

**CITY COUNCIL MEETING AGENDA - VERSION 1**

**March 17, 2014**

**7:30PM**

(Sound Check)

1. **MOMENT OF SILENCE**
2. **PLEDGE OF ALLEGIANCE**
3. **CALL TO ORDER**
4. **LATE FILE ITEMS**
5. **PUBLIC COMMENT**
6. **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.

**7. APPROVAL OF MINUTES**

February 24, 2014

(Approve)

**8. COMMUNICATIONS**

1. Great Bay Autobody –Marine Second Hand MV License renewal (Approve)
2. Newburyport representative to Whittier Vocational Tech School Com (R&F)
3. Central Congregational Church 11<sup>th</sup> Annual Chocolate Tour May 17, 2014 (Public Safety)
4. Merrimack Valley Planning Commission Newburyport share (B&F)
5. Block Party Cherry Hill Soccer Field Parking Lot, May 31, 2014 (License & Permits)
6. Storey Avenue Sign De-Clutter letter request (Public Safety)
7. Retirement Board Cost of Living Adjustment Meeting April 24, 2014 (R&F)
8. DEP Written Determination Merrimac Ale House, 40 Merrimac St. (R&F)
9. Coastal Trails Coalition Slow Bike Race July 30, 2014 (Public Safety)
10. Renewal of Outdoor Seating, Purple Onion, Inn Street (Approve)
11. Chamber of Commerce Support Your Home Town Team (R&F)

**9. APPOINTMENTS-First Reading**

- |    |                           | <b>Appointment</b>    |                                      |                |
|----|---------------------------|-----------------------|--------------------------------------|----------------|
| 1. | Peter J. Finnegan         | 3 Noble Street        | Special Police Officer               |                |
| 2. | Christopher Michael Carey | 25 Temple St          | Commission on Disabilities           | March 31, 2017 |
|    |                           | <b>Re-Appointment</b> |                                      |                |
| 3. | Jane Healey               | 38 Winter Street      | Community Preservation Committee     | March 1, 2017  |
| 4. | Linda Smiley              | 7 Atwood Street       | Community Preservation Act Committee | April 1, 2017  |
| 5. | Dr. Robin Blair           | 18 Market Street      | Board of Health                      | March 31, 2017 |

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**10. TRANSFERS**

1. Mayor Gen Fd Free Cash \$409,676.48 to Sidewalk repairs \$105,562.48; Hazard Tree Removal \$9000; Storage Area Network Device \$20,150; Color Copier/Scanner \$4800; Mowers \$7500; Landscape Trailers \$9500; Oil Pump System \$15,000; City Hall Carpet Replacement \$18,196; Defibrillators \$9800; Emma Andrews Ramp \$10,755; Library Roof Repairs \$1500; Twin fire engines \$115,000; Bus. & Ind. Park Signage \$11,810; Brown School Re-use Feasibility Study \$40,000; Parks Equip. Repair/upgrade \$17,525; Atkinson Common Improvements \$13,578

**11. COMMUNICATIONS**

12. DCR Purchase Announcement
13. Letter regarding Water & Sewer payment plans
14. Response Water & Sewer payment plans

**12. APPOINTMENTS-First Reading**

- |    |                      | <b>Appointment</b> |                    |
|----|----------------------|--------------------|--------------------|
| 6. | Susanne F. Gallagher | 3 Garnet St        | Board of Registrar |

### 13. APPOINTMENTS-Second Reading

		<b>Appointment</b>	
7.	Katherine D. Preftes 6 H Street	Commission on Diversity & Tolerance	Feb. 1, 2017
		<b>Re-Appointment</b>	
8.	William K. Todd 8 Foster Court	Historical Commission	January 1, 2017
9.	Patricia M. Spalding 5 Bricher Street	Highland Cemetery Commission	Feb. 1, 2017

### 14. ORDERS

1. Amend Revolving Fund expenses
2. Resolution Public Service Recognition Week May 4 – 10, 2014
3. Community Preservation Committee \$356,765.98 balance to open space
4. Resolution Earth Hour

### 15. ORDINANCES

1. 2<sup>nd</sup> Reading Amend Ord. 13-168 Franklin St., no parking
2. 2<sup>nd</sup> Reading Amend Ord. 13-180 Parking Resident Fair St Temple St
3. 2<sup>nd</sup> Reading Amend Ord. 13-180 Fair Street, Resident Parking between Water & Liberty
4. Amend Ch.4, Article II, Div. 4, Subdiv A 4-72 Definitions add paddleboards
5. Amend Ch.4, Article II, Div. 4, Subdiv B 4-80 Windsurfing add paddleboards
6. Amend Ch.6.5, Article III Plastic Bags

### 16. COMMITTEE ITEMS

#### Budget & Finance

##### *In Committee:*

1. City Clerk Contract \*02/10/2014

#### General Government

#### Joint Education

#### License & Permits

##### *In Committee:*

1. Second Hand Motor Vehicle License Renewal – Chanard Limousine Sales, Inc \*01/13/2014
2. Movable Sign Application Newburyport Brewing Company \*02/10/2014
3. Newburyport Lions Club Eyeglass Box \*02/24/2014

#### Neighborhoods and City Services

#### Planning & Development

##### *In Committee:*

1. Off-Street Parking Regulations – Zoning (and Committee of the Whole) \*01/27/2014
2. Interim Demolition Control Overlay District – Zoning (and Committee of the Whole) \*02/24/2014
3. Interim Downtown Overlay District – (IDOD) (and Committee of the Whole) \*01/27/2014

#### Public Safety

##### *In Committee:*

1. Patriots for American Veterans, Inc. Spring Walk for Troops April 27, 2014 \*02/24/2014

#### Public Utilities Committee

##### *In Committee:*

1. G.L. c. 164 s. 134 Electrical Aggregator Resolution (and Committee of the Whole) \*02/10/2014

#### Rules Committee

### 17. GOOD OF THE ORDER

### 18. ADJOURNMENT

# CONSENT AGENDA

**CITY COUNCIL MEETING MINUTES - VERSION 1**

**February 24, 2014**

**7:30PM**

Acting Council President Connell called the meeting to order at 7:30 pm. A moment of silence was held. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cronin, Eigerman, Giunta, Heartquist, Herzog, Kinsey, Tontar, Vogel, Cameron and Connell.

10 present, 1 absent (O'Brien).

**1. LATE FILES – Communications #3 & #4 and Order #2**

**Motion to waive the rules and allow late files by Councillor Cameron, seconded by Councillor Herzog. So voted.**

**2. PUBLIC COMMENT**

- |                      |                  |                                      |
|----------------------|------------------|--------------------------------------|
| 1) Frank Peluso      | 11 Doe Run Drive | Spring Walk for the Troops           |
| 2) Mark Quinlin      | Lion's Club      |                                      |
| 3) Katherine Preftes | 6 H Street       | Commission for Diversity & Tolerance |

**3. MAYOR'S COMMENT**

**The Mayor delivered a proclamation on Diversity and Tolerance and introduced members of the Committee.**

**CONSENT AGENDA**

**4. APPROVAL OF MINUTES**

February 10, 2014 (Approved)

**5. TRANSFERS**

- |   |            |
|---|------------|
| 1. Mayor Gen Fund Free Cash \$8,000 to Board Registrars Elections \$8,000                                     | (Approved) |
| 2. Auditor Ins Claims RSV APP \$7,077.66 to Emer. Mgmt Maint Bld \$5,000, to School Dept. Expenses \$2,077.66 | (Approved) |

**6. COMMUNICATIONS**

- |   |                     |
|---|---------------------|
| 1. Patriots for American Veterans, Inc. Spring Walk for Troops April 27, 2014 | (Public Safety)     |
| 2. Newburyport Lions Club Eyeglass Box  | (License & Permits) |

**7. APPOINTMENTS-First Reading**

- |                         |                  |                                     |                 |
|-------------------------|------------------|-------------------------------------|-----------------|
| <b>Appointment</b>      |                  |                                     |                 |
| 1. Katherine D. Preftes | 6 H Street       | Commission on Diversity & Tolerance | Feb. 1, 2017    |
| <b>Re-Appointment</b>   |                  |                                     |                 |
| 2. William K. Todd      | 8 Foster Court   | Historical Commission               | January 1, 2017 |
| 3. Patricia M. Spalding | 5 Bricher Street | Highland Cemetery Commission        | Feb. 1, 2017    |

**END OF CONSENT AGENDA**

**Motion to approve the Consent Agenda as amended by Councillor Cameron, seconded by Councillor Tontar. So voted.**

## REGULAR AGENDA

### 8. COMMUNICATIONS

3. LATE FILE Disclosure Statement Clerk

**Motion to approve by Councillor Cronin, seconded by Councillor Cameron. So voted.**

4. LATE FILE Mayor's Update

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

### 9. APPOINTMENTS-Second Reading

#### Appointment

- |                   |                   |                                  |               |
|-------------------|-------------------|----------------------------------|---------------|
| 4. Linda Smiley   | 7 Atwood Street   | Community Preservation Act Com.  | April 1, 2014 |
| 5. Adam R. Hayden | 76 Longfellow Dr. | Ass't Harbormaster/Spec. Pol Off | Dec. 31, 2014 |

#### Re-Appointment

- |                      |                |                            |                |
|----------------------|----------------|----------------------------|----------------|
| 6. Steven D. Hines   | 54 Ferry Road  | Harbor Commission          | March 31, 2017 |
| 7. Beverly MacBurnie | 3 Magnolia St. | Atkinson Common Commission | March 31, 2017 |

**Motion to approve second reading collectively by Councillor Cameron, seconded by Councillor Tontar. Roll call vote, 10 present, 1 absent (O'Brien). So voted.**

### 10. ORDERS

1. Master Plan Steering committee Special Municipal Employees

**Motion to approve by Councillor Cameron, seconded by Councillor Kinsey. So voted.**

2. LATE FILE Council Cable Advisory appointee

**Motion to approve by Councillor Cameron, seconded by Councillor Cronin. 9 yes, 1 recused (Herzog), 1 absent (O'Brien). So voted.**

### 11. COMMITTEE ITEMS

#### Budget & Finance

##### *In Committee:*

1. Mid-Year Budget Report

**Motion to remove by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to receive and file by Councillor Tontar, seconded by Councillor Cronin. So voted.**

2. Full Time Parks Director \*01/27/2014

**Motion to remove by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Kinsey. So voted.**

3. City Clerk Contract \*02/10/2014

4. Letter Supporting Full Time Parks Director Position \*02/10/2014

**Motion to remove by Councillor Tontar, seconded by Councillor Cronin. So voted. Motion to receive and file by Councillor Tontar, seconded by Councillor Cameron. So voted.**

#### General Government

#### Joint Education

#### License & Permits

##### *In Committee:*

1. Second Hand Motor Vehicle License Renewal – Chanard Limousine Sales, Inc \*01/13/2014
2. Movable Sign Application Newburyport Brewing Company \*02/10/2014

## Neighborhoods and City Services

### Planning & Development

#### *In Committee:*

1. Off-Street Parking Regulations – Zoning (and Committee of the Whole) \*01/27/2014
2. Interim Demolition Control Overlay District – Zoning \*01/27/2014

**Motion to remove by Councillor Cameron, seconded Councillor Connell. So voted. Motion to refer to Planning & Development and Committee of the Whole by Councillor Cameron, seconded by Councillor Connell. So voted.**

3. Interim Downtown Overlay District – (IDOD) (and Committee of the Whole) \*01/27/2014

### Public Safety

#### *In Committee:*

1. Greater Newburyport Chamber of Commerce 2014 festivals and events \*02/10/2014

**Motion to remove by Councillor Cronin, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Kinsey. So voted.**

2. Soldiers Assistance Fund Flag Day 5k June 14, 2013 \*02/10/2014

**Motion to remove by Councillor Cronin, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Tontar. So voted.**

### Public Utilities Committee

Councillor Herzog stated that there will be a meeting of the committee on March 17, 2014 at 6:30pm.

#### *In Committee:*

1. G.L. c. 164 s. 134 Electrical Aggregator Resolution (and COW) \*02/10/2014

### Rules Committee

#### *In Committee:*

- City Council Rule 8a \*01/13/2014

**Motion to remove by Councillor Cronin, seconded by Councillor Giunta. So voted. Motion to amend by Councillor Cronin, seconded by Councillor Eigerman. Motion to approve as amended by Councillor Cronin, seconded by Councillor Giunta. So voted.**

## 12. GOOD OF THE ORDER

Councillor Cronin recommended a payment plan policy for Water and Sewer billing at the suggestion of President pro tempore Connell and Councillor Cameron. Councillor Cronin agreed to draft the appropriate letter from the Council to the necessary contacts on the Water & Sewer Board and file with the Council for March 17, 2014.

## 13. ADJOURNMENT

**Motion to adjourn at 8:22pm by Councillor Cameron, seconded by Councillor Cronin. So voted.**

# COMMUNICATIONS

THE COMMONWEALTH OF MASSACHUSETTS

City OF Newburyport

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2014 FEB 25 11:52 AM

**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? Stephen K. Jayne - Great Bay Autobody - Naime

Business address of concern. No. 2 Melvin Court St.,  
Newburyport City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? \_\_\_\_\_  
Limited Liability Partnership (LLP)

3. If an individual, state full name and residential address.  
Stephen K. Jayne, 2 Melvin Ct., Newburyport, MA 01950

4. If a co-partnership, state full names and residential addresses of the persons composing it.  
Stephen K. Jayne, 2 Melvin Ct., Newburyport, MA 01950  
Cynthia L. Jayne, 2 Melvin Ct., Newburyport, MA 01950

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? \_\_\_\_\_  
Is your principal business the buying and selling of second hand motor vehicles? \_\_\_\_\_  
Is your principal business that of a motor vehicle junk dealer? \_\_\_\_\_



January 29, 2014

Stephen K. Jayne  
2 Melvin Ct.  
Newburyport, MA 01950

Re: Bond #70447087 - Stephen K. Jayne  
\$25,000.00 - Second Hand Motor Vehicle Dealer  
Company Code: 601 - Western Surety Company

Thank you for your inquiry regarding the above referenced bond.

This document is to serve as notice that payment in full has been remitted for the term of January 22, 2014 through January 22, 2017. This type of bond remains in full force and effect without a renewal bond or Continuation Certificate.

If you have any questions, please contact your local agent.

**We are excited to offer new payment options through CNA Surety ePay!** Pay for your bond/policy premium online using your own credit/debit card or ACH at your convenience 24 hours a day. Simply go to: [onlinepay.cnasurety.com](http://onlinepay.cnasurety.com) and follow the easy-to-use prompts. You can pay your bill in minutes, saving you time and money.



**NEWBURYPORT PUBLIC SCHOOLS**

70 LOW STREET

NEWBURYPORT, MASSACHUSETTS 01950-4086

**Communication #2  
March 17, 2014**

OFFICE OF THE SUPERINTENDENT

TELEPHONE 978.465.4456  
FAX 978.462.3495

February 18, 2014

William DeRosa, Superintendent  
Whittier Regional Vocational  
115 Amesbury Line Rd.  
Haverhill, MA 01830

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2014 FEB 24 A 7:53

Dear Bill:

It is my pleasure to inform you that the Newburyport School Committee unanimously voted to re-appoint Brett Murphy as a Newburyport representative to the Whittier Vocational Technical School Committee for another three year term on February 3, 2014.

Please feel free to call or e-mail me with any other information that you may need. Thank you.

Sincerely,

Susan L. Viccaro  
Superintendent of Schools

cc. Mayor Donna Holaday  
Thomas O'Brien, City Council President  
Richard Jones, City Clerk ✓



CENTRAL CONGREGATIONAL CHURCH  
AN OPEN AND AFFIRMING CHURCH OF THE UNITED CHURCH OF CHRIST  
14 Titcomb Street P.O. Box 372 Newburyport, Massachusetts 01950  
978-465-0533  
The Reverend Christopher Ney, Pastor

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2014 FEB 24 P 12:13

February 24, 2013

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

Dear Mr. O'Brien:

On behalf of the Central Congregational Church of Newburyport, we would like to request permits relating to our upcoming 11<sup>th</sup> Annual Newburyport Chocolate Tour to be held Saturday, May 17, 2014 from 1:00 to 5:00 pm.

We would like permission to place a table and tent in front of the Unitarian Church Hall on Pleasant Street from 10:00 am to 5:00 pm, where we will be greeting registrants of the fundraiser. In addition we would like to place a small table in Market Square to sell additional tickets. In the past we have also found having three sandwich signs advertising the event have been helpful. If granted this permission, we would place the signs as before, one in Market Square, one at the Tannery, and one at Inn Street Common.

At the conclusion of the Tour, all tables, tent and signs would be quickly removed, no later than 5:30 pm

Thanks for your support of this event. Please feel free to call me with any questions at 978-463-4995.

