

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS

June 13, 2016

7:15 PM

Pole Hearing (Tabled from May 31, 2016)
Low Street and Storey Avenue

Opened at 7:15pm by President O'Brien, all Councillors present. Dave Aguar from National Grid was present. Motion to approve by Councillor Vogel, seconded by Councillor Tontar. Hearing closed at 7:17pm.

7:30PM

The City Council President, Thomas O'Brien, called the meeting to order at 7:31pm. A moment of silence was held for Virginia Tobin, Helen and Norman Ladd, David Tierney, the victims of the Orlando massacre, and Ed Cameron, Sr., followed by the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Devlin, Earls, Eigerman, Giunta, Tontar, Vogel, Zeid, O'Brien. 11 present, 0 absent.

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS - Mayor's Update, COMM063_06_13_16, ORDR050_06_13_16

Motion to waive the rules, to accept late files, by Councillor Zeid, seconded by Councillor Cameron. So voted.

5. PUBLIC COMMENT

1. Sheila Mullins	7 Parsons Street	Sidewalks
2. Stephanie Niketic	93 High Street	Sidewalks
3. Rob Germinara	2 Ashland Street	Sidewalks

6. MAYOR'S COMMENT

The mayor gave an update pursuant to her written communication.

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

May 31, 2016

(Approve)

8. TRANSFERS

- **TRAN018_06_13_16** General Fund \$28,068.02 and Snow & Ice – Labor \$56,722.98 to Snow & Ice – Expenses \$84,791.00 (B&F)
- **TRAN019_06_13_16** Sewer Retained Earnings \$370,000.00 to Odor Control

Improvements Project \$370,000.00 (B&F)

- **TRAN020_06_13_16** POL Heat \$7,500.00, POL Electricity \$1,500.00, POL Equip Maint \$4,000.00, and POL Fuel \$10,000.00 to POL Purchase Cruiser \$23,000.00 (B&F)

9. COMMUNICATIONS

- **COMM061_06_13_16** Tyng Street Block Party (L&P)
Councillor Tontar removed from the Consent Agenda to the Regular Agenda.
- **COMM062_06_13_16** Newburyport Half Marathon (PS)

10. APPOINTMENTS

First Reading APPOINTMENTS

- **APPT051_06_13_16** Robert Padellaro 17 56th St, Nbpt Spec Pol 7/1/2019
Michael Falite 4 Caitlin Cir, Slsbry Spec Pol 7/1/2019

RE-APPOINTMENTS

- **APPT052_06_13_16** Madeline Nash 19 Arlington St, Nbpt Aff Housing 5/1/2017
- **APPT053_06_13_16** Judy Tymon 39 Lime St, Nbpt Aff Housing 4/1/2018
- **APPT054_06_13_16** Karen B. Wiener 7 Lincoln St, Nbpt Aff Housing 6/1/2017

END OF CONSENT AGENDA REGULAR AGENDA

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

11. MAYOR'S UPDATE

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

12. TRANSFERS

- **TRAN017EP_06_13_16** Emergency Preamble – Transfer Comp Absences
Motion to approve by Councillor Zeid, seconded by Councillor Tontar. So voted.
- **TRAN017_06_13_16** General Fund \$113,562.37 to Comp Absences \$113,562.37
Motion to approve by Councillor Zeid, seconded by Councillor Vogel. So voted.

13. COMMUNICATIONS

- **COMM061EP_06_13_16** Emergency Preamble for Tyng Street Block Party
Motion to approve by Councillor Tontar, seconded by Councillor Vogel. 1 Present(RC), so voted.
- **COMM061_06_13_16** Tyng Street Block Party
Motion to approve by Councillor Tontar, seconded by Councillor Vogel. So voted.
- **COMM063_06_13_16 LATE FILE** Letter from Abutters of the I-95 Project
Motion to refer to General Government and Public Safety by Councillor Vogel, seconded by Councillor Tontar. So voted.

