

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
APRIL 10, 2017

7:30PM

The City Council President called the meeting to order at 7:30pm. A moment of silence was held for Mary Labadini Lucy and the eight year old boy who died in the San Bernadino School shooting, followed by the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Tontar, Vogel, Zeid, Cameron, Connell, Cronin, Devlin, Earls, Eigerman, Giunta, 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, TRAN017_04_10_17

Motion to waive the rules to allow late files. EC/CT All

5. PUBLIC COMMENT

1. Mary Cummings/Olivia Gustafson	Elm & Merrill St	Service Table
2. Sean Bradley	31 Wildwood Dr	WFT
3. Robin Johnson	156 Boston Rd, Byfld	YH
4. Kenneth Dufresne	22 Sawyer Ave, Atknsn NH	Clean River
5. Richard Ross	498 Lowell St, Mthn	Clean River
6. Rocky Morrison	498 Lowell St, Mthn	Clean River
7. Wilbur Shenk	1 Beck St	Clean River
8. Juliet Walker	13 Eagle St	Complete St Policy
9. Kim Turner	27 High St	Parks Truck
10. Rick Taintor	10 Dexter St	Complete St Policy
11. John Manuel	27 Broad St	Clean River
12. Art Currier	100 State St	Processes/Values
13. Judy Mouradian	46 Liberty St	Zoning
14. Esther Sayer	10 Ship St	Parks

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

March 28, 2017

(Approve)

8. TRANSFERS

- **TRAN012_04_10_17** Sewer Ret. Earn. 66,625.19, CIP WWTF Fence 12,358.05, CIP WWTF Improvements 11,016.76 to Pump&Valve Replacements 90K (B&F, PU)
- **TRAN013_04_10_17** Rsv Appr I/I Fees 250K to Sewer & Manhole 250K (B&F, PU)
- **TRAN014_04_10_17** Water Ret. Earn. 115K to WTP Sump Pump Repair 50K, Artichoke Pump Station Roof Repairs 25K, Sludge Removal in Lagoons 40K (B&F, PU)

- **TRAN015_04_10_17** Free Cash 45K to Medicare Part B Reimbursement 45K (B&F)
- **TRAN016_04_10_17** Free Cash 46,830 to Purchase of Pickup w/ Plow 46,830 (B&F)

9. COMMUNICATION

- **COMM0040_04_10_17** Gathering to Honor Israel's Independence Day - 4/30/17 (R&F)
- **COMM0041_04_10_17** Annual Audit of FY16 Financial Statements (B&F)
- **COMM0042_04_10_17** Outdoor Seating Application - Harbor Creamery (L&P)
- **COMM0043_04_10_17** Outdoor Seating Application - Port Tavern (L&P)
Removed Councillor Vogel
- **COMM0044_04_10_17** PMC Greater Newburyport Kids' Ride - 6/11/17 (PS)
- **COMM0045_04_10_17** Flag Day 5K - 6/10/17 (PS)
- **COMM0046_04_10_17** 60th Yankee Homecoming - 7/29-8/6 (PS)
- **COMM0047_04_10_17** KP Law Correspondence re: Health Insurance Reform (R&F)

10. APPOINTMENTS

- **APPT031_04_10_17** Sean Bradley 31 Wildwood Dr Waterfront Trust 12/31/2017

END OF CONSENT AGENDA REGULAR AGENDA

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

11. MAYOR'S UPDATE

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

12. COMMUNICATIONS

- **COMM039_04_10_17** Table for Cocoa Bean Labor Awareness - 4/18/17
Emergency Preamble Councillor O'Brien/BV Roll call 11 yes. Motion to approve by Councillor Vogel, seconded by Councillor O'Brien. Roll call 11 yes, So voted.

13. APPOINTMENTS

Second Reading Appointments

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

Motion to approve by Councillor Zeid, seconded by Councillor Tontar, Roll call 11 yes. So voted

Re-Appointments

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

Motion to approve by Councillor Zeid, seconded by Councillor Tontar Roll call 11 yes. So voted

14. ORDERS

- **ORDR015_04_10_17** Complete Streets Policy
Motion to refer to Planning & Development and Public Utilities by Councillor Connell, seconded by Councillor Cameron. So voted. Roll call 11 yes. So voted.
- **ORDR016_04_10_17** Extension of Intermunicipal Agreement for Shared Animal Control
Motion to refer to General Government by Councillor Vogel, seconded by Councillor Tontar. So voted.

15. ORDINANCES

- **ODNC003_04_10_17** Zoning Amendment - Hardship for Variances
Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **ODNC004_04_10_17** Zoning Amendment - Zoning Administrator
Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. 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**)
- **TRAN005_02_27_17** Free Cash 25K to Dog Park Project 25K
- **ORDR010_02_27_17** Dog Park Grant Acceptance
- **TRAN009_03_28_17** Mult Accnts \$1,578,044 to Mult Accnts \$1,578,044 (**COW**)

Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron.
Votes on individual transfer requests were as follows:

Stabilization Trust Fund **\$150,000**

Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.

Capital Stabilization Fund **\$84,044**

Motion to approve by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 11 yes, 0 no.

Motion passed.

