

**CITY COUNCIL MEETING MINUTES**  
**CITY COUNCIL CHAMBERS**  
**FEBRUARY 16, 2017**

(Meeting originally scheduled for February 13<sup>th</sup>; postponed due to snow)

**7:30PM**

Councillor Connell called the meeting to order at 7:30pm, followed by the Pledge of Allegiance. The Councillor Connell then instructed the City Clerk to call the roll. The following Councillors answered present: Earls, Eigerman, Giunta, Tontar, Vogel, Zeid, Cameron, Connell, Cronin. 9 present, 2 absent (Devlin, O'Brien).

**(Sound Check)**

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE ITEMS Mayor's Update**
- 5. PUBLIC COMMENT**

1. Crispin Miller	1 Parker Ridge Way	Free Cash for Trees
2. Ahmer Ibrahim	85 Prospect St	HRC Appointment
3. Ann Ormond	38 Merrimac St	Use of Streets

- 6. MAYOR'S COMMENT**

**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.

- 7. APPROVAL OF MINUTES**

January 30, 2017

(Approve)

- 8. TRANSFERS**

- **TRAN002\_2\_13\_17** Mayor's Office - Free Cash, 10K to Maint. Trees (B&F)
- **TRAN003\_2\_13\_17** Clerk's Office - Free Cash, 5K to Elections & Reg (B&F)

- 9. COMMUNICATIONS**

- **COMM015\_02\_13\_17** Ltr From Charter School re: Flasher Beacons, Low Street (PS)
- **COMM016\_02\_13\_17** Ltr From Chamber re: use of downtown street (PS)
- **COMM017\_02\_13\_17** Event App - Plum Fest, May 20, 2017 (R&F)
- **COMM018\_02\_13\_17** Chocolate Tour, Central Cong, May 20, 2017 (PS)
- **COMM019\_02\_13\_17** Seacoast Taxi, App by Richard Hewlett, 2017 (L&P)
- **COMM020\_02\_13\_17** Port Taxi, App by Harold Congdon, 2017 (L&P)
- **COMM021\_02\_13\_17** Ltr from CHMM re: Lower Custom Hse Way (R&F)
- **COMM022\_02\_13\_17** One Billion Rising Event, February 18, 2017, Market Square (R&F)

- 10. APPOINTMENTS**

- **APPT010\_02\_13\_17** Steven D. Hines Spec Police Officer
- **APPT011\_02\_13\_17** Ahmer Ibrahim Human Rights Comm 6/1/2018

## Re-Appointments

- APPT012\_02\_13\_17 Paul J. Harrington Tree Comm

3/1/2020

## END OF CONSENT AGENDA REGULAR AGENDA

Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Tontar. So voted.

### 11. MAYOR'S UPDATE

### 12. APPOINTMENTS

#### Second Reading Re-Appointments

- |                    |                    |                    |                      |           |
|--------------------|--------------------|--------------------|----------------------|-----------|
| • APPT003_01_30_17 | Robert A. Cook     | 19 Everett Dr      | Water/Sewer Comm     | 2/13/2020 |
| • APPT004_01_30_17 | Jennie Donahue     | 18 Cherry St       | Disabilities Comm    | 3/1/2020  |
| • APPT005_01_30_17 | Anthony J. Furnari | 10 Olsen Rd, Pbdy  | DPS Director         | 2/1/2020  |
| • APPT006_01_30_17 | Paul Hogg          | 4 Coltin Dr        | Shellfish Constable  | 3/1/2020  |
| • APPT007_01_30_17 | Andrew R. Port     | 61 Water St #5     | Planning Director    | 1/31/2019 |
| • APPT008_01_30_17 | John Tomasz        | 38 Storeybrooke Dr | Water/Sewer Comm     | 2/13/2020 |
| • APPT009_01_30_17 | David Zinck        | 6 Laurel Rd        | Electrical Inspector | 1/31/2018 |

Motion to approve second reading appointments collectively by Councillor Cameron, seconded by Councillor Giunta. Roll call vote, 9 yes, 2 absent (JD, TO). Motion passed.

### 13. ORDERS

- **ORDR091\_12\_12\_16** Parking Restriction - Howard St at Chapel St (**TABLED**)  
Motion to remove from the table by Councillor Tontar, seconded by Councillor Giunta. So voted.  
Motion to approve by Councillor Tontar, seconded by Councillor Earls. So voted.
- **ORDR092\_12\_12\_16** Stop Sign – Howard St at Chapel St (**TABLED**)  
Motion to remove from the table by Councillor Tontar, seconded by Councillor Cameron. So voted.  
Motion to approve by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 8 yes, 1 no (Councillor Connell), 2 absent (JD, TO). Motion passed.
- **ORDR006\_2\_13\_17** TW Excavating & Dev, Newbury, Licensed Contractor  
Motion to refer to Public Utilities by Councillor Zeid, seconded by Councillor Cameron. So voted.
- **ORDR007\_02\_13\_17** Order Changing the name of Park Circle to Kelleher Way  
Motion to refer to Neighborhood & City Services and Public Utilities by Councillor Giunta, seconded by Councillor Earls. So voted.

