

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
MARCH 13, 2017

7:15PM PUBLIC HEARING

- **ORDR008_02_27_17** Change the Name of Crow Lane to Colby Farm Lane
The hearing commenced at 7:15 pm. 11 Councillors present, 0 absent. Councillor O'Brien presided and asked for anyone to speak in favor or against the proposed name change from Crow Lane to Colby Farm Lane. One spoke in favor, no one spoke against. Motion to adjourn at 7:21pm by Councillor Giunta, seconded by Councillor Zeid. So voted.

7:30PM

The City Council President called the meeting to order at 7:31pm. A moment of silence was held for Alan P. Lavender, George W. Duffy, Maurice F. Donovan, and Joanne B. Brislin, followed by the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Eigerman, Giunta, Tontar, Vogel, Zeid, Cameron, Connell, Cronin, Devlin, Earls, OBrien. 11 present, 0 absent.

(Sound Check)

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**

4. LATE FILE ITEMS Mayor's Update, COMM028_03_13_17, COMM029_03_13_17

Motion to waive the rules, to accept late files, by Councillor Zeid, seconded by Councillor Cameron. So voted.

5. PUBLIC COMMENT

- | | | |
|---------------------|-----------------|-------------------|
| 1. Adam Armstrong | 5 Buck St | Harbor Commission |
| 2. Ann Ormond | 38R Merrimac St | Use of Streets |
| 3. Jay Lesynski III | 364 Merrimac St | Harbor Commission |

6. MAYOR'S COMMENT

The mayor gave an update pursuant to her written communication.

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

February 27, 2017

(Approve)

8. TRANSFERS

- **TRAN006_03_13_17** Free Cash \$27,100 to Cherry Hill Soccer Field \$27,100 (B&F)
- **TRAN007_03_13_17** Free Cash \$89,000 to Water Safe Yield Est. \$89,000 (B&F, PU)
- **TRAN008_03_13_17** Free Cash \$66,342 to Wastewater Collect Sys Analysis \$66,342 (B&F, PU)

9. COMMUNICATIONS

- **COMM024_03_13_17** Newburyport's Master Plan - Final Document (P&D)
- Removed Councilor Cameron**
- **COMM025_03_13_17** Merrimack Valley Planning Commission Assessment (R&F)
 - **COMM026_03_13_17** Outdoor Seating Application - The Purple Onion (L&P)
 - **COMM027_03_13_17** Outdoor Seating Application - Atomic Café (L&P)

10. APPOINTMENTS

Appointments

- **APPT016_03_13_17** Adam Armstrong 5 Buck St Harbor Comm (Alt) 4/1/2019
- **APPT017_03_13_17** Walter Lesynski 364 Merrimac St Harbor Comm (Alt) 4/1/2019

Re-Appointments

- **APPT018_03_13_17** Dr. Robin Blair 18 Market St Board of Health 3/31/2020
- **APPT019_03_13_17** Christopher Carey 25 Temple St Disabilities Comm 3/1/2020
- **APPT020_03_13_17** Andrew Casson 240 Merrimac St Harbor Comm 3/31/2020
- **APPT021_03_13_17** Robert Dow 185 Storey Ave Harbor Comm 5/1/2020
- **APPT022_03_13_17** Kristen M. Farrell 28 Spofford St Disabilities Comm 2/1/2020
- **APPT023_03_13_17** James Knapp 24 Cutting Dr Harbor Comm 5/1/2020
- **APPT024_03_13_17** Arthur M. Levine 43B Kent St Disabilities Comm 4/30/2020
- **APPT025_03_13_17** Leah McGavern 21 Marlboro St Planning Board 5/31/2022
- **APPT026_03_13_17** Katherine D. Preftes 6 H St Human Rights Comm 2/1/2020
- **APPT027_03_13_17** Bonnie Sontag 10 Upland Rd Planning Board 5/31/2022
- **APPT028_03_13_17** Ronald S. Ziemba 58 Lime St #1 Cultural Council 4/30/2020

APPT025_03_13_17 and APPT027_03_13_17 removed Councillor Cronin

END OF CONSENT AGENDA

REGULAR AGENDA

Motion to approve the Consent Agenda as amended by Councillor Zeid, seconded by Councillor Cameron. So voted.

11. MAYOR'S UPDATE

Motion to receive and file by Councillor Cameron, seconded by Councillor Zeid. So voted.

12. COMMUNICATIONS

- **COMM024_03_13_17** Newburyport's Master Plan - Final Document
Removed from the Consent Agenda by Councillor Cameron. Motion to refer to Planning & Development and Committee of the Whole by Councillor Cameron, seconded Councillor Giunta. So voted.
- **COMM028_03_13_17 LATE FILE** Ltr from Smitten LLC re: A-Frames
Motion to refer to License & Permit by Councillor Vogel, seconded by Councillor Giunta. So voted.
- **COMM029_03_13_17 LATE FILE** Outdoor Seating Application - West Row Café
Motion to refer to License & Permit by Councillor Vogel, seconded by Councillor Zeid. So voted.

