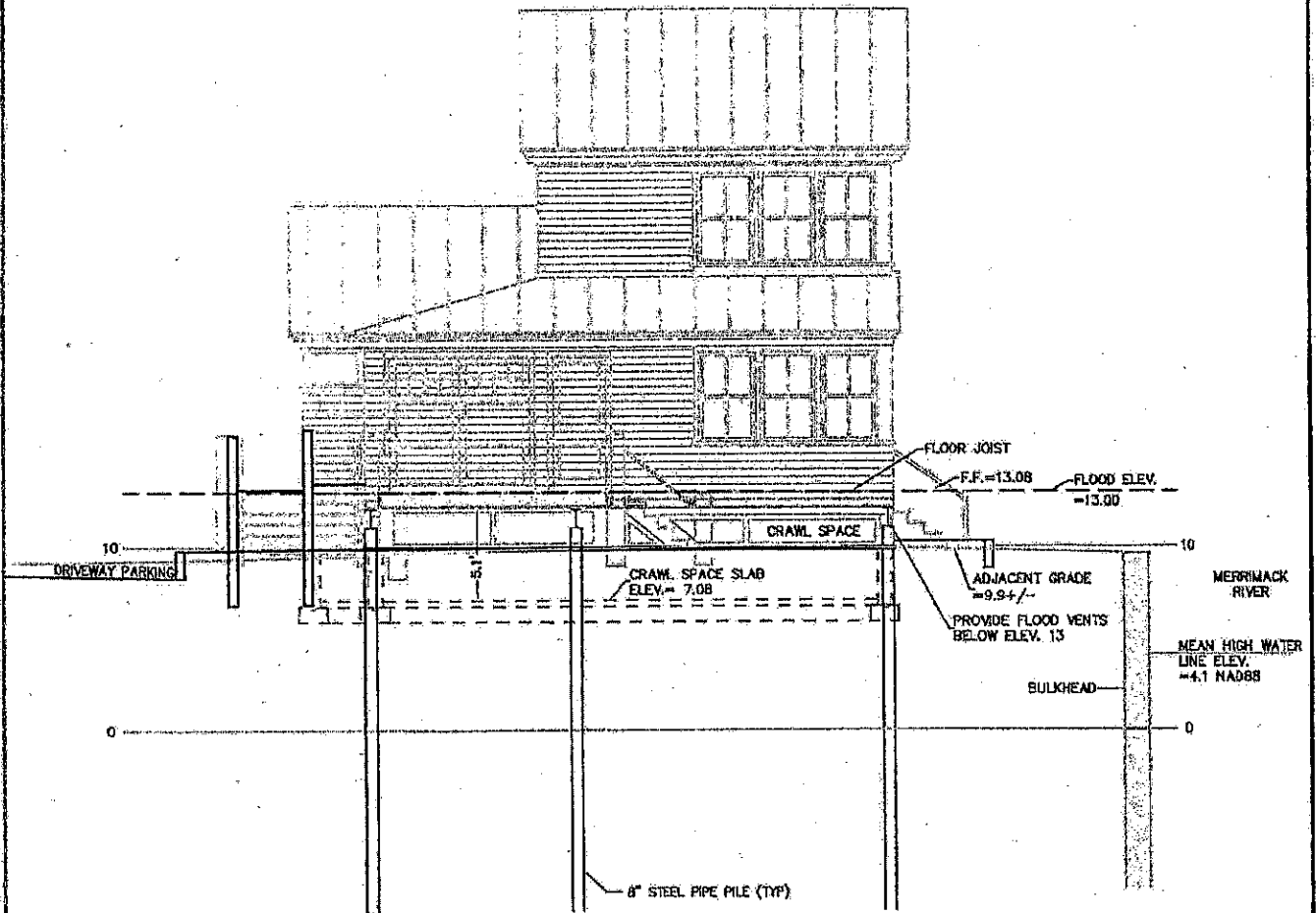
SCALE in FEET
1"=40'

PLAN ACCOMPANYING THE PETITION OF
THE CITY OF NEWBURYPORT
FOR PROPOSED HARBORMASTER FACILITY
ABUTTING THE MERRIMACK RIVER
NEWBURYPORT, MASSACHUSETTS
HARBOR AND LANDS COMMISSION WATERWAYS

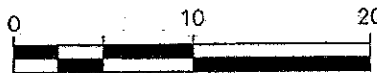
PROPOSED HARBORMASTER
FACILITY

Design Consultants, Inc.
Consulting Engineers and Surveyors





ELEVATION BASED UPON NORTH AMERICAN VERTICAL DATUM OF 1988



SCALE in FEET
1" = 10'

PLAN ACCOMPANYING THE PETITION OF
THE CITY OF NEWBURYPORT
FOR PROPOSED HARBORMASTER FACILITY
ABUTTING THE MERRIMACK RIVER
NEWBURYPORT, MASSACHUSETTS
HARBOR AND LANDS COMMISSION WATERWAYS

SECTION

Design Consultants, Inc.
Consulting Engineers and Surveyors



THE COMMONWEALTH OF MASSACHUSETTS

OF

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a _____
class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with
the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? GNFD inc. DBA Newburyport
Sumoco 978-462-9169

Business address of concern. No. 59 Storey Avenue St.
Newburyport, Ma. City - Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? Corporation

3. If an individual, state full name and residential address.

4. If a co-partnership, state full names and residential addresses of the persons composing it.

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President George Daaboul 17 Boyd Dr. Newburyport, Ma 01950

Secretary Joseph Fares 30 Fletcher Rd. Winisham NH 03087

Treasurer Joseph Fares 30 Fletcher Rd. Winisham, NH 03087

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? No

If so, is your principal business the sale of new motor vehicles? _____

Is your principal business the buying and selling of second hand motor vehicles? _____

Is your principal business that of a motor vehicle junk dealer? _____

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

Car ADAPTATION & Auto Repair facility

8. Are you a recognized agent of a motor vehicle manufacturer? No

(Yes or No)

If so, state name of manufacturer _____

9. Have you a signed contract as required by Section 58, Class 1? _____

(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? yes

(Yes or No)

If so, in what city — town Newburyport

Did you receive a license? yes

(Yes or No)

For what year? Last 3 or 6 years

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? No

(Yes or No)

Sign your name in full _____

Joseph Jones
(Duly authorized to represent the concern herein mentioned)

Residence _____

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)



**UTICA MUTUAL INSURANCE COMPANY
NEW HARTFORD, NEW YORK
EXECUTION REPORT FOR BOND**

U/W Code

COBLINE SOURCE		EFFECTIVE DATE	12/19/2014
POLICY NUMBER SU4490005		EXPIRATION DATE	12/19/2015
<input type="checkbox"/> NEW <input checked="" type="checkbox"/> RENEWAL <input type="checkbox"/> ENDORSEMENT		TRANS. EFFECTIVE DATE	
INSURED		BOND AMOUNT \$25,000.00	
GNFD, Inc. dba Newburyport Sunoco		TOTAL PREMIUM \$250.00	
ADDRESS		CSP/POLICY TYPE	
59 Storey Avenue		TRANS. 2111	POLICY CT 1 UND. 4
Newburyport, MA 01950		SIC # 55211	BILL CODE
OBLIGEE (FULL ADDRESS REQUIRED)		LINE 2273	
Commonwealth of MA, Registry of Motor Vehicles		STATE OR FOREIGN COUNTRY 20	
One Copley Place		TAX TOWN (Required for AL, FL, GA, KY, LA, SC)	
Boston, MA 02119		PLAN WITH SURCHARGE (Required for KY)	
NATURE OF RISK Dealer Bond		COMMISSION 30%	
SERIES X		CLASS CODE 927	
REG. OFF. 04 AGENT NO. 70135		FIDELITY FORM (Col. 48)	
AGENT		SURETY TYPE OF CONTRACT (Col. 50)	
MacDonald & Pangione		GROSS LIMIT 000 TREATY LIMIT	
ADDRESS		ENDORSEMENT	
104 Main Street			
North Andover, MA 01845			
RENEWAL METHOD: <input checked="" type="checkbox"/> COLLECTION OF PREMIUM <input type="checkbox"/> CONTINUATION CERTIFICATE <input type="checkbox"/> NEW BOND			
BOND APPROVED BY:		BOND SIGNED BY:	DATE:
		Lauri A. Emmerich (Attorney-in-Fact)	10/14/2014
REMARKS:			

BLATMAN, BOBROWSKI & MEAD, LLC

ATTORNEYS AT LAW

30 GREEN STREET
NEWBURYPORT, MA 01950
PHONE 978.463.7700
FAX 978.463.7747

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
DEC 29 A 8:22

Concord Office
9 DAMONMILL SQUARE, SUITE 4A4
CONCORD, MA 01742
PHONE 978.371.2226
FAX 978.371.2296

Millis Office
730 MAIN STREET, SUITE 2B
MILLIS, MA 02054
PHONE 508.376.8400
FAX 508.376.8440

LISA L. MEAD
lisa@bbmatlaw.com

December 29, 2014

Thomas O'Brien, President
Members of the City Council
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

RE: Unnamed Way off Spofford Street (the "Way")

Dear President O'Brien and City Councilors;

Reference is made to the above-captioned matter. In that connection, I represent James C. Bourque Construction, Inc., ("JCB") with respect to the development of a portion of a parcel located at 4 Belcher Street (the "Property"). Given the large size of the parcel, JCB intends to split the lot and construct a single-family home on the newly created lot. JCB would like to use the Way to provide the required frontage and access to the lot¹.

The City acquired the Way on March 31, 1905, pursuant to a deed from George H. Stevens, recorded in the Southern Essex District Registry of Deeds at Book 1771, Page 529 (Attached as Exhibit A). It appears from the documentation we have been able to find that at some point between 1905 and 1909 the City Council transferred the land, and as a result the Way, to the care, custody and control of the Water Commission. The Water Commission's control of the Way has been generally known and accepted for quite some time. In 1909, the Annual Report of the Water Department included the following:

"A road has been built from Spofford Street, through the woods, by the filter basin to the main pumping station, which makes a very attractive drive and is open to the public. A man has been employed most of the year in trimming and cleaning up the underbrush, and numerous other small things have been done to add to the attractiveness of the city's land controlled by the water board."

¹ Under G.L. c. 41 §81L, the division of a tract of land into two or more lots does not require approval from the City Planning Board if, at the time when the division is made, every lot has frontage on (a) a public way or a way which the City Clerk certifies is maintained and used as a public way, or (b) a way shown on a plan previously approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the City, and has, in the opinion of the planning board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the use of the neighboring properties, and for the installation of utilities.

(See attached Exhibit B).

The above language, coupled with a review of old assessor's maps and the proximity of the Way to the Mosley Pines Park, strongly suggests that the road mentioned in the Annual Report is, in fact, the present-day Way. (See attached Exhibit C). However, the City Clerk's office has done extensive research through the City Council's files between the years of 1905-1909 and has found no record of a vote by the City Council to transfer the care, custody, and control of the property to the Water Commission. Given the information we know, it is more likely than not the vote occurred as clearly the Water Commission has exercised said care custody and control.

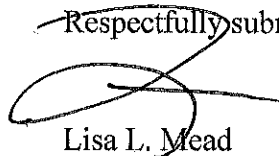
My client requests, for the purpose of providing clear title and a valid easement that the City Council "confirm" that the Way is in the care, custody and control of the Water Department.

This affirmation will allow my client to enjoy the same privilege the owners of 34R Spofford Street enjoy by a previous "grant of easement" by the Water Commission. A grant of easement by the Water Commission would not entail the singling out of any individual for special treatment. Indeed, permission to use the Way was granted to the owners of 34 Spofford Street by the Water Department in 1986. The Way has been used for 28 years to provide access to 34R Spofford Street, according to a variance granted by the Zoning Board of Appeals (the "ZBA") in 1986 and attached hereto at Exhibit D. In their 1986 application, the Reardon's, owners of 34 Spofford, requested a variance from lot size in order to split the single lot into two and construct a single family home on the new lot. In order to provide access to the lot for the installation of utilities, access by safety vehicles, and the homeowners themselves, the homeowners intended to use the Way. The ZBA decision states that the "Water Department has agreed to allow an easement for access to the property at the rear of 37 [sic] Spoffard [sic] Street. This easement was granted July 8, 1986." There is no record of this easement in the Southern Essex District Registry of Deeds, nor has any record been found in the Water Department files. Nonetheless, the owners of 34R Spofford have clearly enjoyed the benefits of the Way as if it were an easement. As a result, JBC respectfully requests that it be given the same consideration as was given to the Reardons in 1986.

To this end, we have received a vote of the Water and Sewer Commission supporting our request to the City Council and thereafter providing the appropriate easement. I therefore request the Council and provide the appropriate confirmatory vote to allow my client and the Water and Sewer Commission to move forward.

I thank you for your time and consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lisa L. Mead", with a large, stylized flourish at the end.

Lisa L. Mead

Enclosures

EXHIBIT A

Of & the said Mary Ann Joll. hereunto set my hand and seal this thirtieth day of July in the year one thousand nine hundred and four.

Signed, sealed and delivered in presence of
 Sarah J. Hill
 H. Katie Chomvarious
 Mary ^{Ann} Joll
 Commonwealth of Massachusetts
 July 15, 1904. Then personally.

appeared the above named Mary Ann Joll and acknowledged the foregoing instrument to be her free act and deed, before me, Wm M. Hill, Justice of the Peace.

Witness my hand and seal of my office this 15th day of July 1904. Richard J. Gales, Reg.

W. B. Stevens
 to
 City of New Bedford.

Know all men by these presents, that George W. Stevens of Newburyport, County of Essex and Commonwealth of Massachusetts, in consideration of fifty dollars to me paid by the City of Newburyport, a municipal body corporate, in said County, the receipt whereof is hereby acknowledged, do hereby remise, release, and forever quitclaim unto the said City, a certain lot of land located on Spofford Street in said Newburyport and bounded and described as follows, viz: commencing at a point on the Northwest side of Spofford Street at other land of mine: thence running South 26° 48' West by said Spofford Street 40 7/100 feet to land of C. R. Dearborn; thence running North 50° 45' West by said Dearborn's land 359 5/100 feet to land of the City of Newburyport; thence running North 41° 0' East by said last named land of the City 40 7/100 feet to other land of mine; thence running South 50° 45' East by other land of mine 306 7/100 feet to Spofford Street and the point begun at, said lot of land containing 14,321 square feet, more or less. And the grantee herein covenants to construct a suitable boundary fence between the premises above described and other land of the grantor herein, the cost of which is to be borne in the first instance by the grantee herein and thereafter the maintenance of said fence is to be in common. To have and to hold the granted premises, with all the privileges and appurtenances thereto belonging to the said City of Newburyport and to their own use and behoof forever. And I do hereby, for myself and my heirs, executors and administrators, covenant with the said grantee, that the granted premises are free from all incumbrances made

EXHIBIT B

ANNUAL REPORT OF THE WATER DEPARTMENT

To the Honorable Mayor and City Council, City of Newburyport:

Gentlemen — The 14th annual report of the board of water commissioners for the year ending December 18, 1909, is herewith presented.

Owing to the change made in the time of paying the water rates, also the date for closing our books for the year that they may conform with the city's closing date, our income and expenditures as shown by the treasurer's report are much larger than usual. This will adjust itself in future reports so that the yearly income and expenses can be as easily determined as in the past.

Work in the Jackman Ravine, which was left uncompleted last fall on account of the cold weather, has been finished up, and the grounds in that locality graded. A road has been built from Spofford street, through the woods, by the filter basin to the main pumping station, which makes a very attractive drive and is open to the public. A man has been employed most of the year in trimming and cleaning up the underbrush, and numerous other small things have been done to add to the attractiveness of the city's land controlled by the water board.

A large covered filter, for winter use, has been built in the field above the main pond. This with the filter area at the Jackman Ravine should give ample supply even in the coldest of weather.

Results obtained from the new supply from the Artichoke river have been all that could be expected, the supply being sufficient at all times and the quality excellent.

The difference in the running expenses at the main pumping station since the compressor has been shut down, and the small cost of running the Artichoke river station are very noticeable. As stated in a former report, the saving made in this way will more than take care of the interest on the cost of this work.

A telometer, a recording guage connected with the standpipe by electricity, has been installed at the pumping station. This enables the engineer to know accurately the height of water in the standpipe at all times and is a valuable addition to our equipment.

The following is the pumping record for the year:

December, 1908	27,340,291	gallons
January, 1909	29,578,012	"
February	28,863,050	"
March	22,152,300	"
April	24,940,962	"
May	26,225,621	"

ANNUAL REPORTS

June	27,048,571	gallons
July	27,859,937	"
August	28,462,692	"
September	27,010,027	"
October	28,538,416	"
November	27,130,900	"
Daily average	890,851	"
Number of pounds of coal used	1,605,744	
Daily average	4,399	

There have been 15 leaks in service pipes and seven in main pipes during the year.

Sixty-eight applications for water have been received during the year, making a total of 4165. Forty-nine service pipes have been laid, requiring 2118 feet of one-inch cement-lined pipe.

The six-inch pipe in Ocean avenue has been extended 458 feet.

All the fire hydrants have been painted during the year. They have also all been overhauled and tested this fall and left in good working order. Two new hydrants have been set in Storey avenue, making the total in use at the present time 237.

The financial figures for the year will be found in the treasurer's report which is attached.

Respectfully submitted,

CHARLES A. BLISS,
JOHN W. WINDER,
JAMES H. HIGGINS,
W. HERBERT NOYES,
EDWARD A. HALE,

Water Commissioners.

Newburyport, Mass., January 7th, 1910.

NEWBURYPORT WATER WORKS

Receipts from December 1, 1908, to December 18, 1909.