14. APPOINTMENTS

Second Reading APPOINTMENTS

Motion to approve all second reading appointments collectively by Councillor Cameron, seconded by Councillor Vogel. So voted. Roll call vote 11 yes

• APPT036_05_31_16	Sarah T. Spalding	280 High St, Nbpt	Library Board	1/1/2020
• APPT037_05_31_16	Joseph Brown	6 Cutting Dr, Nbpt	WFT	12/31/2017
• APPT038_05_31_16	Wilbur Shenk	1 Beck St, Nbpt	WFT	12/31/2018
• APPT039_05_31_16	George H. Ellison, Jr.	2A Noble St, Nbpt	WFT	12/31/2019
• APPT040_05_31_16	Steven D. Hines	54 Ferry Rd, Nbpt	WFT	12/31/2020
• APPT041_05_31_16	Scott W. Sutherland	3 Savory St, Nbpt	WFT	12/31/2016
• APPT042_05_31_16	Paul Healy	8 N St, Nbpt	Comm Preser	10/1/2019
• APPT043_05_31_16	Paul Healy	8 N St, Nbpt	Cnsrv Comm	5/31/2019
• APPT044_05_31_16	Paul Hogg	4 Coltin Dr, Nbpt	Harbormaster	5/1/2019
• APPT045_05_31_16	Donald F. Little	6 Cottage Ct, Nbpt	Comm Preser	5/1/2019
• APPT046_05_31_16	Daniel R. May	5 Lucey Dr, Nbpt	Harbor Comm	6/1/2019
• APPT047_05_31_16	Maurice Southworth	12 Fruit St, Nbpt	Fruit St	5/1/2019
• APPT048_05_31_16	David B. Vine	47 Marlboro St, Nbpt	Cnsrv Comm	5/31/2019
• APPT049_05_31_16	Daniel P. Warchol	47 Plummer Ave, Nbpt	Cnsrv Comm	6/1/2019
• APPT050_05_31_16	Sarah M. White	349 High St, Nbpt	Hist Comm	10/1/2018

15. ORDERS

- **ORDR044_06_13_16** No Parking Simmons Drive Walkway Entrance
Motion to refer to Public Safety by Councillor Giunta, seconded by Councillor Tontar. So voted.
- **ORDR045_06_13_16** Budget Order FY 2017
Motion to waive the rule to consider with Committee items, Councillor Tontar, seconded by Councillor Cameron, So Voted.
- **ORDR046_06_13_16** Brown School Property Stab Fund
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR047_06_13_16** Council Rule 7D Real Property Appraisal
Motion to refer to Rules by Councillor Zeid, seconded by Councillor Eigerman. So voted.
- **ORDR048_06_13_16** Sidewalk Order
Motion to refer to Neighborhood & City Services by Councillor Zeid, seconded by Councillor Giunta. So voted.
- **ORDR049_06_13_16** Revolving Fund Order
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. So voted.
- **ORDR050_06_13_16 LATE FILE** Harbormaster Boat Gift Acceptance
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted.

16. ORDINANCES

- **ODNC001_01_25_16** Zoning Amend Smart Growth dist. (2nd reading)
- **ODNC004_01_25_16** Chapter 3 Animals Dogs Nuisance (2nd reading, pending pub.)
- **ODNC005_02_08_16** Zoning Map Change (2nd reading)

- **ODNC007_04_11_16** Zoning – Improve Record Keeping & Coordination (2nd reading, pending pub.)
- **ODNC009_04_25_16** CDT renamed to Human Rights Committee (2nd reading, pending pub.)

Motion to suspend Council rule #9, to receive and file ODNC001_01_25_16, ODNC004_01_25_16, ODNC005_02_08_16, ODNC007_04_11_16, and ODNC009_04_25_16 collectively, by Councillor Eigerman, seconded by Councillor Zeid. Withdrawn. Motion to suspend Council rule #9, to approve ODNC001_01_25_16, ODNC004_01_25_16, ODNC005_02_08_16, ODNC007_04_11_16, and ODNC009_04_25_16 collectively, by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 Yes.

