

CITY COUNCIL MEETING
Minutes - May 31, 2011

Council President O'Brien called the meeting to order at 7:32 pm and asked for a moment of silence for Rita Purington and former City Councillor Neil Wile, followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Derrivan, Earls, Heartquist, Herzog, Hutcheson, Ives, Jones and O'Brien. None absent.

LATE FILE ITEMS

Transfer # 6, Order # 2, Order #3, Ordinance #5, Ordinance #6

Motion to accept the Late File Items by Councillor Earls, seconded by Councillor Hutcheson. 11 yes, 0 no. So voted.

PUBLIC COMMENT –

1. Joseph Donahue, 38 Myrtle Ave.
2. Daniel Donahue, 15 Storeybrooke Dr.
3. David Rice, 189 Merrimac St., 15 minute Parking Sign
4. Molly Ettenboro, 35 Toppans Lane, Recycling Ordinance
5. Peter Oldak, 65 Jewell St. Hampton, NH, Extending Sale of Wine at Farmer's Mkt
6. Sean Valentine, 41 Milk Street, New political new laws or agendas
7. Dominique Dear, 5 Warren Street, Belleville Church and GG Committee re: Unions

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.

1. APPROVAL OF MINUTES

May 9, 2011

(Approved)

2. TRANSFERS

1. Police Court Time (\$1,500) to Police Dispatchers Overtime (\$1,500) (Approved)
2. Police Salary of Reserves (\$1,500) to Police Dispatchers Overtime (\$1,500) (Approved)
3. Mayor Senior Tax Incentive (\$11,969.03) to City Clerk Admin (\$1,969.03), and to Unemployment Claims (\$10,000)

Motion to remove by Councillor Jones.

4. Mayor Health Solid Waste (\$60,000) to PSD Street Lights (\$60,000) (B&F)
5. Assessors Mileage Expense (\$250.00) to Assessors Other Supplies (\$250.00) (Approved)

3. COMMUNICATIONS

1. Cars Port Taxi rate increase request (L&P)
2. St. Paul's Church request to restrict parking on Summer Street entrance (PS)
3. Newburyport Firefighters' Fill the Boot Drive Aug. 4, 5, 6, 2011 at Market Sq (Approved)
4. Yankee Homecoming events in NRA East Lot requests for July 29, 30, 2011

Motion to remove by Councillor Cronin.

5. Newburyport Retirement Board meeting June 28, 2011 Retiree COLA vote

Motion to remove by Councillor Herzog.

6. Letter to designate Matthews Court at Inn Street Mall (P&D)
7. Letter regarding Pole at 114 High Street (PU)
8. Rockfish Outdoor Seating Application Renewal

Motion to remove by Councillor Earls.

9. Chamber of Commerce 10th Annual Riverfront Festival July 16, 2011 (PS)

4. APPOINTMENTS

Re-Appointment

- | | | | |
|--------------------|----------------|-------------------------------------|----------------|
| 1. Daniel T. Bowie | 11 Erie Avenue | Planning Board | May 31, 2016 |
| 2. Daniel Scott | 4 Ferry Road | Harbormaster & Spec. Police Officer | April 15, 2014 |

Appointment

- | | | | |
|-------------------|-----------------|--|----------------|
| 3. Jay F. Iannini | 9 Horton St | Trust Fund Commission | May 31, 2014 |
| 4. Lance Thokle | 1 River Court | Ass't Harbormaster & Spec. Police Officer | April 14, 2014 |
| 5. Leah McGavern | 21 Marlboro St. | Fruit St. Local Historic District Study Com. | May 31, 2014 |

Motion to approve Consent Agenda as amended by Councillor Jones, seconded by Councillor Derrivan. 11 yes. So voted.

END OF CONSENT AGENDA

REGULAR AGENDA

5. TRANSFERS

3. Mayor Senior Tax Incentive (\$11,969.03) to City Clerk Admin (\$1,969.03), and to Unemployment Claims (\$10,000)

Motion to approve by Councillor Earls, seconded by Councillor Herzog. 10 yes, 1 no (Jones). So voted.

4. Mayor Ins Grp 32-B City \$33,141.16 to Fire-Sal of Firefighters \$8,141.16, to Fire-Firefighters Overtime \$25,000.00

Motion to approve by Councillor Jones, seconded by Councillor Derrivan. 9 yes. 2 no (Cronin, Jones). So voted.