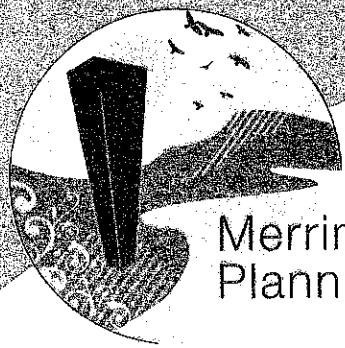
Sincerely,

Deborah E. Aldrich  
Chocolate Tour Co-Chair

Communication #4  
March 17, 2014

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 FEB 27 P 3:23  
February 24, 2014



Merrimack Valley  
Planning Commission  
*plan \* develop \* promote*

Julie Languirand, Treasurer  
City of Newburyport  
Pleasant Street  
Newburyport, MA 01950

Dear Ms. Languirand:

In accordance with Chapter 40B of the General Statutes and Chapter 849 of the Acts of 1969, the Merrimack Valley Planning Commission has determined the City of Newburyport's share of its Fiscal Year 2015 financial requirements to be \$5,901.63.

This amount is required by law to be paid, under the provisions of Chapter 40B and Chapter 849, on July 1, 2014 or as soon as possible thereafter.

Please send your payment to: Merrimack Valley Planning Commission  
160 Main Street  
Haverhill, Massachusetts 01830

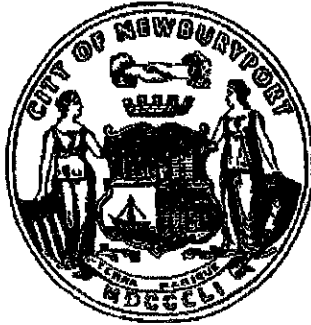
Very Truly Yours,

David Powell  
Assistant Treasurer

Enclosure

cc: Board of Assessors  
City Council





RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
MAR 18  
2014 FEB 31 A 8:33



CITY OF NEWBURYPORT  
60 PLEASANT STREET  
NEWBURYPORT, MA 01950

### BLOCK PARTY APPLICATION

Please fill out the application below and obtain the approving signatures for the street closure. Mail or drop off the completed signed application at: City Clerk's Office, City Hall, 60 Pleasant St., Newburyport, MA 01950 at least 8 business days prior to a City Council meeting. The requested Block Party needs approval by the City Council. For any questions, please contact The City Clerk's Office at (978)465-4407.

**DATE OF REQUEST:** Set Order May 31 Day 2/28/14

**CONTACT INFORMATION**

**FIRST AND LAST NAME:** Douglas Johnson

**MAILING ADDRESS:** 2 Arthur Welch Dr.

**PHONE NUMBER:** 617-413-1084

**E-MAIL ADDRESS:** djohnson@equinet.com

**BLOCK PARTY INFORMATION**

**BLOCK PARTY DATE:** Saturday, May 31, 2014

**DESIRED STREET CLOSING LOCATION:** Cherry Hill Soccer Field  
Please indicate cross streets when requesting the closing of street sections parking lot (off of Daniel Lucy Way)

**STREET TO BE BARRICADED:** none - we will close soccer entrance gate

**DESIRED STREET CLOSING TIME:** N/A  
Block Parties should run no later than 10:00 p.m.

See attached email approval from President of Newburyport Soccer, Matt McDermott



RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 MAR -3 P 12:17

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

30 January 2014

Re: Storey Ave Sign De-clutter Support Request

Dear Councilor O'Brien,

Three years ago I initiated with the City Council the concept of the "Gateways to Newburyport". The gateways to Newburyport are simply the entry points, by land and sea, to our city.

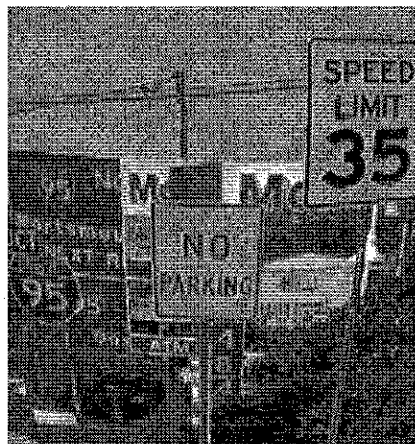
I consider our primary gateway to be Exit 57 from I-95 along Storey Ave to three roads. While the stretch from I-95 to three roads certainly needs a lot of infrastructure and safety work, I am asking the Council to support a short-term sign de-clutter effort.

Adopting a sign minimalism philosophy in the Storey Ave gateway will have a very small cost and a tremendous visual effect.

I have enlisted the help of Senator O'Connor-Ives and the Mayor. We hope to set a date with Mr. Paul Stedman, the District Highway Director soon.

**Please consider writing a letter to Mr. Stedman in support of this initiative.** (519 Appleton Street, Arlington, MA 02476)

I would be glad to come brief the appropriate City Council sub committee or the entire council at your convenience.



Thank you for your consideration.

Jim McCarthy  
Ad Hoc Sign Committee Chair  
[jimmacnbpt@comcast.net](mailto:jimmacnbpt@comcast.net)  
(978) 255-2044 home  
(978) 417-9373 cell



Communication #7  
March 17, 2014

*Newburyport Retirement Board*

60 Pleasant Street, City Hall

Newburyport, MA 01950

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

Board Members

*Alexander Kravchuk, Chairman*

*Jeffrey Cutter, Elected*

*Joseph Spaulding, Elected*

*William Squillace, City Auditor*

*John Moak, Appointee*

2014 MAR -3 P 2:14

Telephone

(978) 465-6619

FAX

(978) 462-4042

*Laurie Burton, Executive Director*

*LaurieBurton@NewburyportRetirement.org*

March 3, 2014

To: President and Members of the City Council

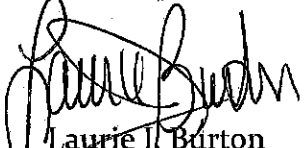
From: Newburyport Retirement Board

Re: Retirement Board Cost of Living Adjustment Meeting for Retirees

Per the provisions of Section 51 of Chapter 127 of the Acts of 1999, the Newburyport Retirement Board will be voting on a C.O.L.A. for the retirees of the Newburyport Retirement System for FY 2015 at a meeting to be held in the Mayor's conference room on the second floor of City Hall at 9:00 A.M. on April 24, 2014.

Pursuant to Chapter 32, Section 103(i), we are notifying you that the Newburyport Retirement Board will address the election of paying a Cost of Living Adjustment of up to 3% on a maximum annual base of \$12,000.

Sincerely,

  
Laurie J. Burton  
Executive Director



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 817-292-5500

RECEIVED  
NEWBURYPORT OFFICE  
2014 MAR -5 A 11:50

DEVAL L. PATRICK  
Governor

RICHARD K. SULLIVAN JR.  
Secretary

KENNETH L. KIMMELL  
Commissioner

Merrimac Ale House, LLC  
c/o Peter Ogren  
Hayes Engineering, Inc.  
603 Salem Street  
Wakefield, MA 01880

RE: **Written Determination pursuant to M.G.L. c.91  
Waterways File No. W13-3854-N  
Merrimac Ale House, 40 Merrimac St, Newburyport**

MAR 31 2014

Dear Mr. Ogren:

The Department hereby issues this Written Determination, pursuant to MGL Chapter 91, the Public Waterfront Act, and 310 CMR 9.00, the Waterways Regulations, to declare its intent to approve the referenced application, subject to the attached conditions.

Project Description

The project site measures approximately 25,030 square feet (sf), including approximately 13,812 sf at 40 Merrimac Street and approximately 11,218 sf of land owned by the Newburyport Waterfront Trust that is part of the project site. Of that area, approximately 14,076 square feet is filled private tidelands of the Merrimac River and the remainder of the site is outside of c. 91 jurisdiction. The site currently includes a building with a footprint of approximately 6,417 sf, of which approximately 2,853 sf is located on filled tidelands.

The proposed involves the reuse of an existing building for restaurant purposes. The footprint of the ground floor will not change, but the project will expand the existing second floor to add restaurant space. In addition to the restaurant, the project includes pedestrian walkways along the western and eastern sides of the building. The eastern portion of the project site, owned by the Newburyport Waterfront Trust, will be repaved for parking and site access, and will also include landscaping and a pedestrian walkway.

Regulatory Analysis

The Department is reviewing this project as a nonwater-dependent use project since it does not consist entirely of water-dependent uses in accordance with 310 CMR 9.12(1). The project is therefore subject to the nonwater-dependent use standards for projects on private tidelands at 310 CMR 9.51-52. The building is located on filled tidelands greater than 100 feet from the

shoreline and does not contain a Water-dependent Use Zone (WDUZ) since the project site does not include a shoreline; therefore the standards at 310 CMR 9.51(3)(a)-(c) are not applicable. In accordance with 310 CMR 9.51(3)(d), at least one square foot of tideland area must remain outside of the footprint of nonwater-dependent use buildings for every square foot within a nonwater-dependent use building footprint; the project meets this standard, since the building will cover approximately 2,853 sf of building, leaving approximately 11,218 sf of tidelands at the project site outside the footprint of buildings for nonwater-dependent use. Pursuant to 310 CMR 9.51(3)(e), the maximum building height allowed for this project would start at approximately 60 feet at the seaward end of the building and increase one vertical foot for every additional two horizontal feet further away from the shoreline. The proposed building reaches a maximum height of approximately 30 feet, which falls under the maximum allowable height.

The project must devote a portion of the site to public access to the shoreline in accordance with 310 CMR 9.52. Since the project site does not include a WDUZ, the applicable standard is 310 CMR 9.52(2), which requires connecting public walkways across the site toward the waterfront. The project includes walkways on both the east and west side of the project site. The east side of the site includes a walkway through the Newburyport Waterfront Trust property, as well as parking and vehicular access changes. The project will also be required to make its restrooms available to the public during its hours of operation.

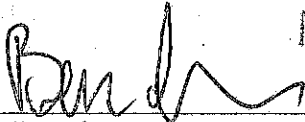
#### Findings:

1. The Department determines that proposed restaurant is a nonwater-dependent use pursuant to 310 CMR 9.12(2)(f) and 9.12(4). Given that the project does not consist entirely of water-dependent uses, the Department has processed the application as a nonwater-dependent use project in accordance with 310 CMR 9.12(1).
2. The Department determines that the approximately 14,071 s.f. of filled tidelands at the project site are private tidelands due to their location landward of the historic low water mark. The Department has no record that these filled tidelands have been previously authorized. Therefore, the applicant will be assessed a tidewater displacement fee.
3. The Department determines that relevant documentation regarding compliance with the Massachusetts Environmental Policy Act (EEA No. 14970) and planning board receipt of application, have been provided. The Newburyport Conservation Commission issued a negative Determination of Applicability for this project in response to an RDA filed in October 2012.
4. The Department determines that the required public notice was published on April 22, 2013 in the Newburyport Daily News and on April 24, 2013 in the Environmental Monitor. The comment period ran from April 24, 2013 until May 23, 2013. A public hearing was held at Newburyport City Hall on May 2, 2013. The hearing was attended by five people, including the project proponent and his representatives. Due to concerns that notice was not provided to all required parties, the hearing was continued to May 16, 2013, at which time the hearing was closed. The public comment period was then extended to May 30, 2013. Comments that were raised at the hearing and during the comment period included: concerns about the visual impact of the project, especially on the adjacent historic district; the belief that the proposed restaurant is too big; concerns that the parking demand caused by the project will affect adjacent neighborhoods and businesses, including water-dependent uses; and, questions about the ownership of the property. The hearing was attended by five people, including the project proponent and his representatives. No other comment letters were received.

5. On May 16, 2013, the Massachusetts Historical Commission (MHC) requested more information on the project. The Applicant's engineer responded to MHC's request in a June 14, 2013 letter. Upon review of the requested documents, MHC issued a letter on July 11, 2013 which included a finding of adverse effect, stating certain general design elements that needed to be changed in order to comply. In a Feb. 4, 2014 letter, MHC withdrew the adverse effect finding. Pursuant to 310 CMR 9.33(1)I &(4), the Department has determined that the project is in compliance with those standards.
6. The Applicant provided a Response to Comments document to the Department on September 6, 2013.
7. The Department determines that the project, as conditioned, complies with all applicable standards of the Waterways Regulations, including the special standards for nonwater-dependent use projects at 310 CMR 9.51-9.53. Furthermore, no overriding detriment to a public interest has been identified to overcome the presumption that the project serves a proper public purpose in accordance with 310 CMR 9.31(3). Therefore, the Department determines that the proposed project serves a proper public purpose that provides greater public benefit than detriment to the public's rights in said tidelands.

On the basis of the foregoing analysis, the Department will approve the proposed structures and uses described herein, as shown on the plans submitted with the application and as shall be modified and delineated on the final license plans in accordance with the terms of this Written Determination. This Written Determination is subject to the attached special conditions to be carried out by the referenced Applicant. These special conditions will be included, in substantially the same form, along with the standard conditions, with the final Chapter 91 Waterways license to be issued pursuant hereto. ~~This Written Determination, including the attached Special Conditions, is subject to appeal as described in more detail below.~~ The Department will grant a Waterways license, pursuant to the procedure outlined herein, if no appeals are filed within 21 days of the issuance of this Written Determination. Please contact my office at (617)292-5615 if you have any questions.

THIS DETERMINATION IS ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION ON THE DAY OF MARCH 2014.



MAR 8 X 2014

Ben Lynch  
Program Chief  
Waterways Regulation Program

Cc: City of Newburyport: Mayor's Office; City Council; Planning Board; Historical Commission; Conservation Commission.

Newburyport Waterfront Trust

William Harris

Robert V. Finneran

Leslie Eckholdt

Joanne Purington

Natalea G. Brown

Karen Hudner

Kathryn Glenn, CZM

Mass DEP c.91 file

**Notice of Appeal Rights:**

The following persons shall have the right to an adjudicatory hearing concerning this decision by the Department to grant or deny a license or permit, in accordance with 310 CMR 9.17(1): (a) an applicant who has demonstrated property rights in the lands in question, or which is a public agency; (b) any person aggrieved by the decision of the Department to grant a license or permit who has submitted written comments within the public comment period; (c) ten (10) residents of the Commonwealth who, pursuant to M.G.L. c. 30A, § 10A, have submitted comments within the public comment period with at least 5 of the 10 residents residing in the municipality(s) in which the license or permitted activity is located. The appeal shall clearly and specifically state the facts and grounds for the appeal and the relief sought, and each appealing resident shall file an affidavit stating the intent to be part of the group and to be represented by its authorized representative; (d) the municipal official in the affected municipality who has submitted written comments within the public comment period; and (e) CZM, for any project identified in 310 CMR 9.13(2) (a) for CZM participation or, in an Ocean Sanctuary, if it has filed a notice of participation within the public comment period.

A person requesting an adjudicatory hearing must submit a "Notice of Claim" to the Department, with a copy of the MassDEP Transmittal Form and including the detail specified below, within twenty-one (21) days of the date of issuance of this decision. The MassDEP Fee Transmittal

Form is available at the following website: <http://www.mass.gov/dep/service/adr/adjhorfm.doc>.

The Notice of Claim must be made in writing and sent by certified mail or hand delivery to:

Case Administrator  
MassDEP  
One Winter Street, 2<sup>nd</sup> Floor  
Boston, MA 02108

A copy of the complete Notice of Claim must be sent at the same time by certified mail or hand delivery to: (1) the applicant, (2) the municipal official of the city or town where the project is located, and (3) the issuing office of the MassDEP, which in this case is located at:

MassDEP Waterways Regulation Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, MA 02108

The MassDEP Fee Transmittal Form and a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

Mass. Department of Environmental Protection  
Commonwealth Master Lockbox  
P.O. Box 4062  
Boston, Massachusetts 02211

Pursuant to 310 CMR 9.17(3), any Notice of Claim requesting an adjudicatory hearing must include the following information:

- (a) the MassDEP Waterways Application File Number;

- (b) the complete name, address, fax number and telephone number of the applicant;
- (c) the address of the project;
- (d) the complete name, address, fax number, and telephone number of the party filing the request and, if represented by counsel, the name, address, fax number, and phone number of the attorney;
- (e) if claiming to be a person aggrieved, the specific facts that demonstrate that the party satisfies the definition of "aggrieved person" found in 310 CMR 9.02;
- (f) a clear statement that a formal adjudicatory hearing is being requested;
- (g) a clear statement of the facts which are the grounds for the proceedings, the specific objections to the MassDEP's written decision, and the relief sought through the adjudicatory hearing, including specifically the changes desired in the final written decision; and
- (h) a statement that a copy of the request has been sent to: the applicant and the municipal official of the city or town where the project is located.

