

CITY COUNCIL MEETING
MINUTES - June 13, 2011

Council President O'Brien called the meeting to order at 7:32 pm and asked for a moment of silence and reflection, followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Earls, Heartquist, Herzog, Hutcheson, Ives, Jones and O'Brien. Councillor Derrivan absent.

LATE FILE ITEMS

Transfer # 15,#16, #17, #18, #19, Version 2 of Order #3, Version 2 of Agenda

Motion to suspend the rules to allow late file items by Councillor Jones, seconded by Councillor Earls. 10 yes, 0 no, 1 absent (Derrivan). So voted.

PUBLIC COMMENT –

1. Ron Barrett, 18 Hutchias, Beach Access.
2. Daniel Sweeney, 17 53rd Street, Row Violation
3. Nancy Barrett, 18 53rd Street, Beach Access
4. Pat Frey, 8 Barker Street, Beach Access
5. Bob Evans, 6 53rd Street, Beach Access
6. Bruce Menin, 83 Lime Street, School Feasibility Bond
7. Dan Koen, 16 Boyd Drive, School Feasibility Bond
8. Dave McFarlane, 20 57th Street, Beach Access
9. Marc Kerble, Superintendent of Schools, School Feasibility Bond
10. Deirdre Farrell, 18 Market Square, School Feasibility Bond

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 31, 2011

(Approved)

2. TRANSFERS

- | | |
|--|------------|
| 1. Fire Dept. Dispatcher Salaries \$258.00 to Dispatcher Overtime \$258.00 | (Approved) |
| 2. Fire Dept. Heat Electricity \$2,300.00 to Fuel \$2,300.00 | (Approved) |
| 3. Fire Dept. Call Firefighters \$1,833.00 to Dispatcher Overtime \$1,833.00 | (Approved) |
| 4. Police Dept. Salary Paid Holidays \$14,500 to Fuel/Vehicles \$14,500 | (B&F) |
| 5. Police Dept. Licensng Warrnties & Contracts \$4,000 to Bldng Maint. \$4,000 | (Approved) |
| 6. Police Dept. Court \$800.00 to Office Supplies \$800.00 | (Approved) |
| 7. Health Dept. Solid Waste Fee \$2,300.00 to Chipper Service \$2,300.00 | (Approved) |
| 8. Harbormaster Retained Earnings \$39,000.00 to Budget Reserve \$39,000.00 | (B&F) |

Motion to remove from consent agenda by Councillor Connell.

- | | |
|---|------------|
| 9. DPS-Water–Undesignated Fd Bal. \$3,500.00 to Water–Fuel/oil vehicles \$3,500.00 | (Approved) |
| 10. DPS-Water–salary-labor \$194.25 to Water–Holiday pay \$194.25 | (Approved) |
| 11. DPS-Sewer Maint. Equip. \$4,500.00 to DPS-Sewer Fuel/Oil \$4,500.00 | (B&F) |
| 12. Mayor Worker’s Comp \$16,422.85 to Mayor-Sal Dir Pol & Admin \$5,077.73, to Gen. Admin.-Sal. Custodian \$150.62, to Auditor-Sal. Admin. Asst. \$1,022.40, to Auditor Longevity \$44.61, to City Clerk-PT Office Help \$3,136.40, to Parks Commission \$904.00, Planning-Sal. Proj. Mgr. \$587.09, to Planning-Sal.Director \$5,500.00 | (B&F) |

13. Mayor/Police Free Cash \$168,259.90 to DPS Snow and Ice-Labor \$38,499.45,
to DPS Snow and Ice-Services \$129,760.45 (B&F)
14. Mayor/Police Ins Grp 32-B City \$100,000 to DOS Snow and Ice-Services \$100,000 (B&F)

3. COMMUNICATIONS

1. Kids as Peacemakers Annual Peace in the Park on Sept. 25, 2011 Bartlett Mall (Approved)
2. Block Party Request, Congress Street, August 6, 2011 (Approved)
3. Block Party Request, Atkinson Street, June 25, 2011 (Approved)
4. Block Party Request, Tyng Street, June 21, 2011 (Approved)
5. Annunciation Greek Orthodox Church, A-frame sign during Yankee Homecoming (L&P)
6. Letter regarding public right of way access to beach at 53rd, 55th and 57th streets (R&F)
7. Letter regarding blocked access at 53rd, 55th and 57th streets (R&F)

4. APPOINTMENTS

Re-Appointment

- | | | | |
|----------------------|-------------------|----------------------------|----------------|
| 1. Beverly MacBurnie | 3 Magnolia Street | Atkinson Common Commission | March 31, 2014 |
| 2. Dr. Robin Blair | 18 Market St. | Board of Health | March 31, 2014 |

Motion to approve consent agenda as amended by Councillor Jones, seconded by Councillor Cameron. 10 yes, 1 absent (Derrivan). So voted.

END OF CONSENT AGENDA

REGULAR AGENDA

5. TRANSFERS

8. Harbormaster Retained Earnings \$39,000.00 to Budget Reserve \$39,000.00

Motion to approve by Councillor Connell, seconded by Councillor Cronin. 9 yes, 1 no (Jones) 1 absent (Derrivan). So voted.