6. COMMUNICATIONS

4. Yankee Homecoming events in NRA East Lot requests for July 29, 30, 2011

Motion to receive and file by Councillor Cronin, seconded by Councillor Jones. 11 yes. So voted.

5. Newburyport Retirement Board meeting June 28, 2011 Retiree COLA vote

Motion to receive and file by Councillor Herzog, seconded by Councillor Hutcheson. 11 yes. So voted.

8. Rockfish Outdoor Seating Application Renewal

Motion to approve by Councillor Earls, seconded by Councillor Derrivan. 10 yes, 1 recuse (O'Connor Ives). So voted.

7. APPOINTMENTS – 2nd Reading

Re-Appointment

- | | | | |
|---------------------|----------------------|------------------|--------------|
| 6. Alan Papert | 174 State St, Unit 4 | Youth Commission | May 31, 2014 |
| 7. Frances Reslewic | 12 Chase Street | Council on Aging | May 1, 2016 |

- | | | | |
|-----------------------|-----------------|-----------------------|---------------|
| 8. Charles Carroll | 25 Hill Street | Council on Aging | May 1, 2016 |
| 9. Richard J. O'Brien | 41 Olive Street | Trust Fund Commission | April 1, 2014 |

Motion to approve collectively by Councillor Jones, seconded by Councillor Herzog. 11 yes. So voted.

Appointment

- | | | | |
|--------------------|------------------|--------------------------|--------------|
| 10. Ellen Hanick | 9 Hallisey Drive | Bartlett Mall Commission | May 31, 2014 |
| 11. Jean L. Berger | 33 Middle Street | Street Tree Committee | |

Motion to approve collectively by Councillor Jones, seconded by Councillor Cameron. 11 yes. So voted.

8. ORDERS

1. Belleville Congregation Church Preservation Restriction Agreement

Motion to approve by Councillor Cameron, seconded by Councillor Derrivan. 11 yes. So voted.

2. LATE FILE Order to Accept MGL c.138 § 15F Wine Farm sales at Farmer's Market

Motion to approve by Councillor Earls, seconded by Councillor Jones. 11 yes. So voted.

3. LATE FILE Order Special Munic. Employee Committee classification MGL 268A § 1

Motion to approve by Councillor Cronin, seconded by Councillor Derrivan. 11 yes. So voted.

9. ORDINANCES

1. Amend Ch.8 Sec. 8-83 Solid Waste Regulations

Motion to refer to Neighborhoods & City Services by Councillor Herzog, seconded by Councillor O'Connor Ives. 11 yes. So voted.

2. Amend Ch.8 Sec. 8-90 Solid Waste Recycling Collection

Motion to refer to Neighborhoods & City Services by Councillor Herzog, seconded by Councillor O'Connor Ives. 11 yes. So voted.

3. Amend Ch.13 Sec. 13-168 Traffic & Motor Vehicles Parking Restricted on Certain Streets

Councillor Jones moved to waive the rules, seconded by Councillor Derrivan. So voted on a roll call vote, 11 yes. Councillor Jones moved to declare an emergency pursuant to Sec. 20, seconded by Councillor Derrivan. So voted on a roll call vote, 9 yes, 2 no (Connell, Herzog).

Councillor Jones moved to approve on first and only reading and ordered published, seconded by Councillor Cameron. Roll call vote 10 yes, 1 no (Connell), so voted.

4. Amend Ch.3 Sec. 3-26 Animals Dogs Leash Required

Motion to refer to Neighborhoods & City Services by Councillor Herzog, seconded by Councillor Derrivan. 11 yes. So voted.

5. LATE FILE Amend Ch.3 Sec. 3-28 Animals Dogs Nuisances

Motion to refer to Neighborhoods & City Services by Councillor Herzog, seconded by Councillor O'Connor Ives. 10 yes, 1 no (Jones). So voted.

6. LATE FILE Amend Ch.3 Sec. 3-30 Animals Dogs Certain Dogs to be Muzzled

Motion to refer to Neighborhoods & City Services by Councillor Herzog, seconded by Councillor O'Connor Ives. 10 yes, 1 no (Jones). So voted.

