

**CITY COUNCIL MEETING**  
**Minutes – August 8, 2011**

Council President O'Brien called the meeting to order at 7:34 pm and asked for a moment of silence for the 30 who died in the helicopter in Afghanistan and for all those who gave their lives for our freedom. This was 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. All present.

**LATE FILE ITEMS**

Transfer #3

**Motion to waive the rules and accept the late file item by Councillor Jones, seconded by Councillor Herzog. 11 yes, so voted.**

**PUBLIC COMMENT –**

- |                       |                       |                       |
|-----------------------|-----------------------|-----------------------|
| 1. Dan Berry          | 76 Storey Avenue      | Storage               |
| 2. Kim Kudym          | 44 Hale Street        | Off leash Ordinance   |
| 3. Molly Ettenborough | Recycling Coordinator | Solid Waste Ordinance |

**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**

July 25, 2011

(Approved)

**2. TRANSFERS**

1. Health Dept. Rsv App-Solid Waste Fee \$27,500 to Chipper Service \$20,000, to Household Hazardous Waste \$7,500 (B&F)

**Removed from Consent Agenda by Councillor Cameron.**

2. Police Department Officer Salary \$1,500 to Evaluations \$1,500 (Approved)

**3. COMMUNICATIONS**

1. Neurofibromatosis Northeast Coast to the Cure bike ride Sept. 10, 2011 (PS)

**Removed from Consent Agenda by Councillor Herzog.**

2. Underground Storage Tank Replacement 76 Storey Ave. (PU)  
3. Jeanne Geiger Crisis Ctr 20<sup>th</sup> Annual Walk Against Violence & 5K Oct. 16, 2011 (Approved)  
4. Harbormaster letter regarding new docks (R&F)  
5. Draft Ordinance for the Friends of the Highland Cemetery Commission (N&CS)

**4. APPOINTMENTS**

**Appointment**

1. Edward L. Ramsdell 32 Kent Street Local Historic District Study Committee

**END OF CONSENT AGENDA**

**Motion to approve Consent Agenda as amended by Councillor Earls, seconded by Councillor Jones. 11 yes, so voted.**

## **REGULAR AGENDA**

### **5. TRANSFER**

1. Health Dept. Rsv App-Solid Waste Fee \$27,500 to Chipper Service \$20,000, to Household Hazardous Waste \$7,500

**Motion to approve by Councillor Jones, seconded by Councillor Cameron. 11 yes, so voted.**

3. Mayor Cap. Improvement Stabilization Fd \$417,832 to IT Computer Expense \$417,832

**Motion to approve by Councillor Jones, seconded by Councillor Hutcheson. 11 yes, so voted.**

### **6. COMMUNICATIONS**

1. Neurofibromatosis Northeast Coast to the Cure bike ride Sept. 10, 2011

**Motion to approve by Councillor Herzog, seconded by Councillor Heartquist. Motion for friendly amendment to notify police, mark with chalk and remove signs at end of event by Councillor Cronin, seconded by Councillor Herzog. 10 yes, 1 no (Ives).**

### **7. APPOINTMENTS – 2<sup>nd</sup> Reading**

2. Brian Brunault 83 Garden St, W. Newbury Constable for Civil Business July 1, 2014

**Motion to approve by Councillor Cameron, seconded by Councillor Jones. 11 yes, so voted.**

### **8. ORDER**

1. Downtown marker for former Mayor Byron Matthews

**Motion to approve as revised by Councillor Connell, seconded by Councillor Cameron. 11 yes, so voted.**

2. Youth Services receipt of donations

**Motion to approve by Councillor Herzog, seconded by Councillor Connell. 11 yes, so voted.**

3. CPC reallocation Custom House Maritime Museum

**Motion to refer to Planning & Development committee by Councillor Connell, seconded by Councillor Hutcheson. Motion to refer to Budget & Finance committee by Councillor Herzog, seconded by Councillor Connell. 11 yes, so voted.**