Other Post-Employment Benefits (OPEB) Trust Fund **\$25,000**

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

Compensated Absences Fund **\$250,000**

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

Groundskeeper/Landscaping Equipment **\$25,000**

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

Sidewalk Improvements **\$60,000**

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

Purchase of 2-Ton Dump Truck with Plow **\$55,000**

Motion to amend, to lower amount to \$40,000, by Councillor Tontar, seconded by Councillor Zeid.

Roll call vote, 11 yes, 0 no. Motion passed. Motion to approve as amended by Councillor Tontar,

seconded by Councillor Zeid. So voted.

Nock/Molin Parking Lot Repairs and Repaving **\$300,000**

Motion to Approve, CT/BV, (Withdrawn) Motion to Table SZ/JE (3N-EC,CT,BV) (withdrawn) Motion to refer to Budget & Finance SZ/CT So Voted

Nock/Molin Elevator Controls Modernization **\$140,000**

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

Multipurpose Tractor **\$35,000**

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

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| Purchase of ¾-Ton Pickup Truck with Plow | \$43,000 |
| Motion to approve by Councillor Tontar, seconded by Councillor Vogel. So voted. | |
| Purchase of 1 ½-Ton Dump Truck with Plow | \$85,000 |
| Motion to approve by Councillor Tontar, seconded by Councillor Vogel. So voted. | |
| Replace/Update Radio Equipment | \$100,000 |
| Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted. | |
| Communication System | \$88,500 |
| Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. | |
| Information Technology Hardware | \$52,500 |
| Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. | |
| High School Fire Alarm Panel Replacement | \$60,000 |
| Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted. | |
| Nock/Molin Furniture Replacement | \$25,000 |
| Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted. | |
- **TRAN010_03_28_17** Free Cash \$18,162 Clean River Project \$18,162
 Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Connell.
 Motion to approve by Councillor Tontar subject to Newburyport and 5 other communities contributing and subject to an intermunicipal contract signed. Seconded by BV. Motion to replace intermunicipal contract with memo of understanding, JE/BV, All; Motion to Strike first of two 'Subject Tos', BC/BV, Roll Call 6Yes, 5No (CT,SZ, EC, JD, JE), Motion to Approve subject to a memorandum of understanding only, CT/ Roll call vote, 6 yes, 5 no (Zeid, Cameron, Devlin, Eigerman, OBrien).
 Motion passed.
 - **TRAN011_03_28_17** DPS Gas \$30,000 to Fuel/Oil \$30,000
 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.
 - **COMM031_03_28_17** FY17-FY21 Capital Improvement Program Submission (COW)
 - **COMM032_03_28_17** Line Items Reduced in FY17 Adopted Budget
 - **ORDR014_03_28_17** Excess Bond Proceeds Transfer
 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, 11 yes. Motion passed.

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

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
- **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

Motion to remove by Councillor Vogel, seconded by Councillor Devlin. Motion to receive and file by Councillor Vogel, seconded by Councillor Devlin. So voted.

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
Motion to remove from Neighborhood & City Services by Councillor Connell, seconded by Councillor Giunta. Motion to receive and file by Councillor Connell, seconded by Councillor Giunta. So voted.
- **ORDR007_02_13_17** Change the Name of Park Circle to Kelleher Way (**PU**)
Motion to remove ORDR007_02_13_17 and ORDR008_02_27_17 collectively from Neighborhood & City Services and Public Utilities by Councillor Connell, seconded by Councillor Vogel. Motion to approve ORDR007_02_13_17 and ORDR008_02_27_17 collectively by Councillor Connell, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 no (OBrien). Motion passed.
- **ORDR008_02_27_17** Change the Name of Crow Lane to Colby Farm Lane (**PU**)

Planning & Development

Councillor Cameron noted there would be a joint General Government and Planning & Development meeting on Thursday, April 13th, at 7:00pm in the Council Chamber at City Hall.

In Committee:

- **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
- **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**)
- **COMM030_03_28_17** Pres. Trust Ltr to City Council re: 1690 House
- **COMM034_03_28_17** Evergreen Special Permit Issued by Planning Board
- **COMM035_03_28_17** Rules of Professional Conduct Rule 3.9
- **COMM038_03_28_17** Lower Custom House Way

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
- **COMM036_03_28_17** Unicorn Street Block Party - 6/3/2017
- **COMM037_03_28_17** 7th Annual GNOCA 5K Walk - 9/24/17

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit
- **ORDR006_2_13_17** TW Excavating & Dev, Newbury, Licensed Contractor

Motion to remove from Public Utilities by Councillor Eigerman, seconded by Councillor Zeid. Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. So voted.

- **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)
- **ODNC002_03_28_17** Amend Sec 2 – 368, 14 – 32, Water and Sewer Board

Rules Committee

In Committee:

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

16. GOOD OF THE ORDER

17. EXECUTIVE SESSION

Motion to go in to Executive Session, for the purpose of discussing real estate, by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 11 yes, 0 no. Motion passed. The Council President stated the Council would come back in to regular session following the executive session. 9:45pm.

18. TRAN017_04_10_17 Water Retained Earnings \$114,500 to Payment of Damages \$114,500

ORDR017_04_10_17 Order of Taking, 18 Boyd Drive, **LATE FILES**

Motion to approve Emergency Preamble and Waive the Rules for both Transfer and Order by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 11 yes, 0 no. Motion passed. Motion to approve both Transfer and Order by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 11 yes, 0 no. Motion passed.

19. ADJOURNMENT

Motion to adjourn by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 11 yes. 10:50pm.