The request for appeal will be dismissed if the filing fee is not paid, unless the appellant is exempt or is granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

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WRITTEN DETERMINATION AND CONDITIONS

Merrimac Ale House, LLC

of -- Newburyport --, in the County of -- Essex-- and Commonwealth aforesaid, has applied to the Department of Environmental Protection to -- renovate, add a story to, and maintain an existing building and associated infrastructure; construct and maintain site drives, parking areas, and exterior public walkways; and maintain existing fill;

and has submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the --Office of the Mayor and the City Council-- of the -- City-- of -- Newburyport. -----

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said -----

-- Merrimac Ale House, LLC--, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- renovate, add a story to, and maintain an existing building and associated infrastructure; construct and maintain site drives, parking areas, and exterior public walkways; and maintain existing fill; -----

in and over filled tidelands of -- the Merrimac River -- in the -- City-- of -- Newburyport-- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. (to be assigned) dated May 6, 2013 (2 sheets).

The uses of structures and fill authorized hereby shall be limited to the following: restaurant, publicly accessible open space, public parking and driveway access, and accessory uses thereto.

This License is valid for a term of 30 years from the date of issuance. By written request of the Licensee for a new amendment, the Department may grant a renewal for the term of years not to exceed that authorized in this License.

This license is subject to the following Special Conditions and Standard Conditions:

Special Condition 1: The Licensee shall construct and maintain in good repair two publicly accessible walkways as shown on the License plans. The Licensee shall construct and maintain (including seasonal removal of snow) a 5'-0" clear wide walkway on the western side of the proposed structure on its property. The walkway on the eastern side of the property shall be constructed in accordance with the provisions in Special Condition #2 (below). Unless otherwise specified or approved in advance by the Department, said facilities shall be constructed and opened to the public prior to the issuance of a Certificate of Occupancy for the restaurant use within the building authorized herein.

Special Condition 2: The Licensee shall construct a public walkway on the eastern side of the building, including associated landscaping (i.e., lighting, benches, trash receptacles, signage), subject to the approval of the Newburyport Waterfront Trust ("the Trust"), on a site owned and controlled by the Trust. Said improvements shall be made on the parcel identified as Newburyport Assessor's Map Parcel 11-1-B; improvements made shall be based on a Plan entitled "40 Merrimac Street LLC Site Plan," dated 4/24/13, as submitted to the Newburyport Planning Board on 5/1/13. Said improvements and any obligations shall be performed in accordance with the Charitable Donation Agreement ratified by the Trustees and the Licensee on 5/6/13. Said physical improvements shall ensure by means of bollards and chains, parking stops, or other appropriate methods, that the full width of the public walkways therein remain free and clear of temporary or permanent obstacles. In the event that the Trust elects to remove or alter the eastern walkway or any other improvements on its Property as shown on the 40 Merrimac Street LLC Site Plan or as contained in this License, it shall not affect the term or status of this License.

Special Condition 3: The building shall include at least one restroom open to the public at no charge and use of which shall not be contingent on patronage. Said rest room(s) shall be open to the public during normal business hours of the restaurant, or as otherwise approved by the Department in the Management Plan required in Special Condition 4. A sign advertising the availability of the restroom(s) to the general public, at no charge, with hours of availability, shall be posted prominently on the exterior at or near the entrance to the building, as well as at the entrance(s) of the restroom(s).

Special Condition 4: In accordance with publicly accessible areas described in Special Conditions #1 & #3 (above) the Licensee shall place and maintain in good repair signage of an adequate size and visibility to pedestrian passersby. The signage shall: notify the public of the availability of the publicly accessible waterfront pathways and related facilities, state the hours of access; notify the public of the availability of the rest rooms; state that the pathways, other public amenities, and restrooms were required by the Department of Environmental Protection; and, state the Waterways license number of the project, and the location on the site where a copy of the license may be inspected by the public. Prior to placement of said signage and interpretive materials, the Licensee shall submit a draft signage plan to the Department for its review and approval. Said plan shall identify the text and design of each sign and exhibit, as well as the proposed location of the signs and exhibits. Said signage shall be generally consistent with all local laws, regulations and the Department's sign specifications, as may be modified. Said signage



specified in this condition shall be constructed and completed prior to the issuance of a Certificate of Occupancy in accordance with the requirements of Special Condition 1.

Special Condition 5: Prior to the issuance of a final Certificate of Occupancy for the building, the Licensee shall submit to the Department, for its review and approval, a Management Plan for the public amenities required herein, including but not limited, signage, maintenance, hours and rules of operation, and organizational arrangements and responsibilities to ensure that the quality and quantity of public benefits provided will be effectively sustained.

Special Condition 6: The use by the public of the publicly accessible areas at the Project Site shall be considered a permitted use to which the limited liability provisions of M.G.L. Chapter 21, § 17C shall apply.

Special Condition 7: All exterior areas at the Project Site shall be open to the public, free of charge, twenty-four (24) hours per day. The Licensee may adopt reasonable rules, subject to prior review and written approval by the Department as part of the Management Plan required in Condition 4, or any update thereto, as are necessary for the protection of public health and safety and private property, and to ensure public use and enjoyment by minimizing conflicts between user groups. No amendment to said rules shall be made without prior written approval by the Department.

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~~Special Condition 8: Pursuant to 310 CMR 9.22, the Licensee may undertake minor project modifications upon written notice to, and approval by, the Department.~~

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Special Condition 9: The Licensee shall allow agents of the Department to enter the Project Site to verify compliance with the conditions of this License.

Special Condition 10: The Licensee shall provide a copy of the Certificate of Occupancy for the building to the Department within 15 days of the Licensee's receipt of the Certificate of Occupancy.

Special Condition 11: The Licensee shall request in writing that the Department issue a Certificate of Compliance in accordance with 310 CMR 9.19. Partial Certificates of Compliance may issue, if the Department determines sufficient public benefits commensurate with private ones have been provided at the time of the request.

Special Condition 12: All fill, structures, facilities, and landscaping to be licensed shall be maintained in good repair for the term of the License.

Special Condition 13: All activities for which a License has been issued shall be completed within five (5) years of the date of issuance of this License. This period may be extended upon written request to the Department at least sixty (60) days in advance of the deadline specified herein, and said approval shall not be unreasonably withheld.

Special Condition 14 The Licensee shall submit to the Department, prior to License issuance, final mylar plans drawn in accordance with the Department's plan specifications which meet the terms of

this Written Determination, and show all required information pursuant to 310 CMR 9.11. A qualified professional engineer shall certify that nonwater-dependent buildings within the flood zone have been designed to comply with 310 CMR 9.37(2)(b).

Special Condition 15: This Written Determination shall remain valid until the license is issued or for up to one year after the Written Determination is issued, whichever is sooner. Said term may be extended for one or more one year periods, provided that the Applicant submit to the Department, thirty (30) days prior to the expiration of said term a written request to extend the term and provides an adequate justification for said extension.

Please see page ?? for the standard conditions to this License. \_\_\_\_\_

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Duplicate of said plan, number W13-3854-N is on file with the Department, and original of said plan accompanies this License, and is made a part hereof.

**STANDARD WATERWAYS LICENSE CONDITIONS**

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This License may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
- ~~7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.~~
8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP.

This License authorizes structure(s) and/or fill on:

X Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the Licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.  
Is this all Commonwealth tidelands, or are there Private tidelands, too?

Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.

a Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.

No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this License.

Unless otherwise expressly provided by this License, the Licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

The amount of tidewater displaced by the work hereby authorized has been ascertained by the Department, and compensation thereof has been made by the said - Merrimac Ale House, LLC - by paying into the treasury of the Commonwealth -- two dollars and zero cents (\$2.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department (450 cubic yards= \$4,500.00)

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of Essex.

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_ in the year two thousand and fourteen.

~~Program Chief \_\_\_\_\_~~  
~~Program Director \_\_\_\_\_~~ Department of Environmental Protection  
~~Commissioner \_\_\_\_\_~~

THE COMMONWEALTH OF MASSACHUSETTS

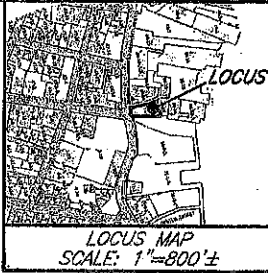
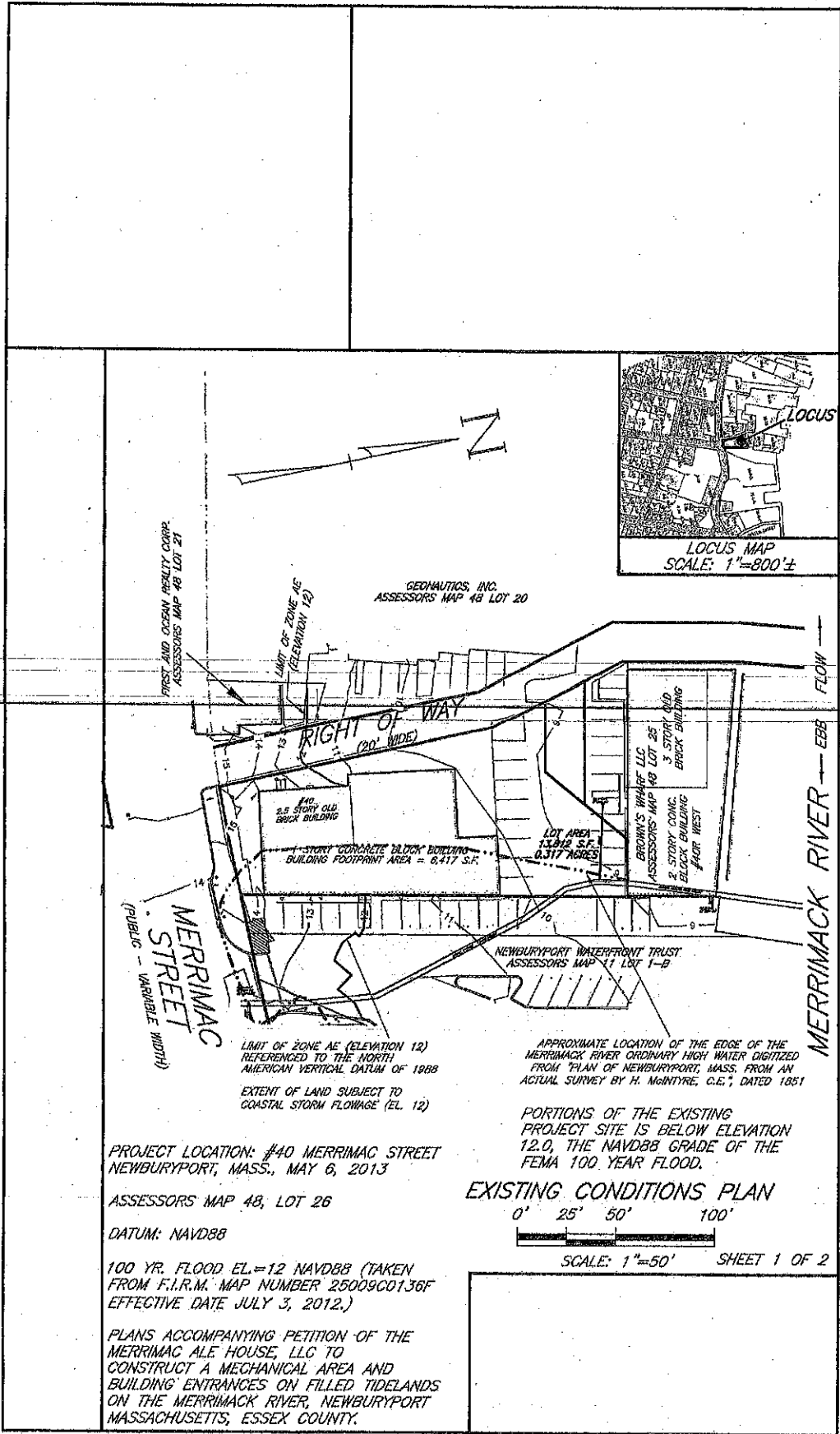
This license is approved in consideration of the payment into the treasury of the Commonwealth by the said----- Merrimac Ale House, LLC-----of the further sum of ---N/A--- the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

BOSTON

~~Approved by the Governor. \_\_\_\_\_~~

~~Governor \_\_\_\_\_~~

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GEONAUTICS, INC.  
ASSESSORS MAP 48 LOT 20

FIRST AND OCEAN REALTY CORP.  
ASSESSORS MAP 48 LOT 21

LIMIT OF ZONE AE  
(ELEVATION 12)

RIGHT OF WAY  
(20' WIDE)

#40  
2.5 STORY OLD  
BRICK BUILDING

3 STORY CONCRETE BLOCK BUILDING  
BUILDING FOOTPRINT AREA = 8,417 S.F.

LOT AREA  
13,812 S.F.  
0.317 ACRES

BROWN'S WAREHOUSE LLC  
ASSESSORS MAP 48 LOT 25  
3 STORY BRICK BUILDING

2 STORY CONC.  
BLOCK BUILDING  
#48 WEST

NEWBURYPORT WATERFRONT TRUST  
ASSESSORS MAP 11 LOT 1-B

LIMIT OF ZONE AE (ELEVATION 12)  
REFERENCED TO THE NORTH  
AMERICAN VERTICAL DATUM OF 1988  
EXTENT OF LAND SUBJECT TO  
COASTAL STORM FLOWAGE (EL. 12)

APPROXIMATE LOCATION OF THE EDGE OF THE  
MERRIMACK RIVER ORDINARY HIGH WATER DIGITIZED  
FROM "PLAN OF NEWBURYPORT, MASS. FROM AN  
ACTUAL SURVEY BY H. McINTYRE, C.E.", DATED 1851

PROJECT LOCATION: #40 MERRIMAC STREET  
NEWBURYPORT, MASS., MAY 6, 2013

ASSESSORS MAP 48, LOT 26

DATUM: NAVD88

100 YR. FLOOD EL.=12 NAVD88 (TAKEN  
FROM F.I.R.M. MAP NUMBER 25009CD136F  
EFFECTIVE DATE JULY 3, 2012.)

PLANS ACCOMPANYING PETITION OF THE  
MERRIMAC ALE HOUSE, LLC TO  
CONSTRUCT A MECHANICAL AREA AND  
BUILDING ENTRANCES ON FILLED TIDELANDS  
ON THE MERRIMACK RIVER, NEWBURYPORT  
MASSACHUSETTS, ESSEX COUNTY.

PORTIONS OF THE EXISTING  
PROJECT SITE IS BELOW ELEVATION  
12.0, THE NAVD88 GRADE OF THE  
FEMA 100 YEAR FLOOD.

EXISTING CONDITIONS PLAN

0' 25' 50' 100'



SCALE: 1"=50' SHEET 1 OF 2

Communication #9  
March 17, 2014



## Coastal Trails Coalition

[www.coastaltrails.org](http://www.coastaltrails.org)

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 MAR -5 A 9:13

March 3 2014

Newburyport City Council  
City Hall, Pleasant Street  
Newburyport MA 01950

Dear City Council:

The Coastal Trails Coalition respectfully asks the Council to consider a repeat request to hold an event on Pleasant Street between Green and Titcomb Streets during Yankee Homecoming week. We propose to once again run the Slow Bike Race on Pleasant Street between City Hall and Brown Square on Wednesday July 30 from 5:30 pm to 7:30 pm. This event is a fundraiser for the Coastal Trails Coalition and Newburyport Rail Trails, and a portion of the proceeds are donated to the City's Parks Department.

We would also like to take this opportunity to thank the City for its support for our successful 2013 event. The format would stay the same: in each heat 4 to 6 bikes ride a short length in the middle of block. Lt. Siemasko supervised the street closing last year, therefore he would be the most knowledgeable City staff member if there were any safety-related questions. For your information, the flyer attached from 2013 contains more details about the event. Please contact Cyd Raschke at 978 462 2733 for further information.

Thank you in advance for your consideration. We look forward to another successful Yankee Homecoming!

Sincerely,

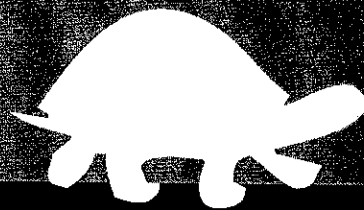
A handwritten signature in black ink, appearing to read "Cyd Raschke".

Cyd Raschke  
Event Director, Slow Bike Race  
Asst. Clerk, Coastal Trails Coalition

The Coastal Trails Coalition, Inc. (CTC) is an all-volunteer, non-profit organization whose mission is to assist in the development, promotion, and stewardship of the Coastal Trails Network, a 30-mile public system of bicycle and pedestrian trails connecting communities surrounding greater Newburyport.

**PO Box 1016, Newburyport, MA 01950**

How slow can you go...