WATER RATES.

From December 1, 1908, to April 30, 1909.....	\$15,175.38	
From May 1, 1909, to October 30, 1909.....	20,287.45	
From November 1, 1909, to December 18, 1909.....	14,454.62	
		\$49,917.45

METER RATES.

From December 1, 1908, to April 30, 1909.....	\$ 2,847.80	
From May 1, 1909, to October 30, 1909.....	4,394.80	
From November 1, 1909, to December 18, 1909.....	257.87	
		7,500.47
Sundry water receipts		11.50
City of Newburyport, public buildings and fire service		5,000.00
		<u>12,512.97</u>
Total receipts for water		62,429.42

WATER DEPARTMENT.

123

Amount brought forward \$62,429.42

OTHER RECEIPTS.

Interest	\$ 310.41	
Pumping station maintenance	65.25	
Pumping station maintenance, Artichoke river.....	24.12	
General maintenance	51.99	
Meters	100.00	
Service pipe construction	432.95	
Extension of mains	253.51	
Dam, Jackman Ravine	303.81	
		1,542.04
Total receipts		\$63,971.46

SUMMARY OF PAYMENTS

From December 1, 1908, to December 18, 1909.

City of Newburyport, to retire bonds.....	\$15,000.00	
City of Newburyport, interest on bonds.....	18,277.50	
		\$33,277.50

CONSTRUCTION.

New supply	\$18,140.99	
New supply, pumping station	184.45	
New Supply, dam, Jackman Ravine.....	857.19	
New supply, filter beds.....	6,963.80	
Extension of mains	2,245.85	
Extension of mains, Newbury.....	245.03	
Service pipe construction.....	962.52	
Service pipe construction, Newbury.....	33.67	
Hydrant construction	21.70	
Meters	116.80	
		29,772.00

MAINTENANCE.

General maintenance	\$ 3,058.74	
Pumping station maintenance	8,829.00	
Artichoke river station maintenance	2,192.81	
Filter bed maintenance	437.07	
Service pipe maintenance	574.27	
Main pipe maintenance	116.66	
Hydrant maintenance	249.43	
Gate maintenance	58.15	
Meter maintenance	24.59	
Reservoir maintenance	615.12	
Sundry water receipts	2.00	
Common pasture	4,303.29	
		20,461.13
Total expenditures		\$83,510.63

SUMMARY

Cash on hand, as per last report.....	\$21,223.21	
Cash received during the year.....	63,971.46	
		\$85,194.67
Expended during the year.....		83,510.63
Cash balance December 18, 1909.....		\$ 1,684.04

ANNUAL REPORTS

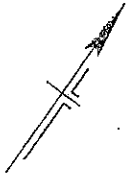
TRIAL BALANCE

Dec. 18, 1909

	DR.	CR.
Cash	\$ 1,684.04	
Real estate	19,171.52	
Construction	257,053.87	
Profit and loss		277,909.43
	<u>\$277,909.43</u>	<u>\$277,909.43</u>

HARRY S. NOYES,
Treasurer.

EXHIBIT C



112

72

110

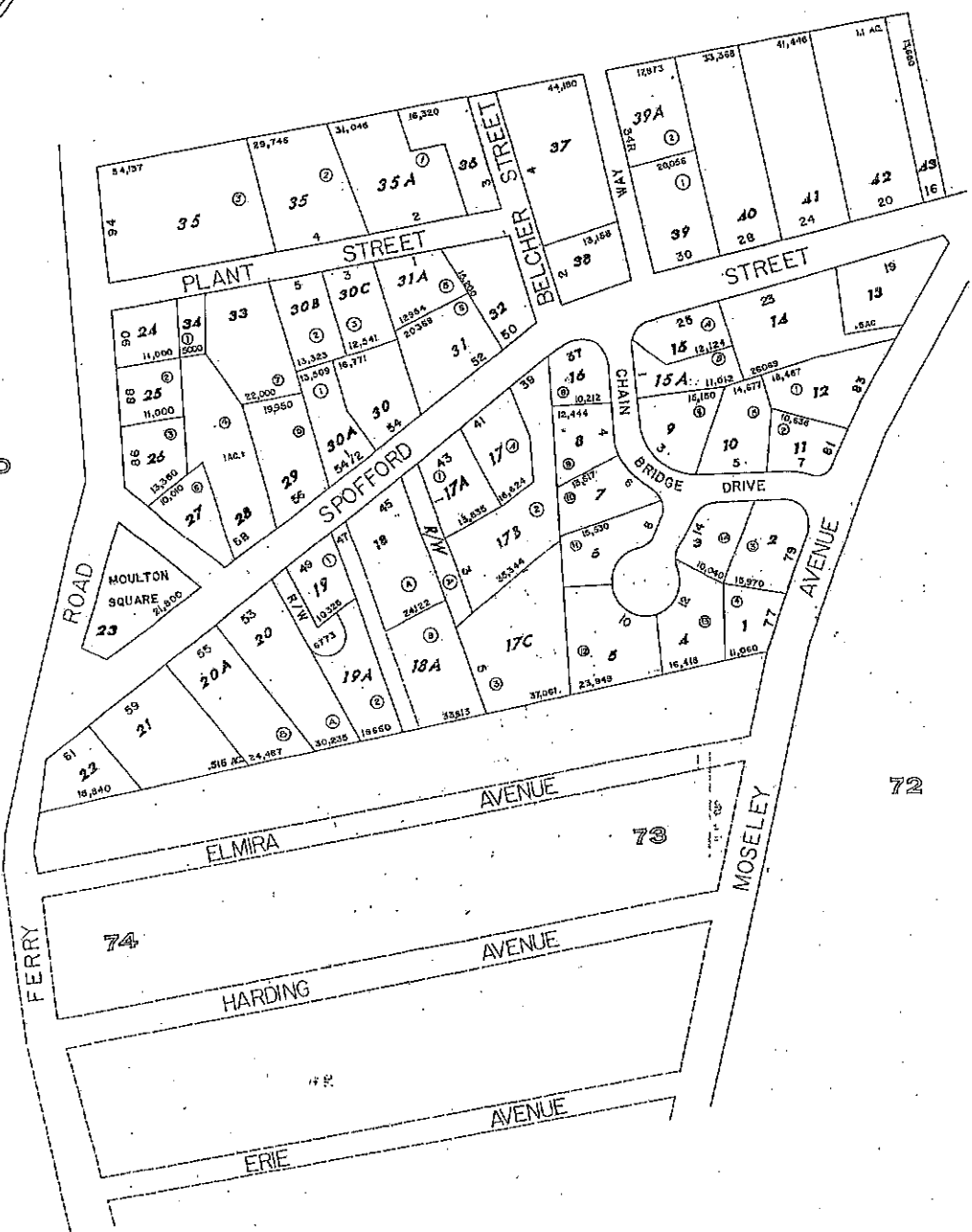
72

73

74

70

71



FOR ASSESSMENT PURPOSES ONLY
NOT FOR PROPERTY CONVEYANCES

SCALE: 1"=100'

JOHN E. O'DONNELL & ASSOCIATES
AUBURN, MAINE
1966

ASSESSORS MAP
NEWBURYPORT, MASS.

Rd.

PLANT

ST.

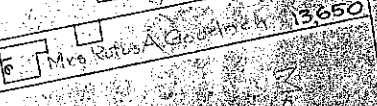
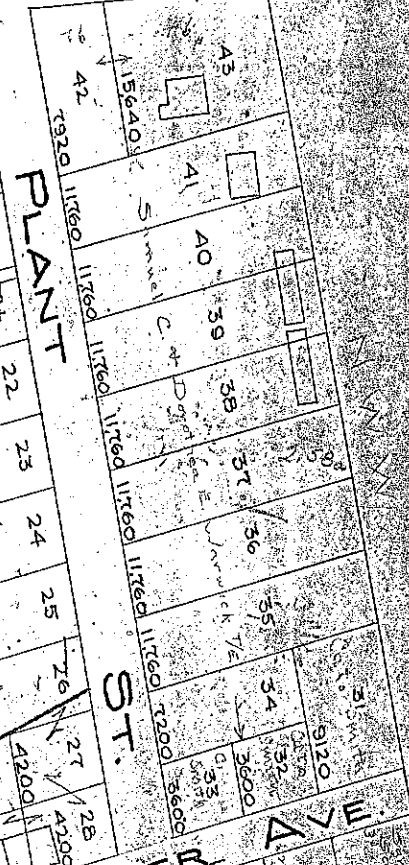
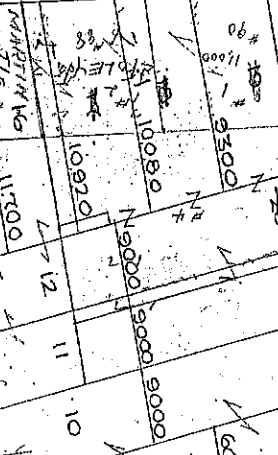
DELCHER

WAY

ST.

PRIMAC ST

SPOFFORD



ROBERT E. BURTON

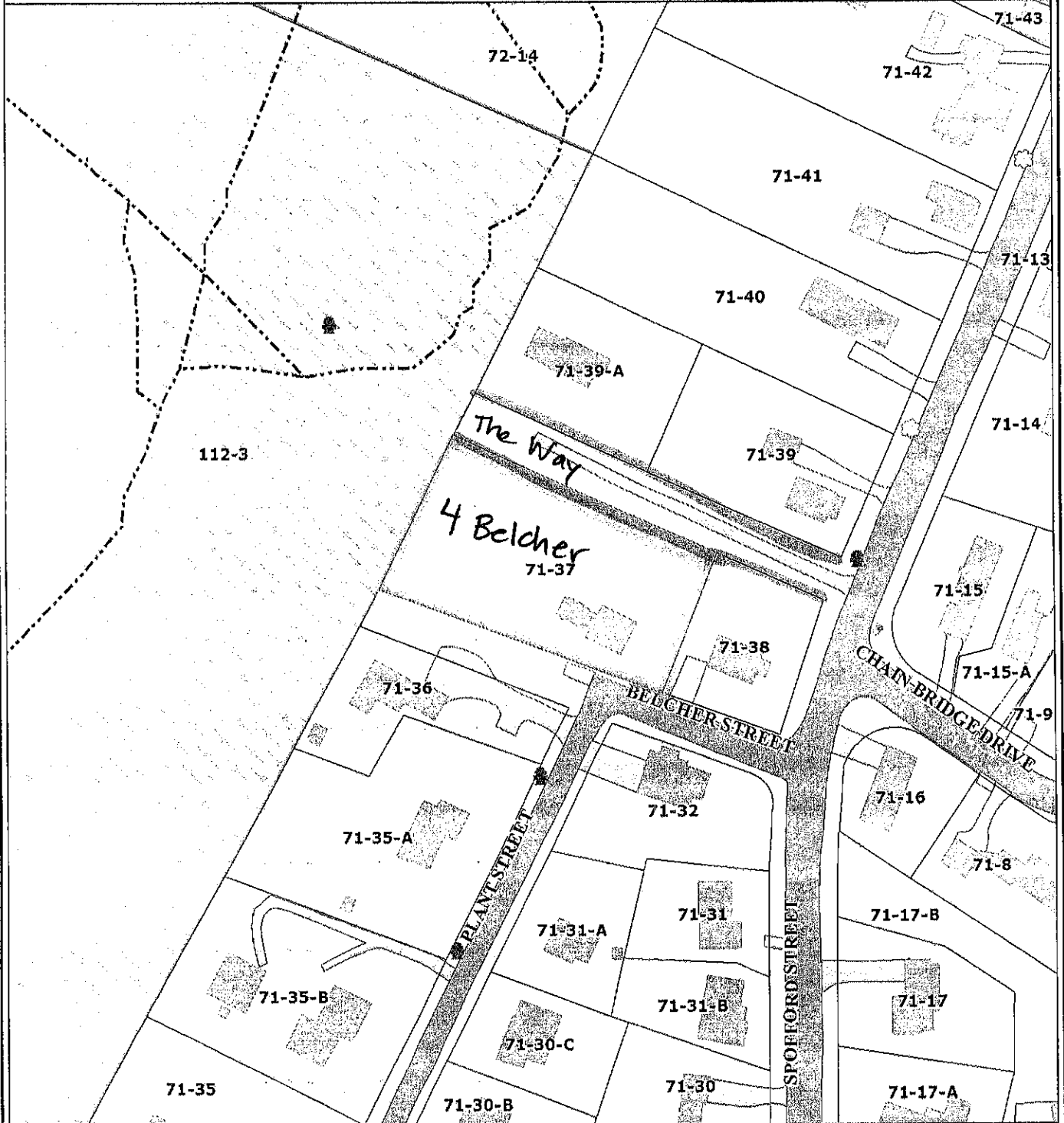
Jackman

Carrie

Tommy French


Mrs. Reta A. Coonrich





<ul style="list-style-type: none"> □ MVPC Bo □ Newburyport Boundary Trails <ul style="list-style-type: none"> ⊗ Immediate Action Needed ○ No Action Needed ○ Unknown — Railroad □ Parcels Water System <ul style="list-style-type: none"> ● Hydrant — Trails Building Footprints □ Driveways ⊕ Easements 	<ul style="list-style-type: none"> Road Right of Way <ul style="list-style-type: none"> □ Paved □ Unpaved Hydrographic Features Streams <ul style="list-style-type: none"> — Stream — Intermittent Stream Wetlands <ul style="list-style-type: none"> □ City □ City and State □ State □ Exempt Lands Recreation Areas
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1" = 124 ft




Horizontal Datum: MA Stateplane Coordinate System, Datum NAD83, Meters. Data Source: The data for this map was produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport. Additional data provided by the Executive Office of Environmental Affairs/MassGIS. The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition or regulatory interpretation. THE CITY OF NEWBURYPORT MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF NEWBURYPORT DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.

EXHIBIT D



City of Newburyport, Mass.

BOARD OF APPEALS

CITY HALL

86-067

November 5, 1986

DEC 10 1986

The Zoning Board of Appeals of the City of Newburyport met on Tuesday, October 28, 1986, at 7:00 P.M. at City Hall to act on an application from Neil and Patricia Reardon, 34 Spoffard Street, Newburyport, Massachusetts, in conformity with provisions of Massachusetts Zoning Law, Chapter 40A, amended by Massachusetts Zoning Law, Chapter 808, Acts of 1975.

The applicants requested a VARIANCE under provisions of State Zoning Law and local Zoning Ordinance, SECTION X-H-3C, POWERS OF THE BOARD OF APPEALS; SECTION X-H-6A, VARIANCE; SECTIONS VI-B/1A and VI-B/1B, GENERAL REGULATIONS; SECTION VI-C, DIMENSIONAL CONTROLS; FOR PURPOSE OF SPLITTING LOT INTO TWO LOTS AND CONSTRUCTION OF SINGLE-FAMILY DWELLING ON SPARE LOT IN AN R-1 ZONE AT PREMISES SITUATED AT 34 SPOFFARD STREET, NEWBURYPORT, MASSACHUSETTS, in accordance with application and plan submitted.

Appearing in favor of the application was Fire Chief Warren O. Page, North Atkinson Street; Mary Beth Ouellet, 34 Spoffard Street; and Judy Fuller, Spoffard Street.

Voicing objection against the proposal was James Farrell, 28 Spoffard Street, a direct abutter.

DECISION

The Zoning Board of Appeals of the City of Newburyport has considered the above described application and after careful deliberation finds as follows:

Neil and Patricia Reardon wish to split the lot in question and build a single-family dwelling. Mrs. Reardon's sister, Mrs. Ouellet, owns the land which measures approximately 36,000 sq. ft. in total and is more than large enough for two single-family homes. There would be a shortage of approximately 10% of required square footage:

Lot #1 measures 20,056 sq.ft.
Lot #2 measures 17,873 sq.ft.

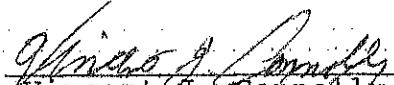
In order to grant a Variance, the Zoning Board of Appeals must find that owing to circumstances realting to soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this ordinance would involve substantial hardship, financial or otherwise, to the petitioner, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this ordinance.

The Zoning Board felt that the granting of this Variance would not negatively impact the character, welfare, or nature of the neighborhood or zoning district, and that there was only one abutter who registered opposition to the petition. Also, a hardship will be relieved since the Water Department has agreed to allow an easement for accesss to the property at rear of 37 Spoffard Street. This easement was granted on July 8, 1986.

Therefore, based upon the above considerations, the Zoning Board of Appeals of the City of Newburyport voted TO GRANT the petitioners' request for VARIANCE in accordance with the application and plan submitted. The vote was four to one, with Board Member Gerald Larson dissenting.

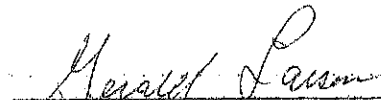
Notice is hereby given that appeals, if any, shall be made pursuant to Section 17 of Chapter 40A of General Laws, as amended, within twenty (20) days after which this decision has been filed with the City Clerk. A copy of this decision will also be filed with the Newburyport Planning Board.

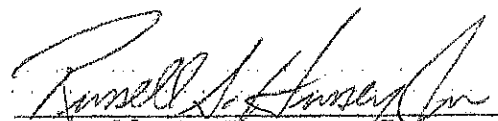
You are also hereby notified that it is your responsibility to record this decision with the Register of Deeds, Salem, Massachusetts.


Vincent J. Connolly, Chairman

DEC 10 1986


Alexander Kravchuk


Gerald Larson


Russell S. Hussey, Jr.


