

CITY COUNCIL MEETING
Minutes – September 12, 2011
7:30 PM

Council President O'Brien called the meeting to order at 7:31 pm and asked for a moment of silence for the victims and their families of 9/11, and for Patricia Pollard and Mary McCarthy who recently passed away. 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, Earls, Heartquist, Herzog, Ives, Jones and O'Brien. Councillors Derrivan and Hutcheson were absent.

LATE FILE ITEMS

Communication #3 and Appointment #1

Motion to waive the rules and accept the late file items into the regular agenda by Councillor Jones, seconded by Councillor Cameron. 9 yes, 2 absent (Derrivan, Hutcheson). So voted.

PUBLIC COMMENT –

1. Andrew Port, Planning Director, CPA Allocation
2. Jean Berger, 33 Middle Street, CPA Allocation
3. Jeff Tomlinson, 21 Hill Street
4. Jerry Mullins, 7 Parsons Street, Maudslay to Mosely Pines CPA
5. Judy Tymon, 39 Lime Street, CPA Allocation
6. John Morris, 209 Water Street, CPA Allocation
7. Laurel Allgrove, 22 Beacon Ave, YWCA Housing

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

August 29, 2011

(Approved)

2. TRANSFERS

1. Police Sal Officers to Retirement Acct (41,940.93) Brunault and Rice

(B&F)

3. COMMUNICATIONS

1. Block Party – Otis Place; Green to State, Sept 24, 2011
2. Ltr re Undergd Fuel Storage, Apache Oil, 75 Storey Ave, Biodiesel

(Approve)

(PU)

4. APPOINTMENTS None

Motion to accept the consent agenda by Councillor Cronin, seconded by Councillor Cameron. 9 yes, 2 absent (Derrivan, Hutcheson). So voted.

END OF CONSENT AGENDA

REGULAR AGENDA

5. LATE FILE COMMUNICATION

3. Ltr re CPA Funds Allocation Moseley/Maudslay Trail from Planning Director
Motion to receive and file by Councillor Earls, seconded by Councillor Cronin. 9 yes, 2 absent (Derrivan, Hutcheson). So voted.

6. LATE FILE APPOINTMENT

1. T. Bradley Duffin 2 Cutting Drive Licensing Board June 1, 2017

Motion to waive the rules and approve on one reading by Councillor Earls, seconded by Councillor Jones. Roll call vote, 9 yes, 2 absent (Derrivan, Hutcheson). So voted.

7. APPOINTMENTS – 2nd Reading

Appointment

1. Richard Sharp 11 Lincoln Street Licensing Board June 1, 2017
2. Stephen Dodge 57 Milk Street Historical Commission August 1, 2014

Motion to approve collectively by Councillor Jones, seconded by Councillor Cameron. 9 yes, 2 absent (Derrivan, Hutcheson). So voted.

8. ORDERS

1. Order Accepting Public Safety Mutual Aid Law MGL c40 sec 4J

Motion to approve by Councillor Cronin, seconded by Councillor Cameron. 9 yes, 2 absent (Derrivan, Hutcheson). So voted.

2. CPA Allocation to YWCA Affordable Housing **TABLED**

Motion to remove from table by Councillor Jones, seconded by Councillor Cameron. 9 yes, 2 absent (Derrivan, Hutcheson). So voted. Motion to approve by Councillor Connell, seconded by Councillor Ives. Roll call vote 6 yes, 3 no (Cronin, Jones, O'Brien) 2 absent (Derrivan, Hutcheson). So voted.

3. CPA Allocation to Moseley to Maudslay Trail Con. Project **RECONSIDERED**

Motion to reconsider by Councillor Jones, seconded by Councillor Ives. 9 yes, 2 absent (Derrivan, Hutcheson). Motion to refer to Budget & Finance by Councillor Earls, seconded by Councillor Jones. 8 yes, 1 no (O'Brien), 2 absent (Derrivan, Hutcheson). So voted.

4. Order to Move Meeting from October 11 to October 17, 2011

Motion to approve by Councillor Cameron, seconded by Councillor Ives. 9 yes, 2 absent (Derrivan, Hutcheson). So voted.