FUNDRAISER

Last one across the finish line wins!

# SLOW BIKE RACE

Wednesday July 31st - 6:00pm [registration begins at 5:30pm]  
Brown Square - Pleasant/Green St. Newburyport MA

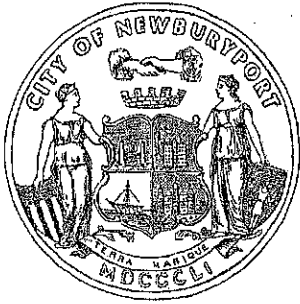
## PRIZES AWARDED

Last Place Winner • Most Donations Raised • Best Attire/Costume

For details and rules visit: [coastaltrails.org](http://coastaltrails.org)

To pre-register email [info@coastaltrails.org](mailto:info@coastaltrails.org) or call 978.462.2733

All donations go to local Rail Trail maintenance - \$25 fee to enter



City of Newburyport

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
NEW FILING \_\_\_\_\_  
RENEW   X  

Application

2014 MAR 10 A 10:43

Food Establishment Outdoor Seating on Public Property

Date: March 10-14

Name of Business Owner: Nickolas Poubalos

Name of Property Owner: Newburyport operating Holdings

Business Name: Purple onion

Business Address: 42-44 Inn St Business Telephone: 9784659600

Number of Tables Requested: 5 Dimensions: 37x37 Material: metal

Number of Chairs Requested: 18 Dimensions: 27x23 Material: metal

Applicant requests approval of outdoor seating for the sole purpose of food consumption.

Applicant requests approval of outdoor seating for food and alcohol consumption.

Application Requirements

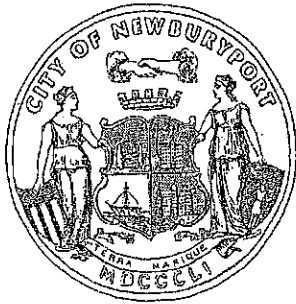
Please submit the following documents with the completed application to:

City Clerk's Office  
Newburyport City Hall  
PO Box 550  
60 Pleasant Street  
Newburyport, MA 01950

1) Applicants must provide evidence of liability insurance to the City Clerk with minimum coverage in the amount of one million dollars, naming the City of Newburyport as co-insured. This insurance coverage must be in force for the duration of the approved period.

2) 8 1/2 x 11 sketch of outdoor seating detailing: a) measurements of tables and chairs  
b) total width of sidewalk and c) distance between proposed seating and sidewalk





Application

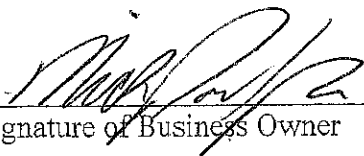
Food Establishment Outdoor Seating on Public Property  
(continued)

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- 3) obstacles such as streetlights, signs, trees, benches, and garbage barrels.
- 4) Applicants seeking approval of outdoor seating for food and alcohol consumption must also submit:
  - a) Written and dated approval of the Newburyport License Commission for the outdoor service of alcohol, including the information and sketch used for the basis of the License Commission approval.
  - b) 8 ½ x 11 sketch of outdoor seating cited above must also include a depiction and information on the placement, dimensions, and materials used to create a demarcated area for the service of alcohol.

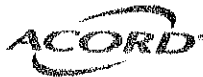
**RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY**

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way as described herein.



---

Signature of Business Owner



# CERTIFICATE OF LIABILITY INSURANCE

OP ID: AC

DATE (MM/DD/YYYY)

03/11/14

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).

<b>PRODUCER</b> Chase & Lunt LLC 65 Parker Street Newburyport, MA 01950 Nicole Boggoch		978-462-4434 978-465-6204	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): E-MAIL ADDRESS: PRODUCER CUSTOMER ID#: <b>PURPL-3</b>	<b>FAX (A/C, No):</b>
<b>INSURED</b> KHNP Management LLC dba Purple Onion KHNP Management LLC dba 44 Inn Street Newburyport, MA 01950		<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
		<b>INSURER A:</b> Guard Insurance Group		
		<b>INSURER B:</b> Massachusetts Retail Merchants		
		<b>INSURER C:</b>		
		<b>INSURER D:</b>		
		<b>INSURER E:</b>		
		<b>INSURER F:</b>		

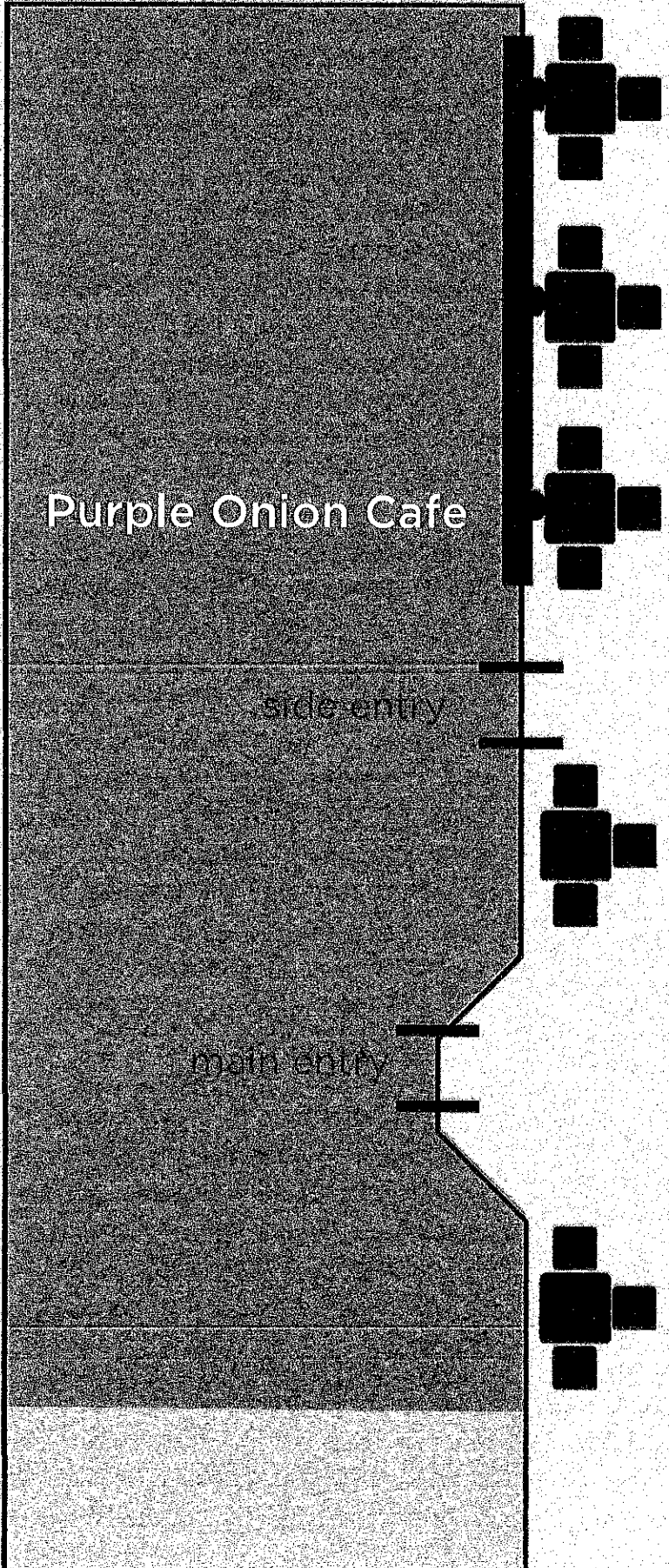
**COVERAGES** **CERTIFICATE NUMBER:** **REVISION NUMBER:**

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/SUBR NSR / WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS			
A	<input checked="" type="checkbox"/> GENERAL LIABILITY		KHBP504379	02/27/14	02/27/16	EACH OCCURRENCE	\$ 1,000,000		
	<input type="checkbox"/> COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 250,000		
	<input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR					MED EXP (Any one person)	\$ 5,000		
	<input checked="" type="checkbox"/> Business Owners					PERSONAL & ADV INJURY	\$ 1,000,000		
	GEN'L AGGREGATE LIMIT APPLIES PER:					GENERAL AGGREGATE	\$ 2,000,000		
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					PRODUCTS - COMP/OP AGG	\$ 2,000,000		
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident)	\$		
	<input type="checkbox"/> ANY AUTO					BODILY INJURY (Per person)	\$		
	<input type="checkbox"/> ALL OWNED AUTOS					BODILY INJURY (Per accident)	\$		
	<input type="checkbox"/> SCHEDULED AUTOS					PROPERTY DAMAGE (Per accident)	\$		
	<input checked="" type="checkbox"/> HIRED AUTOS						\$		
	<input checked="" type="checkbox"/> NON-OWNED AUTOS						\$		
	UMBRELLA LIAB					EACH OCCURRENCE	\$		
	EXCESS LIAB					AGGREGATE	\$		
	DEDUCTIBLE						\$		
	RETENTION \$						\$		
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY		01400503300614	01/01/14	01/01/15	WC STATU-TORY LIMITS	OTH-ER		
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N						E.L. EACH ACCIDENT	\$ 100,000
	If yes, describe under DESCRIPTION OF OPERATIONS below							E.L. DISEASE - EA EMPLOYEE	\$ 100,000
								E.L. DISEASE - POLICY LIMIT	\$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

<b>CERTIFICATE HOLDER</b> CITYNBT City of Newburyport City Hall, PO Box 550 Newburyport, MA 01950		<b>CANCELLATION</b> 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 <i>James J. Nowell</i>
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Purple Onion Cafe

side entry

main entry

Inn Street

**Purple Onion  
Seating Plan - 2014**

Key



Table and chairs



# Greater Newburyport Chamber of Commerce & Industry

38R Merrimac Street, Newburyport MA 01950

Phone: 978-462-6680  
info@newburyportchamber.org

Fax: 978-465-4145  
www.newburyportchamber.org

Communication #11  
March 17, 2014

2014 MAR 11 P 4: 04

March 11, 2014

Newburyport City Council  
Newburyport City Hall  
60 Pleasant Street  
Newburyport, MA 01950

Dear City Councilors:

Attached you will find a flyer for a new Chamber initiative entitled "Support Your Hometown Team – Newburyport" which will take place throughout the City the weekend of April 4 – 6, 2014.

We are asking all residents to get out there and support the hometown – the retail, restaurants and service businesses all over Newburyport by shopping, dining and playing that weekend.

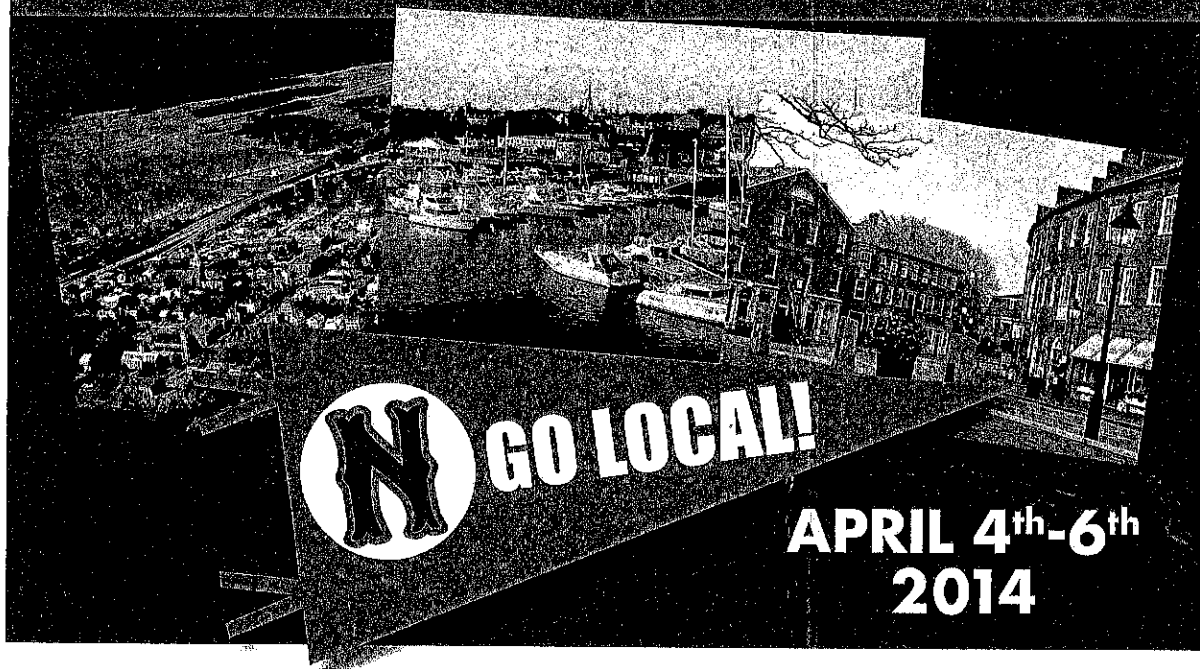
This flyer is for your information and hopeful participation!

Thank you.

Sincerely,

Ann Ormond  
President

# Support Your Hometown Team: **NEWBURYPORT!**



It's been a rough winter needless to say  
So this is the weekend to put the salt and shovels away  
Come out and support your local merchants.

## **SHOP, DINE AND PLAY!**

We are asking all residents of Newburyport and beyond to come to Newburyport and visit our fine retailers, restaurants and services, from Storey Ave., The Tannery Marketplace, and the Traffic Circle, to Downtown. Come join in the festivities on the weekend of April 4<sup>th</sup>-6<sup>th</sup>, and help give our economy a boost!

Throughout the entire weekend, if you wear something Red Sox-related and visit a local retailer, restaurant, or service company, you may receive a special offer, incentive, or perhaps even some peanuts and popcorn!



**Friday, April 4** — Join us at 2:05 p.m. in Market Square when we will throw out the ceremonial first pitch to kick off the Go Local campaign, at the same time the World Series Red Sox Champs do at Fenway Park!

**Saturday, April 5** — Join us in Market Square at 12:00 noon as we greet Wally the Green Monster, direct from Fenway Park, and as we greet fans and help Mayor Donna Holaday plant some flowers to help bring spring to Newburyport!



Sponsored by the Greater Newburyport Chamber of Commerce,  
the Mayor's Office, the Daily News of Newburyport & Newburyport Development.

Ad design by Raleigh Design • Photos by: Susanne DeGeorge

# APPOINTMENTS

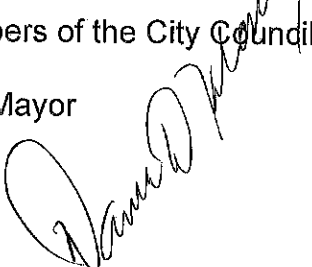


CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY, MAYOR

Appointment #1  
March 17, 2014

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: March 17, 2014  
Subject: Appointment



---

I hereby appoint, subject to your approval, the following named individual as a  
Special Police Officer.

Peter J. Finnegan  
3 Noble Street  
Newburyport, MA 01950



# CITY OF NEWBURYPORT

POLICE DEPARTMENT

THOMAS H. HOWARD  
CITY MARSHAL

4 GREEN STREET  
NEWBURYPORT, MA 01950

TEL: 978-462-4411

FAX: 978-462-0396

To: Mayor Donna Holaday  
FR: Thomas Howard *TH*  
DA: March 7, 2014  
RE: Special Police Appointment

Mayor,

On March 17, 2014 Sergeant Peter Finnegan will officially retire from the police department after a distinguished 30 year career with the Newburyport Police Department.

I'm requesting that he be appointed as a special police officer to continue to assist the police department with traffic details. This police department has had a long and successful program of utilizing retired officers for special police work. They are well trained, understand policing and how to effectively monitor and direct traffic.

Our special police roster is always in flex with older officers no longer able or illegible to continue this work. In the last year we have lost some officers to age, illness and death. Having officers such as Sergeant Finnegan willing to continue is a benefit to the police department's ability to meet the demand of traffic officers. As I'm sure you would agree I would rather have Newburyport Police officers on our details than utilizing out of town officers whenever possible.

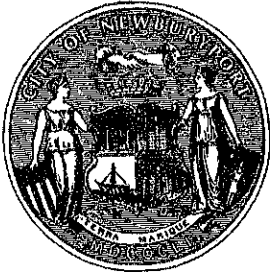
Sergeant Finnegan is up to date with all his training and requirements under Massachusetts Municipal Training Council.

Peter J. Finnegan  
3 Noble Street  
Newburyport, Ma 01950  
DOB March 17, 1960

Thank you for your consideration in this matter. If you need any additional information please let me know.