Albert MacBernie (Alternate)

For Office Use

Application # _____

Appeal # _____

CITY OF NEWBURYPORT
ZONING BOARD OF APPEALS
CITY HALL

PETITION FOR VARIANCE/SPECIAL PERMIT UNDER THE ZONING ORDINANCE

To the Zoning Board of Appeals
Newburyport, Massachusetts

Date _____

The undersigned petitions of the Zoning Board of Appeals to issue a Variance/Special Permit in the manner and for the reasons hereinafter set forth, the application of the provisions of the Zoning Ordinance to the following described premises:

Applicant Neil and Patricia Reardon, 34 Spofford St., Nbpt., 465-0092
Full Name Address PHONE

Owner Mary Beth Ouellet, 34 Spofford St., Nbpt, MA
Full Name Address

Lessee _____
Full Name Address

1. Location of Premises 34 Spofford St., Nbpt, MA
Street No. Name of Street

2. Assessors Plat 71 39
Plat No. Lot No.

3. Dimensions of Lot 107.25' 330 35,390
Frontage Depth Area in Square Feet

4. Zoning District in which premises are located R-1

5. How long have you owned above premises? 5 yrs.

6. How many buildings are now on the lot? 2

7. State size of existing buildings 22'5" X 42'5" Proposed Bldgs. 1

8. State present use of premises 20'x 26'
single family dwelling

9. State proposed use of premises single family dwelling

10. Give extent of proposed alterations to split lot and build single
family dwelling

SEP 25 1986

(turn to Page 2)

- 11. Number of families for which building is to be arranged 1
- 12. Have you submitted plans for review to the Zoning Enforcement Officer? yes Has he disallowed a permit? yes
- 13. If so, for what reasons? not enough square footage

14. Provision of Zoning Ordinance under which petition for Variance/Special Permit is made Section VI, Dimensions Controls, Section X-H

15. State reasons for Variance/Special Permit desired _____

My sister owns the lot of land and we wish to be able to build a home for our family behind her home. The lot is approximately 36,000 square feet in total and is more than large enough for two single family houses. The Water Department has allowed us to use their right of way into our proposed lot.

PLEASE NOTE: A PLAN OF WHAT IS PROPOSED shall be attached to this application, said plan to show all measurements and pertinent data. Petitioner may draw his own plan.

The petitioner shall be responsible for all expenses due to advertising. Expense of such nature must be paid by the applicants prior to the date of the Hearing before the Zoning Board of Appeals.

Respectfully submitted,

Signature Neil Reardon Patricia Reardon
Neil Reardon/Patricia Reardon

Address 34 Spofford Street

City and State Newburyport, MA 01950

Date of Hearing: _____

SEP 25 1986

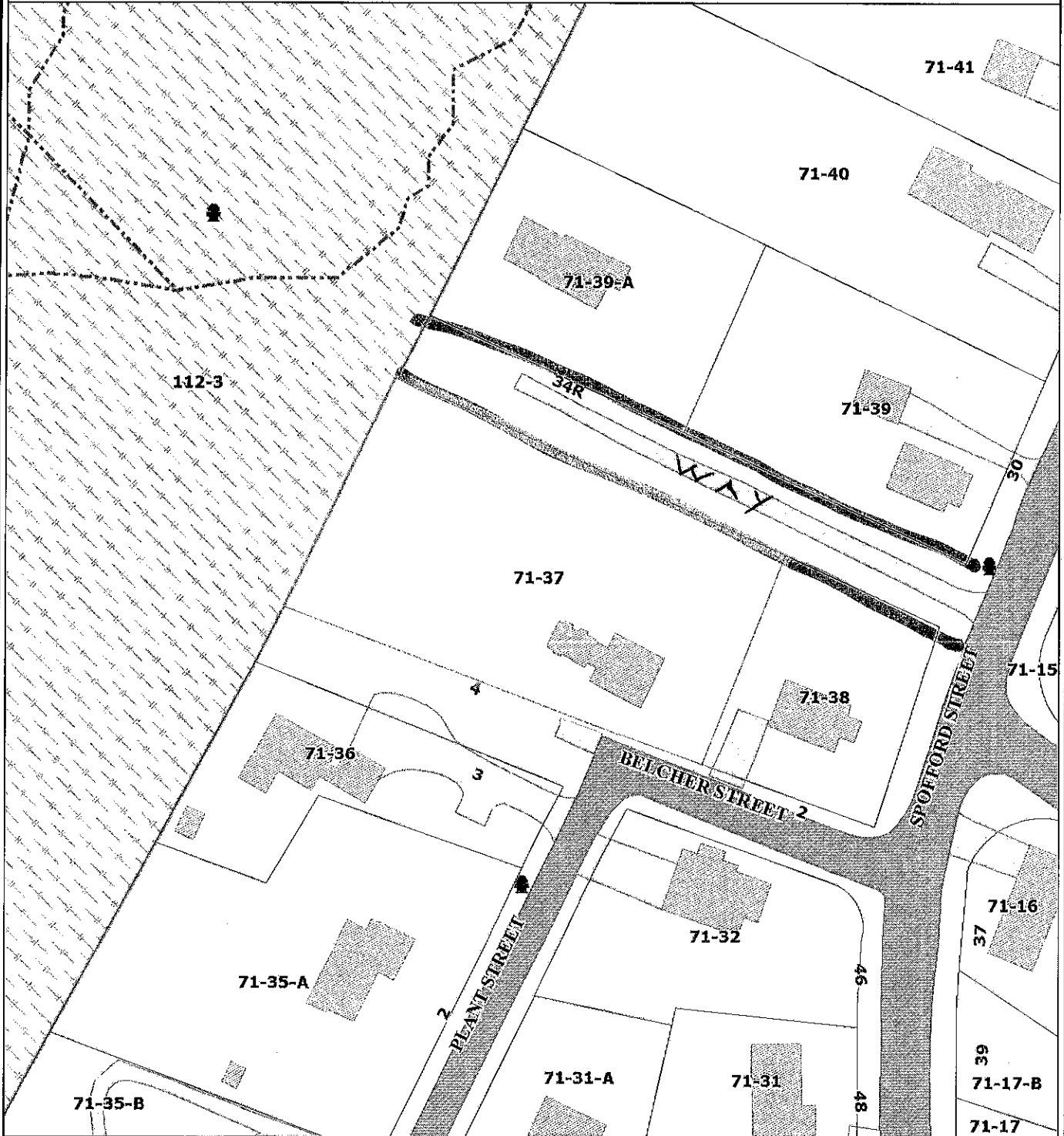
EXHIBIT E

ORDERED

That the City Council of the City of Newburyport does hereby affirm that the certain way located off of Spofford Street as more clearly set forth on the plan attached hereto as Exhibit A and marked as "Way" and which said way was a part of the land deeded to the City of Newburyport by deed dated March 31, 1905 and which said deed is recorded in the Essex South Registry of Deeds at Book 1771, Page 529 is was and shall be under the care custody and control of the Water and Sewer Commission, formerly the Water Commission of the City of Newburyport.


BY: _____

Thomas O'Brien, President and Ward 6 Councilor



<ul style="list-style-type: none"> ▭ MVPC Bo ▭ Newburyport Boundary ● Trees ● Immediate Action Needed ○ No Action Needed ○ Unknown — Railroad ▭ Parcels — Sidewalks Water System ◆ Hydrant — Trails ▭ Building Footprints ▭ Driveways ▭ Easements 	<ul style="list-style-type: none"> Road Right of Way ▭ Paved ▭ Unpaved Hydrographic Features Streams — Stream — Intermittent Stream Wetlands ▭ City ▭ City and State ▭ State ▭ Exempt Lands ▭ Recreation Areas
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1" = 84 ft




Horizontal Datum: MA Stateplane Coordinate System, Datum NAD83, Meters. Data Sources: The data for this map was produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport. Additional data provided by the Executive Office of Environmental Affairs/MassGIS. The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition or regulatory interpretation. THE CITY OF NEWBURYPORT MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF NEWBURYPORT DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Communication #4
January 12, 2015

2014 DEC 29 A 11: 16

December 24, 2014

Via Certified Mail

Hon. Donna D. Holaday
c/o Richard B. Jones, City Clerk
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

City Council
Attn: Thomas F. O'Brien, President
c/o Richard B. Jones, City Clerk
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

Re: Notice Pursuant to M.G.L. c. 61A to Sell Agricultural Land and Notice of First Refusal Option to Purchase Approximately 2.919 Acres of Land (known as Lot 8, Low Street) (the "Property") which is a portion of 183 Low Street depicted on the City of Newburyport Tax Maps as Map 97, Parcel 14

Dear Mayor and Members of the City Council:

This firm represents Melissa Garand Sherman, Trustee of Mallow Realty Trust, having a mailing address c/o 67 Rattlesnake Road, Andover, MA 01810, the owner of the Property as defined above (collectively, the "Owner"). On behalf of the Owner, and in accordance with Section 14 of M.G.L. c. 61A, this letter serves as formal notice to the City of Newburyport (the "City") of the Owner's intent to sell the Property for residential use. The Property is known as Lot 8, Low Street, and constitutes a 2.919-acre (or 127,180 s.f.) portion of the real property currently having an address of 183 Low Street, Newburyport.

The Property is more particularly shown as Lot 8 on a plan endorsed by the Newburyport Planning Board (the "ANR Plan"), and the ANR Plan was recorded with the Essex South Registry of Deeds as Plan 50 of Plan Book 445. A copy of the ANR Plan is attached as **Exhibit A**. The Property is a portion of the 7.5-acre parcel depicted on the City of Newburyport Assessors Parcel Maps as Map 97, Parcel 14, and which is currently known and numbered as 183 Low Street. A copy of the applicable Assessors Map is attached as **Exhibit B**. A Chapter 61A lien was recorded with the Essex South District Registry of Deeds in Book 9218, Page 544 (the "Chapter 61A Lien"), a copy of which is attached as **Exhibit C**.

SMOLAK & VAUGHAN LLP

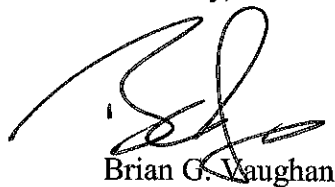
Hon. Donna D. Holaday
City Council, City of Newburyport
December 24, 2014

In accordance with Section 14 of M.G.L. c. 61A, the Owners intend to sell the Property (Lot 8) for residential use. Attached as **Exhibit D** to this notice is a certified copy of an executed purchase and sale agreement, dated November 17, 2014, which is a "bona fide offer" within the meaning of Section 14 of M.G.L. Chapter 61A, specifying the purchase price of \$275,000.00 and all other terms and conditions of the proposed sale. As provided under Section 14 of M.G.L. c. 61A (as most recently amended by Chapter 394 of the Acts of 2006 and effective as of March 22, 2007), in the case of intended sale, the City of Newburyport shall have, for a period of 120 days following the latest date of deposit in the U.S. mail of this notice to the City, a first refusal option to meet a bona fide offer to purchase the Property.

On the other hand, if the City decides that it is not in the City's best interests to exercise its right of first refusal to purchase the Property before the 120-day period expires, the Owner would respectfully request the City to deliver a notice of non-exercise to the Owner signed by the Mayor (which shall include the name of the record owner of land and a description of the Property adequate for identification) in a form suitable for recording (with the Essex South District Registry of Deeds) as required under Section 14 of M.G.L. Chapter 61A. In accordance with Section 14 of M.G.L. Chapter 61A, an affidavit evidencing proof of mailing of this notice to required parties is attached as **Exhibit E**.

On behalf of the Owner, we thank you for your cooperation with this matter. We respectfully request that you contact me at 978-327-5217 should you have any questions or concerns. Thank you.

Sincerely,



Brian G. Vaughan

BGV/

cc: City of Newburyport Assessor (via certified mail)
City of Newburyport Planning Board (via certified mail)
City of Newburyport Conservation Commission (via certified mail)
State Forester, c/o John P. Murray, Commissioner,
Department of Conservation and Recreation (via certified mail)

SMOLAK & VAUGHAN LLP
Hon. Donna D. Holaday
City Council, City of Newburyport
December 24, 2014

EXHIBIT A

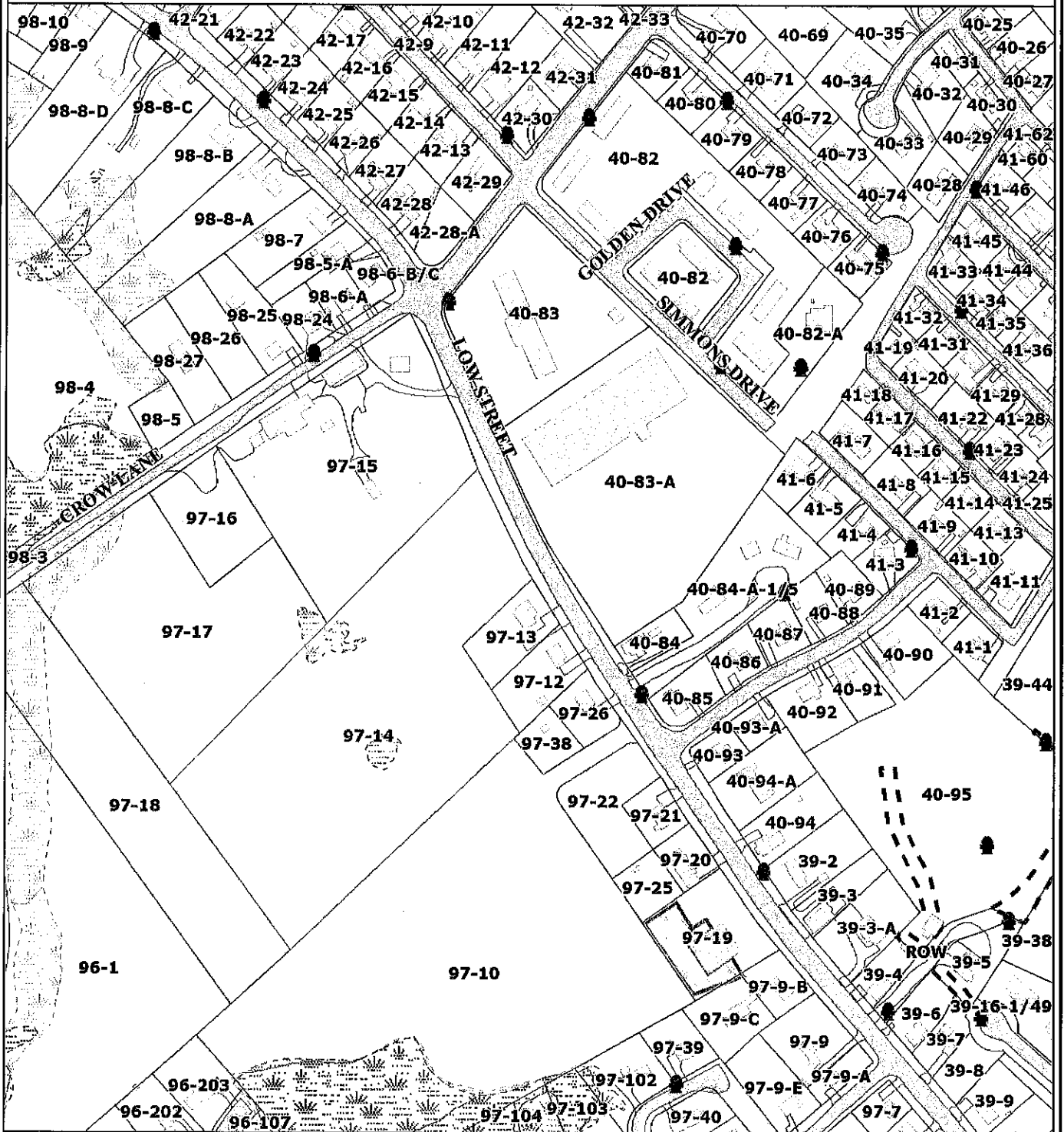
ANR PLAN DEPICTION THE PROPERTY (LOT 8)


See copy of plan attached hereto.

SMOLAK & VAUGHAN LLP
Hon. Donna D. Holaday
City Council, City of Newburyport
December 24, 2014

EXHIBIT B
ASSESSORS MAP

See copy of plan attached hereto.



- MVPC Bo
 - Newburyport Boundary
 - Railroad
 - Parcels
 - Water System
 - Hydrant
 - Trails
 - Building Footprints
 - Driveways
 - Easements
 - Road Right of Way
 - Paved
 - Unpaved
 - Hydrographic Features
- Streams
 - Stream
 - Intermittent Stream
 - Wetlands
 - City
 - City and State
 - State
 - Exempt Lands
 - Recreation Areas
- 1" = 297 ft
- 



Horizontal Datum: MA Stateplane Coordinate System, Datum NAD83, Meters Data Sources: The data for this map was produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport. Additional data provided by the Executive Office of Environmental Affairs/MassGIS. The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition or regulatory interpretation. THE CITY OF NEWBURYPORT MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF NEWBURYPORT DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION

SMOLAK & VAUGHAN LLP
Hon. Donna D. Holaday
City Council, City of Newburyport
December 24, 2014

EXHIBIT C

RECORDED CHAPTER 61A LIEN

See copy of recorded lien attached hereto.

THIS INSTRUMENT MUST BE DULY FILED FOR RECORD OR REGISTRATION

State Tax Form A/H

NEWBURYPORT
Name of City or Town

OFFICE OF THE BOARD OF ASSESSORS
AGRICULTURAL OR HORTICULTURAL LAND TAX LIEN

The Board of Assessors of the city/town of NEWBURYPORT hereby state that it has accepted and approved the application of COLBY, GERALDINE E. owner or owners of the hereinafter described land for valuation, assessment and taxation of such land under the provisions of General Laws, Chapter 81A for the fiscal year ending June 30, 1987.