15. COMMITTEE ITEMS

General Government

In Committee:

Joint Education

License & Permits

In Committee:

- **COMM010_01_25_16** - Licensing Commission Acoustic & Amplified Entertainment
- **COMM049_05_09_16** Atomic Coffee Co. Application for Outdoor Seating
Motion to remove Councillor Vogel, Seconded by Councillor Cameron. Motion to approve by Councillor Vogel, seconded by Councillor Zeid. So voted.
- **COMM055_05_31_16** Exchange Club Request to Advertise Field of Honor Program
Motion to remove by Councillor Vogel, seconded by Councillor Giunta. Motion to approve by Councillor Vogel, seconded by Councillor Zeid. So voted.
- **COMM059_05_31_16** Letter RE: Sign Committee
- **ORDR038_05_31_16** Intermunicipal Agreement for Shared Animal Control Services
No vote in License & Permits Committee. Motion to remove by Councillor Vogel, seconded by Councillor Zeid. Motion to table by Councillor Zeid, seconded by Councillor Tontar. So voted.
- **ODNC010_05_31_16** Amend Outdoor Seating
Motion to remove by Councillor Vogel, seconded by Councillor Zeid. Motion to approve by Councillor Vogel, seconded by Councillor Connell. Motion to table by Councillor Vogel, seconded by Councillor Zeid. So voted.
- **ODNC011_05_31_16** Amend Transient Vendors for Cashman (COTW)

Neighborhoods and City Services

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation (COTW)
- **COMM033_03_29_16** Councillor Zeid - Garage Impact Abutters Group Recs

Planning & Development

In Committee:

- **COMM005_01_11_16** Letter to Council RE: Economic Development Concept for Business Park
- **COMM020_02_08_16** Memo re: hiring process for Building Commissioner

- **ORDR025_04_11_16** Gloria Braunhardt Little River Bike Trail
- **ODNC008_04_11_16** Zoning – Repair City-Owned Sidewalks (COTW)
Motion to remove Councillor Cameron, seconded by Councillor Tontar
Motion to amend by Councillor Devlin, seconded by Councillor Zeid. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 2 No.(LG) (BV)
Motion passed.
- **ORDR041_05_31_16** Taking on 1 Pasture Road – Sewer Lift Station

Public Safety

In Committee:

- **ORDR011_02_29_16** - Parking – Section 13-168, Winter Hours Restrictions, Certain Streets
- **ORDR023_04_11_16** Parking Restrictions, Simmons Drive
- **ORDR024_04_11_16** Parking Restrictions, Golden Drive
- **COMM050_05_09_16** Coast to the Cure Bike Ride Sept 10, 2016
- **COMM058_05_31_16** Bed Race Event Application

Public Utilities

In Committee

- **ORDR027_04_11_16** Licensed Contractor Robell, Inc.
Motion to remove from Public Utilities by Councillor Eigerman, seconded by Councillor Cameron.
Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit
- **ORDR042_05_31_16** F&S Construction – New Licensed Contractor
Motion to remove from Public Utilities by Councillor Eigerman, seconded by Councillor Zeid. Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **ODNC012_05_31_16** Amend Sign Ordinance Chapter 12.3 et al

Rules Committee

Budget & Finance

In Committee:

- **ORDR009_02_08_16** Increase fees for Fire Dept.
- **ORDR010_02_08_16** Increase fines Parking Violations
- **ORDR002_01_25_16** Accept gift of \$25,000 repairing Brown's Wharf Culvert (COTW)
- **TRAN014_05_31_16** General Fund \$10,000.00 to CCN Ordinance Recodification \$2,500.00, CCN Legal Ads \$1,500.00, and BDR Elections \$6,000.00
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Connell.
Motion to approve by Councillor Tontar, seconded by Councillor Connell. So voted.
- **TRAN015_05_31_16** Fire Fuel/Oil \$10,000.00 to Fire Maintenance \$10,000.00
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron.
Motion to approve by Councillor Tontar, seconded by Councillor Connell. So voted.
- **TRAN016_05_31_16** General Fund \$63,000.00, Fire/Fuel Oil \$10,000.00, Fire Educational Materials \$2,000.00, to Fire Overtime \$75,000
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron.
Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.

- **ORDR037_05_31_16** Military Plate Space in Green St lot
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR039_05_31_16** Increase Hourly Parking Rate to \$1.50
- **ORDR040_05_31_16** Whittier Regional Stabilization Fund
- **ORDR043_05_31_16** Free Parking During Christmas Season
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.

Five minute break 9:03 – 9:08

Motion to Remove Budget by Councillor Tontar, seconded Councillor Cameron,

Motions to Amend as follows:

Page 45, Item 51501 – Motion to reduce by \$2,000.00 by Councillor Eigerman, seconded by Councillor Devlin. Roll call vote, 3 N (CT/TO/BV). Motion passed.