15. Late File - City Clerk Ticket Processing \$300 to Administration \$300

Motion to approve by Councillor Connell, seconded by Councillor Cronin. 10 yes, 1 absent (Derrivan). So voted.

16. Late File - City Clerk Lease Copier \$800 to Administration \$800

Motion to approve by Councillor Herzog, seconded by Councillor Cronin. 10 yes, 1 absent (Derrivan). So voted.

17. Late File - City Clerk Fuel/Oil/Maint \$800 to Administration \$800

Motion to approve by Councillor Herzog, seconded by Councillor Cronin. 10 yes, 1 absent (Derrivan). So voted.

18. Late File - Mayor Worker's Comp \$14,450.95 to Police-Communications Equip \$14,450.95

Motion to refer to Budget & Finance by Councillor Earls, seconded by Councillor Cronin. 10 yes, 1 absent (Derrivan). So voted.

19. Late File - Mayor Budget Contingency \$2,000 to Police-Communications Equip \$2,000

Motion to refer to Budget & Finance by Councillor Earls, seconded by Councillor Cameron. 10 yes, 1 absent (Derrivan). So voted.

6. APPOINTMENTS – 2nd Reading

Re-Appointment

- | | | | |
|--------------------|----------------|-------------------------------------|----------------|
| 3. Daniel T. Bowie | 11 Erie Avenue | Planning Board | May 31, 2016 |
| 4. Daniel Scott | 4 Ferry Road | Harbormaster & Spec. Police Officer | April 15, 2014 |

Motion to approve re-appointments 3 and 4 collectively by Councillor Jones, seconded by Councillor Connell. 10 yes, 1 absent (Derrivan). So voted.

Appointment

- | | | | |
|-------------------|-----------------|--|----------------|
| 5. Jay F. Iannini | 9 Horton St | Trust Fund Commission | May 31, 2014 |
| 6. Lance Thokle | 1 River Court | Ass't Harbormaster & Spec. Police Officer | April 14, 2014 |
| 7. Leah McGavern | 21 Marlboro St. | Fruit St. Local Historic District Study Com. | May 31, 2014 |

Motion to approve appointments 5, 6, and 7 collectively by Councillor Cameron, seconded by Councillor Connell. 10 yes, 1 absent (Derrivan). So voted.

7. ORDERS

1. Order Bresnahan School Bond rev.

Motion to refer to Budget and Finance and Committee of the Whole by Councillor Jones, seconded by Councillor Cameron. 10 yes, 1 absent (Derrivan). So voted.

2. Order Nock Molin School Bond rev.

Motion to refer to Budget and Finance and Committee of the Whole by Councillor Jones, seconded by Councillor Cameron. 10 yes, 1 absent (Derrivan). So voted.

3. Order Re-Precincting

Motion to suspend rules to accept without sponsoring Councillor by Councillor Jones, seconded by Councillor Hutcheson. So voted. Motion to amend effective date Councillor Herzog, seconded by Councillor Cameron. So voted. Motion to approve Version #2 as amended by Councillor Jones, seconded by Councillor Hutcheson on a roll call vote 9 yes, 1 no (O'Brien), 1 absent (Derrivan). So voted.

4. Order PI Boathouse

Motion to approve by Councillor Heartquist, seconded by Councillor Connell. 10 yes, 1 absent (Derrivan). So voted.

5. Order Drain Layer Contractor J.Derenzo, Co.

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

8. ORDINANCES

1. Amend Ch.13 Sec. 13-31 Traffic and Motor Vehicles Administration Reserved

Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Jones. 10 yes, 1 absent (Derrivan). So voted.

2. Amend Ch.13 Sec. 13-26 Traffic and Motor Vehicles Administration Enforcement

Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Jones. 10 yes, 1 absent (Derrivan). So voted.

9. 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 |

Motion to remove by Councillor Cameron, seconded by Councillor Herzog. Motion to approve by Councillor Cameron, seconded by Councillor Herzog. 10 yes, 1 absent (Derrivan). So voted.

4. Veterans' Free Cash (\$23,000) to Veterans' Benefits (\$23,000) *05/09/2011

Motion to remove by Councillor Cameron, seconded by Councillor Herzog. Motion to approve by Councillor Cameron, seconded by Councillor Herzog. 10 yes, 1 absent (Derrivan). So voted.

5. 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

Motion to remove by Councillor Cameron, seconded by Councillor Herzog. Motion to approve by Councillor Cameron, seconded by Councillor Herzog. 9 yes, 1 no (O'Brien), 1 absent (Derrivan). So voted.

6. Mayor Health Solid Waste (\$60,000) to PSD Street Lights (\$60,000) *05/31/2011

Motion to remove by Councillor Cameron, seconded by Councillor Herzog. Motion to approve by Councillor Cameron, seconded by Councillor Herzog. 9 yes, 1 no (Jones), 1 absent (Derrivan). So voted.

