

CITY COUNCIL SPECIAL MEETING MINUTES - VERSION 1
APRIL 27, 2017

6:00PM

Councillor Connell (President pro tempore) called the meeting to order at 6:00 pm and the Pledge of Allegiance was recited. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Zeid, Cameron, Connell, Cronin, Devlin, Earls, Eigerman, Giunta, Tontar. 9 present, 2 absent (Vogel, OBrien).

(Sound Check)

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE ITEMS**

1. ORDR023EP_04_27_17 Emergency Preamble for Taking and Appropriation
2. ORDR023_04_27_17 Order of Taking – 18 Boyd Drive
3. TRAN024_27_17 Transfer Water Ret Earnings to Payment of Damages, 114,500

Motion to Waive the Rules and Accept the Late Files, EC/RC 9Y/2A

5. PUBLIC COMMENT

- | | | |
|-------------------|-------------|----|
| 1. Jeff Koen | 16 Boyd Dr | #8 |
| 2. Hannah Koen | 16 Boyd Dr | #8 |
| 3. Donna Koen | 16 Boyd Dr | #8 |
| 4. Dan Koen | 16 Boyd Dr | #8 |
| 5. Lisa Mead | 30 Green St | #8 |
| 6. Chip Hall | 5 Brown St | #8 |
| 7. Jim Goodwin | 5 Brown St | #8 |
| 8. Ann Marie Vega | 21 Boyd Dr | #8 |
| 9. David Marino | 7 Boyd Dr | #8 |
| 10. Ted Geary | 9 Boyd Dr | #8 |

REGULAR AGENDA

- 6. COMM050_04_27_17 OPEN MEETING LAW COMPLAINT**, April 24, 2017, Evergreen Commons, LLC (Lisa Mead, Esq.) – receive and review complaint; referral to City Solicitor for response.

Motion to Refer to City Solicitor, CT/EC 9Y/2A

- 7. EXECUTIVE SESSION-** pursuant to G.L. c. 30A, s 21(a)(6) to consider the purchase, exchange, lease or value of real estate, and G.L. c. 30A, s 21(a)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the negotiating or litigating position of the public body and the chair so declares - 18 Boyd Drive; votes may be taken.

Motion to Go into Executive Session pursuant to G.L. c. 30A, s 21(a)(6) to consider the purchase, exchange, lease or value of real estate, and G.L. c. 30A, s 21(a)(3) to discuss strategy with respect to litigation - 18 Boyd Drive, EC/CT 9Y/2A Note: the President stated that the Council will be coming back out to Open Session.

8. **OPEN SESSION** -to consider, ratify, authorize, and confirm a proposed eminent domain taking of a temporary non-exclusive easement in property located at 18 Boyd Drive and the appropriation of funds as damages pursuant to said eminent domain taking; votes may be taken. **Motion to yield the floor to the City Solicitor who will ask the Evergreen property owner, Dan Keon, if the City could drill on the property for no monies under the same order of taking passed at the April 10, 2017 meeting. JE/SZ 9Y/2A** Discussion followed. There was no agreement reached.

1. **ORDR023EP_04_27_17** Emergency Preamble for Taking and Appropriation
Motion to Approve the Emergency Preamble for both the Order of Taking and the Transfer 024, JE/EC, Motion Fails on Roll Call vote, 7Y/2N(SZ,JD)/2A
2. **ORDR023_04_27_17** Order of Taking – 18 Boyd Drive
Motion to Refer to P&D, PU, COTW, RC/JD 9Y/2A
3. **TRAN024_27_17** Transfer Water Ret Earnings to Payment of Damages, 114,500
Motion to Refer to B&F, COTW, RC/SZ 9Y/2A

Councillor Tontar moved to rescind and declare abandoned that temporary easement acquired by the City of Newburyport pursuant to an order of taking executed by said Council on April 10, 2017, and recorded with the Southern Essex Registry of Deeds in Book 35790, Page 588, in the following property:

Address: **18 Boyd Drive**, Newburyport, Essex County, MA

Owner of Record: DDJH LLC

Reference: Book 29288, Page 376.

Seconded by Councillor Zeid, On a Roll Call Vote, 8Y, 1N(EC), 2A

Councillor Cronin moved to Reconsider, Seconded by Councillor Tontar, So Voted

Councillor Cronin, Seconded by Councillor Tontar moved to waive the Rules and to rescind and declare abandoned that temporary easement acquired by the City of Newburyport pursuant to an order of taking executed by said Council on April 10, 2017, and recorded with the Southern Essex Registry of Deeds in Book 35790, Page 588, in the following property:

Address: **18 Boyd Drive**, Newburyport, Essex County, MA

Owner of Record: DDJH LLC

Reference: Book 29288, Page 376.

and the award of damages in the amount of \$114,500 and authorize the President of the Council and the Mayor to sign any and all documents and take any other action necessary or convenient to carry out this vote. Roll Call vote, 9Y/2A.

9. **GOOD OF THE ORDER**

10. **ADJOURNMENT**

Motion to Adjourn, SZ/EC So Voted at 8:55 pm