9. ORDINANCES

1. Section 13-176.1 Traffic and Motor Vehicles, High and Ashland

Motion to refer to Public Safety by Councillor Cameron, seconded by Councillor Ives. 9 yes, 2 absent (Derrivan, Hutcheson). So voted.

2. Section 13 - 168 Salem Street, No Parking

Motion to refer to Public Safety by Councillor Jones, seconded by Councillor Heartquist. 9 yes, 2 absent (Derrivan, Hutcheson). So voted.

3. Ordinance removed per EC

4. Section 13 - 180 Add/Delete Streets By Order

Motion to refer to General Government by Councillor Cronin, seconded by Councillor Jones. 9 yes, 2 absent (Derrivan, Hutcheson). So voted.

5. Section 13-182 entitled: Hotel/Inn and Bed and Breakfast Accommodations

Motion to refer to Public Safety by Councillor Earls, seconded by Councillor Ives. 9 yes, 2 absent (Derrivan, Hutcheson). So voted.

10. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Mayor Green Initiatives REV APPR (\$20,000) to Mayor-CHMM

*11/29/2010

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

Councillor Herzog stated the next meeting for the committee is Thursday 9/15

In Committee:

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

Motion to remove by Councillor Herzog, seconded by Councillor Earls. Motion to approve by Councillor Herzog, seconded by Councillor Earls. 2 yes (Herzog, Heartquist), 7 no, 2 absent (Derrivan, Hutcheson). Motion fails.

3. Amend Ch.8 Sec. 8-90 Solid Waste Recycling Collection *05/31/2011

Motion to remove by Councillor Herzog, seconded by Councillor Connell. Motion to approve by Councillor Herzog, seconded by Councillor Cameron. 9 yes, 2 absent (Derrivan, Hutcheson). So voted.

4. Draft Ordinance for the Friends of the Highland Cemetery Commission *08/08/2011

Motion to remove by Councillor Herzog, seconded by Councillor Cameron. Motion to approve by Councillor Herzog, seconded by Councillor Earls. 9 yes, 2 absent (Derrivan, Hutcheson). So voted.

5. Amend Ord. 3-26 Dogs Leash required *08/29/2011

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 for Essex St. Inn Visitor Parking *07/11/2011
6. Intermunicipal Agreement Newburyport and Newbury *07/11/2011
7. Amend Ord.13-182 Traffic and Motor Vehicles *08/29/2011

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 Ord 13-121 One-Way Streets Griffin Court *07/25/2011

5. Chamber of Commerce Great Pumpkin Lighting & Stroll, Oct. 22, 2011 *08/29/2011

Motion to remove by Councillor Cronin, seconded by Councillor Cameron. Motion to approve by Councillor Cronin, seconded by Councillor Earls. 9 yes, 2 absent (Derrivan, Hutcheson). So voted.

6. Amend Ord.13-180 Parking Resident Harris Street from Green to State Sts *08/29/2011
7. Amend Ord.13-180 Parking Resident Fruit Street *08/29/2011
8. Amend Ord.13-182 Traffic and Motor Vehicles *08/29/2011

Public Utilities Committee

In Committee:

1. Letter regarding Pole at 114 High Street *05/31/2011
2. Underground Storage Tank Replacement 76 Storey Ave. *08/08/2011

Motion to remove by Councillor Ives, seconded by Councillor Cameron. Motion to approve by Councillor Ives, seconded by Councillor Cameron. 9 yes, 2 absent (Derrivan, Hutcheson). So voted.

3. Mayor's letter regarding True North Solar for renewable energy contract *08/29/2011

Rules Committee

In Committee:

9. GOOD OF THE ORDER

Councillor Herzog thanked the Health Dept. and Mayor's office for continuing to test the Merrimack River water after Labor Day.

Councillor Cronin stated that the Friends of Anna Jaques Hospital are holding a gathering at Brown's Square on October 2, 2011 from 1pm to 3pm.

Councillor Connell recognized the Exchange Club for the 9/11 ceremony that was held at the Bartlett Mall.

10. ADJOURNMENT

Motion to adjourn at 8:26pm by Councillor Cameron, seconded by Councillor Herzog. 9 yes, 2 absent (Derrivan, Hutcheson). So voted