10. COMMITTEE ITEMS

Budget & Finance

In Committee:

- | | |
|--|-------------|
| 1. Mayor Green Initiatives REV APPR (\$20,000) to Mayor-CHMM | *11/29/2010 |
| 2. Mayor Cap. Improve Stab Fd to Gen Admin-Phone System (\$140,914.74) | *03/14/2011 |

3. DPS-Water Undesignated Fund Balance to Capital Outlay- Water Tank Maint (\$450,000), to Water-Debt Principal (\$90,000), to Water-Debt Interest (\$4,162.50), to Water-Well Redevelopment (\$10,000) *04/11/2011
4. Veterans' Free Cash (\$23,000) to Veterans' Benefits (\$23,000) *05/09/2011
5. Mayor Treasurer Staff Sal.(\$10,000) to Mayor Gen Admin Ed Credit (\$10,000) *05/09/2011

Motion to remove by Councillor Cameron, seconded by Councillor O'Connor Ives. Motion to approve by Councillor Jones, seconded by Councillor Derrivan. 10 yes, 1 no (Jones). So voted.

6. Mayor Asst. Treasurer Sal. (\$6,825) to Mayor Gen Admin Ed Credit (\$6,825) *05/09/2011

Motion to remove by Councillor Cameron, seconded by Councillor O'Connor Ives. Motion to approve by Councillor Jones, seconded by Councillor Derrivan. 10 yes, 1 no (Jones). So voted.

7. DPS-Water Operations Manager (\$7,914.02) to City Engineer (\$1,544.24), Water Distribution Supervisor (\$2,207.28), FICA Expense (\$4,162.50) *05/09/2011
8. FY2012 Budget *05/09/2011

General Government

In Committee

1. Atmospheric Pollution Ordinance *02/08/2010
2. Proposed Special Act Water & Sewer Commission *01/10/2011
3. Proposed Charter on Ballot for November 8, 2011 Municipal Election *05/09/2011
4. Campaign Finance Reports-Municipal Forms posting on City Website *05/09/2011
5. Union Contract posting on City Website *05/09/2011

Joint Education

In Committee:

License & Permits

In Committee:

1. James Noyes, Taffy's Restaurant 88 State St, Outdoor Seating Application *05/09/2011

Motion to approve by Councillor Earls, seconded by Councillor Derrivan. 11 yes. So voted.

2. Mark Tramontana, Upper Crust Pizzeria 44 State St. Outdoor Seating App. *05/09/2011

Motion to approve by Councillor Earls, seconded by Councillor Derrivan. 11 yes. So voted.

Neighborhoods & City Services

In Committee:

1. Newburyport Tree Ordinance *07/22/2010
2. Delete Ordinance entitled Traffic & Motor Vehicles Sec.13-30 *02/28/2011

Planning & Development

In Committee:

1. Residential Handicap Parking Ordinance *01/11/2010
2. Atmospheric Pollution Ordinance *02/08/2010
3. Green Communities Order *03/29/2010
4. Zoning Ord – Sec II Definitions/Sec VI Dimensional Contr *06/28/2010
5. Newburyport Tree Ordinance *07/22/2010
6. McCarthy Betterment Abatement Order *04/25/2011

Motion to remove by Councillor Connell, seconded by Councillor Derrivan. Motion to approve by Councillor Connell, seconded by Councillor Derrivan. So voted on a unanimous voice vote.

Public Safety

In Committee:

1. Residential Handicap Parking Ordinance *01/11/2010
2. Sec 13-136 Stop Sign, Plummer Spring Road *04/25/2011

Motion to remove by Councillor Derrivan, seconded by Councillor Cronin. Motion to approve on first reading and order published by Councillor Cronin, seconded by Councillor Derrivan. 11 yes. So voted.

3. Ovarian Cancer Awareness Walk, Sept. 25, 2011 *04/25/2011

Motion to remove by Councillor Cronin, seconded by Councillor Derrivan. Motion to approve by Councillor Cronin, seconded by Councillor Derrivan. 11 yes. So voted

4. Amend Sec. 13-86 Water St. (25mph) State to Federal *05/09/2011

Public Utilities Committee

In Committee:

1. Proposed Special Act Water & Sewer Commission *01/10/2011

Motion to remove by Councillor O'Connor Ives, seconded by Councillor Connell. Motion to receive and file by Councillor O'Connor Ives, seconded by Councillor Connell. So voted on a unanimous voice vote.

2. McCarthy Betterment Abatement Order *04/25/2011

Motion to remove by Councillor Connell, seconded by Councillor Derrivan. Motion to approve by Councillor Connell, seconded by Councillor Derrivan. So voted on a unanimous voice vote.

Rules Committee

In Committee:

11. EXECUTIVE SESSION

12. GOOD OF THE ORDER

Public Utilities meeting on Thursday regarding National Grid site 270 Water St.

13. ADJOURNMENT