DESCRIPTION OF LAND

183. LON. STREET AC 7.50
ASSESSORS MAP #37 LOT 1A
BOOK 3819 PAGE 515 RECORDED 1951

Statement made this first day of July, 1987

James J. Kiff J.

BOARD OF ASSESSORS

COMMONWEALTH OF MASSACHUSETTS

ESSEX ss. July 1, 1987

Then personally appeared James J. Kiff J. a member of the Board of Assessors of the city/town of NEWBURYPORT and acknowledged the foregoing instrument to be the free act and deed of the Board of Assessors of NEWBURYPORT before me.



James J. Kiff J.
Notary Public, Justice of the Peace
Commission Expires December 10, 1993

Received and entered with _____ o'clock and _____ minutes _____ M.
Book _____ Page _____ Document No. _____ Registry of Deeds
Certificate of Title No. _____
Attest: _____ Registry District
Register

1987 OCT -6 AM 10:21
0-0-0-132

SMOLAK & VAUGHAN LLP
Hon. Donna D. Holaday
City Council, City of Newburyport
December 24, 2014

EXHIBIT D

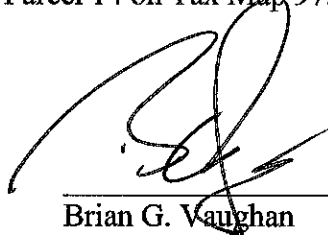
PURCHASE AGREEMENT

See copy of Purchase and Sale Agreement attached hereto.

ATTORNEY CERTIFICATION

I, Brian G. Vaughan, the undersigned attorney, do hereby certify that attached hereto is a true and correct copy of that certain Purchase and Sale Agreement, dated November 17, 2014 and made by and between Mallow Realty Trust, as Seller, and Montana Development LLC, as Buyer, concerning property commonly known as "Lot 8" located at Low Street, Newburyport, Massachusetts (being a portion of property which is also known as 183 Low Street and shown as Parcel 14 on Tax Map 97.)

Dated: December 24, 2014



Brian G. Vaughan
Smolak & Vaughan LLP
21 High Street, Suite 301
North Andover, MA 01845
(978) 327-5217

STANDARD FORM PURCHASE AND SALE AGREEMENT

1. PARTIES AND MAILING ADDRESSES

This Agreement prepared this 17th day of **November, 2014**. Time is of the essence.

Melissa Garand Sherman, Trustee of Mallow Realty Trust u/d/t dated May 24, 1990 and recorded at Book 10443, Page 363 of the Essex South Registry of Deeds, with a mailing address at 67 Rattlesnake Road, Andover, MA 01810,

hereinafter called the SELLER, agrees to SELL, and **Montana Development, LLC, a Massachusetts limited liability company, Frank Iovanela, General Manager, with a mailing address at 32 Wildes Road, Topsfield, MA 01983**

2. DESCRIPTION

hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the following described premises: Vacant and unimproved lot of land consisting of approximately 2.919 acres, more or less, located off of Low Street in Newburyport, Massachusetts and being shown and depicted as "Lot 8" on that certain ANR Plan of Land recorded with the Essex South Registry of Deeds on October 30, 2014 at Plan Book 446 as Plan No. 50 (the "ANR Plan").

3. BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES

The premises hereby conveyed is raw and vacant land. There are no buildings, structures or improvements and no fixtures or personal property which are included with the sale of the premises.

4. TITLE DEED

Said premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER or the nominee designated by the BUYER by written notice to the SELLER at least seven days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except

- (a) Provisions of existing building and zoning laws as of the date of this Agreement;
- (b) Existing rights and obligations in party walls which are not the subject of written agreement;
- (c) Such taxes for the then current year as are not due and payable on the date of the delivery of such deed;
- (d) Any liens for municipal betterments assessed after the date of this agreement;
- (e) Subject to easements and restrictions of record which do not substantially affect the use of the property.
- (f)

5. PLANS

Intentionally deleted. The ANR Plan has already been recorded by Seller.

6. REGISTERED TITLE

Intentionally deleted. Title to the premises is not registered land.

7. PURCHASE PRICE

The agreed purchase price for said premises is **\$275,000.00 (TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS)** of which

\$ 13,750.00

have been paid as a deposit this day and

\$261,250.00

are to be paid at the time of delivery of the deed in cash, or by certified cashier's treasurer's or bank check.

\$275,000.00

Total

BUYERS INITIAL

SELLERS INITIAL

8. TIME FOR PERFORMANCE

Such deed is to be delivered at 10:00 o'clock a.m. on the 26th day of February, 2015, or, if later, on the date which is ten (10) days after the City of Newburyport either waives or does not exercise (by lapse of the 120 day period) its right of first refusal as provided for in Section 29 of Rider A, at the Essex South Registry of Deeds, unless otherwise agreed upon in writing. IT IS AGREED THAT TIME IS OF THE ESSENCE OF THIS AGREEMENT.

9. POSSESSION AND CONDITION OF PREMISES

Full Possession of said premises, FREE OF ALL TENANTS AND OCCUPANTS, except as herein provided, is to be delivered at the time of the delivery of the deed, said premises to be then (a) in the same condition as they now are, and (b) not in violation of said building and zoning laws, and (c) in compliance with the provisions of any instrument referred to in clause 4 hereof. The BUYER shall be entitled to an inspection of said premises prior to the delivery of the deed in order to determine whether the condition thereof complies with the terms of this clause.

10. FAILURE TO PERFECT TITLE

If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of the premises, all as herein stipulated, or if at the time of the delivery of the deed the premises do not conform with the provisions hereof, then any payments made under this agreement shall be refunded and all other obligations of the parties hereto shall cease and this agreement shall be void and without recourse to the parties hereto, provided that the SELLER shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, as the case may be, in which event the SELLER shall give written notice thereof to the BUYER at or before the time for performance thereunder, and thereupon the time for performance hereof shall be extended for a period of thirty days. Reasonable efforts hereunder shall not require that the Seller expend greater than \$1,500.00 to cure any defect (excepting for payment of any mortgage liens or taxes.)

11. BUYERS ELECTION TO ACCEPT TITLE

The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the said premises in their then condition and to pay therefor the purchase price without deduction. In case of damage to the premises by fire or other casualty, and unless the property shall previously have been restored to its former condition by the SELLER, the BUYER may at his option, either cancel this agreement, and recover all sums paid hereunder or require as part of this agreement that the SELLER pay over or assign on delivery of the deed, all sums recovered or recoverable on any and all insurance covering such damage.

12. ACCEPTANCE OF DEED

The acceptance of a deed by the BUYER or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after the delivery of said deed.

13. USE OF PURCHASE MONEY TO CLEAR TITLE

To enable the SELLER to make conveyance as herein provided, the SELLER may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed or within a reasonable time thereafter in accordance with customary practice and in accordance with Massachusetts title standards and practice.

14. INSURANCE

Until the delivery of the deed, the SELLER shall maintain insurance on said premises as follows: **As presently insured**

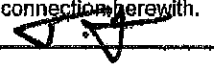
15. ADJUSTMENTS


~~Collected rents, water and sewer use charges, and taxes for the then current year, shall be apportioned and fuel value shall be adjusted, as of the day of performance of this agreement and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the BUYER at the time of delivery of the deed. Uncollected rents for the current rental period shall be apportioned if and when collected by either party. Security deposits shall be accounted for and transferred as of the day of performance of this agreement.~~ If the amount of said taxes is not known at the time of the delivery of the deed, they shall be Apportioned on the basis of the taxes assessed for the preceding year with a reapportionment as soon as the new tax rate and valuation can be ascertained, which latter provision shall survive the delivery of the Deed.

Seller shall be responsible to cause the Premises to be removed from so-called "Chapter 61A status" prior to Closing in compliance with MGL c. 61A §14 and in accordance with the provision set forth in the Rider to this Agreement.

16. BROKER'S FEE

A broker's fee for professional services is due from the SELLER to Lillian Montalto Signature Properties, the Brokers herein, pursuant to and as set forth in a separate agreement between SELLER and said Broker, upon closing, recording of the deed and payment of the purchase price in full. In the event that the BUYER fails to close and the SELLER retains the deposit as provided for in Section 22 below, the SELLER may retain such deposit and no commission shall be due. BUYER and SELLER each represents and warrants to the other that they have not dealt with any other broker, agent or realtor in connection herewith.


BUYERS INITIAL


SELLERS INITIAL

17. BROKER WARRANTY

The Broker(s) named herein **Lillian Montalto Signature Properties** warrants that they are duly licensed as such by the Commonwealth of Massachusetts

18. DEPOSIT

All deposits made hereunder shall be held in escrow by **Lillian Montalto Signature Properties** As Escrow Agent, subject to the terms of this agreement and shall be duly accounted for at the time for performance of this agreement, or if the Broker is made a party to any lawsuit by virtue of acting as escrow agent, the Broker shall be entitled to recover reasonable attorney fees and costs which may be deducted from escrowed funds. Such fees and costs shall be assessed as court costs in favor of the prevailing party.

19. BUYER'S DEFAULT: DAMAGES

If the BUYER shall fail to fulfill the BUYER's agreements herein, all deposits made hereunder by the BUYER shall be retained by the SELLER as liquidated damages unless within thirty days after the time for performance of this agreement or any extension hereof, the SELLER otherwise notifies the BUYER in writing. This shall be the SELLER's sole and exclusive remedy in law and equity.

20. BROKER AS PARTY

The Broker named herein, joins in this agreement and becomes a party hereto, in so far as any provisions of this agreement expressly apply to Broker, and to any amendments or modifications of such provisions to which he may agree in writing.

21. WARRANTIES AND REPRESENTATIONS

The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has BUYER relied upon any warranties or representations which are not expressly set forth or incorporated in this agreement in writing, except for the following additional warranties and representations, if any, made by either the SELLER or the Broker, if none, so state: **None**

The BUYER shall hold both SELLER and Broker harmless for knowledge of public record. Public record shall mean federal, state and municipal agencies.

22. FINANCING

Intentionally deleted. There is no financing contingency.

23. INSPECTION

Intentionally deleted. There is no inspection contingency.

24. LEAD PAINT



Intentionally deleted. Not applicable. Premises is raw/vacant land.

25. SMOKE DETECTOR CERTIFICATE

Intentionally deleted. Not applicable. Premises is raw/vacant land..

26. CONSTRUCTION OF AGREEMENT

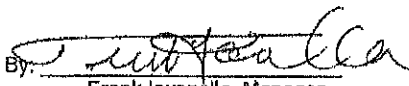
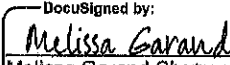
This instrument, executed in four parts, is to be construed under the laws of Massachusetts, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and enures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be "cancelled," modified or amended only by a written instrument executed by the parties hereto or their legal representatives. If two or more persons are named herein as SELLER or BUYER their obligations hereunder shall be joint and several.

	
_____	_____
BUYERS INITIAL	SELLERS INITIAL

27. **ADDITIONAL PROVISIONS**

1. BUYERS acknowledge that they have read, received and signed documents entitled:
- ~~a. Agency Disclosure~~
 - ~~b. Property Transfer Notification Certification (lead paint)~~ } Not received
 - ~~c. Seller's Description of Property~~
2. See Riders attached hereto.

DS
MG

BUYER MONTANA DEVELOPMENT LLC	DATE 11/20/14	SELLER MALLOW REALTY TRUST	DATE
By:  Frank Iovanello, Manager		DocuSigned by:  Melissa Garand Sherman, Trustee	11/18/2014
BUYER	DATE	SELLER	DATE

EXTENSION

The time for the performance of the foregoing agreement is extended until _____ and is executed as a sealed agreement this day of 19 .

BUYER	DATE	SELLER	DATE
BUYER	DATE	SELLER	DATE

EXTENSION REGARDING FINANCING

The parties hereby agree that the buyer shall have until _____ to notify the SELLER(s) and Broker in writing of the BUYER's inability to obtain a mortgage commitment as provided in paragraph 22 of the Agreement.

BUYER	SELLER
BUYER	SELLER

ORIGINAL SIGNATURES AND DATES REQUIRED ON ALL COPIES

RIDER "A" TO PURCHASE AND SALE AGREEMENT

Seller: Melissa Garand Sherman, Trustee of Mallow Realty Trust



Buyer: Montana Development LLC.

Date: November 17th, 2014

Property: Lot 8 as shown on plan recorded with Essex South Registry of Deeds at Plan Book 445, as Plan No. 50, located off Low Street, Newburyport, MA

28. Permitting and Approval Contingency. Buyer's obligations under this Agreement is contingent upon Buyer obtaining a building permit for the construction of a single family residential dwelling on the premises. Buyer shall exercise diligent and commercially reasonable efforts to obtain such building permit. In the event that Buyer has not obtained such permits on or before February 28, 2015 (the "Permit Approval Date"), Buyer shall have the option to terminate this agreement and receive a refund of the Buyer's deposit. After the Permit Approval Date, the Buyer shall be deemed to have waived any permitting and approval contingency.

29. Conversion of Use of Premises (M.G.L. c. 61A). The parties acknowledge that all or a portion of the Premises (the "61A Property") is subject to special property tax treatment pursuant to Massachusetts General Laws Chapter 61A. Buyer acknowledges that Buyer does not intend to continue the present agricultural/horticultural use of the 61A Property after the closing. Pursuant to M.G.L. c. 61A §14, Seller must notify the City of Newburyport of the intended sale and change of use of the 61A Property. After such notice is sent, the City of Newburyport will have a 120-day first refusal option to meet Buyer's offer to purchase the 61A Property. The parties agree that the purchase price for the 61A Property is as described under the terms of this Agreement, in the amount of \$275,000.00. If for any reason the structure or the terms of this purchase agreement may need to be modified to conform to the requirements of Chapter 61A, including the provisions of Section 14 of Chapter 61A, in order to facilitate the process for the sale or conversion of the portion of the Premises subject to Chapter 61A, then the parties agree in good faith to modify the terms of such purchase agreement to facilitate compliance with such process. If the City of Newburyport or its assignee exercises its option to purchase the 61A Property as provided in M.G.L. c. 61A §14, Seller shall present Buyer with a copy of such offer, in which event this Agreement shall be terminated with all deposits held by SELLER to be returned to BUYER, and thereupon, all other obligations of the parties hereto shall cease and this Agreement shall be void without recourse to the parties hereto. On the other hand, if the City of Newburyport does not exercise, or waives, its first refusal option, Seller shall provide Buyer with a copy of the Chapter 61A offer and supporting documentation related thereto, and Seller shall, as a condition to Closing, obtain and record both a notice of waiver or other appropriate documentation as may be required under Chapter 61A issued by the City of Newburyport, and Chapter 61A lien release conforming to the

 _____  _____
BUYER'S Initials BUYER'S Initials BUYER'S Initials SELLER'S Initials SELLER'S Initials SELLER'S Initials
(00084700;v1)



requirements of Chapter 61A, all of which shall be in a form customarily issued by the City of Newburyport and conforming to Massachusetts Department of Revenue requirements, if any, and as a condition to Closing, Seller shall pay all taxes due and payable to remove the Property from the restrictions of Chapter 61A.

30. Title Standards. Any matter of practice arising under or relating to this Agreement which is the subject of a title standard or a practice standard of the Real Estate Bar Association at the time for delivery of the deed shall be governed by such title standard or practice standard to the extent applicable.



31. Adjustments. If any errors or omissions are found to have occurred in any calculations or figures used in the settlement statement signed by the parties (or would have been included if not for any such error or omission) and notice hereof is given within six (6) months of the date of delivery of the deed to the party to be charged, then such party agrees promptly to make a payment to correct the error or omission.

32. SELLER's Cooperation. (a) SELLER agrees to provide BUYER's Lender with the SELLER's social security number or taxpayer ID number and forwarding address at or before the time of closing for reporting purposes consistent with IRC 1099-S; (b) SELLER agrees to complete any mortgage payoff information and disclosure requests as may be necessary and/or convenient to allow the closing attorney to request loan payoff information; and (c) to execute and deliver any customary certificates or documents as reasonably requested by Buyer or its counsel at closing, including without limitation concerning conditions and facts related to title or in connection with any financing.

33. Broker; Paragraph 14 (continued). (a) BUYER and SELLER agree to each indemnify and hold the other harmless on account of any claim, cost, damage or liability arising out of any claim for a brokerage commission against either party due to this Agreement made by a broker claiming said party as a customer other than the brokers named in this Agreement; and (b) The commission shall be earned if, as and when title passes and the deed is recorded, and proceeds are released to the SELLER and not otherwise. The provisions of this paragraph shall survive delivery of the deed;

34. Authorization to Sign Extensions and Notices. In order to facilitate the execution and delivery of certain documents contemplated hereby, each of the undersigned hereby grants to his or her attorney the actual authority to execute and deliver on his or her behalf and (a) agreement modifying the time for the performance of any event hereunder, or (b) any notice that may be given under this Agreement, and the parties may rely upon the signatures of such attorneys (including faxed signatures) unless they have actual knowledge that the party has disclaimed the authority granted herein to bind him or her.

35. Governing Law. This Agreement and all Exhibits thereto shall be governed in accordance with Massachusetts law, to whose jurisdictions the parties hereto submit.


BUYER'S Initials BUYER'S Initials BUYER'S Initials 2  SELLER'S Initials SELLER'S Initials
(00084700.v1)

36. Entire Agreement. This Agreement, together with the Addendums attached hereto, shall set forth the entire agreement between the parties hereto with respect to the subject matter hereof, and the same shall supersede all prior dealings and communications, whether oral or written, between the parties. If any conflicts or variations exist between the body of this Addendum and the body of the main Agreement, then the terms of this Addendum shall supersede and control.