### 14. ORDINANCES

### 15. COMMITTEE ITEMS

#### Budget & Finance

##### *In Committee:*

- **ORDR002\_01\_25\_16** Accept Gift of \$25,000 Repairing Brown's Wharf Culvert (**COW**)
- **ORDR009\_02\_08\_16** Increase Fees for Fire Dept.
- **ORDR010\_02\_08\_16** Increase Fines Parking Violations

- **ORDR039\_05\_31\_16** Increase Hourly Parking Rate to \$1.50
- **ORDR079\_09\_26\_16** Movie Location Order /(L&P)
- **ORDR080\_09\_26\_16 LATE FILE** Order of Taking Parking Facility/(P&D)
- **ORDR094\_12\_12\_16** Resolution on Funding Capital from Operating Budget
- **TRAN001\_01\_30\_17** Water Retained Earnings 60K to Well Cleaning & Rehab 60K (PU)  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **COMM013\_01\_30\_17** FY2017 Mid-Year Budget Report
- **ORDR002\_01\_30\_17** Odor Control Loan Order #2 (PU)  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. Roll call vote, 9 yes, 2 absent (JD, TO). Motion passed.
- **ORDR003\_01\_30\_17** Graf Road Pump Station Loan Order (PU)
- **ORDR004\_01\_30\_17** Senior Tax Work Off Program Order  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. So voted.

## **General Government**

### *In Committee:*

- **ORDR005\_01\_30\_17** Human Rights Commission Resolution (COW)

## **Joint Education**

Councillor Giunta gave an update from the meeting that was held on February 6<sup>th</sup>; topics discussed were the cost of putting two languages into the Nock Middle School for grades 6, 7, and 8 and alternatives to the same, and the current bus contract with Salter. The next meeting will be held on March 6<sup>th</sup> at 5:30pm in Room 118 at the Newburyport High School

### *In Committee:*

## **License & Permits**

### *In Committee:*

- **COMM010\_01\_25\_16** Licensing Commission Acoustic & Amplified Entertainment
- **ODNC011\_05\_31\_16** Amend Transient Vendors for Cashman (COW)
- **ODNC013\_07\_11\_16** Amend Outdoor Seating (Two Year Renewals)
- **ORDR079\_09\_26\_16** Movie Location Order/(B&F)
- **COMM077\_08\_08\_16** Communications re: Seacoast Taxi
- **COMM011\_01\_30\_17** Sunoco Class II Vehicle License  
Motion to remove from License & Permit by Councillor Vogel, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Vogel, seconded by Councillor Zeid. So voted.
- **ODNC013\_07\_11\_16** Amend Outdoor Seating (Two Year Renewals)
- **ODNC001\_01\_30\_17** BYOB Ordinance

## **Neighborhoods and City Services**

### *In Committee:*

- **ODNC001\_01\_11\_16** Amend Ch11 Parks and Recreation (COW)
- **ORDR048\_06\_13\_16** Sidewalk Order
- **COMM099\_10\_31\_16** Proposed Improvement in Our Scenic Byway

## **Planning & Development**

### *In Committee:*

- **COMM020\_02\_08\_16** Memo re: Hiring Process for Building Commissioner
- **COMM076\_07\_11\_16 LATE FILE** Boyd Drive Petition
- **ORDR080\_09\_26\_16 LATE FILE** Order of Taking Parking Facility/(**B&F**)
- **COMM091\_10\_11\_16** Ltr to Council from J. Sweet on ZBA
- **COMM096\_10\_31\_16** Draft of Newburyport's Master Plan
- **COMM114\_12\_12\_16** Memo on Master Plan - Work Plan and Appendix XX
- **COMM014\_01\_30\_17** 30% Garage Design Docs (**COW**)

## **Public Safety**

### *In Committee:*

- **ODNC015\_08\_29\_16** 25 MPH Speed Zones
- **ORDR077\_09\_12\_16** Parking Restricted on Daniel Lucy Way
- **COMM001\_01\_09\_17** Spring Fever 5K & Family Fun Run  
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Giunta. So voted.

## **Public Utilities**

### *In Committee:*

- **COMM060\_05\_31\_16** Mobilitie, LLC Highway Access Permit
- **TRAN001\_01\_30\_17** Water Retained Earnings 60K to Well Cleaning & Rehab 60K (**B&F**)  
Motion to remove from Public Utilities by Councillor Eigerman, seconded by Councillor Giunta. So voted. Motion to receive and file by Councillor Eigerman seconded by Councillor Giunta. So voted.
- **ORDR002\_01\_30\_17** Odor Control Loan Order #2 (**B&F**)  
Motion to remove from Public Utilities by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor Eigerman seconded by Councillor Zeid. So voted.
- **ORDR003\_01\_30\_17** Graf Road Pump Station Loan Order (**B&F**)

## **Rules Committee**

### *In Committee:*

## **16. GOOD OF THE ORDER**

Councillor Zeid announced two meetings relating to Plum Island; one on March 2<sup>nd</sup> at 6:30pm at PITA Hall to discuss work related to beach erosion planned for the area, and another on March 5<sup>th</sup> at 1:00pm beginning at Plum Island Point where residents can learn about beach access improvements

## **17. EXECUTIVE SESSION**

Motion to go in to Executive Session, to discuss potential litigation, by Councillor Vogel, seconded by Councillor Earls. Roll call vote, 9 yes, 2 absent (JD, TO). Motion passed. 8:25pm

## **18. ADJOURNMENT**

Motion to adjourn by Councillor Tontar, seconded by Councillor Zeid. 9:30pm. 4 absent (TO, GE, JE, JD)