13. APPOINTMENTS

Second Reading

Re-Appointments

- **APPT014_02_27_17** Susanne F. Gallagher 3 Garnet St Brd of Registrars 3/31/2020
- **APPT015_02_27_17** Richard Goulet 19 Kent St ZBA 3/30/2022

Motion to approve second reading appointments by Councillor Cameron, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.

- **APPT025_03_13_17** Leah McGavern 21 Marlboro St Planning Board 5/31/2022
- **APPT027_03_13_17** Bonnie Sontag 10 Upland Rd Planning Board 5/31/2022

Motion to refer to Planning & Development and General Government by Councillor Cronin, seconded by Councillor Giunta. Roll call vote, 8 yes, 3 no (Vogel, Connell, Earls). Motion passed.

14. ORDERS

- NONE

15. ORDINANCES

- NONE

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
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 9 yes, 2 no (Tontar, Vogel). Motion passed.
- **COMM013_01_30_17** FY2017 Mid-Year Budget Report
- **TRAN002_2_13_17** Mayor's Office - Free Cash, 10K to Maint. Trees
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **TRAN003_2_13_17** Clerk's Office - Free Cash, 5K to Elections & Reg
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. So voted.
- **TRAN004_02_27_17** K9 Unit Grant 14K, Rsv. Appr. Sale Municipal Property 2K, POL Fuel/Oil Vehicles 23.5K, POL Purchase Cruisers 5.5K to Utility Vehicle Purchase 45K
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. Motion to approve by Councillor Tontar, seconded by Councillor Vogel. So voted.
- **TRAN005_02_27_17** Free Cash 25K to Dog Park Project 25K
- **ORDR009_02_27_17** Revolving Fund Spending Limits
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. Motion to approve by Councillor Tontar, seconded by Councillor Connell. Roll call vote, 9 yes, 2 no (Tontar, Vogel). Motion to table by Councillor Cronin, seconded by Councillor Devlin. So voted.
- **ORDR010_02_27_17** Dog Park Grant Acceptance

General Government

In Committee:

- **ORDR005_01_30_17** Human Rights Commission Resolution (**COW**)

Joint Education

Councillor Giunta announced there would be a meeting on 3/28 at NHS in Room 118.

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)
Motion to remove from License & Permit by Councillor Vogel, seconded by Councillor Zeid. Motion to approve by Councillor Vogel, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.
- **ORDR079_09_26_16** Movie Location Order (**B&F**)
- **ODNC001_01_30_17** BYOB Ordinance

Neighborhoods and City Services

Councillor Connell has postponed the meeting on March 14, 2016

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
- **ORDR007_02_13_17** Change the Name of Park Circle to Kelleher Way (**PU**)
- **ORDR008_02_27_17** Change the Name of Crow Lane to Colby Farm Lane (**PU**)

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**)
- **COMM023_02_27_17** Zoning Changes to Waterfront West (**COW**)

Public Safety

In Committee:

- **ODNC015_08_29_16** 25 MPH Speed Zones
- **ORDR077_09_12_16** Parking Restricted on Daniel Lucy Way
- **COMM015_02_13_17** Ltr from Charter School re: Flasher Beacons, Low Street
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Cameron.
Motion to approve by Councillor Cronin, seconded by Councillor Giunta. So voted.

- **COMM016_02_13_17** Ltr from Chamber re: Use of Downtown Streets
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Cameron.
Motion to approve by Councillor Cronin, seconded by Councillor Giunta. So voted.
- **COMM018_02_13_17** Chocolate Tour, Central Cong, May 20, 2017
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Cameron.
Motion to approve by Councillor Cronin, seconded by Councillor Giunta. So voted.
- **ORDR012_02_27_17** Update of Rules for Special Events

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit
- **ORDR006_2_13_17** TW Excavating & Dev, Newbury, Licensed Contractor
- **ORDR007_02_13_17** Change the Name of Park Circle to Kelleher Way (NCS)
- **ORDR008_02_27_17** Change the Name of Crow Lane to Colby Farm Lane (NCS)

Rules Committee

In Committee:

- **ORDR013_02_27_17** Amend City Council Rules Relating to Bonding Funds (COW)

16. GOOD OF THE ORDER

Councillor Zeid gave a report on the two Plum Island beach meetings: PITA and 'walk on the beach'. More meetings will be coming in the future.

17. EXECUTIVE SESSION

Motion to go in to Executive Session, to discuss purchase and taking of real estate, by Councillor Tontar, seconded by Councillor Connell. Roll call vote, 11 yes. The City Council President stated the Council would not come back into regular session. 9:19pm.

18. ADJOURNMENT

Motion to adjourn by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 absent (Earls). 10:00pm.