SELLER:

BUYER:

MALLOW REALTY TRUST

MONTANA DEVELOPMENT, LLC

DocuSigned by:
Melissa Garand 11/18/2014
Melissa Garand Sherman, Trustee

By: 
Frank Iovanella, Manager

RIDER A

ADDENDUM TO PURCHASE AND SALE AGREEMENT

DATED: , 2014

SELLER: MELISSA GARAND SHERMAN, TRUSTEE, MALLOW REALTY TRUST

BUYER: MONTANA DEVELOPMENT, LLC

PREMISES: LOT 8 LOW STREET, NEWBURYPORT, MASSACHUSETTS

1. It is understood and agreed by the parties that the premises shall not be in conformity with the title provisions of this Agreement unless:
 - (a) The premises shall abut a public way, duly laid out or accepted as such by the city or town in which the premises are located, or a private way affording legal access and egress to and from a public way;
 - (b) No building, structure or improvement of any kind belonging to any other person or entity shall encroach upon the premises.
 - (c) No building, structure or improvement of any kind on the premises shall encroach upon the property of any other person.
2. There is to the best of the SELLER'S actual knowledge and belief no pending litigation with respect to the premises.
3. To the best of SELLERS actual knowledge, SELLER is not aware of the installation or existence of any oil tanks on or under the property.
4. Full possession of said premises is to be delivered at the time of delivery of the deed, said premises to be then a) in the same condition as they now are, reasonable use thereof excepted, and (b) not in violation of building and zoning laws, health or environmental laws, bylaws, codes or regulation and (c) in compliance with provisions of any instrument referred to in clause 4 hereof, and free of debris and all of SELLER'S possessions. The BUYER, his agents and representatives may visit and inspect the premises prior to the delivery of the deed with the permission of and reasonable notice to SELLER.
5. This Rider modifies amends and changes the Purchase and Sale Agreement and any Addenda thereto and supersedes it. In the event there are any conflicts or discrepancies between the Agreement, Addenda and this Rider, the Rider shall control.

Time is of the essence with respect to each and every term of this Agreement.

SELLER:

BUYER:

DocuSigned by:
Melissa Garand 11/18/2014
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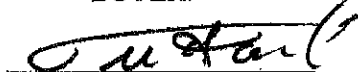


EXHIBIT E
AFFIDAVIT OF NOTICE PURSUANT TO SECTION 14 of M.G.L. C. 61A

I certify, under the pains and penalties of perjury that on this 24th day of December, 2014, that on behalf of Melissa Garand Sherman, Trustee of Mallow Realty Trust, the owner of the real property known and numbered as 183 Low Street, Newburyport, Massachusetts, I have sent by certified mail, the attached notice of intent to convert agricultural land to each of the mayor, city council, assessor, planning board, conservation commission and state forester, being the persons and care of the parties listed on Exhibit A attached hereto, all of whom are required to be provided notice in accordance with Section 14 of M.G.L. Chapter 61A.

Signed this 24th day of December, 2014.

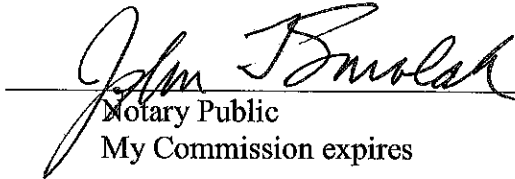


Brian G. Vaughan, as attorney for Owner

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

On this 24th day of December, 2014, before me, the undersigned Notary Public, personally appeared Brian G. Vaughan, proved to me through satisfactory evidence of identification, which was a Massachusetts driver's license, to be the person whose name is signed on the document, above, and acknowledged to me that he signed it voluntarily for its stated purpose.



Notary Public
My Commission expires



JOHN T. SMOLAK
Notary Public
Commonwealth of Massachusetts
My Commission Expires
November 28, 2019

SMOLAK & VAUGHAN LLP

Hon. Donna D. Holaday
City Council, City of Newburyport
December 24, 2014

**EXHIBIT A
TO AFFIDAVIT OF NOTICE**

Mayor, City of Newburyport:

Hon. Donna D. Holaday
c/o Richard B. Jones, City Clerk
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

City Council, City of Newburyport:

City Council
Attn: Thomas F. O'Brien, President
c/o Richard B. Jones, City Clerk
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

City of Newburyport Assessor:

Daniel Raycroft, City Assessor
Office of the Assessor
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

City of Newburyport Planning Board:

Planning Board
Jim McCarthy, Chair
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

City of Newburyport Conservation Commission:

Conservation Commission
Steve Moore, Vice-Chair
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

State Forester:

State Forester
c/o John P. Murray, Commissioner
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 900
Boston, Massachusetts 02114-2104



RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA

2014 DEC 30 A 9:53

**CITY OF NEWBURYPORT
VEHICLES FOR HIRE
BUSINESS OWNERS'S APPLICATION**

Please Type or Print Clearly

APPLICANT INFORMATION:

Name of Applicant: Last: Congdon First: Narold Middle Initial: A
Address: 52 Elm City: SALISBURY State: MA Zip: 0196
Phone Number: (978) 265 5802 Message or work phone: (978) 465 2333
Driver's License Number: S1R61747 State: MA Expiration Date: 9-23-15
Social Security Number: 023-36-8262

BUSINESS INFORMATION:

Business Name: POST TAXI INC Business Phone Number: (978) 465 2333
Business Address: 52 Elm St City: Salisbury State: MA Zip: 01952
Business Mailing Address: SAME City: _____ State: _____ Zip: _____
Number of vehicles to be operated under this permit: 7

FOR EACH VEHICLE, PLEASE LIST

See ATTACHED sheet

Reg. # _____ Expires: _____ Year: _____ Make: _____ Model: _____
Reg. # _____ Expires: _____ Year: _____ Make: _____ Model: _____
Reg. # _____ Expires: _____ Year: _____ Make: _____ Model: _____
Reg. # _____ Expires: _____ Year: _____ Make: _____ Model: _____
Reg. # _____ Expires: _____ Year: _____ Make: _____ Model: _____
Reg. # _____ Expires: _____ Year: _____ Make: _____ Model: _____

VEHICLE REGISTRATION INFORMATION:

Proof of evidence of legal and registered ownership of the vehicle(s) to be used by the applicant must be provided. Attach one (1) copy of each to this application.

CAR	PLATE	vin	YEAR	MAKE	MODEL	COLOR
2	TA24209	1B4GP24352B696269	2002	DODG	CARAVAN	BLUE
3	TA24210	2B4GP44382R732534	2002	DODG	CARAVAN	WHITE
4	TA24225	1B4GP24372B524647	2002	DODG	CARAVAN	WHITE
5	TA24222	2C4GP44392R777965	2002	CHRY	TOWN	WHITE
6	TA25259	2B4GP443X2R78904	2002	DODG	CARAVAN	WHITE
7	TA24201	1B4GP25381B166911	2001	DODG	CARAVAN	WHITE
8	TA24208	2D4GP44373R262603	2003	DODG	CARAVAN	WHITE

They all EXPIRE 11/15 NOVE 2013

INSURANCE INFORMATION:

Must provide proof of personal injury and property damage liability insurance coverage for each permitted taxi for the full time period of the permit. The personal injury coverage shall no be less than one hundred thousand dollars (\$100,000) for injury to one person with a total coverage of not less than three hundred thousand dollars (\$300,000) for each accident. The property damage coverage shall be not less than fifty thousand dollars (\$50,000) per occurrence. Attach one (1) copy to this application.

I, the undersigned, hereby declare that I have carefully read the Ordinance relating to this business; that I understand it thoroughly and will carry out every provision thereof; that to the best of my knowledge, I have complied with the regulations as outlined. I further state that the statements and answers contained in this application are true to the best of my knowledge and belief, knowing that false statement will be sufficient cause for denial or revocation of said license.

Harold Congdon
(Signature of Applicant)

Date: 12/30/14

Official Use Only

Office of the City Clerk

Initial Application Fee \$ _____ Date Received _____ By _____

Date sent to Police Department _____ New Renewal

Police Department Use Only

Inspection Recommendation for each Vehicle

Cab # _____ License Plate#: _____ VIN# _____ Approved Denied

Comments: _____

Cab # _____ License Plate#: _____ VIN# _____ Approved Denied

Comments: _____

Cab# _____ License Plate#: _____ VIN# _____ Approved Denied

Comments: _____

Cab# _____ License Plate#: _____ VIN# _____ Approved Denied

Comments: _____

Cab # _____ License Plate#: _____ VIN# _____ Approved Denied

Comments: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/17/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lighthouse Insurance Agency, Ltd 470 West Broadway South Boston MA 02127	CONTACT NAME: Meghan O'Rourke
	PHONE (A/C, No, Ext): (617) 464-3777 FAX (A/C, No): (617) 464-3888
	E-MAIL ADDRESS: meghan.orourke@lighthouseins.net
	INSURER(S) AFFORDING COVERAGE
	INSURER A: New Hampshire Insurance Co
	INSURER B:
	INSURER C:
	INSURER D:
	INSURER E:
	INSURER F:


COVERAGES CERTIFICATE NUMBER: **CL1411172596** REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY						
	<input type="checkbox"/> COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE \$
	<input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$
							MED EXP (Any one person) \$
							PERSONAL & ADV INJURY \$
							GENERAL AGGREGATE \$
							PRODUCTS - COMP/OP AGG \$
	GENL AGGREGATE LIMIT APPLIES PER:						
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						
A	AUTOMOBILE LIABILITY						
	<input type="checkbox"/> ANY AUTO						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input checked="" type="checkbox"/>		01-MH-067180739	4/8/2014	4/8/2015	BODILY INJURY (Per person) \$ 100,000
	<input type="checkbox"/> HIRED AUTOS						BODILY INJURY (Per accident) \$ 300,000
							PROPERTY DAMAGE (Per accident) \$ 50,000
	UMBRELLA LIAB						EACH OCCURRENCE \$
	<input type="checkbox"/> EXCESS LIAB						AGGREGATE \$
	<input type="checkbox"/> OCCUR						
	<input type="checkbox"/> CLAIMS-MADE						
	DED RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)		N/A				WC STATU-TORY LIMITS OTH-ER
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Certificate Holder is also Additional Insured.
 TA24209 2002 DODGE CARAVAN 1B4GP24352B696269
 TA24210 2002 DODGE CARAVAN 2B8GP44382R732534
 TA24225 2002 DODGE CARA 1B4GP24372B524647
 TA24222 2002 CHRY TOWN 2C4GP44392R777985
 TA25259 2002 DODGE CARA 2B4GP443X2R789804
 TA24208 2003 DODGE CARAVAN 2D4GP44373R262603

CERTIFICATE HOLDER The City of Newburyport Transportation Dept Newburyport, MA	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE Mark Boucher/RS

PLATE TYPE TAN	REGISTRATION NUMBER TA24209	REGISTRATION TYPE TAXI	EFFECTIVE DATE 12/01/14	EXPIRES LAST DAY OF 11 15	MONTH 11	YEAR 15	TRANSACTION NUMBER 02432201290534												
MFRS MODEL YEAR 2002	MAKE DODG	MODEL CARAVA	BODY STYLE/TYPE VAN	COLOR BLUE	Not valid without official signature of Registrar		IF VEHICLE CARRYING PASSENGERS FOR HIRE: MAXIMUM NUMBER OF PASSENGERS THAT CAN BE SEATED.												
VEHICLE IDENTIFICATION NUMBER 1B4GP24352B696269		INSURANCE COMPANY NEW HAMPSHIRE INS		TITLE NUMBER BN392341	REGISTRAR <i>Celia J. Blue</i>		TOTAL REGISTERED WEIGHT FOR A COMMERCIAL VEHICLE OR TRAILER												
RESIDENTIAL ADDRESS (IF DIFFERENT)					<table border="1"> <tr> <td colspan="2">FEES</td> </tr> <tr> <td>REGISTRATION</td> <td>60.00</td> </tr> <tr> <td>TITLE</td> <td>0.00</td> </tr> <tr> <td>SPECIAL PLATES</td> <td>0.00</td> </tr> <tr> <td>SALES TAX</td> <td>0.00</td> </tr> <tr> <td>TOTAL</td> <td>60.00</td> </tr> </table>			FEES		REGISTRATION	60.00	TITLE	0.00	SPECIAL PLATES	0.00	SALES TAX	0.00	TOTAL	60.00
FEES																			
REGISTRATION	60.00																		
TITLE	0.00																		
SPECIAL PLATES	0.00																		
SALES TAX	0.00																		
TOTAL	60.00																		
NAME(S) OF OWNER(S) AND MAILING ADDRESS  *****AUTO**5-DIGIT 01950 PORT TAXI INC 52 ELM ST SALISBURY MA 01952-1933																			

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
 REGISTRY OF MOTOR VEHICLES DIVISION**
 The records of the RMV database constitute the official status of the vehicle registration.

SPECIAL MESSAGE IF THIS VEHICLE IS NEWLY ACQUIRED, IT MUST BE INSPECTED WITHIN SEVEN (7) DAYS OF REGISTRATION.	CHANGE OF ADDRESS STREET ADDRESS CITY, STATE, ZIP CODE
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Important Information for Vehicle Owners

- Every person operating a motor vehicle shall have the Certificate of Registration for the motor vehicle and for the trailer, if any, and his/her license to operate, upon his/her person or in the vehicle, in some easily accessible place.
- By law, you must report any change of address to the RMV within 30 days in writing. Address changes can be made on the RMV website: www.massrmv.com or by mail to: RMV, P.O. Box 55889, Boston, MA 02205-5889. Once you have reported the address change to the RMV, please write corrected address in box provided above.

- Return the registration plates to the RMV immediately if:
 - The vehicle has been sold or junked and the registration is not going to be transferred to another vehicle. Keep a copy of the **Bill of Sale, Title**, and completed **Reassignment of Title** for your records to document the transfer.
 - You move to another state and you register the vehicle in that state.
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Transferring Your Plates: Massachusetts law (M.G.L. Chapter 90, Section 2) allows you to transfer valid registration plates from this vehicle to a newly acquired new or used motor vehicle or trailer while you obtain insurance and a new registration. All the following must be met: 1. You are at least 18 years of age and you own the motor vehicle or trailer identified on this *Registration Certificate*. 2. You transfer ownership of this vehicle to another person or permanently lose possession of it (such as through repossession, etc.); 3. The newly acquired vehicle is of the same vehicle type (passenger vehicle to passenger vehicle, trailer to trailer etc.); the same registration type (passenger to passenger, commercial to commercial); and has the same number of wheels; and, 4. The seller and buyer properly complete the Assignment of the Certificate of Title (for the newly acquired "used" vehicle) or Certificate of Origin (if a "new" vehicle). If all the above are met, you may operate the newly acquired vehicle with the transferred plates up to 5:00 pm of the 7th calendar day following the date of transfer (or loss of possession). The day of transfer or loss is day #1. During that 7 days, you must carry the *Bill of Sale* (or the dealer's *Purchase Contract*) for the newly acquired vehicle and this *Registration Certificate* when operating the vehicle. See *FAQs About the Seven-Day Registration Transfer Law* on the RMV's website at www.massrmv.com.

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BE FIRST IN LINE BY GOING ONLINE AT WWW.MASSRMV.COM

- | | |
|---------------------------------|----------------------------------|
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| Renew Your Driver's License | Request a Duplicate Registration |
| Renew Your Registration | Change Your Address |
| Pay Citations/Court Hearing Fee | Cancel My Plate/Registration |
| Replace Your Driver's License | Order a Special Plate |

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CERTIFICATE OF REGISTRATION

M.G.L. Chapter 90 Section 24B makes it a crime to alter this Certificate

RMV Division

PLATE TYPE TAN	REGISTRATION NUMBER TA24210	REGISTRATION TYPE TAXI	EFFECTIVE DATE 12/01/14	EXPIRES LAST DAY OF	MONTH 11	YEAR 15	TRANSACTION NUMBER 02432201290542
MFRS MODEL YEAR 2002	MAKE DODG	MODEL CARAVA	BODY STYLE/TYPE VAN	COLOR WHITE	Not valid without official signature of Registrar		IF VEHICLE CARRYING PASSENGERS FOR HIRE: MAXIMUM NUMBER OF PASSENGERS THAT CAN BE SEATED.
VEHICLE IDENTIFICATION NUMBER 2B4GP44382R732534		INSURANCE COMPANY NEW HAMPSHIRE INS	TITLE NUMBER BN884734	REGISTRAR <i>Celia J. Blue</i>		TOTAL REGISTERED WEIGHT FOR A COMMERCIAL VEHICLE OR TRAILER.	
RESIDENTIAL ADDRESS (IF DIFFERENT)				NAME(S) OF OWNER(S) AND MAILING ADDRESS			
*****AUTO**5-DIGIT 01950 PORT TAXI INC 52 ELM ST SALISBURY MA 01952-1933				FEES			
REGISTRATION				60.00			
TITLE				0.00			
SPECIAL PLATES				0.00			
SALES TAX				0.00			
TOTAL				60.00			

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION REGISTRY OF MOTOR VEHICLES DIVISION

The records of the RMV database constitute the official status of the vehicle registration.