*Excellence In Policing Through Superior Service*

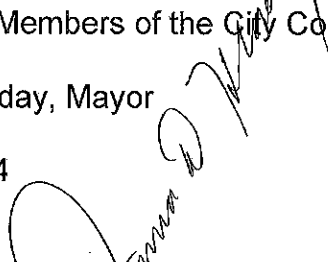




CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY, MAYOR

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: March 17, 2014  
Subject: Appointment



---

I hereby appoint, subject to your approval, the following named individual as a member of the Commission on Disabilities. This term will expire on March 31, 2017.

Christopher Michael Carey  
25 Temple Street, Apt. 101  
Newburyport, MA 01950

## **Donna Holaday**

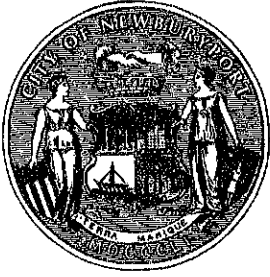
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**From:** Chris Carey <irishluck0788@aol.com>  
**Sent:** Sunday, March 09, 2014 11:22 PM  
**To:** Donna Holaday  
**Subject:** Disability commission

Dear Mayor Holaday:

I am writing to you to ask if you may appoint me to a seat on the City's Disability Commission. I am 35 years old and I have muscular dystrophy. I have attended the last two commission meetings, I would like to be appointed to the commission. To tell you a little about myself, I live in the Sullivan Building here in the City and I have never been active in anything like this before. However, due to this situation that I'm in I feel I bring a unique perspective to the committee seeing that there are no other committee members in wheelchairs. I am concerned about handicap access particularly in the downtown and feel I could be a strong advocate for those, like me, get around in a wheelchair. As a life long Newburyport resident I've attended the Brown school, the Nock middle school, and graduated from Newburyport high. I have only had two previous official jobs, Marshall's about 18 years ago and Fitness Factory about 15 years ago. If you would like to know anything further just send me an email. Thank you for considering me for this position.

Christopher Michael Carey  
25 Temple st. Apt. 101  
Newburyport MA. 01950  
978-417-2001  
[irishluck0788@aol.com](mailto:irishluck0788@aol.com)



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

Appointment #3  
March 17, 2014

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 FEB 25 P 1:47

To: President and Members  
of the City Council

From: Donna D. Holaday, Mayor

Date: February 25, 2014

Subject: Re-Appointment

---

I hereby re-appoint, subject to your approval, the following named individual as a member of the Community Preservation Committee. This term will expire on March 1, 2017.

Jane Healey  
38 Winter Street  
Newburyport, MA 01950

Appointment# 4  
March 17, 2014



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR RECEIVED  
DONNA D. HOLADAY, MAYOR CITY CLERK'S OFFICE  
NEWBURYPORT, MA

60 PLEASANT STREET - P.O. BOX  
NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

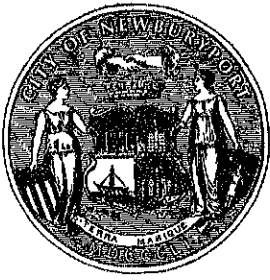
2014 FEB 24 P 6:30

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: February 24, 2014  
Subject: Re-Appointment

A handwritten signature in black ink, appearing to read "Donna D. Holaday", written over the signature line.

I hereby re-appoint, subject to your approval, the following named individual as a member of the Community Preservation Act Committee. This term will expire on April 1, 2017.

Linda Smiley  
7 Atwood Street  
Newburyport, MA 01950



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: March 17, 2014  
Subject: Re-Appointment

---

I hereby reappoint, subject to your approval, the following named individual as a member of the Board of Health. This term will expire on March 31, 2017.

Dr. Robin Blair  
18 Market Street  
Newburyport, MA 01950



**END OF CONSENT AGENDA**

**BEGINNING OF REGULAR AGENDA**

# TRANSFERS



# City of Newburyport

## FY 2014

### BUDGET TRANSFER REQUEST

**Department:** Mayor

**Submitted by:** Mayor Donna D. Holaday

**Date Submitted:** 3/17/2014

**Transfer From:**

Account Name	General Fund - Free Cash	YTD Bal:	\$ 2,124,654.46
Account Number:	01-35900	Trans In:	\$ -
Amount:	\$409,676.48	Trans Out:	\$ 367,454.54
Why are Funds Available:	<i>The Mass Dept of Revenue has certified Free Cash for FY 2014 at \$2,492,109.</i>		
	<i>These funds are available for any legal purpose with the approval of the Mayor and a majority vote of the City Council.</i>		

**Transfer To:**

Account Name	Multiple - See attached	YTD Bal:	
Account Number:	Multiple - See attached	Trans In:	
Amount:	\$409,676.48	Trans Out:	
Why are Funds Required:	<i>See attached memo and project listing.</i>		

Donna D. Holaday, Mayor  
 William B. Squillace, Auditor  
 City Council Approval: (Stamp)

Date: 3/11/14  
 Date: 3-11-2014





CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY

60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4413 • (978) 465-4402 (FAX)  
WWW.CITYOFNEWBURYPORT.COM

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: March 11, 2014  
Subject: FY14 Capital Project Request

---

The City's current Free Cash balance is \$2,146,735. A number of projects/purchases have been identified as a priority to be addressed in this fiscal year. Many are included in the Capital Improvement Plan for FY14, while others are in response to new and timely needs that have arisen over the course of the past year. I am asking that you consider transfer requests for the following projects to be funded from Free Cash:

- Sidewalk Repairs  
Cost: \$105,562.48  
Rationale: This amount is required to bring the total FY14 City contribution for sidewalk repairs to 50% of actual FY13 local meals tax receipts in accordance with the original Council order. Funding for this year to date consists of: \$75,000 in FY14 Operating Budget and \$60,000 in Supplemental Budget.
- Hazard Tree Removal  
Cost: \$9,000.00  
Rationale: An outside contractor with suitable equipment is required to remove 4 large hazard trees including stump grinding. These trees are located on Columbus Ave, Dove Street, and Orange Street and have been identified as the highest priority by the Tree Warden.
- Storage Area Network Device  
Cost: \$20,150.00  
Rationale: Existing City-wide IT storage capacity is over 85% due to increasing use of electronic filing. A new unit will provide enough capacity for another four years at the current/projected data storage usage rates.

- Color Copier/Scanner  
 Cost: \$4,800.00  
 Rationale: Youth Services' current units are in disrepair, antiquated and incompatible with new software systems.
- Mowers  
 Cost: \$7,5000.00  
 Rationale: DPS needs to replace one rider mower and five standard lawn mowers that are in poor condition.
- Landscape Trailers  
 Cost: \$9,5000.00  
 Rationale: DPS needs to replace one existing 1992 trailer with two light duty trailers to prevent further damage to mower chutes and inefficient use of staff time.
- Oil Pump System  
 Cost: \$15,000.00  
 Rationale: DPS needs to replace the pump and hose system used by DPS mechanics to service all City vehicles. The current system is over 25 years old and failing.
- City Hall Carpet Replacement  
 Cost: \$18,196.00  
 Rationale: Project will include replacing carpeting and painting the walls in the first floor main hallway, Treasurer/Collector's, Auditor's, Assessor's, Planning and Development's, and Clerk's Offices. The work will be completed with in-house labor, saving significant costs.
- Defibrillators  
 Cost: \$9,800.00  
 Rationale: Existing AED units are 8 years old and have become cost-prohibitive to continue to keep in service given the battery and chest pad replacement costs. This will cover 7 new units so that every cruiser is equipped.
- Emma Andrews Ramp  
 Cost: \$10,755.00  
 Rationale: This project will bring this facility fully up to ADA and MAAB compliance. The Emma Andrews Association's donation of \$5,000 and the use of in-house labor will help to keep the overall project costs down.
- Library Roof Repairs  
 Cost: \$1,500.00  
 Rationale: The rubber roof membrane needs minor repairs and sealing as preventative maintenance.

- Two Fire Engines  
 Cost: \$115,000.00  
 Rationale: The current reserve engines are both 1993 vintage and have been repeatedly called into service over the past year due to mechanical repairs on the front-line vehicles, which were purchased in 2003 and 2008 respectively. These vehicles generally have a 20 year life expectancy, with 10 years as front-line engines. This initial cost covers the first year's payment of a 10-year lease-to-own payment plan so that the City can plan for a CY15 delivery given the lead time on these vehicles. These additional annual lease costs will be incorporated into the operating budget in future fiscal years, with the expectation that this increase will be offset by the addition of a new fire alarm installation and monitoring fee. This new fee is projected to bring in approximately \$100,000 annually.
- Business & Industry Park Signage  
 Cost: \$11,810.00  
 Rationale: Upgrades to existing outdated signage throughout the Park are designed to showcase new brand identity.
- Brown School Re-use Feasibility Study  
 Cost: \$40,000.00  
 Rationale: A comprehensive analysis of potential re-use of the building and site needs to occur in the next several months given existing conditions, constraints, and municipal space needs for Youth Services programming. See attached scope of work from the Office of Planning & Development.
- Parks Equipment Repairs/Upgrades  
 Cost: \$17,525.00  
 Rationale: Ongoing capital needs for FY14 include: repairing tennis court surfacing at Atkinson Common, replacing broken play equipment and drinking fountain at Cashman, installing a wheelchair accessible swing at the Brown School playground, and installing permanent off-leash signage at designated areas.
- Atkinson Common Improvements  
 Cost: \$13,578.00  
 Rationale: The operating costs for this park exceed funds available through the Belleville Improvement Society. Increases in this year's Parks maintenance line item covered the fiscal year but an additional \$8,923.33 is required as a one-time expenditure to cover the six-month backlog. The balance of this request includes \$4,655 in one-time costs: an orchard ladder, 6 tree gators, structural supports for restroom floor, and completion of a trench drain for Pioneer Drive.

These projects represent \$409,676.48 in total capital investments. I look forward to discussing these funding needs in further detail when this request has been referred to the Budget and Finance Committee for their review.

**Capital Project Transfer Requests March 17, 2014**

Department/Location	Purpose	Amount	Account Name	Account Number	Current Balance	Description
DPS	Sidewalk Repairs	105,562.48	HWY Sidewalks	01421008-58901	132.52	Brings total FY14 sidewalk funding to \$240,000, 50% FY13 Meals Tax Receipts Actuals (\$480k)
DPS	Hazard Tree Removal	9,000.00	HWY Maint-Tree	01421002-52404	1,053.58	Outside contractor needed for removal of 4 large hazard trees
IT	Storage Area Network Device	20,150.00	IT Computer Hardware	01151002-52664	0.00	Existing storage capacity is over 85% due to increasing use of electronic filing. New unit will provide enough capacity for another 4 years.
Youth Services	Copier/Scanner (Color Unit)	4,800.00	IT Computer Hardware	01151002-52664	0.00	Replacement of current units that need repair, are antiquated, and incompatible with new software systems
DPS	Mowers	7,500.00	HWY Lawn Tractor	01421008-58930	0.00	Replace one rider mower and five push walk-behind units
DPS	Landscape Trailers	9,500.00	HWY Lawn Tractor	01421008-58930	0.00	Replace one existing 1992 unit with two light duty trailers to prevent damage to mower chutes & inefficient use of staff time
DPS	Oil Pump System Replacement	15,000.00	HWY Fuel Pump	014210008-58459	0.00	Pump and hose system used by DPS mechanics to service all City vehicles is over 25 years old and failing
City Hall	Carpet replacement	18,196.00	GEN Maint/Repair - City Hall	01129002-52402	1,230.27	Replace carpeting in first floor main hallway, Treasurer/Collector's, Auditor's, Assessor's, Planning and Development's, and Clerk's Offices
Police	AEDS	9,800.00	POL Defibrillators	01210008-58506	0.00	Existing units are 8 years old and have become cost-prohibitive to operate w/ battery and chest pad replacement costs. This will cover 7 new units so that all cruisers are equipped
Emma Andrews	ADA Ramp & Building Modification	10,755.00	LIB Maint/Repair - SE Branch	01610002-52734	0.00	Needed to bring up to ADA compliance; \$5K Association donation and in-house labor reduces overall project cost

Department/Location	Purpose	Amount	Account Name	Account Number	Current Balance	Description
Fire	Two Fire Engines	115,000.00	FIR Engine Purchase	01222008-58453	0.00	Current reserve engines are both 1993 vintage. Front-line engines are 2003 and 2008 vintage. Vehicles have 20 year life expectancy (10 as front-line engines). \$115k cost covers lease to buy option w/ 10-year payment schedule at 2.77% financing
Planning & Development	Business & Industry Park Signage	11,810.00	OPD B&I Park Signage	01182008-58401	0.00	Upgrades to existing outdated signage throughout the Park are designed to showcase new brand identity
Planning & Development	Brown School Re-use Feasibility Study	40,000.00	CIP Brown School Re-Use Feasibility	3013-49700	0.00	Comprehensive analysis of potential re-use of building given existing conditions, constraints, and municipal space needs
Library	Rubber Roof	1,500.00	LIB Maint/Repair	01610002-52401	902.05	The rubber roof membrane needs minor repairs and sealing as preventative maintenance
Parks	Parks Equipment Repairs/Upgrades	17,525.00	PRK Maint/Repair	01630002-52420	10,438.15	Ongoing capital needs for FY14 include: repairing tennis court surfacing at Atkinson Common, replacing broken play equipment and drinking fountain at Cashman, installing a wheelchair accessible swing at the Brown School playground, and installing permanent off-leash signage at designated areas.
Parks	Atkinson Common Improvements	13,578.00	PRK Atkinson Common Maint/Repair	01630002-52424	0.00	The operating costs for this park exceed funds available through the Belleville Improvement Society. Increases in this year's Parks maintenance line item covered the fiscal year but an additional \$8,923.33 is required as a one-time expenditure to cover the six-month backlog. The balance of this request includes \$4,655 in one-time costs: an orchard ladder, 6 tree gators, structural supports for restroom floor, and completion of a trench drain for Pioneer Drive.

Total Transfers:

\$409,676.48

# Brown School Reuse Feasibility Study

## Adaptive Reuse for Youth Services & Housing



### Project Description

The City of Newburyport seeks a highly qualified consultant team to provide architectural services with an accelerated timeframe focused on the adaptive reuse of the existing G.W. Brown School. For the purposes of the required Feasibility Study (FS) the selected consultant team shall evaluate the viability and relative costs associated with of adaptive re-use of the existing facility (building and site) for:

- (A) a re-located Youth Services program (currently located at the former Kelley School) ; and
- (B) affordable and/or market-rate housing (rental units and/or condominiums) or (alternatively) artist lofts or offices.

It is anticipated that a substantial portion of the first floor of the main building will be reconfigured for use as classrooms and administrative space for the Youth Services program. It is also anticipated that the South-West wing of the facility (*including a Gymnasium, Stage and Kitchen*) will be retained by the City (*by ownership, lease or restriction*) for use as multi-purpose function space (*primarily for Youth Services, but also for a range of neighborhood and community events during off-peak hours*). It is anticipated that the remainder of the building (*primarily the second and third floors in the main building*) will be leased or sold to a private developer for the purposes of affordable housing, market rate housing, and/or artist lofts. While it is expected that the preferred future use of this building will be housing, the consultant is expected to explore options for the conversion of existing space to accommodate office uses (in the event that adaptive reuse as housing is determined to be infeasible or otherwise undesirable. Major additions to the exterior of the building are not anticipated (*and may not be desirable*). However, minor additions and/or modifications to the exterior of the building necessary to achieve a successful adaptive re-use of this building will be considered.

With regard to the overall site, it is anticipated that the North-West corner of the property will be retained by the City as a small parking area for the Youth Services staff and visitors. The Youth Services program generally relies on parental drop-off and vans to transport children to and from the facility (as is the case at the current Kelley School facility). At the South-East corner of the property is an existing playground area which has recently been improved. This area must be retained by the City as a neighborhood playground (with access to both Milk Street and Prospect Street). It is expected that the remainder of the site will be used for necessary parking and other site amenities related to the proposed reuse.

The existing building is approximately 36,700 sq.ft. in size (*including all floors and wing additions*), while the site (*including parcels 21-26 and 21-3*) is approximately 1.24 acres in total (*54,120 sq.ft. +/-*).

There is approximately \$40,000 available for this project. Design services will include an assessment of the existing facility, schematic architectural drawings (floor plans) depicting alternative reuse configurations (based on established Youth Services space needs provided by the City), and schematic site plans depicting alternative configurations (if any) for reuse of the remaining (unrestricted) portion of the site. The schematic site layout must incorporate adequate off-street parking, drop-off and loading areas for proposed uses, as well as site amenities including walkways, landscaping and screening. Exploration of alternative building configurations (floor plans and building modifications - if any) will be subject to review by the Mayor and Office of Planning and Development.

