

# **CITY COUNCIL MEETING MINUTES - VERSION 1**

**December 9, 2013**

**7:15PM**

## **Public Hearing:**

### **Fiscal 2014 Tax Classification Hearing**

At 7:18pm President O'Brien opened the public hearing. The City Clerk called the roll, 11 present. The City Clerk read the notice of public hearing. Assessor Dan Raycroft provided two handouts, FY2014 Levy Samples and a Levy Limitation Worksheet. Questions and answers followed. There was no public comment. The hearing was closed at 7:34pm.

**7:30PM**

Council President O'Brien called the meeting to order at 7:40 pm. A moment of silence was held to remember the anniversary of the Newtown, CT School tragedy. 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, Jones, Sullivan and O'Brien. 11 present.

### **1. LATE FILES – Communications #1, 2 and 2 Committee Items**

**Motion to waive the rules and allow collectively by Councillor Earls, seconded by Councillor Cameron. So voted.**

### **2. PUBLIC COMMENT –**

1) Lisa Mead	13 Purchase Street	Item 10
2) Mary Haslinger	299 High Street	Thanking Councillors
3) Rob Germinara	2 Ashland Street	Parking spaces at 345 Merrimac Street
4) Clete Kijek	12 Walnut Street	Parking Ashland St./Tax Rate 2014
5) Ann Ormond	38R Merrimac Street	Single Tax
6) Bruce Menin	83 Lime Street	Councillors
7) Crystal Eldridge	36 High St. #2	Resident Parking Ashland St
8) Linda Smiley	7 Atwood St.	Zoning Ordinances
9) Stephanie Niketic	93 High Street	Zoning
10) Tom Kolterjahn	64 Federal Street	Zoning
11) Bill Harris	56 Lime Street	Councillors
12) Andrew Casson	240 Merrimac Street	Harbormaster Transfer
13) Paul Dahn	343 High Street	Harbormaster Transfer
14) Nick Erokhin	3 Ashland Street	Zoning
15) Bruce Skud	14 Olive Street	Councillors

During Public Comment the Council President did not allow one speaker to speak on matters outside of the agenda.

## **CONSENT AGENDA**

### **3. APPROVAL OF MINUTES**

November 25, 2013

(Approved)

### **4. APPOINTMENTS – First Reading**

#### **Appointments**

1. Paul S. Cardaci	135 Beach Rd, Unit C5, Salisbury	Constable Civil Business	Dec. 1, 2016
2. Sarah M. White	349 High Street	Library Board of Directors	Jan. 1, 2020

#### **Re-Appointments**

3. Josiah B. Morrill	21 Fair Street	Waterfront Trust	Dec. 1, 2018
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**Removed by Council President O'Brien.**

**END OF CONSENT AGENDA**

Motion to approve the Consent Agenda as amended by Councillor Cronin, seconded by Councillor Derrivan. So voted.

## **REGULAR AGENDA**

The Mayor was escorted into the Council Chambers by Councillors Cronin and Derrivan. The Mayor presented a Commendation to Lauren Healy, a junior at Newburyport High School.

### **7. COMMUNICATIONS**

5. LATE FILE – Greater Newburyport Chamber of Commerce letter re tax rate  
Motion to receive and file by Councillor Cameron, seconded by Councillor Connell. So voted.

6. LATE FILE – Secondhand Motor Vehicle Lic. Renewal Autowerkes  
Motion to approve by Councillor Earls, seconded by Councillor Derrivan. So voted.

### **7. TRANSFERS**

1. Mayor Gen'l Fd Free Cash \$320,374 to Gen'l Fd Balance Budget Reserve \$320,374  
Motion to approve by Councillor Cameron, seconded by Councillor Connell. So voted.

2. Supplemental Budget Request #2 FY2014  
Motion to waive the rules and take out of order by Councillor Cameron, seconded by Councillor Connell. So voted. Motion to approve by Councillor Heartquist, seconded by Councillor Cameron. Roll call vote, 11 yes. So voted.

### **8. APPOINTMENTS – First Reading**

#### **Appointments**

1. Paul S. Cardaci 135 Beach Rd, Unit C5, Salisbury Constable Civil Business Dec. 1, 2016  
Motion to approve by Councillor Herzog, seconded by Councillor Jones. Roll call vote, 11 yes. So voted.

2. Sarah M. White 349 High Street Library Board of Directors Jan. 1, 2020  
Motion to approve by Councillor Herzog, seconded by Councillor Cameron. Roll call vote, 11 yes. So voted.

#### **Re-Appointments**

4. Josiah B. Morrill 21 Fair Street Waterfront Trust Dec. 1, 2018  
Motion to approve by Councillor Herzog, seconded by Councillor Cameron. Roll call vote, 11 yes. So voted.

### **9. ORDERS**

1. Residential Factor FY 2014  
Motion to approve by Councillor Cameron, seconded by Councillor Jones. Roll call vote, 11 yes. So voted.

2. Tax Rate FY 2014  
Motion to approve by Councillor Cameron, seconded by Councillor Jones. Roll call vote, 11 yes. So voted.

### **10. ORDINANCES**

1. Tabled 2<sup>nd</sup> Second Reading - Amend ORD Ch. 13 Sec. 180 Resident Parking add Ashland Street  
Motion to remove from the table Councillor Jones, seconded by Councillor Derrivan. So voted. Motion to approve by Councillor Jones, seconded by Councillor Derrivan. Motion to amend by excluding 68 ft on the westerly side running in a northerly direction from the property line Germinara and Phil & Son's by Councillor Jones, seconded by Councillor Herzog. Motion for friendly amendment to start at 6 ft from said property line, running northerly for a distance of 62 ft by Councillor Earls, seconded by Councillor Jones. So voted. Motion to approve as amended by Councillor Earls, seconded by Councillor Jones. Roll call vote, 11 yes. Motion passed.