SPECIAL MESSAGE IF THIS VEHICLE IS NEWLY ACQUIRED, IT MUST BE INSPECTED WITHIN SEVEN (7) DAYS OF REGISTRATION.	CHANGE OF ADDRESS STREET ADDRESS CITY, STATE, ZIP CODE
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- Return the registration plates to the RMV immediately if:
 - The vehicle has been sold or junked and the registration is not going to be transferred to another vehicle. Keep a copy of the *Bill of Sale*, *Title*, and completed *Reassignment of Title* for your records to document the transfer.
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CERTIFICATE OF REGISTRATION

M.G.L. Chapter 90 Section 24B makes it a crime to alter this Certificate

RMV Division

4

PLATE TYPE TAN	REGISTRATION NUMBER TA24225	REGISTRATION TYPE TAXI	EFFECTIVE DATE 12/01/14	EXPIRES LAST DAY OF 11 15	TRANSACTION NUMBER 01427369110101												
MFYS MODEL YEAR 2002	MAKE DODG	MODEL CARAVA	BODY STYLE/TYPE VAN	COLOR WHITE	Not valid without official signature of Registrar <i>Celia J. Blue</i>												
VEHICLE IDENTIFICATION NUMBER 1B4GP24372B524647		INSURANCE COMPANY NEW HAMPSHIRE INS		TITLE NUMBER		IF VEHICLE CARRYING PASSENGERS FOR HIRE MAXIMUM NUMBER OF PASSENGERS THAT CAN BE SEATED.											
RESIDENTIAL ADDRESS (IF DIFFERENT)					<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: right;">FEES</td> <td></td> </tr> <tr> <td style="text-align: right;">REGISTRATION</td> <td style="text-align: right;">25.00</td> </tr> <tr> <td style="text-align: right;">TITLE</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td style="text-align: right;">SPECIAL PLATES</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td style="text-align: right;">SALES TAX</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td style="text-align: right;">TOTAL</td> <td style="text-align: right;">25.00</td> </tr> </table>	FEES		REGISTRATION	25.00	TITLE	0.00	SPECIAL PLATES	0.00	SALES TAX	0.00	TOTAL	25.00
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NAME(S) OF OWNER(S) AND MAILING ADDRESS PORT TAXI INC 52 ELM ST SALISBURY, MA 01952-1933					TOTAL REGISTERED WEIGHT FOR A COMMERCIAL VEHICLE OR TRAILER												
MASSACHUSETTS DEPARTMENT OF TRANSPORTATION REGISTRY OF MOTOR VEHICLES DIVISION The records of the RMV database constitute the official status of the vehicle registration.																	

SPECIAL MESSAGE IF THIS VEHICLE IS NEWLY ACQUIRED, IT MUST BE INSPECTED WITHIN SEVEN (7) DAYS OF REGISTRATION.	CHANGE OF ADDRESS STREET ADDRESS _____ _____ CITY, STATE, ZIP CODE _____
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Important Information for Vehicle Owners

- | | |
|---|--|
| <ul style="list-style-type: none"> • Every person operating a motor vehicle shall have the Certificate of Registration for the motor vehicle and for the trailer, if any, and his/her license to operate, upon his/her person or in the vehicle, in some easily accessible place. • By law, you must report any change of address to the RMV within 30 days in writing. Address changes can be made on the RMV website: www.massrmv.com or by mail to: RMV, P.O. Box 55889, Boston, MA 02205-5889. Once you have reported the address change to the RMV, please write corrected address in box provided above. | <ul style="list-style-type: none"> • Return the registration plates to the RMV immediately if: <ul style="list-style-type: none"> - The vehicle has been sold or junked and the registration is not going to be transferred to another vehicle. Keep a copy of the <i>Bill of Sale, Title</i>, and completed <i>Reassignment of Title</i> for your records to document the transfer. - You move to another state and you register the vehicle in that state. - The insurance policy is not renewed or is cancelled and there is no plan to obtain a new policy. |
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Transferring Your Plates: Massachusetts law (M.G.L. Chapter 90, Section 2) allows you to transfer **valid registration plates from this vehicle to a newly acquired new or used motor vehicle or trailer** while you obtain insurance and a new registration. **All** of the following must be met: **1.** You are at least 18 years of age and you own the motor vehicle or trailer identified on this *Registration Certificate*; **2.** You transfer ownership of this vehicle to another person or permanently lose possession of it (such as through repossession, etc.); **3.** The newly acquired vehicle is of the **same vehicle type** (passenger vehicle to passenger vehicle, trailer to trailer, etc.); the **same registration type** (passenger to passenger, commercial to commercial); and has the **same number of wheels**; and, **4.** The **seller and buyer** properly complete the Assignment of the Certificate of Title (for the newly acquired "used" vehicle) or Certificate of Origin (if a "new" vehicle). If **all** of the above are met, you may operate the newly acquired vehicle with the transferred plates **up to 5:00 pm of the 7th calendar day** following the date of transfer (or loss of possession). The day of transfer or loss is day #1. During those 7 days, you **must** carry the *Bill of Sale* (or the dealer's *Purchase Contract*) for the newly acquired vehicle **and** this *Registration Certificate* when operating the vehicle. See *FAQs About the Seven-Day Registration Transfer Law* on the RMV's website at www.massrmv.com.

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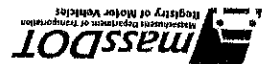
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- | | |
|---------------------------------|----------------------------------|
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CERTIFICATE OF REGISTRATION

RMV Division

M.G.L. Chapter 90 Section 24B makes it a crime to alter this Certificate

PLATE TYPE	TAN	REGISTRATION NUMBER	TA24222	REGISTRATION TYPE	TAXI	EFFECTIVE DATE	12/01/14	EXPIRES LAST DAY OF	11 15	YEAR	11 15	TRANSACTION NUMBER	02432201290552
REGISTRATION YEAR	2002	MAKE	CHRY	MODEL	TOWN	BODY STYLE/TYPE	VAN	COLOR	WHITE	VEHICLE IDENTIFICATION NUMBER	2C4GP44392R77985	INSURANCE COMPANY	NEW HAMPSHIRE INS
RESIDENTIAL ADDRESS (IF DIFFERENT)	2095 Elm St PORT TOWN INC SALISBURY MA 01952-1933												
NAME(S) OF OWNER(S) AND MAILING ADDRESS	00925L *****AUTO**5-DIGIT 01950 PORT TOWN INC 52 ELM ST SALISBURY MA 01952-1933												
MASSACHUSETTS DEPARTMENT OF TRANSPORTATION REGISTRY OF MOTOR VEHICLES DIVISION The records of the RMV database constitute the official status of the vehicle registration.													
SPECIAL MESSAGE: IF THIS VEHICLE IS NEWLY ACQUIRED, IT MUST BE INSPECTED WITHIN SEVEN (7) DAYS OF REGISTRATION.													
CHANGE OF ADDRESS STREET ADDRESS CITY, STATE, ZIP CODE													

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- Request a Duplicate Registration
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- Order a Special Plate



CERTIFICATE OF REGISTRATION

RMV Division

M.G.L. Chapter 90 Section 24B makes it a crime to alter this Certificate

PLATE TYPE TAN	REGISTRATION NUMBER TA25259	REGISTRATION TYPE TAXI	EFFECTIVE DATE 12/01/14	EXPIRES LAST DAY OF 11 15	TRANSACTION NUMBER 02432201290560
MFHS MODEL YEAR 2002	MAKE DODG	MODEL CARAVA	BODY STYLE/TYPE VAN	COLOR WHITE	Not valid without official signature of Registrar <i>Celia J. Blue</i>
VEHICLE IDENTIFICATION NUMBER 2B4GP443X2R789804		INSURANCE COMPANY NEW HAMPSHIRE INS	TITLE NUMBER BN821324		
RESIDENTIAL ADDRESS (IF DIFFERENT)					TOTAL REGISTERED WEIGHT FOR A COMMERCIAL VEHICLE OR TRAILER.
NAME(S) OF OWNER(S) AND MAILING ADDRESS *****AUTO**5-DIGIT 01950 PORT TAXI INC 52 ELM ST SALISBURY MA 01952-1933					REGISTRAR <i>Celia J. Blue</i>
FEE SCHEDULE					
REGISTRATION					60.00
TITLE					0.00
SPECIAL PLATES					0.00
SALES TAX					0.00
TOTAL					60.00
MASSACHUSETTS DEPARTMENT OF TRANSPORTATION REGISTRY OF MOTOR VEHICLES DIVISION The records of the RMV database constitute the official status of the vehicle registration.					

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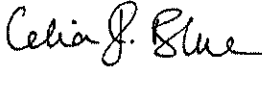

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BE FIRST IN LINE BY GOING ONLINE AT WWW.MASSRMV.COM

Schedule a Road Test	Request a Duplicate Title	NEED TO VISIT AN RMV OFFICE? SAVE TIME Complete Your Application Online!
Renew Your Driver's License	Request a Duplicate Registration	
Renew Your Registration	Change Your Address	
Pay Citations/Court Hearing Fee	Cancel My Plate/Registration	
Replace Your Driver's License	Order a Special Plate	

VISIT OUR WEBSITE FOR A FULL LIST OF AVAILABLE TRANSACTIONS

PLATE TYPE TAN	REGISTRATION NUMBER TA24201	REGISTRATION TYPE TAXI	EFFECTIVE DATE 12/01/14	EXPIRES LAST DAY OF →	MONTH 11	YEAR 15	TRANSACTION NUMBER 02432201290675										
MFRS MODEL YEAR 2001	MAKE DODG	MODEL CARAVA	BODY STYLE/TYPE VAN	COLOR WHITE		Not valid without official signature of Registrar REGISTRAR 											
VEHICLE IDENTIFICATION NUMBER 1B4GP25381B166911		INSURANCE COMPANY NEW HAMPSHIRE INS		TITLE NUMBER BN999380													
RESIDENTIAL ADDRESS (IF DIFFERENT)																	
NAME(S) OF OWNER(S) AND MAILING ADDRESS																	
 *****AUTO**5-DIGIT 01950 PORT TAXI INC 52 ELM ST SALISBURY MA 01952-1933				FEES <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">REGISTRATION</td> <td style="text-align: right;">60.00</td> </tr> <tr> <td>TITLE</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>SPECIAL PLATES</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>SALES TAX</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>TOTAL</td> <td style="text-align: right; border-top: 1px solid black;">60.00</td> </tr> </table>				REGISTRATION	60.00	TITLE	0.00	SPECIAL PLATES	0.00	SALES TAX	0.00	TOTAL	60.00
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MASSACHUSETTS DEPARTMENT OF TRANSPORTATION REGISTRY OF MOTOR VEHICLES DIVISION The records of the RMV database constitute the official status of the vehicle registration.																	

SPECIAL MESSAGE IF THIS VEHICLE IS NEWLY ACQUIRED, IT MUST BE INSPECTED WITHIN SEVEN (7) DAYS OF REGISTRATION.	CHANGE OF ADDRESS STREET ADDRESS CITY, STATE, ZIP CODE
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Important Information for Vehicle Owners

- Every person operating a motor vehicle shall have the Certificate of Registration for the motor vehicle and for the trailer, if any, and his/her license to operate, upon his/her person or in the vehicle, in some easily accessible place.
- By law, you must report any change of address to the RMV within 30 days in writing. Address changes can be made on the RMV website: www.massrmv.com or by mail to: RMV, P.O. Box 55889, Boston, MA 02205-5889. Once you have reported the address change to the RMV, please write corrected address in box provided above.
- Return the registration plates to the RMV immediately if:
 - The vehicle has been sold or junked and the registration is not going to be transferred to another vehicle. Keep a copy of the *Bill of Sale*, *Title*, and completed *Reassignment of Title* for your records to document the transfer.
 - You move to another state and you register the vehicle in that state.
 - The insurance policy is not renewed or is cancelled and there is no plan to obtain a new policy.

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--	---

NEED TO VISIT AN RMV OFFICE?

SAVE TIME

Complete Your Application Online!

VISIT OUR WEBSITE FOR A FULL LIST OF AVAILABLE TRANSACTIONS

CERTIFICATE OF REGISTRATION

M.G.L. Chapter 90 Section 24B makes it a crime to alter this Certificate

RMV Division

PLATE TYPE TAN	REGISTRATION NUMBER TA24208	REGISTRATION TYPE TAXI	EFFECTIVE DATE 12/01/14	EXPIRES LAST DAY OF 11 15	TRANSACTION NUMBER 02432201290568												
MFYS MODEL YEAR 2003	MAKE DODG	MODEL CARAVA	BODY STYLE/TYPE VAN	COLOR WHITE	Not valid without official signature of Registrar <i>Celia J. Blue</i>	IF VEHICLE CARRYING PASSENGERS FOR HIRE: MAXIMUM NUMBER OF PASSENGERS THAT CAN BE SEATED.	TOTAL REGISTERED WEIGHT FOR A COMMERCIAL VEHICLE OR TRAILER.										
VEHICLE IDENTIFICATION NUMBER 2D4GP44373R262603		INSURANCE COMPANY NEW HAMPSHIRE INS		TITLE NUMBER BP021522				REGISTRAR									
RESIDENTIAL ADDRESS (IF DIFFERENT)						<table style="width: 100%;"> <tr> <td style="width: 50%;">REGISTRATION</td> <td style="width: 50%; text-align: right;">60.00</td> </tr> <tr> <td>TITLE</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>SPECIAL PLATES</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>SALES TAX</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>TOTAL</td> <td style="text-align: right;">60.00</td> </tr> </table>		REGISTRATION	60.00	TITLE	0.00	SPECIAL PLATES	0.00	SALES TAX	0.00	TOTAL	60.00
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- | | |
|---|--|
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|---|--|

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- | | |
|---------------------------------|----------------------------------|
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| Renew Your Driver's License | Request a Duplicate Registration |
| Renew Your Registration | Change Your Address |
| Pay Citations/Court Hearing Fee | Cancel My Plate/Registration |
| Replace Your Driver's License | Order a Special Plate |

NEED TO VISIT AN RMV OFFICE?

SAVE TIME
Complete Your
Application Online!

VISIT OUR WEBSITE FOR A FULL LIST OF AVAILABLE TRANSACTIONS

THE COMMONWEALTH OF MASSACHUSETTS

City OF Newburyport

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA

**APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF**

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a _____ class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? LCA Motors

Business address of concern. No. 4 St. Leary Drive St.,
Newburyport City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? Individual

3. If an individual, state full name and residential address.
Charles J. Ciovacco 4 St. Leary Drive
Newburyport, MA 01950

4. If a co-partnership, state full names and residential addresses of the persons composing it.

5. If an association or a corporation, state full names and residential addresses of the principal officers.
President _____
Secretary _____
Treasurer _____

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? _____

If so, is your principal business the sale of new motor vehicles? No

Is your principal business the buying and selling of second hand motor vehicles? Yes

Is your principal business that of a motor vehicle junk dealer? No

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

Business is conducted out of a residence
primarily over the internet.

8. Are you a recognized agent of a motor vehicle manufacturer? No
(Yes or No)

If so, state name of manufacturer _____

9. Have you a signed contract as required by Section 58, Class 1? No
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? Yes
(Yes or No)

If so, in what city — town Newburyport

Did you receive a license? Yes For what year? 2005 to present
(Yes or No)

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? No
(Yes or No)

Sign your name in full [Signature]
(Duly authorized to represent the concern herein mentioned)

Residence 4 Ft. Leary Drive, Newburyport

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

CNA SURETY

CNA Plaza, Chicago IL 60685-0001

RECEIVED
 CITY CLERK'S OFFICE
 NEWBURGH, NY
 Jennifer B. Schaller
 Counsel
 Telephone 312-822-7049
 Facsimile 312-735-3737

iness.

Re: Second Hand Motor Vehicle Dealer Bond Certificate of Continuanace for Western Surety Bonds

LCA Motors

Western Surety is an underwriting company of CNA Surety and we are contacting your office because several of our bond principals received correspondence indicating the need for a Certificate of Continuanace for their Second Hand Motor Vehicle Dealer Bonds issued by Western Surety.

Western Surety's standard bond form expressly states: "This bond shall be continuous and may be cancelled by the Surety by giving (30) days' written notice of cancellation to the municipal licensing authority at (address) by First Class Mail." (emphasis added)." Since, Western Surety's bond form is continuous, it would be inappropriate for Western Surety to issue a Continuation Certificate.

The Commonwealth of Massachusetts, Registry of Motor Vehicles has reviewed Western Surety's bond form and has clearly stated that municipalities do not need to require additional evidence that the bond is in effect. (See attached letter from Attorney William McVey dated November 19, 2004).

If you have any questions, or we can be of any further assistance, please feel free to contact me at (312) 822-7049.

Sincerely,
Jennifer B. Schaller
 Jennifer B. Schaller

THE COMMONWEALTH OF MASSACHUSETTS

City OF Newburyport

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2015 JAN -6 P 2:13

**APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF**

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a II class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? Plum Autoworks Inc 978-621-0675

Business address of concern. No. 71 Storey Ave St.,
Newburyport MA 01950 City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? Corp

3. If an individual, state full name and residential address.

4. If a co-partnership, state full names and residential addresses of the persons composing it.

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President " Nancy J London "

Secretary " "

Treasurer " "

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? yes

If so, is your principal business the sale of new motor vehicles? No

Is your principal business the buying and selling of second hand motor vehicles? YES

Is your principal business that of a motor vehicle junk dealer? No

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

Single Story Building Approx 30x40 Consisting of Two offices Having Approx 80ft Frontage on Storey Ave About 100ft Deep

8. Are you a recognized agent of a motor vehicle manufacturer? No

(Yes or No)

If so, state name of manufacturer

9. Have you a signed contract as required by Section 58, Class 1? No

(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? Yes

(Yes or No)

If so, in what city — town Newburyport MA

Did you receive a license? yes

(Yes or No)

For what year? 2014 13 12 11 10 09

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? No

(Yes or No)

Sign your name in full

John Powers

(Duly authorized to represent the concern herein mentioned)

Residence 11 Warrenton Rd
Haverhill MA

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

ISSUED THROUGH

A. A. DORITY COMPANY

BOSTON

CONTINUATION CERTIFICATE

The NGM Insurance Company, hereinafter called the Company, hereby continues in force its MA Used Car Dealer Bond Number 148623

in the sum of Twenty-Five Thousand dollars (\$25,000.00)

on behalf of

Plum Auto Works, Inc.

located at

71 Storey Ave
Newburyport, MA 01950

in favor of City of Newburyport, MA

for the term beginning December 31st, 2014 and ending on December 31st, 2015, subject to all covenants and conditions of said bond.