Design services will also include regulatory analysis and guidance, and the development of schematic plans and cost estimates for the work required to convert the Brown School to the proposed uses identified above. A separate cost estimate shall be prepared for the portion of work necessary to convert space within the facility for "immediate" use by the Youth Services Department. The purpose of this separate cost estimate is to allow the City to consider undertaking this work in advance of a sale or lease of the remainder of the premises, or alternatively, to require that this work be completed as a condition of private sector redevelopment (reuse). It has not yet been determined whether the City will sell or lease the property on a long-term basis (for non-public uses).

The City would like to complete the above facility assessment, alternatives analysis, schematic design development and cost estimates by June 2014.

The Consultant will meet regularly with the Mayor, Director of Planning & Development, and Director of Youth Services. It is anticipated that several public meetings will be held during the project to inform the larger community and Brown School neighborhood about the study and seek input on the findings and recommendations provided by the Consultant.

# COMMUNICATIONS





Communication #12  
March 17, 2014

RECEIVED  
SECRETARY'S OFFICE  
NEWBURYPORT, MA  
2014 MAR -3 P 2:50

February 25, 2014

Thomas F. O'Brien, President  
Newburyport City Council  
60 Pleasant Street  
P.O. Box 550  
Newburyport, MA 01950

Dear Mr. O'Brien:

In accordance with the provisions of 301CMR 51.00, we would like to inform you that the Commonwealth of Massachusetts, acting through its Department of Conservation and Recreation (DCR), has under consideration the acquisition of approximately 10.7 ± acres of land, or other property interest, in the City of Newburyport. The property was used as open space. If acquired by the Commonwealth, the land shall be used as open space. The property is located in the City of Newburyport, and is shown on the enclosed locus map marked "Exhibit A".

The applicable regulations require that an agency proposal to acquire property be made public in a local forum. To comply with this requirement, we ask that the City Council announce the Commonwealth is considering this acquisition for the above-stated purposes at its next regularly scheduled meeting and document the announcement on the enclosed form. A self-addressed envelope has been enclosed for your convenience in returning the form to us.

Should DCR decide to pursue this acquisition, it may be necessary to complete the transaction in less than the 120 day notice period otherwise required. We therefore ask that you agree to this reduction in time, and indicate your approval of the reduction on the **waiver** form enclosed herewith, and return it to DCR in the enclosed envelope.

Should you have any questions regarding this matter, kindly contact Antonio Barletta, Director of Government Affairs, at 1- 617-626-4991. For your information, a similar notice is being sent to Mayor Holaday, Senator Kathleen O'Connor Ives, Representative Michael A. Costello and the Merrimack Valley Planning Commission.

COMMONWEALTH OF MASSACHUSETTS - EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation  
251 Causeway Street, Suite 600  
Boston MA 02114-2119  
617-626-1250 617-626-1351 Fax  
[www.mass.gov/dcr](http://www.mass.gov/dcr)

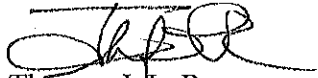


Deval L. Patrick  
Governor

Richard K. Sullivan Jr., Secretary  
Executive Office of Energy & Environmental Affairs  
John P. Murray, Commissioner  
Department of Conservation & Recreation

Thank you very much for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'T. LaRosa', written over a horizontal line.

Thomas J. LaRosa  
Deputy General Counsel

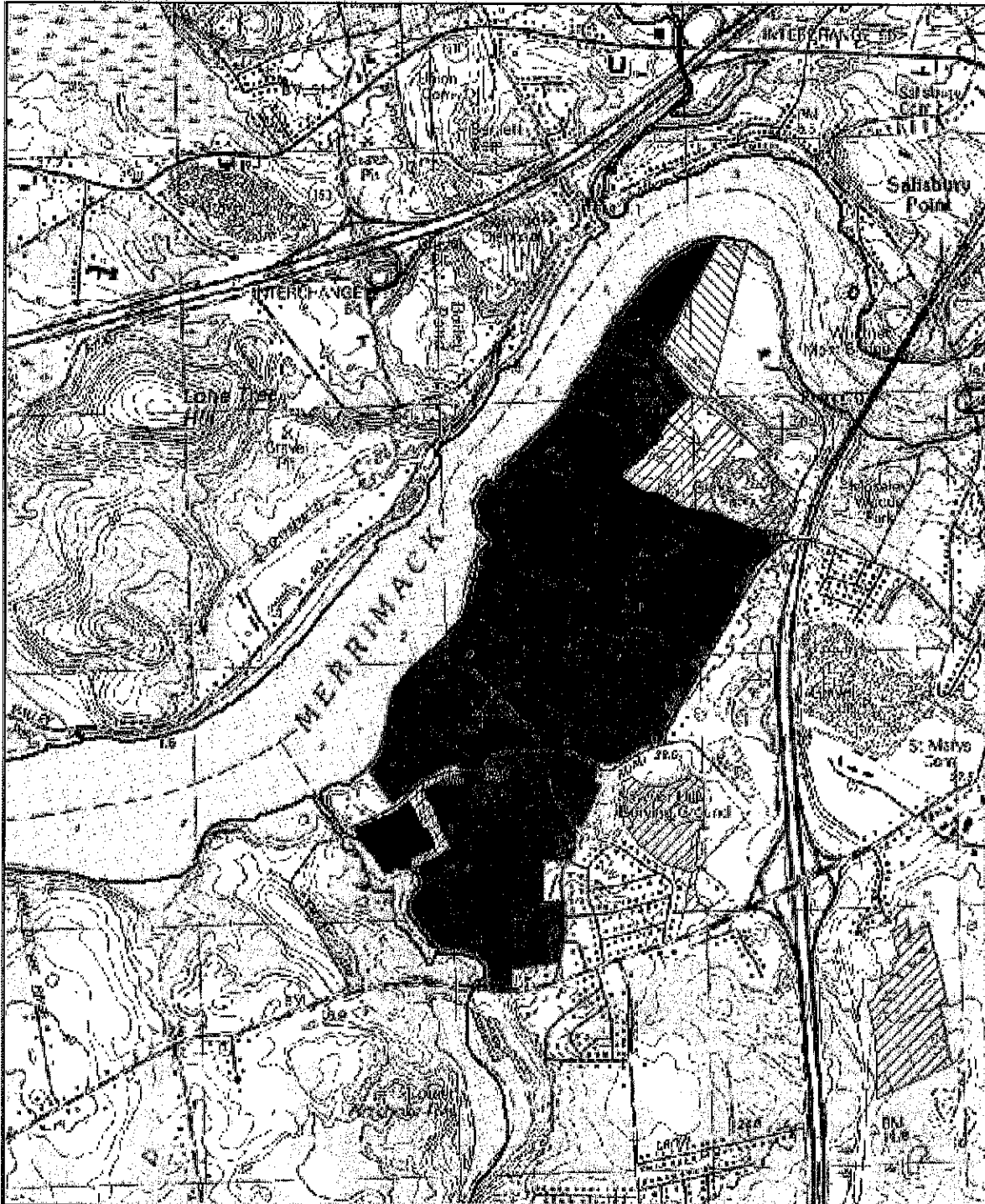
Enclosures

CERTIFIED MAIL No. 7010 3090 0001 5172 5272

RETURN RECEIPT REQUESTED

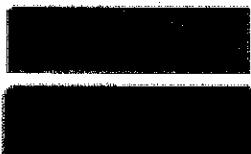
DCR File No: DCR File #: P-000710 & P-000711

# Exhibit A



Scale: 1 to 24,000

Boundary Lines Approximate



Subject Properties

DCR Maudslay State Park

**dcr**  
Massachusetts



## CERTIFICATE OF ANNOUNCEMENT

In accordance with 301 CMR 51.00, et seq., the Newburyport City Council hereby certifies that on \_\_\_\_\_, 2014, a public announcement was made at a regularly scheduled City Council meeting of the Commonwealth's interest in acquiring approximately 10.7 ± acres of land, or other property interest, in the City of Newburyport. A locus map marked "Exhibit A" showing the proposed acquisition is appended hereto.

Date: \_\_\_\_\_

\_\_\_\_\_  
President  
Newburyport City Council

DCR File #: P-000710 & P-000711

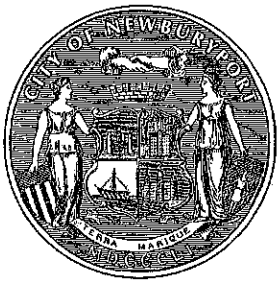
**120 DAY WAIVER FORM**

Pursuant to Code of Massachusetts Regulations Title 301 Chapter 50.0, et seq., I, Thomas F. O'Brien, President, Newburyport City Council, hereby agree to waive the 120 day notice period as required by said Chapter, as to 10.7 ± acres of land in the City of Newburyport, consisting of open space in which the Department of Conservation and Recreation is considering acquiring an interest.

Date: \_\_\_\_\_, 2014

\_\_\_\_\_  
President, Newburyport City Council

DCR File #: P-000710 & P-000711



# CITY OF NEWBURYPORT

Communication #13  
March 17, 2014

## CITY COUNCIL

NEWBURYPORT CITY HALL  
60 PLEASANT STREET  
P.O. Box 550  
NEWBURYPORT, MA 01950

TEL: 978-465-4407

FAX: 978-462-7936

**TO:** Water Commissioners Messrs. E. Larry Kelly, Erford Fowler, Roger Jones, and John Tomasz  
Sewer Commissioners Messrs. David Hanlon, Bob Cook, John Tomasz

**CC:** President O'Brien and the Newburyport City Council

**FROM:** Councillor Robert J. Cronin, Ward 3

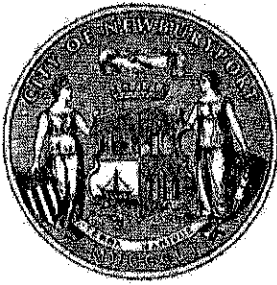
**DATE:** March 6, 2014

**RE:** Water and Sewer Payment Plan

In the recent weeks two residents have contacted me that the Water and Sewer payment plan has been eliminated. I am initially trying to confirm this as the program request form is still on the City website and no one at City Hall could offer any insight as to its status. While I am writing as an individual Councillor, I was asked to report my findings back to the full Council, so any information you provide would govern what action, if any the Council would endeavor to undertake.

If this valuable program has been suspended or eliminated, I urge you to reinstitute it immediately. This program is a safety net for some of the most vulnerable residents in our city and allows them to pay their bills in a way that is more economically feasible for them. Taxes and fees are increasing substantially as we upgrade our infrastructure; therefore this program is needed now more than ever.

Thank you for your anticipated cooperation in this matter and I look forward to your response.



CITY OF NEWBURYPORT  
OFFICE OF DPS WATER AND SEWER  
60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4420 • (978) 465-9242 (FAX)  
WWW.CITYOFNEWBURYPORT.COM

Communication #14  
March 17, 2014

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 MAR 11 A 9:49

**To:** Councillor Robert J. Cronin, Ward 3  
**From:** Lisa Valcich, Business Manager Water and Sewer Department  
**Cc:** City Councillors; Water Commissioners Messrs. E. Larry Kelly, Erford Fowler, Roger Jones, John Tomasz; Sewer Commissioners Messrs. David Hanlon, Bob Cook, John Tomasz; Anthony Furnari, Peter Lombardi  
**Date:** March 11, 2014  
**Re:** Water and Sewer Payment Plan

The Water and Sewer Business office is continuously working to improve our processes to better serve our customers. Parts of these improvements include improvement of our billing processes for our approximate 8500 customer accounts. Over the past year, we have instituted a quarterly billing system for our customers after receiving feedback that bi-annual billing was putting a financial burden on our customers who did not accurately budget for this expense. We were able to assign three billing cycles to our customer base and we bill on a monthly basis one of each of these billing cycles, resulting in a bill for each customer four times per year. We have received very positive feedback on this process improvement.

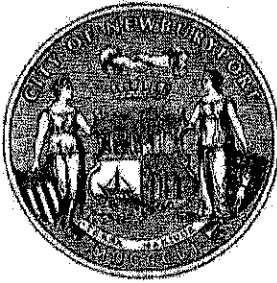
Another process improvement, which was approved by both the City Council and the Water and Sewer Commissions, was to move to a 14% per annum interest on all late charges. Previously, all late charges were manually tracked and assigned a demand fee for both water and sewer after the bill was 10 days past due. With the new per annum policy, our systems electronically track late payments and assign interest on a daily basis after 15 days past due. This process has improved efficiencies and cost in our office. When we instituted the 14% per annum interest policy, we also re-engineered our policy on payment plans.

Previously payment plans were available to any customer who desired to spread their payments out over the billing cycle, essentially working with our office on a budget. With the change from bi-annual to quarterly billing, we saw the number of customers using this service drop off significantly. This process was completely manual to institute and to manage. Each month, the office would need to look up each account on a payment plan to assure that on time payment was made. If it wasn't, the payment plan was null and void and demands were imposed.

To align the Water and Sewer Business Office with other billing within the City (Treasurer), we have instituted a new payment plan that assists our customers that have a financial burden or hardship. This is outlined in the Water Policy and Procedures manual as follows:

**Article VII: Collection Agreements**

*The Board of Water Commission ("Board") recognizes that there may be a time when extreme circumstance or hardship results in financial hardship to a customer. A customer who cannot pay the full amount due for charges may be permitted to enter into a collection agreement on their account. The intent of this policy is to establish a collection agreement for the extreme circumstance or hardship.*



CITY OF NEWBURYPORT  
OFFICE OF DPS WATER AND SEWER  
60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4420 • (978) 465-9242 (FAX)  
WWW.CITYOFNEWBURYPORT.COM

**Section 1. Request for Collection Agreement**

*Customers must have good payment and collections history within the utility billing system to request collection agreement.*

*All customers request for collection agreement will be reviewed by the Department of Public Services staff ("DPS Staff"), including the Business Manager on a case by case basis. The customer must fill out Water Collection Agreement form and provide proof of extreme circumstance or hardship by providing documented proof of hardship. After review of request for collection agreement by the DPS Staff, each request will be submitted to the Water Commission for approval.*

*Once approved by Water Commission, payments must be made in monthly installments and will not incur interest charges for a period of up to one year. All payments made on collection agreements must be made on time or non-payment will negate the collection agreement. In addition, all current water charges billed will be due at the time of billing due date. Current charges will incur interest as policy on billing. Any collection agreement not complete within a one year term, will be referred to the City Treasurer as a lien on real estate tax bill.*

*All denied requests will be provided in writing to the requestor within 15 business days of denial. At that time, all delinquent charges will incur interest and potential lien.*

For the convenience of ratepayers who may be interested in applying for a collection agreement, the applicable policy and form titled Water and Sewer Payment Plan – Hardship Application are on both the Water and Sewer Websites, under the "Links" heading:

<http://www.cityofnewburyport.com/dps-sewer-division>

<http://www.cityofnewburyport.com/dps-water-division>

In addition, you can also find the form by clicking on the Document Center Button on the City's Homepage. It is listed under both the Water and Sewer headings.

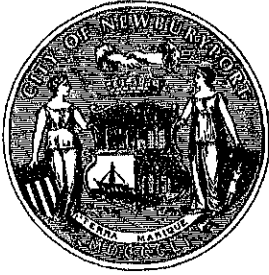
To date, I have not been approached by any residents regarding a hardship in paying their quarterly bills. If you provide me with the names of the residents that are having difficulty, I will reach out to them and do all that I can to support them.

In the future, if you ever have any questions regarding the Water and Sewer Departments policies, please feel free contact me directly. I am located at City Hall in the Water and Sewer Business office, email [lvalcich@cityofnewburyport.com](mailto:lvalcich@cityofnewburyport.com), or by phone 978-465-4420.



# APPOINTMENTS

Appointment #6  
March 17, 2014



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR CITY CLERK'S OFFICE  
DONNA D. HOLADAY, MAYOR NEWBURYPORT, MA

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

2014 FEB 26 P 3:05

February 27, 2014

President O'Brien and Members of the City Council  
c/o City Clerk's Office  
60 Pleasant Street  
Newburyport, MA 01950

Re: Appointment of a Temporary Registrar

Dear President O'Brien and Members of the City Council

At the request of the Board of Registrars and pursuant to MGL c 51 s 20, I hereby appoint as a temporary registrar, Susanne F. Gallagher of 3 Garnet Street, Newburyport, MA to fill the seat of Brian O. Sullivan of 195 High Street who is currently unavailable.

Very truly yours,

A handwritten signature in cursive script that reads "Donna D. Holaday".

