

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
MARCH 28, 2017

7:30PM

The City Council President called the meeting to order at 7:30pm. A moment of silence was held for Wilfred F. Chatigny, followed by the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Giunta, Tontar, Vogel, Zeid, Cameron, Connell, Devlin, Earls, Eigerman, OBrien. 10 present, 1 absent (Cronin).

(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. Bob Uhlig	174 Merrimac St	NRA Appointment
2. Reg Bacon	21 Strong St	1690 House
3. Stephanie Niketic	93 High St	1690 House
4. Bronson de Stadler	19 Walnut St	1690 House
5. Roberta Lenes	104 Pleasant St	Garage
6. Michael Mroz	25 Water St	Lower Custom House Wy
7. Eric Ekman	260 Merrimac St	1690 House
8. Rob Germinara	2 Ashland St	Lower Custom House Wy

6. MAYOR'S COMMENT

The mayor gave an update pursuant to her written communication, along with a flier for the upcoming event "Show Your S'Port" on April 28th.

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

March 13, 2017

(Approve)

8. TRANSFERS

- **TRAN009_03_28_17** Mult Acnts \$1,578,044 to Mult Acnts \$1,578,044 (B&F, COW)
- **TRAN010_03_28_17** Free Cash \$18,162 Clean River Project \$18,162 (B&F)
- **TRAN011_03_28_17** DPS Gas \$30,000 to Fuel/Oil \$30,000 (B&F)

9. COMMUNICATIONS

- **COMM030_03_28_17** Pres. Trust Ltr to City Council re: 1690 House (P&D)
- **COMM031_03_28_17** FY17-FY21 Capital Improvement Program Submission (B&F, COW)
- **COMM032_03_28_17** Line Items Reduced in FY17 Adopted Budget (B&F)
- **COMM033_03_28_17** Retirement Board Meeting for Voting on COLA (R&F)
- **COMM034_03_28_17** Evergreen Special Permit Issued by Planning Board (P&D)

- **COMM035_03_28_17** Rules of Professional Conduct Rule 3.9 (P&D)
- **COMM036_03_28_17** Unicorn Street Block Party - 6/3/2017 (PS)
- **COMM037_03_28_17** 7th Annual GNOCA 5K Walk - 9/24/17 (PS)

10. APPOINTMENTS

Appointments

- **APPT029_03_28_17** James McCarthy 17 Russia St Community Pres Act Comm 5/1/2020

Re-Appointments

- **APPT030_03_28_17** Robert Uhlig 10 Ocean St NRA 4/1/2018

END OF CONSENT AGENDA REGULAR AGENDA

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

11. MAYOR'S UPDATE

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

12. COMMUNICATIONS

- **COMM038_03_28_17** Lower Custom House Way
Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Cameron. So voted.

13. APPOINTMENTS

Second Reading

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

Motion to approve collectively by Councillor Cameron, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Cronin). Motion passed.

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
- **APPT026_03_13_17** Katherine D. Preftes 6 H St Human Rights Comm 2/1/2020
- **APPT028_03_13_17** Ronald S. Ziemba 58 Lime St #1 Cultural Council 4/30/2020

Motion to approve collectively by Councillor Cameron, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Cronin). Motion passed.

14. ORDERS

- **ORDR009_02_27_17** Revolving Fund Spending Limits (**TABLED**)
Motion to remove from the table by Councillor Tontar, seconded by Councillor Cameron. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. Motion to amend, to reduce spending limit on Downtown Paid Parking from 750K to 640K, by Councillor Zeid, seconded by Councillor Devlin. Withdrawn. Motion to amend, to reduce spending limit on Downtown Paid Parking from 750K to 670K, by Councillor Zeid, seconded by Councillor Devlin. Roll call vote, 5 yes, 5 no (Tontar, Vogel, Cameron, Connell, Eigerman), 1 absent (Cronin). Motion failed. Roll call vote, 6 yes, 4 no (Giunta, Zeid, Devlin, OBrien), 1 absent (Cronin). Motion passed.
- **ORDR014_03_28_17** Excess Bond Proceeds Transfer
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. So voted.

15. ORDINANCES

- **ODNC013_07_11_16** Amend Outdoor Seating (Two Year Renewals) (**2nd reading**)
Motion to approve by Councillor Vogel, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Cronin). Motion passed.
- **ODNC002_03_28_17** Amend Sec 2 – 368, 14 – 32, Water and Sewer Board
Motion to refer to Public Utilities by Councillor Eigerman, seconded by Councillor Cameron. So voted.