Page 45, Item 57801 – Motion to reduce by \$5,000.00 by Councillor Devlin, seconded by Councillor Eigerman. Roll call vote, 2 N (CT/BV) Motion passed.

Page 46, Item 52403 – Motion to reduce by \$3,000.00 by Councillor Eigerman, seconded by Councillor Devlin. Roll call vote, 2 N (CT/BV) Motion passed.

Page 46, Item 54200 – Motion to reduce by \$2,500.00 by Councillor Devlin, seconded by Councillor Eigerman. Roll call vote, 6 N (EC,BC,GE,CT,BV,TO). Motion failed.

Page 51, Item 53001 – Motion to reduce by \$3,500.00 by Councillor Cronin. Motion to reduce by \$2,500.00 by Councillor O'Brien, seconded by Councillor Devlin. Roll call vote, 1 N(BV). Motion passed.

Page 56, Item 55800 – Motion to reduce by \$200.00 by Councillor Devlin, seconded by Councillor Giunta. Roll call vote, 2 N (CT,BV). Motion passed.

Page 63, Item 55800 – Motion to reduce by \$250.00 by Councillor Devlin, seconded by Councillor Cameron. Roll call vote, 3 N (CT,BV,BC). Motion passed.

Page 72, Item 55801 – Motion to reduce by \$800.00 by Councillor Devlin, seconded by Councillor Giunta. Roll call vote 5N(EC,BC,JE,CT,BV)1P(TO) Motion failed.

Page 72, Item 54200 – Motion to reduce by \$500.00 by Councillor Zeid, seconded by Councillor Devlin. Roll call vote, 2 N(CT,BV). Motion passed.

Page 76, Item 54200 – Motion to reduce by \$1,800.00 by Councillor Cronin, seconded by Councillor Connell. Roll call vote, 2 N(CT,BV). Motion passed.

Page 81, Item 51417 – Motion to reduce by \$2,000.00 by Councillor Eigerman, seconded by Councillor Devlin. Roll call vote 4Y(EC,BC,JD,JE)/7N Motion failed.

Page 82, Item 55101 – Motion to reduce by \$2,000.00 by Councillor Eigerman, seconded by Councillor Connell. Roll call vote 7/4(LG,CT,SZ,BV) Motion passed.

Page 99, Item 53009 – Motion to reduce by \$2,000.00 by Councillor Eigerman, seconded by Councillor Connell. Roll call vote Motion passed.

Page 115, Item 52411 – Motion to reduce by \$5,000.00 by Councillor Eigerman, seconded by Councillor Cameron. 1 N (BV). Motion passed.

Page 123, Items 51166-55800 – Motion to reduce to \$0.00 by Councillor Devlin, seconded by Councillor Cronin. Withdrawn.

Page 123, Item 51167 – Motion to reduce to \$0.00 by Councillor Devlin, seconded by Councillor Eigerman. Roll call vote 4Y(RC,JD,JE,TO)/7N Motion failed.

Page 145, Item 52101 – Motion to reduce by \$15,000.00 by Councillor Eigerman, seconded by Councillor Connell. 7Y/ 4 No. Motion passed.

Page 169, Item 51707 – Motion to reduce by \$40,000.00 by Councillor Zeid, seconded by Councillor Connell. Roll call vote, 1 No (BV). Motion passed

- **ORDR045EP_06_13_16** Emergency Preamble for General Fund Budget
Motion to approve by Councillor Cronin, seconded by Councillor Vogel. So voted.
- **ORDR045_06_13_16** General Fund Budget
Motion to approve by Councillor Cronin, seconded by Councillor Vogel.
- **ORDR050EP_06_13_16** Emergency Preamble for Modification to FY2017 Budget by allocating \$60,000 to the Newburyport Public Schools
Motion to approve by Councillor Tontar, seconded by Councillor Connell. So voted.
- **ORDR050_06_13_16** Modification to FY2017 Budget
Motion to approve by Councillor Tontar, seconded by Councillor Connell. So voted.
- Vote on Budget as Amended, So Voted
- **COMM052_05_09_16** FY2017 Proposed Budget (COTW)

16. GOOD OF THE ORDER

17. ADJOURNMENT