Donna D. Holaday, Mayor  
City of Newburyport

DDH/rbj

# Susanne F. Gallagher

## Board of Registrars

---

### Experience

---

1989 - 2000                      First Parish Church                      Newbury, MA

#### Secretary/Assistant Treasurer

- Produce the weekly bulletin
- Responsible for accounts receivables/payables
- Created the yearly budget

---

1994 - 1998                      Immaculate Conception Church                      Newburyport, MA

#### Business Manager

- Responsible for accounts receivables/payables
- Created a ten year budget for the Immaculate Conception School
- Responsible for creating the yearly budget for the Immaculate Conception Church

---

1980 - 1988                      A.J. Corey & Son, Inc.                      Newburyport, MA

#### Bookkeeper

- Responsible for accounts receivables/payables
- Prepared all records for the accountant

---

2013 - Present                      City Clerk's Office                      Newburyport, MA

#### Data Entry

- Record past birth records

2007 - 2012                      Catacomb Crawler                      Newburyport, MA

- Cataloged/organized the records located in the two City vaults
- Coordinated the transfer of the approved records to the Newburyport Public Library

### Education

---

1984 - 1989                      Northern Essex Community College                      Haverhill, MA

- Associates Degree in Business Management

1964 - 1968                      Newburyport High School                      Newburyport, MA  
1956 - 1964                      Immaculate Conception                      Newburyport, MA

### References

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References are available on request.

**APPOINTMENTS  
SECOND READING**

**MAYOR'S APPOINTMENTS**  
**March 17, 2014**  
**SECOND READING**

7. Katherine D. Preftes      6 H Street      **Appointment**  
Commission on Diversity & Tolerance      Feb. 1, 2017

**Re-Appointment**

8. William K. Todd      8 Foster Court      Historical Commission      January 1, 2017  
9. Patricia M. Spalding      5 Bricher Street      Highland Cemetery Commission      Feb. 1, 2017

**In City Council February 24, 2014**

Motion to approve the Consent Agenda as amended by Councillor Cronin, seconded by Councillor Cameron. So voted.

# ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 17, 2014

**THAT THE CITY COUNCIL OF THE CITY OF NEWBURYPORT**, pursuant to MGL chapter 44 §53E ½; annually authorizes the following Revolving Fund accounts:

- Plumbing Inspector
- Gas Inspector
- Electrical Inspector
- Council on Aging
- City Hall Maintenance
- Animal Control
- Transient Vendors
- Medicare/Medicaid
- South End Library Branch
- Downtown Paid Parking
- Historical Commission
- Planning and Zoning
- Engineering Services
- Disabilities Commission
- Veterans Benefits
- Recreational Services
- M-School Drop in Center

**AND FURTHERMORE**, it is a primary duty and responsibility of the Newburyport City Council to approve the City budget and provide general fiduciary oversight,

**NOW THEREFORE BE IT ORDERED, THAT** any expenditure greater than \$7,500.00 shall be approved by a majority vote of the Newburyport City Council.

Councillor Robert J. Cronin

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 17, 2014

## RESOLUTION

**WHEREAS** Newburyport citizens are served every day by public servants in federal, state, county, and local government. These unsung heroes do the work that keep our government alive and working; and

**WHEREAS** Public servants throughout the city include teachers, nurses, laborers, librarians, public safety officers, computer technicians, health care professionals, and many other occupations. These employees provide the services demanded by citizens with efficiency and integrity; and

**WHEREAS** Without these public servants, continuity of government would be impossible in a democracy that regularly changes its leaders and elected officials; and

**WHEREAS** Public Service Recognition Week has been celebrated the first week of May every year since 1985, in accordance with an annual designation by the President and Congress. Throughout the country, mayors, governors, communities, and public service organizations participate by issuing proclamations, hosting award ceremonies and special tribute events, and delivering messages about the value of public service; and now therefore be it

**RESOLVED** the Newburyport City Council proclaims May 4 – 10, 2014 as Public Service Recognition Week. We encourage the people to recognize the accomplishments and contributions of government employees at all levels – federal, state, county, and city. Further, because of our 250<sup>th</sup> anniversary this year, we suggest sestercentennial organizers incorporate appropriate events during this week.

Councilor Ari Herzog  
Councilor Larry Giunta



CITY OF NEWBURYPORT



---

IN CITY COUNCIL

ORDERED:

March 17, 2014

**THAT** City Council of the City of Newburyport, having viewed the Community Preservation Committee's (CPC) recommendation for the transfer of remaining/unsent funds from the Herrick and the Gutierrez open space acquisitions totaling \$356,765.98 from the Community Preservation Fund Balance, account 70-35900, to "Open Space Reserves," account 70-32410.

---

Councillor Edward C. Cameron

# MEMO

**To:** Newburyport City Council

**From:** Judith Grohe, Chair and Michael Dissette, Vice Chair, Community Preservation Committee

**Subject:** RECOMMENDED ORDER: Transfer of Funds from Project Accounts to Open Space Reserves

**Date:** March 17, 2014

---

In 2006 and 2007, the City Council voted to appropriate funding for the purchase of two open space properties, the Herrick and Gutierrez properties, respectively. As a condition of these appropriations, any unspent funds and/or funding received after the date of acquisition shall be deposited into the Community Preservation Fund for Open Space (i.e. "Open Space Reserves") and be subject to further recommendation by the Community Preservation Committee.

These two acquisitions have been successfully completed, leaving the following unspent funds remaining in the two project accounts:

- Herrick Acquisition: \$155,996.21
- Gutierrez Acquisition: \$200,769.77

**Total: \$356,765.98**

Please see the attached Order. We encourage you to act favorably on this recommendation. Thank you for your consideration.

CITY OF NEWBURYPORT



IN CITY COUNCIL

March 17, 2014

ORDERED:

**RESOLUTION**

**WHEREAS**, Earth Hour is both an international and local symbolic event organized by World Wildlife Fund to raise awareness about climate change, energy efficiency and natural resource conservation, and

**WHEREAS**, Earth Hour asks all citizens, businesses, non-commercial establishments and government agencies to turn off all non-essential lighting for one hour beginning at 8:30 pm on Saturday, March 29, 2014 and aims to encourage citizens and businesses to commit to actions they can take in the coming year to conserve energy; and,

**WHEREAS**, the City of Newburyport is working to further the aforementioned mission through energy conservation, energy efficiency and conversion to greener energy sources,

**NOW, THEREFORE**, the Newburyport City Council encourages all non-essential lighting in city buildings and public landmarks to be turned off from 8:30 PM to 9:30 PM on Saturday, March 29, 2014 and encourages our citizens to do likewise in order to conserve energy and raise awareness about global climate change.

Councillor Edward C. Cameron, Jr.  
Councillor Meghan C. Kinsey

**ORDINANCE**

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 27, 2014

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

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

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

**Street**

Franklin Street

**Extent**

No parking Westerly side only of Franklin Street from the property line between 10 Franklin Street and 6 Franklin Street and running in a northerly direction to Water Street.

\_\_\_\_\_  
Councillor Allison Heartquist

**In City Council January 27, 2014**

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

**In City Council February 10, 2014**

Motion to remove by Councillor Cronin, seconded by Councillor Herzog. Motion to approve 1<sup>st</sup> reading and order to print by Councillor Cronin, seconded by Councillor Heartquist. Roll call vote, 10 yes, 1 absent (O'Brien). So voted.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 13, 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:

<b>Street</b>	<b>Extent</b>
Fair Street	No parking for a distance of six feet on the northerly side of the exit of the from the Sullivan building parking lot at the corner of Temple and Fair Streets on the westerly side of the street.

\_\_\_\_\_  
Councillor Jared J. Eigerman

**In City Council January 13, 2014**

Motion to refer to committee by Councillor Eigerman, seconded by Councillor Cronin.

**In City Council February 10, 2014**

Motion to remove by Councillor Cronin, seconded by Councillor Herzog. Motion to approve as amended for 1<sup>st</sup> reading and order to print by Councillor Cronin, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (O'Brien).

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 27, 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 13-180	Resident parking.

*Add:*

*(g)(2) by adding the following street or portions thereof to Zone 2:*

Fair Street between Water Street and Liberty Street

\_\_\_\_\_  
Councillor Jared J. Eigerman

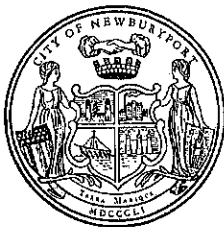
**In City Council January 27, 2014**

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

**In City Council February 10, 2014**

Motion to remove by Councillor Cronin, seconded by Councillor Herzog. Motion to approve 1<sup>st</sup> reading and order to print by Councillor Cronin, seconded by Councillor Heartquist. Roll call, 10 yes, 1 absent (O'Brien).

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 17, 2014

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED BOATS, DOCKS AND WATERWAYS**

<b>Chapter 4</b>	<b>Boats, Docks and Waterways</b>
<b>Article II</b>	<b>Harbor</b>
<b>Division 4</b>	<b>Use Regulations</b>
<b>Subdivision A</b>	<b>Generally</b>

**Section 4-72**      **Definitions**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

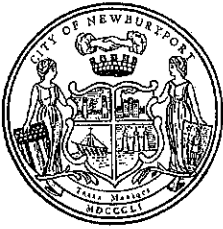
**ADD:**

*Stand-up Paddleboard* shall mean a surfboard like device used while standing and propelled with a paddle or oar.

Councillor Robert J Cronin



CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 17, 2014

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED BOATS, DOCKS AND WATERWAYS**

<b>Chapter 4</b>	<b>Boats, Docks and Waterways</b>
<b>Article II</b>	<b>Harbor</b>
<b>Division 4</b>	<b>Use Regulations</b>
<b>Subdivision B</b>	<b>Operation of Vessels in Newburyport Harbor</b>

**Section 4-80**            **Windsurfing and Waterskiing**

**Delete:**

- (a) Windsurfers and waterskiers are not to operate in the navigable channel of the river or in mooring areas from the Ice Breaker to west of Carr Island.

**Insert a new (a):**

- (a) Windsurfers, Waterskiers and Stand-up Paddleboards are not to operate in the navigable channel of the river or in mooring areas from the Ice Breaker to west of Carr Island.

**Add:**

- (d) All Stand-up Paddleboard users shall wear a USCG approved Personal Floatation Device (PFD) of Type I, II, III or Type V

Councillor Robert J. Cronin



CITY OF NEWBURYPORT  
OFFICE OF THE HARBORMASTER

PAUL HOGG  
HARBORMASTER

To: President Thomas O'Brien and Newburyport City Council

From: Paul Hogg Newburyport Harbormaster

Subj: Stand Up Paddle Board New City Ordinance

Date: 03/05/2014

## Stand-up Paddleboards

In October of 2008, the United States Coast Guard made the determination that stand-up paddleboards (SUP) are considered vessels and thereby subject to certain boating safety regulations.

So what does this mean for a stand-up paddleboard user? When using a stand-up paddleboard beyond the limits of swimming, bathing, or surfing areas, users are required to be prepared just as they would if they were operating a traditional vessel.

All SUP users on coastal waters, when not in a bathing, swimming, or surf zone, are **required by law** to have a Type I, II, or III personal floatation device (PFD) aboard.

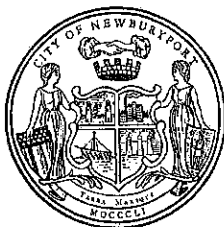
- All SUP users on inland lakes or rivers, when not in a bathing or swimming area, are **required by law** to have a Type I, II, or III personal floatation device (PFD) aboard.

*\*SUP users may elect to wear a Type V inflatable device; however, the device must be worn on the person in accordance with legal requirements.*

Respectfully

Paul Hogg  
Newburyport Harbormaster

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 17, 2014

## AN ORDINANCE TO LIMIT THE DISTRIBUTION OF THIN-FILM, SINGLE-USE PLASTIC BAGS WITH INTEGRAL HANDLES

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

### *General Ordinance Amendment:*

### CHAPTER 6.5: ENVIRONMENT

Insert a new Article III to Chapter 6.5 of the Code of the City of Newburyport, Massachusetts, with the following text:

### ARTICLE III: PLASTIC BAGS

#### Section 6.5-43. Short Title

This Article may be cited as the "Plastic Bags Reduction Ordinance."

#### Section 6.5-44. Purposes and Intent

The production and use of thin-film, single-use plastic bags with integral handles have significant impacts on the marine and land environment of all coastal communities, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; fouling boating propellers and engines; contributing to pollution of the land environment; creating a burden to our solid waste management; clogging our storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for manufacture.

The purposes of this Article include: to limit the issuance of thin-film, single-use plastic bags with integral handles to customers by all retail establishments in the City of Newburyport; to encourage such customers to use their own reusable or biodegradable shopping bags; and to encourage retail establishments to offer reusable bags for sale to customers at a reasonable price.

#### Section 6.5-44. Definitions

- (a) "*Thin-film, single-use plastic bag with integral handles*" shall mean a bag made of plastic with integral handles a thickness of 2.5 millimeters or less.
- (b) "*Biodegradable bag*" shall mean a bag that both: (A) contains no polymers derived from fossil fuels; and (B) is intended for single use and will decompose in a natural setting at a rate comparable to other biodegradable materials such as paper, leaves, and food waste.
- (c) "*Reusable bag*" shall mean a bag that is specifically designed and intended for multiple uses and either is made of plastic with a thickness greater than 2.5 millimeters, or of cloth, fabric or another durable materials.
- (d) "*Retail establishment*" shall mean an establishment engaged in any "Business," "Food Service" or "Marine" uses regulated under Section V (Use Regulations) of Appendix A (Zoning Ordinance) of the Code of the City of Newburyport, Massachusetts.

### **Section 6.5-45. Limitations**

- (a) *Regulated Activities.* No thin-film, single-use plastic bag with integral handles shall be sold or otherwise distributed at or by any retail establishment within the City of Newburyport.
- (b) *Alternative Activities.* Retail establishments, at their sole election, may sell or otherwise distribute biodegradable bags and/or reusable bags within the City of Newburyport.
- (c) *Exemptions.* Thin-film, single-use plastic bags with integral handles of the following types are exempted from regulation under this Article:
  - (1) Bags used to package loose items, such as fruits, vegetables, nuts, grains, candies, or small hardware items;
  - (2) Bags used to contain or wrap frozen or fresh foods, meat, fish or poultry, flowers or potted plants, or other items, in order to contain or otherwise mitigate dampness and/or inhibit the transmission of infection;
  - (3) Bags used to protect or transport prepared foods, including, without limitation, baked goods;
  - (4) Bags provided by pharmacists to package prescription medications;
  - (5) Bags used for newspaper home or business deliveries;
  - (6) Door-hanger bags used for home or business deliveries;
  - (7) Laundry, dry cleaning, or garment bags, including, without limitation, bags used to contain wet or dirty clothing at a hotel/inn or bed and breakfast establishment;
  - (8) Bags used to package trash, garbage or pet waste;
  - (9) Bags used to transport live animals, such as fish or insects sold in pet stores;
  - (10) Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level, provided that this exemption shall be limited to one bag per customer per transaction; and
  - (11) Bags used to package loose-lid beverages, including fountain drinks, coffee, or other beverages served in a disposable container with a separate lid, provided, however, that the beverage has been prepared by or in the same retail establishment.

### **Section 6.5-46. Enforcement**

- (a) *Regulations.* Consistent with this Article, the city shall promulgate regulations to enforce and otherwise implement the provisions of this Article ninety (90) days from the date that the mayor approves this Article or it otherwise comes into force.
- (b) *Noncriminal Disposition.* If the city determines that a violation of this Article has occurred at or by a retail establishment, such retail establishment shall be penalized by a noncriminal disposition as provided in Section 21D of Article 40 of the Massachusetts General Laws, and adopted by the City as a general ordinance as Subsection 1-17 of Chapter 1 of the Code of Ordinances of the City of Newburyport, in the amounts set forth in Section 5.4 of this Article.
- (c) *Warning.* Upon the first violation of this Article at or by a retail establishment, the city shall provide such retail establishment written notice that such first violation has occurred and issue a warning that any subsequent violations within a twelve- (12-) month period

shall require the imposition of monetary penalty. No monetary penalty shall be imposed for this first violation.

- (d) *Subsequent Violations.* Upon subsequent violations of this Article at or by a retail establishment within twelve (12) months after a first violation, the city shall impose and provide the retail establishment written notice of the accrual of a monetary penalty. Such monetary penalty shall not exceed the following amounts:
  - (1) One-hundred dollars (\$100) for the second violation;
  - (2) Two-hundred dollars (\$200) for the third violation; and
  - (3) Five-hundred dollars (\$500) for the fourth and each subsequent violation.
- (e) *Late Payment.* If payment of any monetary penalty is not received on or before the date when due, than the city shall impose an additional penalty as provided by the regulations promulgated pursuant to this Article.
- (f) *Use of Revenues.* All revenues collected through payments of a monetary penalty under this Article shall be used only for the costs of enforcing this Article, including, without limitation, the hiring of inspectors and other enforcement officers, and to administrative costs associated with this Article.