This Continuation is executed upon the express condition that the Company's liability shall not be cumulative and shall be limited at all times by the amount of the penalty stated in the bond.

In witness whereof, the Company has caused this instrument to be signed by its duly authorized Attorney-in-Fact and its Corporate Seal to be hereto affixed this day, January 5, 2015

NGM Insurance Company

By: 

Katie E. Ford

Attorney-in-Fact

A. A. Dority Company, Inc.

262 Washington Street, Suite 99

Boston, MA 02108

(617) 523-2935 Fax: 617-523-1707



**JEANNE GEIGER
CRISIS CENTER, INC.**

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2015 JAN -6 P 2:36

January 6, 2015

Thomas F. O'Brien, President
Newburyport City Council
City Hall
60 Pleasant Street
Newburyport, MA 01950

Dear Mr. O'Brien and City Council Members,

On behalf of the Jeanne Geiger Crisis Center, I am asking for City Council approval of our plans for the 3rd Annual *One Billion Rising* flashmob, scheduled for Thursday, February 12th at 5:00 pm at Market Square (located directly in front of Orange Leaf) in Newburyport, MA.

This is the third year that the Jeanne Geiger Crisis Center, The Dance Place and members of the Community have joined the "One Billion Rising," global movement to help end Violence Against Women and Girls. The event is fairly straight forward: attendees gather in Market Square, learn about *One Billion Rising* and the Jeanne Geiger Crisis Center and then perform the choreographed dance that they have previously learned and then they leave. The program begins at 5:00 pm and ends at 5:30 pm. Last year the *One Billion Rising* movement had one billion activists in 207 countries and territories come together to rise, strike, and dance, in the biggest mass action in human history, to demand an end to violence against women and girls.

For your review, I have enclosed some information about the One Billion Rising movement. Also enclosed, please find our completed event application with approvals from Department of Public Works, Police and Fire departments as well as a certificate of insurance.

I hope you will look favorably upon this request. Thank you for your immediate attention to this matter. I look forward to your earliest response so that we may publicize this exciting event.

Thank you for your consideration.

Sincerely,

Suzanne C. Dubus
Chief Executive Officer

Cc: Richard B. Jones, City Clerk

Enclosure

NEWBURYPORT SPECIAL EVENT APPLICATION

SPECIAL EVENTS

Tel. (978)-465-4407 Fax. (978)-462-7936

(For Parades, Road Races and Walkathons Only - Please complete reverse side of this application)

NAME OF EVENT: One Billion Rising / Jeanne Geiger Crisis Center

1. Date: 2.12.14 Time: from 5:00 to 5:30
Rain Date: none Time: from _____ to _____

2. Location: Market Square

3. Description of Property: Center of town in front of Orange Leaf Public Private _____

4. Name of Organizer: Kelly Majewski City Sponsored Event: Yes _____ No

Contact: Jeanne Geiger Crisis Center Person: _____

Address: 2 Harris Street, NBPT, MA 01950 Telephone: _____

E-Mail: kmajewski@jeannegeigercrisiscenter.org Cell Phone: 978-764-8162

Day of Event Contact & Phone: 978-764-8162

5. Number of Attendees Expected: 50 - 100

6. MA Tax Number: 22-2474823

7. Is the Event Being Advertised? yes Where? Newspapers, Social media

8. What Age Group is the Event Targeted to? Adults & children - all ages

9. Have You Notified Neighborhood Groups or Abutters? Yes _____ No Who? _____

It's down town & will not affect any neighbors

ACTIVITIES: (Please check where applicable.) Subject to Licenses & Permits from Relevant City Departments

A. Vending: Food _____ Beverages _____ Alcohol _____ Goods _____ Total # of Vendors _____

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music _____ DJ _____ Radio/CD _____
Performers _____ Dancing Amplified Sound _____ Stage _____

C. Games / Rides: Adult Rides _____ Kiddie Rides _____ Games _____ Raffle _____
Other _____ Total # _____

Name of Carnival Operator: _____

Address: _____

Telephone: _____

D. Clean Up: # of additional trash receptacles required _____ # of additional recycling receptacles required _____

E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)
_____ Standard # _____ ADA accessible

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE

ROAD RACE

WALKATHON

Dance/Flash mob

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon: _____

Jeanne Geiger Crisis Center

2. Name, Address & Daytime Phone Number of Organizer: Kelly Majewski

2 Harris Street, Newburyport, MA 978-465-0999

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up _____

Kelly Majewski 978-465-0999

4. Date of Event: 2/2/15 Expected Number of Participants: 50-100

5. Start Time: 5:00 Expected End Time: 5:30

6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**): _____

7. Locations of Water Stops (if any): _____

8. Will Detours for Motor Vehicles Be Required? _____ If so, where? _____

9. Formation Location & Time for Participants: everyone will perform a

dance & then walk

11. Additional Parade Information:

• Number of Floats: _____

• Locations of Viewing Stations: _____

• Are Weapons Being Carried: Yes _____ No X

• Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No X

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHAL

4 Green Street

FIRE CHIEF

Greenleaf Street

DEPUTY DIRECTOR

1 Perry Way

CITY CLERK

60 Pleasant St.

[Signature]
Dep S/B 1/5/15
[Signature] 1/6/2015

- (f) *"Insurance"* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an insured. The policy shall be no less than two million dollars (\$2,000,000.00).
- (g) *"Event termination"* If in the judgment of the City Marshal, Fire Chief or Department of Public Services (DPS) Director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the Harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.
- (h) *"Event and traffic Security"* The City Marshal, Fire Chief, DPS Director or in the case of a triathlon, the Harbormaster can require special duty personnel to oversee the safety and security of the event. All special duty assignments will be paid by the event organizers.
- (i) *"Clean-up"* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

13-101 Enforcement

- (a) *"Regulations"* Consistent with this ordinance, the city shall promulgate regulations to enforce and otherwise implement the provisions of this ordinance upon passage by the City Council. Any event previously approved by City Council shall be deemed permitted.
- (b) *"Warning"* In the circumstance that this ordinance is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the City Clerk and City Council and may be used as a factor in future application approvals and denials.
- (c) *"Noncriminal Disposition"* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance in Subsection 1-17 of Chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in 13-101(d)
- (d) *"Violation"* The non-criminal violation shall be \$100.00 for the first offense and \$250.00 for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the City Clerk and City Council and shall be used as a factor in future application approvals and denials.

I fully understand and agree to all the terms set forth in this application. The information that I have provided is truthful and accurate. I accept all responsibility related to this event.

Signed: Kelly Neglaska

Date: 2.5.15

DEPARTMENT APPROVAL (For Committee members use only):

It will be necessary for you to obtain permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event, & others may request cash in advance payment.

Approval Required	Date: _____	Signature _____
_____	1. Special Events: _____	_____
_____	2. Police: _____	_____
	Is Police Detail Required: _____	# of Details Assigned: _____
_____	3. Traffic, Parking & Transportation: _____	_____
_____	4. ISD/Health: _____	_____
_____	5. ISD/Building: _____	_____
_____	6. Electrical: _____	_____
_____	7. Fire: _____	_____
	Is Fire Detail Required: _____	# of Details Assigned: _____
_____	8. Public Works: _____	_____
_____	9. Recreation Department: _____	_____
_____	10. License Commission: _____	_____

The Departments listed above have their own application process. Applicants are responsible for applying for and obtaining all required permits & certificates from the various individual Departments.

Limitations

- (a) *"Procedure"* All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee apply for authorization to hold the event through the Office of the City Clerk. The City Clerk upon review of the completed form will place the application on the regular City Council agenda. Upon following the procedures of the Council, as deemed appropriated in the sole judgment of the Council, the application will be considered approved if the Council votes favorably by majority. The event will name one person responsible on the application and shall provide contact information to include name, address and telephone number.
- (b) *"Exemptions"* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.
- (c) *"Course map"*, All applications shall be accompanied by a course map showing the event route, water stops, refreshment stops, and so-called "porta-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by Police, Fire, Department of Public Services, Parks Commission and Harbormasters Departments prior to submission to the City Clerk.
- (d) *"Electronic Amplifier"* Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 A.M. except for Sundays when electronic amplifiers, loud speakers or bullhorns will be used for public address announcements or music before 9:00 AM. This shall be deemed a requirement for all permitted events regardless of type or location.
- (e) *"Road Closure"* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents ten (10) days in advance that neighborhood roads will be closed if no alternate route is available to those residents.



JEANN-1

OP ID: LK

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

01/05/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Chase & Lunt LLC 65 Parker Street Newburyport, MA 01950 James J Howlett III	CONTACT NAME: Marcos W. Shaner
	PHONE (A/C, No, Ext): 978-462-4434 FAX (A/C, No): 978-465-6204 E-MAIL ADDRESS:
INSURER(S) AFFORDING COVERAGE	
INSURER A : Philadelphia Insurance Company	
INSURER B : Hanover Insurance Company	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

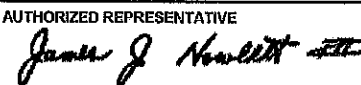
INSURED **Jeane Geiger Crisis Center**
Suzanne Dubus
2 Harris Street
Newburyport, MA 01950

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVO	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			PHPK1164596	05/07/2014	05/07/2015	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			PHUB456997	05/07/2014	05/07/2015	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WHN7795257	05/01/2014	05/01/2015	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
RE: One Billion Rising flashmob event
Location: Market Square, Newburyport, MA
Date: Thursday, February 12, 2015 at 5:00 PM

CERTIFICATE HOLDER	CANCELLATION
City of Newburyport City Hall 60 Pleasant Street Newburyport, MA 01950	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 

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ONE BILLION RISING: REVOLUTION, ONE BILLION RISING CAMPAIGN LAUNCHES THIRD YEAR

15 SEPTEMBER 2014 > V-DAY

FOR IMMEDIATE RELEASE

Contact: Susan Celia Swan / Kate Fisher [media\(@\)vday.org](mailto:media(@)vday.org); 917-865-6603 (c)

ONE BILLION RISING: REVOLUTION *One Billion Rising Campaign Launches Third Year*

Risings Will Focus on Highlighting, Creating and Envisioning New, Brave and Radical Artistic Initiatives to Bring in the New Revolutionary World of Equality, Dignity and Freedom for all Women and Girls

New Video and Images Featuring Global Activists Unveiled

15 September 2014 - Today, One Billion Rising (OBR) launched the third year of the campaign ONE BILLION RISING: REVOLUTION, building upon the first two - One Billion Rising and One Billion Rising for Justice. The last two years we've mobilized, engaged, awakened and joined people worldwide to end violence against women. The campaign highlighted the fact that violence against women is a global human issue, not relegated to country or tribe or class or religion, further exposing it as a patriarchal mandate, present in every culture of the world.

At a summit in Rome in Spring 2014, the campaign was envisioned collectively by the **One Billion Rising global coordinators**. Their shared voices - from regions around the world - came to a unanimous decision to focus on revolution and change as an escalation of our demand to end violence against women and girls once and for all. Now that we have brought the issue front and center, now that we have pushed our justice issues forward, we are not waiting anymore, this is the time for revolution, 2015 is a year for change.

ONE BILLION RISING: REVOLUTION is an energy, a platform, a global movement, a catalyst, a worldwide decision to end violence against women, a demand for justice, a paradigm shift, an invitation, a gathering of the ready, housed everywhere, housed in our hearts, you, us, REVOLUTION.

With the tagline "Drum, Dance & Rise," launches are taking place today in Dhaka, Delhi, Manila, Sarajevo, Zagreb and Guatemala City. Also, released today is the next video in OBR's signature series. The nine minute short film entitled "**One Billion Rising for Justice**" was directed by Kirithi Nath and features footage shot last year by amateur and professional cinematographers in 200 countries, as well as interviews with OBR global coordinators shot at the Rome summit.

"We've danced. We've demanded justice. Now we are demanding REVOLUTION. And only a radical shift in consciousness, and braver, bolder and more creative and determined actions can bring about change," stated Monique Wilson, Director One Billion Rising.

Risings will focus on highlighting, creating and envisioning new, brave and radical artistic initiatives to bring in the new revolutionary world of equality, dignity and freedom for all women and girls. The One Billion Rising website echoes the call for "**My revolution...**" inviting activists worldwide to post their own video and photo statements, as well as music and artwork. New content featured includes blog posts from the GABRIELA movement in the Philippines and One Billion Rising global coordinators Rada Boric (Croatia), Abha Bhaiya (India) and Karabo Tshikube (South Africa). Eve Ensler has penned a new monologue inspired by the campaign, entitled "**My Revolution Lives In This Body.**"

The guiding statements of this year's campaign were developed by the global coordinators. They are:

- LIKE US on Facebook at facebook.com/vday
- FOLLOW on Twitter @VDay #rise4revolution #1billionrising
- RECEIVE text message updates, text **BILLION** to **50555** (US only)
- READ about the campaign,
- WATCH the new short film "One Billion Rising for Justice"

BLOG updates from Global Coordinators and activists <http://www.onebillionrising.org/blog>

###

About One Billion Rising

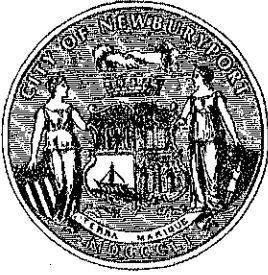
One Billion Rising was the biggest mass action in human history. The campaign, launched on Valentine's Day 2012, began as a call to action based on the staggering statistic that 1 in 3 women on the planet will be beaten or raped during her lifetime. With the world population at 7 billion, this adds up to more than ONE BILLION WOMEN AND GIRLS. On 14 February 2013, people across the world came together to express their outrage, strike, dance, and RISE in defiance of the injustices women suffer, demanding an end at last to violence against women. Last year, on 14 February 2014, One Billion Rising for Justice focused on the issue of justice for all survivors of gender violence, and highlighted the impunity that lives at the intersection of poverty, racism, war, the plunder of the environment, capitalism, imperialism, and patriarchy. Events took place in 200 countries, where women, men, and youth came together to Rise, Release, and Dance outside of court houses, police stations, government offices, school administration buildings, work places, sites of environmental injustice, military courts, embassies, places of worship, homes, or simply public gathering places where women deserve to feel safe but too often do not. The campaign was covered widely by media in all corners of world including *The New York Times*, *The Guardian*, *NPR*, and many more. www.onebillionrising.org. Visit www.onebillionrising.org

[PREVIOUS POST](#)

[NEXT POST](#)

**APPOINTMENTS
FIRST READING**

Appointment #1
January 12, 2015



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 550

NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

DEC -9 P 1:22

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: December 9, 2014
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Fruit Street Local Historic District. This term will expire on December 1, 2017.

Marian Leighton Levy
323 Merrimac Street
Newburyport, MA 01950

2. December 2014
323 Merrimac St.
Newburyport, MA 01950

TO: Mayor Donna Holaday
Whomever Else It May Concern

FROM: Marian Leighton Levy

RE: Fruit Street LHD Commission

I am writing to express my interest in becoming
a member of the Fruit St. LHD Commission.

If selected, I will do my best to be a responsible,
constructive, and thoughtful contributor. Also
enclosed is a brief resume of my background.

Sincere regards,

Marian Leighton Levy
Marian Leighton Levy

Marian Leighton Levy

Brief Resume

Education:

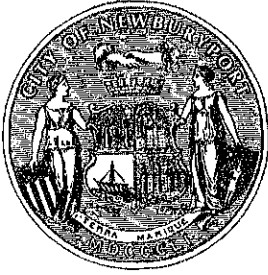
B.A. Clark University, 1970, cum laude, European History
M.A. Northeastern University, 1976, Modern European History
Courses completed at the Extension School, Harvard University,
M.A. English Language and Literature
Certificate One-Year Program, Graduate School of Psychoanalysis,
Brookline, MA.

Co-founder Rounder Records, 1970-present.

Resident of Newburyport since September, 1985.
Restored two houses: 96 High St. and 17 Federal St.
Board member of Historical Society of Old Newbury, 1994-1996
Board Member Newburyport Preservation Trust 2005-2006 approx.

Board member of the Blues Foundation in the past
Board member of the International Bluegrass Music Museum in
the past.

For additional information:
mlevy@rounder.com
978-270-1924



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

Re-Appointment #2
January 12, 2015

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA

2014 DEC 29 P 2:07

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: December 29, 2014
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Conservation Commission. This term will expire on June 1, 2017.

James D. O'Brien
8 67th Street
Newburyport, MA 01950

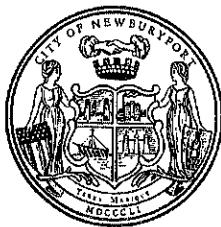
END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

**APPOINTMENTS
SECOND READING**

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 24, 2014

THAT pursuant to General Laws Chapter 82, Sections 21 and 32A the City Council of the City of Newburyport hereby abandon and discontinue permanently a portion of Harnch's Way (a public way) as shown on a plan, a copy of which is on file with the City Clerk and Office of Planning & Development, entitled "*2 Ferry Road Discontinuance*," prepared by DGT Survey Group - North Shore and dated 10-12-12. Said portion of Harnch's Way hereby abandoned and discontinued is bounded and described, according to said plan, as the area labeled "Portion of Harnchs Way to be Discontinued," consisting of approximately 731 sq.ft.