2. 2<sup>nd</sup> Reading Amend ORD Zoning Section III-C Zoning Map  
Motion to approve by Councillor Jones, seconded by Councillor Derrivan. Roll call vote, 11 yes. Motion passed.

3. 2<sup>nd</sup> Reading Amend ORD Zoning Section IX Nonconforming Uses, Structures and Lots  
Motion to approve by Councillor Connell, seconded by Councillor Herzog. Roll call vote, 1 yes (Connell), 10 no. Motion failed.

4. Reconsider 1<sup>st</sup> Reading Amend ORD Zoning Section VI Dimensional Controls  
Motion to reconsider by Councillor Herzog, seconded by Councillor Cameron. Roll call vote, 8 yes, 3 no (Earls, O'Brien, Sullivan). Motion to waive the rules and approve in one reading by Councillor Herzog, seconded by Councillor Heartquist. Motion to amend by striking the word "generally" by Councillor Hutcheson, seconded

by Councillor Cronin. Motion to approve as amended by Councillor Herzog, seconded by Councillor Heartquist. Roll call vote, 10 yes, 1 no (Sullivan). Motion passed.

5. 2<sup>nd</sup> Reading Amend ORD Zoning Section XX Scrivener's Error Correction  
Motion to approve by Councillor Derrivan, seconded by Councillor Herzog. Roll call vote, 11 yes. Motion passed.

6. 2<sup>nd</sup> Reading Amend ORD Zoning Section Sec. XXI Plum Island Overlay District Scrivener's Error Correction  
Motion to approve by Councillor Derrivan, seconded by Councillor Herzog. Roll call vote, 11 yes. Motion passed.

7. 2<sup>nd</sup> Reading Amend ORD Ch 13 Sec. 13-171 Service Areas 153-155 State Street  
Motion to approve by Councillor Derrivan, seconded by Councillor Earls. Roll call vote, 11 yes. Motion passed.

## 11. COMMITTEE ITEMS

### Budget & Finance

#### *In Committee:*

1. Harbormaster Ret'd Earnings \$134,200 to Captial Outlay Harbormaster Facility \$134,200 \*11/25/2013  
Motion to remove by Councillor Cameron, seconded by Councillor Jones. So voted. Motion to approve by Councillor Cameron, seconded by Councillor Connell. Roll call vote 10 yes, 1 recused (Hutcheson). So voted.

### General Government

#### *In Committee:*

1. Creating new Regional Veteran's Services' District (COW) \*08/12/2013
2. Create ORD Ch 2 Article III Add Sidewalk Advisory Board \*10/28/2013

### Joint Education

Councillor Heartquist gave an update on the financial condition of the School Department.

#### *In Committee:*

1. Supplemental Budget Request #2 \$161,070 (COW) \*11/25/2013

### License & Permits

#### *In Committee:*

1. Compass Auto Works request to move a sign \*09/09/2013
2. Amend ORD Article IV Shellfishing in Designated Areas \*10/28/2013
3. Movable Sign Application Exit Realty Group on Merrimac St. \*11/12/2013
4. Second Hand Motor Vehicle Lic. Renewal 2014 Newburyport Auto Brokers \*11/25/2013

### Neighborhoods & City Services

#### *In Committee:*

1. Amend Ord. 3-27 Animals, dogs, Licensing of dogs and kennels \*06/25/2012
2. Letter re naming park bench in memory of Mayor George H. Lawler \*04/08/2013
3. Request for removal of Storey Ave. Signage \*06/24/2013

### Planning & Development

#### *In Committee:*

1. Order Cushing Park land transfer to Mayor for Municipal Parking \*06/25/2012  
Motion to remove by Councillor Jones, seconded by Councillor Connell. So voted. Motion to approve as amended by Councillor Jones, seconded by Councillor Connell. Roll call vote, 11 yes. Motion passed.
2. Request for Discontinuance of Westerly Side of Harnch's Way \*11/13/2012  
Motion to remove by Councillor Jones, seconded by Councillor Derrivan. Motion to disapprove by Councillor Jones, seconded by Councillor Connell. 11 yes. So voted.
3. 2013 Demolition Delay \*03/26/2013

### Public Safety

#### *In Committee:*

1. Amend Ord. 13-180 Parking Resident Harris St. \*01/30/2012
2. Parking, Russell Terrace, No Parking, 50 feet from Storey Ave \*08/27/2012
3. ORD Ch. 2 Sec.358 Fingerprint Criminal History Checks \*09/24/2012

**4. Jimmy Fund Benefit Bike-a-thon spring/summer 2014**

*\*11/25/2013*

**Public Utilities**

***In Committee:***

**1. Sewer Commission revise 1997 policy second meters (COW)**

*\*08/12/2013*

**Rules Committee**

***In Committee:***

**9. GOOD OF THE ORDER**

**Councillors Derivan, Earls, Hutcheson, Jones and Sullivan gave farewell comments.**

**Motion to cancel December 30, 2013 meeting by Councillor Derrivan, seconded by Councillor Jones. 10 yes, 1 no (Earls). Motion passed.**

**10. ADJOURNMENT**

**Motion to adjourn at 9:50pm by Councillor Jones, seconded by Councillor Derrivan. So voted.**