### **9. ORDINANCES**

1. 2<sup>nd</sup> Reading Amend Ord. Ch.8 Sec. 8-83 Solid Waste Regulations

**Motion to approve by Councillor Herzog, seconded by Councillor Cameron. Roll call vote, 11 yes. So voted.**

2. 2<sup>nd</sup> Reading Amend Ord. Ch.3 Sec. 3-26 Animals Dogs Leash Required

**Motion to approve by Councillor Herzog, seconded by Councillor Cameron. Roll call vote, 7 yes, 4 no (Connell, Derrivan, Jones, O'Brien). So voted.**

3. 2<sup>nd</sup> Reading Amend Ord.13-180 Parking Resident Green, Pleasant, Washington Sts

**Motion to approve by Councillor Cronin, seconded by Councillor Derrivan. Roll call vote, 11 yes. 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*

**Motion to remove #2 and #5 concurrently by Councillor Cameron, seconded by Councillor Herzog.**  
**Motion to receive and file by Councillor Cameron, seconded by Councillor Herzog. Roll call vote, 11 yes.**  
**So voted.**

3. Health-Reg Hlth Serv Rev Fd \$10,142.05 to Mayor City Hall Rev Fd \$10,142.05 \*7/11/2011

**Motion to remove by Councillor Cameron, seconded by Councillor Herzog. Motion to approve by Councillor Cameron, seconded by Councillor Herzog. Roll call vote, 11 yes. So voted.**

4. Order Community Preservation Fund appropriations \*07/11/2011

5. Order IT Plan Bond \*07/11/2011

**Motion to remove #2 and #5 concurrently by Councillor Cameron, seconded by Councillor Herzog.**

**Motion to receive and file by Councillor Cameron, seconded by Councillor Herzog. Roll call vote, 11 yes.**  
**So voted.**

## **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 \*05/31/2011

## **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
3. Amend Ch.8 Sec. 8-90 Solid Waste Recycling Collection \*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. Letter to designate Matthews Court at Inn Street Mall \*05/31/2011
6. Letter for Essex St. Inn Visitor Parking \*07/11/2011
7. Intermunicipal Agreement Newburyport and Newbury \*07/11/2011
8. Order Community Preservation Fund appropriations \*07/11/2011

## **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. Amend Ch.13 Sec. 13-31 Traffic and Motor Vehicles Admin. Reserved \*06/13/2011

**Motion to remove by Councillor Cronin, seconded by Councillor Derrivan. Motion to approve by Councillor Cronin, seconded by Councillor Derrivan. Roll call vote, 11 yes. So voted.**

**5. Amend Ch.13 Sec. 13-26 Traffic and Motor Veh. Admin. Enforcement** \*06/13/2011

**Motion to remove by Councillor Cronin, seconded by Councillor Derrivan. Motion to approve by Councillor Cronin, seconded by Councillor Derrivan. Roll call vote, 11 yes. So voted.**

**6. Amend Ord 13-180 Parking Resident Fair St between Middle & Temple** \*07/25/2011

**Motion to remove by Councillor Cronin, seconded by Councillor Derrivan. Motion to amend to Water Street and approve by Councillor Earls, seconded by Councillor Jones. Roll call vote, 11 yes. So voted.**

**7. Amend Ord 12-10 Streets, Sidewalks and Other Public Places – Cameras** \*07/25/2011

**Motion to remove by Councillor Cronin, seconded by Councillor Derrivan. Motion to approve by Councillor Cronin, seconded by Councillor Connell. Roll call vote, 11 yes. So voted.**

**8. Amend Ord 13-121 One-Way Streets Griffin Court** \*07/25/2011

**9. Amend Ord 13-179 Handicapped Parking Otis Place** \*07/25/2011

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

#### **Public Utilities Committee**

##### ***In Committee:***

**1. Letter regarding Pole at 114 High Street** \*05/31/2011

#### **Rules Committee**

##### ***In Committee:***

### **14. GOOD OF THE ORDER**

**Councillor Herzog thanked the many Yankee Homecoming volunteers for a job well done. Councillor Jones gave an update on the School Building Committee work.**

### **15. ADJOURNMENT**

**Motion to adjourn at 8:43pm by Councillor Derrivan, seconded by Councillor Cameron.**