Said portion of Harnch's Way is hereby declared abandoned and is unused for ordinary travel and the common convenience and necessity no longer requires this portion of the public way to be maintained in a condition reasonably safe and convenient for travel. The City shall no longer be bound to keep such way or portion thereof in repair.

Councillor Thomas F. O'Brien
Councillor Larry Giunta, Jr.

In City Council November 24, 2014

Motion to refer to Planning & Development by Councillor Connell, seconded by Councillor Cameron. Motion withdrawn. Motion to Table by Councillor Giunta, seconded by Councillor Cameron. So voted.

In City Council December 8, 2014

Motion to remove from the Table by Councillor Cameron, seconded by Councillor Giunta. So voted. Motion to Table by Councillor Cameron, seconded by Councillor Giunta. So voted.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 12, 2015

THAT the City of Newburyport adds the following referendum on the official ballot at the next regular municipal election of November 3, 2015:

“Shall fluoridation of the public water supply for domestic use in the City of Newburyport be continued?”

Councillor Ari B. Herzog
Councillor Meghan C. Kinsey

ORDINANCES

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 27, 2014

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES.

Chapter 13 Traffic and Motor Vehicles
Article IV Specific Street Schedules
Division 6 Stopping, Standing and Parking
§ 13-179 Handicapped Parking

No person without a duly authorized handicapped vehicle registration or placard, as described in MGL, Chapter 90, § 2, shall park in the following described parking space as designated by signs and symbols:

ADD:

Purchase Street

One (1) space in front of the Emma Andrews Library at 77 Purchase Street

Councillor Allison Heartquist

In City Council October 27, 2014

Motion to refer to Public Safety by Councillor Herzog, seconded by Councillor Connell. So voted.

In City Council November 24, 2014

Motion to remove by Councillor Cronin, seconded by Councillor Tontar. So voted. Motion to approve first reading as amended and order published by Councillor Cronin seconded by Councillor Tontar. Roll call vote, 11 yes. So voted.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 24, 2014

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

Be it ordained by the City Council of the City of Newburyport as follows:

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-168	Parking restricted on certain streets

Amend:

No person shall park any vehicle on the following streets or portions of streets as indicated below:

Street	Extent
Court Street	On the westerly side from High Street to Washington Street.

Councillor Robert J. Cronin

In City Council November 24, 2014

Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Tontar. So voted.

In City Council December 8, 2014

Motion to waive the rules and remove from committee by Councillor Cronin, seconded by Councillor Giunta. So voted. Motion to approve 1st reading and order published by Councillor Cronin, seconded by Councillor Giunta. Roll call vote, 11 yes. So voted.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 12, 2015

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

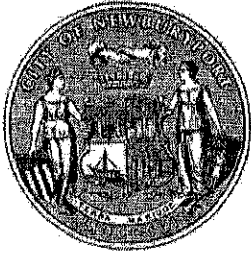
Be it ordained by the City Council of the City of Newburyport as follows:

Zoning Ordinance Amendment:

Section III-C: Zoning Map

THAT the Zoning Map of said Zoning Ordinance entitled "Zoning Map of the City of Newburyport" be amended pursuant to Section III-D "Changes to Zoning Map" such that a portion of the R3 Zone between Route 1 and State Street is hereby changed to an R2 Zone, said area to include all such parcels of land so depicted on the attached map entitled "Back Bay Neighborhood Zoning Change - Revised Proposal (from neighborhood petition)," prepared by the Office of Planning & Development and dated December 17, 2014.

Councillor Robert J. Cronin



CITY OF NEWBURYPORT
OFFICE OF PLANNING AND DEVELOPMENT
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4400 • (978) 465-4452 (FAX)

TO: **City Council / Planning & Development Committee**

FROM: **Andrew R. Port, Director of Planning & Development**

CC: **Planning Board**

DATE: **December 23, 2014**

RE: **Back Bay Neighborhood Zoning Map Change**

The Planning Board and City Council Planning & Development (P&D) Committee held a Joint Public Hearing regarding the above referenced zoning map change on December 3, 2014. It is anticipated that the Council will take action on this proposed zoning amendment at the next (January 12, 2015) regular meeting.

Planning Board Recommendation

In accordance with the procedures established in Massachusetts General Laws (M.G.L.) Chapter 40A §5 and Chapter 12 of the Newburyport Zoning Ordinance (NZO), the Planning Board offers this report with recommendation on the proposed zoning map amendment:

That the proposed zoning map change be adopted, as amended at the time of the public hearing, to include only those parcels of land so depicted on the attached map entitled "Back Bay Neighborhood Zoning Change – Revised Proposal (from neighborhood petition)," prepared by the Office of Planning & Development and dated December 17, 2014, subject only to the removal of the Cherry Street medical office building (Assessors Map 36 Lot 25) from the proposed map change. Please note that this recommendation differs slightly from the final recommendation of the Planning & Development Committee (below).

Planning & Development Committee Recommendation

Please note that the Planning & Development Committee reviewed this proposed zoning map change and recommended that the proposed zoning map change be adopted, as amended at the time of the public hearing, to include only those parcels of land so depicted on the attached map entitled "Back Bay Neighborhood Zoning Change – Revised Proposal (from neighborhood petition)," prepared by the Office of Planning & Development and dated December 17, 2014. A copy of this map (depicting the revised zoning map change for approval) is attached hereto for your reference.

Conclusion

In summary, the Planning Board (along with the Planning & Development Committee) has recommended that the Council vote to adopt the proposed zoning map change (*as amended in Committee to include those parcels of land referenced in the original neighborhood petition*). Thank you for the opportunity to comment on the proposed zoning amendment.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

JANUARY 12, 2015

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

Be it ordained by the City Council of the City of Newburyport as follows:

Chapter 13: TRAFFIC AND MOTOR VEHICLES
Article IV: Specific Street Schedules
Division 4: Stop Intersections
Section 13-136: Designated

The following streets are designated as stop intersections and vehicles traveling thereon shall come to a complete stop before entering such intersections:

Delete:

Beacon Avenue: Northeastbound drivers on Beacon Avenue at Oak Street.

Amend to state as follows:

Beacon Avenue: Northeastbound and southwestbound drivers on Beacon Avenue at Oak Street.

Oak Street: Northwestbound and southeastbound drivers on Oak Street at Beacon Avenue.

Councillor Allison Heartquist

COMMITTEE ITEMS

BUDGET AND FINANCE



Transfer #1
December 8, 2014

City of Newburyport

FY 2015
BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2014 DEC - 3 A 10:35

Department: Mayor's Office
Submitted by: Mayor Donna D. Holaday **Date Submitted:** 12/2/2014

Transfer From:

Account Name	<u>General Fund - Free Cash</u>	YTD Bal:	<u>\$ 2,040,809.00</u>
Account Number:	<u>01-35900</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$21,865.43</u>	Trans Out:	<u>\$ -</u>
Why are Funds Available:	<u>The Massachusetts Department of Revenue certified Free Cash for FY2015 at \$2,373,046. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.</u>		

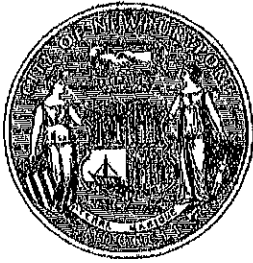
Transfer To:

Account Name	<u>Essex North Shore Tech School</u>	YTD Bal:	<u>\$ -</u>
Account Number:	<u>01398002-63202</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$21,865.43</u>	Trans Out:	<u>\$ -</u>
Why are Funds Required:	<u>To pay tuition and transportation costs for a Newburyport student attending the Essex North Shore Agricultural & Technical School District (see explanatory memo).</u>		

Donna D. Holaday, Mayor
Ethan R. Manning, Auditor
City Council Approval: (Stamp)

Donna D. Holaday
Ethan R. Manning

Date: 12/2/14
Date: 12/2/14



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: December 2, 2014
Subject: Transfer to Essex North Shore Agricultural & Technical School District

The attached transfer request is to appropriate funds to pay FY 2015 tuition and transportation costs for a Newburyport student attending Essex North Shore Agricultural & Technical School District. As you may know, this is a new school district that resulted from the merger of the Essex County Agricultural High School and North Shore Regional Vocational Technical High School.

Prior to the merger, cities and towns that sent resident students to the former Essex Country Agricultural High School were assessed tuition and other costs directly on the Cherry Sheet, as the school was governed by Essex County. Given the reorganization, the state is no longer collecting funds via the Cherry Sheet and payments must be made directly to the new school district.

The City was recently made aware of one student who is enrolled for the 2014/2015 academic year and is responsible for \$18,294.00 in tuition and \$3,571.43 in transportation costs under Chapter 74 of M.G.L., totaling \$21,865.43. This was an unexpected cost, which is why I am requesting a transfer from Free Cash. A new line item will be created starting with the FY 2016 operating budget to account for anticipated costs going forward.

Communication #2
December 8, 2014

Newburyport Retirement Board
60 Pleasant Street, City Hall
Newburyport, MA 01950

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

NOV 25 A 11: 03

Board Members

- Alexander Kravchuk, Chairman
- Jeffrey Cutter, Elected
- Joseph Spaulding, Elected
- Ethan Manning, City Auditor
- John Moak, Appointee

Laurie Burton, Executive Director
 LaurieBurton@NewburyportRetirement.org
Telephone
 (978) 465-6619
FAX
 (978) 462-4042

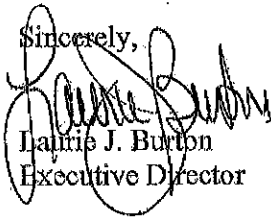
November 20, 2014

To: President and Members of the City Council
 From: Newburyport Retirement Board
 Re: Retirement Board Expense Budget C/Y 2015

Section 36 of Chapter 306 of the Acts of 1996 states that the Retirement Board shall file with the legislative body of the governmental unit an annual budget (and any supplemental budgets) covering the operating expenses of the Retirement Board.

We are filing this budget with you for informational purposes only. No action need be taken by you, as these expenses will be funded from the investment income of the Newburyport Retirement System.

Sincerely,

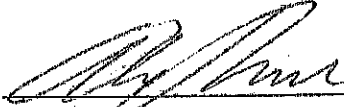


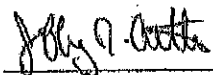
Laurie J. Burton
Executive Director

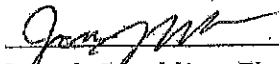
Administrative Budget for the Newburyport Retirement Board

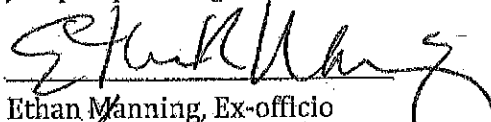
January 1, 2015 - December 31, 2015

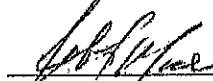
Administrative expenses	11,692
Board stipends	25,000
Conferences/travel	3,300
Contracts & software support	21,975
Education & training	1,700
Fiduciary insurance	3,800
Furniture & equipment	500
Legal	3,500
Office expenses	11,940
<u>Salaries</u>	<u>113,358</u>
Total	196,765


Alexander Kravchuk, Chairman


Jeffrey Cutter, Elected


Joseph Spaulding, Elected


Ethan Manning, Ex-officio


John Moak, Appointee

Estimate paid 2014
Investment fees \$215,000
Pensions/annuities \$5,778,524

PLANNING & DEVELOPMENT

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 23, 2014

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

Be it ordained by the City Council of the City of Newburyport as follows:

Zoning Ordinance Amendment:

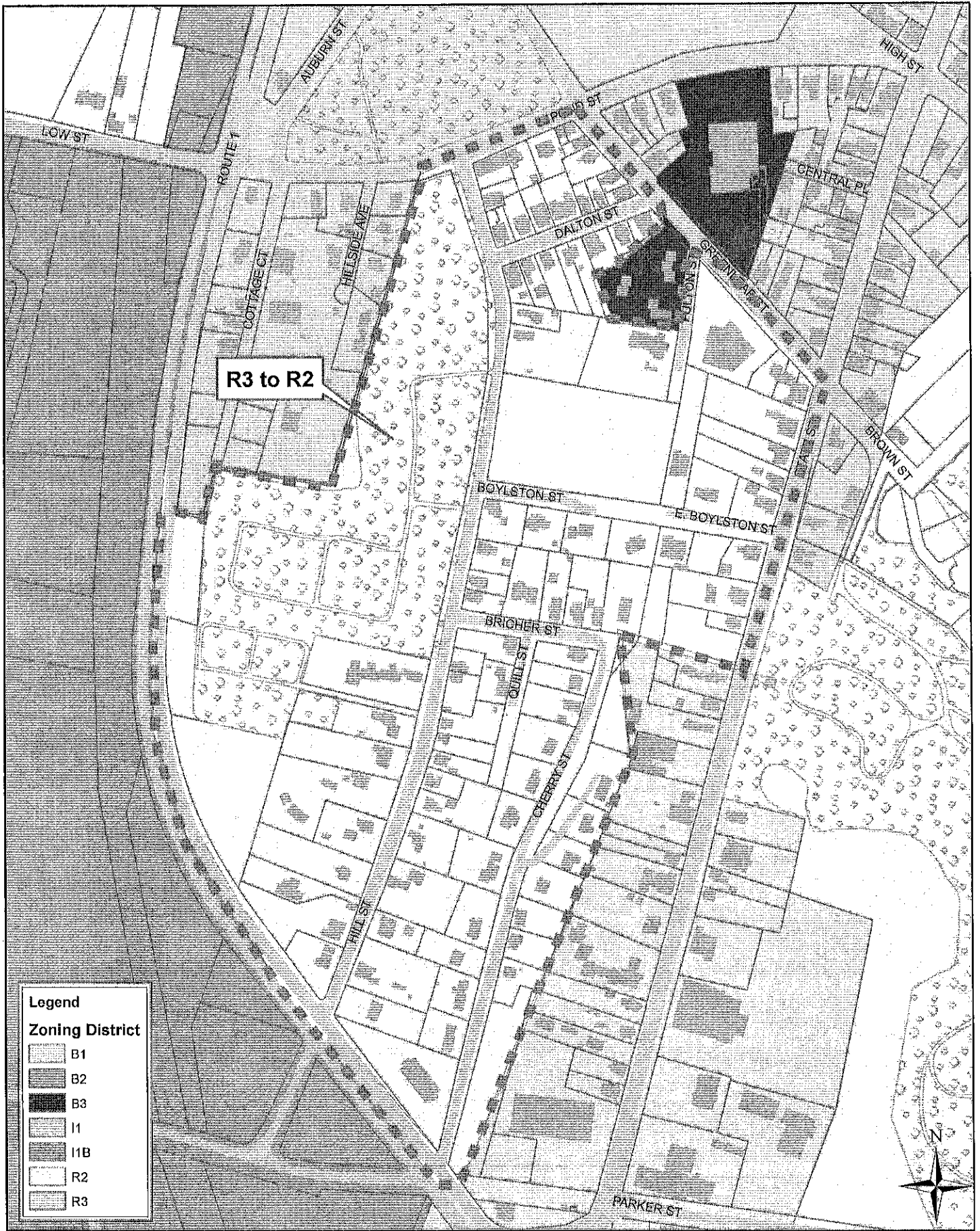
Section III-C: Zoning Map

THAT the Zoning Map of said Zoning Ordinance entitled "Zoning Map of the City of Newburyport" be amended pursuant to Section III-D "Changes to Zoning Map" such that the R3 Zone between Route 1 and State Street is hereby changed to an R2 Zone, said area to include all such parcels of land so depicted on the attached map entitled "Back Bay Neighborhood Zoning Change - Proposed," prepared by the Office of Planning & Development and dated September 23rd, 2014.

Councillor Robert J. Cronin

In City Council September 29, 2014

Motion to refer to Planning & Development and the Planning Board by Councillor Cronin, seconded by Councillor Herzog. So voted.



Back Bay Neighborhood Zoning Change - Proposed

PUBLIC SAFETY

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

December 8, 2014

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

Be it ordained by the Newburyport City Council:

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing, and Parking
Section 13-184	Handicapped Parking Regulations

EDIT first sentence to change M.G.L.A. to M.G.L.

ADD in the first sentence of (1), "For" in front of the word "requiring."

REPLACE in the first sentence of (1)(a), "Any ordinance or by-law made hereunder shall require" with "This section requires."

DELETE (b) and all subsequent text, **REPLACE** as follows:

(b) Parking spaces designated as reserved under paragraph (a) shall be identified by the use of above-grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking; Special Plate Required. Unauthorized Vehicles May be Removed at Owner's Expense". The spaces shall be as near as possible to a building entrance or walkway, shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person and shall be at least 8 feet wide, not including the cross hatch access aisle as defined by the architectural access board established in section 13A of chapter 22. The cross hatch access aisle abutting a handicapped parking space shall be considered part of the handicapped parking space to which it abuts to provide individuals who use wheelchairs or other mobility aids with sufficient space to enter and exit their vehicles. No person shall park in the cross hatched access aisle.

(2) For prohibiting or regulating the standing or leaving of vehicles unattended within parking spaces designated as reserved for vehicles owned and operated by disabled veterans or handicapped persons and within certain other areas.

(a) This section prohibits leaving unauthorized vehicles within parking spaces, including the cross hatch areas, designated for use by disabled veterans or handicapped persons as authorized by clause one (1) or in such a manner as to obstruct a curb ramp designed for use by a handicapped person as a means of egress to a street or public way.

(b) The penalty for a violation made under this section is \$100 for the first offense and \$200 for each subsequent offense; and the vehicle may be removed in accordance with section 22D. This penalty is not a surchargeable offense under section 113B of chapter 175.

Councillor Ari B. Herzog