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**)
- **COMM013_01_30_17** FY2017 Mid-Year Budget Report
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to receive and file by Councillor Tontar, seconded by Councillor Giunta. So voted.
- **TRAN005_02_27_17** Free Cash 25K to Dog Park Project 25K
- **ORDR010_02_27_17** Dog Park Grant Acceptance
- **TRAN006_03_13_17** Free Cash \$27,100 to Cherry Hill Soccer Field \$27,100
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Giunta. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **TRAN007_03_13_17** Free Cash \$89,000 to Water Safe Yield Est. \$89,000 (**PU**)
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Cronin). Motion passed.
- **TRAN008_03_13_17** Free Cash \$66,342 to Wastewater Collect Sys Analysis \$66,342 (**PU**)
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Giunta. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.

General Government

In Committee:

- **ORDR005_01_30_17** Human Rights Commission Resolution (**COW**)
- **APPT025_03_13_17** Leah McGavern | 21 Marlboro St | Planning Board | 5/31/2022 (**P&D**)
- **APPT027_03_13_17** Bonnie Sontag | 10 Upland Rd | Planning Board | 5/31/2022 (**P&D**)

Joint Education

Councilor Giunta announced there would be a meeting on Monday, April 3rd, at 5:30pm in Room 118 at 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**)
- **ORDR079_09_26_16** Movie Location Order (**B&F**)
- **ODNC001_01_30_17** BYOB Ordinance
- **COMM026_03_13_17** Outdoor Seating Application - The Purple Onion
Motion to remove from License & Permit by Councillor Vogel, seconded by Councillor Connell.
Motion to approve by Councillor Vogel, seconded by Councillor Connell. So voted.
- **COMM027_03_13_17** Outdoor Seating Application - Atomic Café
Councillor Vogel recused himself. Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Connell. Motion to approve, with the caveat on tables, by Councillor Earls, seconded by Councillor Connell. So voted.
- **COMM028_03_13_17 LATE FILE** Ltr from Smitten LLC re: A-Frames
- **COMM029_03_13_17 LATE FILE** Outdoor Seating Application - West Row Café

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
- **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
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Connell. Motion to receive and file by Councillor Cameron, seconded by Councillor Giunta. So voted.
- **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**)

Councillor Vogel recused himself. Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Tontar. Motion to receive and file by Councillor Cameron, seconded by Councillor Tontar. So voted.

- **COMM023_02_27_17** Zoning Changes to Waterfront West (**COW**)
- **COMM024_03_13_17** Newburyport's Master Plan - Final Document (**COW**)
- **APPT025_03_13_17** Leah McGavern | 21 Marlboro St | Planning Board | 5/31/2022 (**GG**)
- **APPT027_03_13_17** Bonnie Sontag | 10 Upland Rd | Planning Board | 5/31/2022 (**GG**)

Public Safety

In Committee:

- **ODNC015_08_29_16** 25 MPH Speed Zones
- **ORDR077_09_12_16** Parking Restricted on Daniel Lucy Way
- **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**)
- **TRAN007_03_13_17** Free Cash \$89,000 to Water Safe Yield Est. \$89,000 (**B&F**)
Motion to remove TRAN007_03_13_17 and TRAN008_03_13_17 from Budget & Finance collectively by Councillor Eigerman, seconded by Councillor Zeid. Motion to receive and file by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **TRAN008_03_13_17** Free Cash \$66,342 to Wastewater Collect Sys Analysis \$66,342 (**B&F**)
Motion to remove TRAN007_03_13_17 and TRAN008_03_13_17 from Budget & Finance collectively by Councillor Eigerman, seconded by Councillor Zeid. Motion to receive and file by Councillor Eigerman, seconded by Councillor Zeid. So voted.

Rules Committee

In Committee:

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

16. GOOD OF THE ORDER

Councillor Zeid announced this is the last chance to participate in the compost pilot program. Also wanted to bring to the public's attention the topic of art on the rail trail.

17. EXECUTIVE SESSION

Motion to go into Executive Session, for the purpose of discussing potential litigation by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Cronin). Motion passed. The Council President stated the council would not come back into regular session. 9:30pm.

18. ADJOURNMENT

Motion to come out of Executive Session by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Cronin). Motion passed. Motion to adjourn by Councillor Tontar, seconded by Councillor Zeid. So voted. 9:47pm.