**Section 6.5-47. Effective Date**

To facilitate compliance by retail establishments, enforcement of this Article shall be suspended until the date that is one-hundred and eighty (180) days from the date that the mayor approves this Article or it otherwise comes into force. During such period of suspension, the city shall direct an effort to educate retail establishments about this Article.

**Section 6.5-48. Severability**

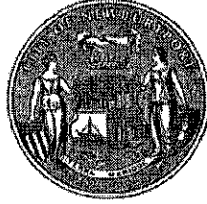
The City Council intends that each separate provision of this Article shall be deemed independent of all other provision herein. The City Council further intends that if a court of competent jurisdiction declares that any provision of this Article is invalid, then the remaining provisions of this Article shall remain valid and enforceable of this Article.

Sponsors:

Councillor Barry N. Connell  
Councillor Edward C. Cameron  
Councillor Robert J. Cronin  
Councillor Jared J. Eigerman  
Councillor Ari B. Herzog  
Councillor Charles F. Tontar  
Councillor Bruce L. Vogel

**COMMITTEE ITEMS**

## Budget & Finance



**City of Newburyport**  
**DRAFT Contract**  
**Between**  
**The City Council**  
**And**  
**Richard B. Jones, City Clerk**

This Agreement is made this ~~31<sup>st</sup>~~ 15<sup>th</sup> day of ~~January~~ April by and between the City Council (herein after City Council) and Richard B. Jones (herein after City Clerk).

The City Council and the City Clerk hereby agree that the following terms and conditions shall govern, subject to annual appropriation, the salary and fringe benefits to which Richard Jones shall be entitled as City Clerk for the City of Newburyport.

**1. Term of Contract and Termination**

**A. Term of Contract and Probation Period**

This agreement is for a term of three years commencing on ~~January~~ April 3-15, 2014 and ending on ~~January~~ April 3-15, 2017. Reappointment is subject to the majority vote of City Council. In the event the City Clerk is re-appointed for another three (3) year term, this contract can be extended and amended with terms that are agreeable to the City Council and the City Clerk. This contract is also subject to amendment in the event of any significant changes in job responsibilities or duties.

If the City Clerk decides to resign from the position at any time during the three (3) year contract, the City Clerk *shall* provide the City at least sixty (60) calendar days written notice of said resignation.

**B. Disciplinary Action and Dismissal**

The City Council reserve and retain the right to discharge, suspend, or otherwise discipline for just cause the employee covered by this agreement. The City Council shall provide the City Clerk with written notification of any contemplated discipline or dismissal for just cause.

**C. Non-Reappointment**

The City Clerk position is subject to appointment. In the event that the City Clerk is not to be reappointed, the City Council shall ordinarily notify the City Clerk, in writing, ninety (90) days in advance. ~~In the event such appointment is made by other City authorities, the appropriate City authority shall provide such said written notice.~~ Such notice shall be hand delivered to the City Clerk with signed confirmation by the City Council President. The City shall provide one (1) month severance pay to the



City Clerk if the ninety (90) days advance written notice of non-appointment is not provided by the City Council to the City Clerk.

## 2. Hours of Work

The City Clerk is a salaried position requiring at least a 40 hour work week. The days worked include all week days and also weekends as part of the Clerk's responsibilities extend to managing the paid parking program and its enforcement officers. The total hours worked will be based on the fulfillment of the duties and responsibilities of the position with full understanding the total number of hours of work may vary from week to week. The City Clerk is expected to attend evening and weekend meetings and events.

## 3. Essential Functions

The City Clerk serves as the official keeper of the municipal records. The City Clerk assembles the agenda packets with supporting documents for the City Council Meetings. The City Clerk is also responsible for overseeing local, state, and federal elections, ~~maintaining~~ serving as keeper of financial records, serving as registrar of vital statistics, serving as a passport office manager, assuring the transparency of the municipality's conduct of business, and enforcement of Conflict of Interest policies.

The City Clerk manages four full-time employees (Assistant City Clerk, Administrative Assistant I, and Administrative Assistant II, Parking Enforcement Officer), 4 – 6 part-time Parking Enforcement Officers, and 40 election workers (event-related).

The City Clerk is also the Parking Clerk and therefore manages the Parking Department. The Parking Department includes the full-time parking enforcement officer and the part-time enforcement officers as well as the paid parking program. The paid parking program includes agreements to manage certain parking lots for the Newburyport Redevelopment Authority and the Waterfront Trust in addition to the City parking lots.

Additionally, the City Clerk manages the Passport Program which has two agents and one assistant.

The City Clerk shall perform his duties in accordance with all applicable local, state, and federal regulations, laws, ordinances, and City Charter provisions.

## 4. Compensation

Subject to annual appropriation, the City Clerk currently receives \$90,000 annually. The budget for this salary comes from the following areas:

City Clerk	Clerk of Council	Clerk Registrar	Registrar	Parking Clerk	Total
\$62,500	\$4000	\$2000	\$500	\$21,000	\$90,000

Subject to annual appropriation, for the next three next three Fiscal Years, at the beginning of the Fiscal Year, the City Clerk will receive a 2% Cost of Living Adjustment per the schedule below.

Fiscal Year	City Clerk	Clerk of Council	Clerk Registrar	Registrar	Parking Clerk	Total
FY 2014	\$62,500.00	\$4,000.00	\$2,000.00	\$500.00	\$21,000.00	\$90,000.00
FY 2015	\$63,750.00	\$4,080.00	\$2,040.00	\$510.00	\$21,420.00	\$91,800.00
FY 2016	\$65,025.00	\$4,161.60	\$2,080.80	\$520.20	\$21,848.40	\$93,636.00
FY 2017	\$66,325.50	\$4,244.83	\$2,122.42	\$530.60	\$22,285.37	\$95,508.72

### 5. Professional Development

Consistent with existing practice the City shall grant reasonable time off without loss of pay and without charge to any other leave to attend conferences, seminars, or professional meetings, which are directly related to improving the City Clerk's knowledge and skills in his particular position. A request for such time off shall be made to the City Council as soon as practicable ~~practical~~ and shall outline the nature and extent of the proposed leave. Attendance at such conference on non-scheduled workdays shall not entitle the employee to any additional compensation or additional time off. The City may appropriate funds for tuition and related expenses for attending conferences.

The City will reimburse the City Clerk for the cost of attendance at seminars, conferences, and other meetings attended by employees, with prior approval of the Mayor. Mileage for travel shall be reimbursed at the current IRS rate.

### 6. Education

The City Clerk shall hold a bachelor's degree from an accredited institution. A law degree is preferred.

### 7. Longevity

The City Clerk hereby waives any claim to longevity payment.

### 8. Insurance

The City Clerk is eligible for all health insurance benefits in accordance with the agreement negotiated the City and the Public Employee Committee (PEC agreement) pursuant to MGL Chapter 32B, Section 19. The city will pay seventy-five percent (75%) of the premium for the first \$2000.00 worth of Life insurance and the employee will pay twenty-five (25%) of the cost for the first \$2000.00 worth of Life insurance. The difference between the \$2000.00 life insurance and the \$5000 life insurance will be paid 100% by the City.

### 9. Equipment

The City will provide the following equipment to support the Position Title in the fulfillment of their duties:

Equipment
-----------

Cell Phone
------------

## 10. Vacation, Personal, Bereavement, Sick, and Jury Duty

### A. Vacation

The City Clerk will be entitled to five (5) weeks vacation, each Fiscal Year. Vacation for the fiscal year is provided on July 1 of that Fiscal Year. With the City Council President's permission, the City Clerk may carry over ten (10) days of unused vacation from one fiscal year to the next. Upon termination of employment, the City Clerk shall be paid for any unused vacation previously accrued. If termination is caused by death, such payment shall be made to the City Clerk's spouse or beneficiary.

### B. Personal

The City Clerk shall be entitled to four (4) personal days per Fiscal Year. Unused personal days shall not be carried from year to year. Personal days are not cumulative from one Fiscal Year to the next and unused amounts are not eligible for buy-back upon retirement or termination of employment.

### C. Bereavement Leave

The City Clerk shall be entitled to five (5) days of paid bereavement time, without loss of pay, vacation, or other leave. This time off will be granted upon the death of an immediate family member (spouse, parent, child, step-child, foster-child, brother, sister, mother and father in-law, grandmother, grandfather, spouse's mother father grandmother, grandfather). Should the death occur during the City Clerk's scheduled vacation or days off, then the five (5) days of bereavement leave will be substituted for said vacation or days off, and the vacation.

### D. Sick Leave

The City Clerk has accumulated sick leave and will continue to accumulate 1.25 days of sick leave each month. Sick leave is cumulative and carried forward from one Fiscal Year to the next. Upon retirement, the City Clerk will be paid 50% of the number of unused sick days with a maximum of days paid not to exceed eighty-five (85) days. There will be no buy-back of sick leave if the employee resigns or is terminated.

### E. Jury Duty

If the City Clerk is requested for Jury Duty, he shall be given the time off without the loss of pay.

## 11. Holidays

The City Clerk shall be entitled to twelve (12) paid holidays. These are:

1. New Year's Day,	7. Labor Day
2. Martin Day King Day	8. Columbus Day

3. Washington's Birthday	9. Veteran's Day
4. Patriot's Day	10. Thanksgiving Day
5. Memorial Day	11. Day after Thanksgiving
6. Independence Day	12. Christmas Day.

The City Clerk shall receive one day's pay for each Holiday worked in association with his parking clerk responsibilities. Payment for these days worked will come from the paid parking program.

**12. Other**

Other information and guidance for the City Clerk *not* covered in this Agreement can be found in the Employee Handbook.

IN WITNESS WHEREOF, the parties hereunto have set their hands and seal to this instrument the date and year first above written.

City Council President  
 Thomas O'Brien  
 11 Mosely Ave.  
 Newburyport, MA 01950

City Clerk  
 Richard Jones  
 283 High Street  
 Newburyport, MA 01950

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Date**

# Public Safety

Communication #1  
February 24, 2014

Patriots for American Veterans Inc.

RECEIVED  
CLERK'S OFFICE  
NEWBURYPORT, MA

11 doe run dr Newburyport, MA. 2014 FEB 12 A 11:58

February 12, 2014

Request to submit proposal to City of Newburyport February City council meeting ie; "Spring Walk For The Troops"

Thank You,

With Respect,



Frank Peluso

President, Patriots for American Veterans



Revised

# SPRING WALK FOR THE TROOPS

NEWBURYPORT, MA. / THE BIRTHPLACE OF THE COASTGUARD  
A TWO MILE WALK ALONG THIS BEAUTIFUL SEAPORT CITY  
**WWW.SPRINGWALKFORTHETROOPS.ORG**

## POKER WALK



Sunday

April 27<sup>th</sup> at 9AM

Sponsored by: PATRIOTS FOR AMERICAN VETERANS: Supporting all veterans

**ALL PROCEEDS TO SEND CARE PACKAGES TO OUR TROOPS OVERSEAS**

**Where:** North End Boat Club 1 Manson Ave. Newburyport MA.

**2 Mile walk at your own pace START AND FINISH**

**What:** Scenic, historical walk on the boardwalk. Downtown Newburyport

**POKER WALK**  . Four check points along rout and last card at finish line.

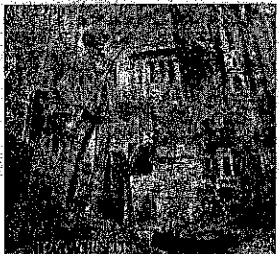
Best poker hand= PRIZE, Worst poker hand PRIZE

**GRAND PRIZE: 7 DAY ORLANDO, FL VACATION!**  
(TRANSPORTATION NOT INCLUDED)

**Winning ticket will be pulled April 27<sup>th</sup> at 2PM**

Live Music, vendors, RAFFLES, 50/50, lunch at 1pm at **FINISH**. Meet military personel representing our Troops overseas.

**When:** Sunday, April 27<sup>th</sup>. Registration 9am-11am. A \$15 dollar donation includes lunch. All funds raised will be used for our TROOPS



**PAVO**  
Patriots For American Veterans Organization  
Newburyport  
President: Frank Peluso, [cisopatriotrider@yahoo.com](mailto:cisopatriotrider@yahoo.com) , cell # (978)-376-5149



Route for the Spring Walk = 2 Mi

1 MANSON AVE NEWBURGH

Start at the North End Boat Club; enter the harbor walk way go  $\frac{1}{2}$  mi. to the Newburgh bridge stay on harbor walk under bridge go through Michael's Harbor side restaurant parking lot  $\frac{1}{8}$  mi. (staying along the waterfront) to the Black Cow restaurant, you are now at the entrance to the Boardwalk at Harbor Front Park (this is the half way point). (continue on Boardwalk to the Concert Area of park take a right along the Fire House Center (going westward) follow to Crosswalk cross Merriman St. staying on Boardwalk straight to Pleasant St. take a right on Pleasant St. follow for  $\frac{3}{10}$  mi. take a right on Market St. go to Merriman St. cross Merriman St. to parking lot of Michael's Harbor side parking lot go back on Harbor walk return to the North End Boat Club. Total distance = 2 Miles.



## Public Utilities

CITY OF NEWBURYPORT

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA



2014 FEB -4 P 3: 58

IN CITY COUNCIL

ORDERED:

February 4, 2014

THAT, whereas, the Commonwealth of Massachusetts has been engaged in a process to establish a competitive market place through deregulation and restructuring of the electric utility industry, and;

Whereas, citizens of Newburyport have a substantial economic and social interest at stake, and;

Whereas, the City of Newburyport hereby finds that it may be in the interest of the electric ratepayers, both residential and commercial/industrial, to enter into an aggregation agreement,

**BE IT THEREFORE RESOLVED** that, pursuant to Massachusetts General Law Chapter 164 Section 134, the City of Newburyport hereby:

Publicly declares its intent to become an aggregator of electric power on behalf of its residential and business communities, and;

Will negotiate and enter into a contract for power supply independently. If such a contract is executed, individual consumers would retain the option not to participate and to choose any alternatives they desire, or take any other action relative thereto.

\_\_\_\_\_  
Councillor Ari B. Herzog

*Refer to  
AEL  
PUBLIC UTIL  
&  
Committee of the  
whole  
AH SV*

## **License & Permits**

THE COMMONWEALTH OF MASSACHUSETTS

City OF Newburyport

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

**APPLICATION FOR A LICENSE TO BUY, SELL, ~~EXCHANGE~~ 12:5b  
OR ASSEMBLE SECOND HAND MOTOR VEHICLES  
OR PARTS THEREOF**

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a CLASS 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? Chanard Limousine Sales, INC.

Business address of concern. No. 18 Center Street St.,  
Newburyport, MA 01950 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 Thomas H. Hoare, Jr.

Secretary Mary A. Hoare

Treasurer Thomas H. Hoare, Jr.

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.

Office is located on 2<sup>nd</sup> floor of 18 Center St  
No vehicles are on display  
Wholesale only at auctions

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, MASS

Did you receive a license? Yes For what year? Every year since 1984  
(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 10 Coffin St, West Newbury  
MA 01985

**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)

RECEIVED  
CLERK'S OFFICE  
NEWBURYPORT, MA

**NOTICE OF PREMIUM DUE**  
\*\*\*\*\*

2014 MAR -5 A 11: **CNA SURETY**

Phone: 1-888-866-2666  
Fax: 1-605-335-0357  
Email: [uwservices@cnaSurety.com](mailto:uwservices@cnaSurety.com)  
Company#: 0601  
Bond/Policy#: 69655968  
Billing Date: 11/27/2013  
Due Date: 02/03/2014

Premium: \$250.00

CHANARD LIMOUSINE SALES, INC.  
351 HIGH ST., STE. 101  
NEWBURYPORT, MA 01950

**Amount Due: \$250.00**

Company#: 0601  
Bond/Policy#: 69655968  
Effective Date: 02/03/2014      Anniversary Date: 02/03/2015  
Bond amount: \$25,000.00  
Name: CHANARD LIMOUSINE SALES, INC.  
Description: MA SECOND HAND MOTOR VEHICLE DEALER

Written By: WESTERN SURETY COMPANY

Your agent has requested that we bill your bond/policy directly from our office. PLEASE PAY THE AMOUNT INDICATED to CNA Surety. If this is a renewal, please submit payment at least two weeks prior to the due date to ensure proper and timely renewal of your bond/policy coverage.

If you have any questions, please contact your agent with whom the bond/policy was written.

Phone: (978)977-4884  
Agency Code: 20-00502

**Elliot Whittier Insurance  
Services, L L C**  
75 Sylvan St., Ste. B-202  
Danvers, MA 01923

**YOU CAN PAY ONLINE BY VISITING [ONLINEPAY.CNASURETY.COM](http://ONLINEPAY.CNASURETY.COM)**

Please detach and return the coupon below with your payment. Please send payment to the address below.  
For overnight payments please call 1-888-866-2666