7. FY2012 Budget *05/31/2011

5 Minute Recess called at 8:30pm

Budget Motions

Reductions:

Motion to Approve by Councillor Cameron, seconded by Councillor Jones - Senior tax incentive \$13,500.

Motion to Approve by Councillor Cameron, seconded by Councillor Jones - Legal by \$10,000. So voted.

Motion to reduce IT salary by \$20,000 by Councillor Jones, seconded by Councillor O'Connor Ives – 1 yes (Jones), 9 no, 1 absent (Derrivan). Motion fails.

Motion to Approve by Councillor Cameron, seconded by Councillor Herzog - Payroll processing by \$7,500. So voted.

Motion to Approve by Councillor Cameron, seconded by Councillor Jones - Unemployment comp by \$10,000. So voted.

Motion to reduce Fire Dept. Overtime by \$100,000 by Councillor Jones, seconded by Councillor O'Connor Ives. Friendly amendment by Councillor Herzog to change to \$20,000. No action. Roll call vote 3 yes (Earls, Ives, Jones), 7 no, 1 absent (Derrivan). Motion failed.

Motion to Approve by Councillor Cameron, seconded by Councillor Herzog - Health clothing allowance by \$350. Roll call vote 8 yes, 2 no (Earls, Jones), 1 absent (Derrivan).

Motion to Approve by Councillor Cameron, seconded by Councillor Herzog - Longevity (planning) by \$819.49. So voted.

Motion to Approve reduction by Councillor Cameron, seconded by Councillor Jones - Planning director's salary by \$5,000. Roll call vote 5 yes, 5 no (Cameron, Connell, Heartquist, Herzog, Ives).m 1 absent (Derrivan). Motion failed.

Motion to reconsider by Councillor Cameron, seconded by Councillor Earls. 9 yes, 1 no (Heartquist), 1 absent (Derrivan).

Motion to reduce salary of Planning director by \$5,000 by Councillor Cameron, seconded by Councillor Jones. Roll call vote 8 yes, 2 no (Connell, Allison), 1 absent. So voted.

Motion to approve reducing Waterfront parks by \$1,000 by Councillor Herzog, seconded by Councillor Cameron. So voted.

Motion to approve by Councillor Cameron, seconded by Councillor Jones - Yankee Homecoming by \$5,000. Roll call vote 6 yes, 4 no (Cameron, Connell, Earls, Heartquist), 1 absent. So voted.

There was also a discussion that the amount of \$20,000 which was cut from the planning dept budget be reinstated at the time of the supplemental budget as well as the \$5,000 cut from the planning director's salary.

Motion to approve the Budget as amended for fiscal year 2012 of \$49,099,639.78, with \$21,902,865 school budget, enterprise funds Water \$4,020,464.85, Sewer \$5,725,189.52, and Harbormaster \$353,265, by Councillor Cronin, seconded by Councillor Cameron on a roll call vote 10 yes, 1 absent (Derrivan), so voted.

5 Minute Recess called at 9:40pm

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. Cars Port Taxi rate increase request (5/31/2011)

Neighborhoods & City Services

Councillor Herzog reported that the next meeting is June 16, 2011 at 7:15pm in the Auditorium.

In Committee:

1. Newburyport Tree Ordinance *07/22/2010
2. Delete Ordinance entitled Traffic & Motor Vehicles Sec.13-30 *02/28/2011
3. Amend Ch.8 Sec. 8-83 Solid Waste Regulations *05/31/2011
4. Amend Ch.8 Sec. 8-90 Solid Waste Recycling Collection *05/31/2011
5. Amend Ch.3 Sec. 3-26 Animals Dogs Leash Required *05/31/2011
6. Amend Ch.3 Sec. 3-28 Animals Dogs Nuisances *05/31/2011
7. Amend Ch.3 Sec. 3-30 Animals Dogs Certain Dogs to be Muzzled *05/31/2011

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. Letter to designate Matthews Court at Inn Street Mall *05/31/2011

Public Safety

In Committee:

1. Residential Handicap Parking Ordinance *01/11/2010
2. Amend Sec. 13-86 Water St. (25mph) State to Federal *05/09/2011
3. St. Paul's Church request to restrict parking on Summer Street entrance *05/31/2011
4. Chamber of Commerce 10th Annual Riverfront Festival July 16, 2011 *05/31/2011

Motion to remove by Councillor Cronin, seconded by Councillor Jones. Motion to approve by Councillor Cronin, seconded by Councillor Jones. 10 yes, 1 absent (Derrivan). So voted.

Public Utilities Committee

In Committee:

1. Letter regarding Pole at 114 High Street *5/31/2011

Rules Committee
In Committee:

10. GOOD OF THE ORDER

Councillor Heartquist spoke to the issue of the closure of the P.I. access ways to the beach.

Councillor O'Connor Ives spoke to the National Grid reparation site on Water Street.

11. ADJOURNMENT

Motion to adjourn by Councillor Cameron, seconded by Councillor Cronin at 10:08pm. 10 yes, 1 absent (Derrivan). So voted.