

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
MAY 30, 2017

7:30PM

The City Council President called the meeting to order at 7:31pm. A moment of silence was held for the victims of the Manchester bombing and for Christina Rushton-Power. The Council President led the Council in the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Connell, Cronin, Earls, Eigerman, Giunta, Tontar, Vogel, Zeid, Cameron, OBrien. 9 present (Devlin 7:36pm), 1 absent (Giunta).

(Sound Check)

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

4. LATE FILE ITEMS Mayor's Update, COMM068_05_30_17

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

5. PUBLIC COMMENT

| | | |
|--------------------|------------------|------------------------|
| 1. Elizabeth Heath | 25 Oak St | Ad Hoc Central WFT |
| 2. Bill Harris | 56 Lime St | Ad Hoc Central WFT |
| 3. John Brown | 42 Federal St | Transient Vendors |
| 4. Leslie Eckholdt | 36 Warren St | Ad Hoc Central WFT |
| 5. Sandra Turner | 55 Northern Blvd | Transient Vendors |
| 6. Susan Hern | 22 Broad St | NBPT Harbormaster |
| 7. Drew Shapiro | 20 Eagle St | 25mph Speed Zones |
| 8. Patrick Ryan | 10 Bromfield St | Transient Vendors |
| 9. Ginny Eramo | 28R Toppans Ln | Parking Garage |
| 10. Steve Dinunzio | 13 Summer St | Transient Vendors |
| 11. Pam Ketchum | 15 Washington St | Parking Garage |
| 12. Rob Germinara | 2 Ashland St | Lower Custom House Way |

6. MAYOR'S COMMENT

The mayor gave an update pursuant to her written communication and also a resolution on National Gun Violence Awareness with Moms Against Gun Violence.

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

May 8, 2017

(Approve)

JE pulled minutes from Consent Agenda, the Clerk made the following correction: ORDR019 was referred back to Public Safety, not approved as stated in the minutes. So noted.

8. TRANSFERS

- **TRAN029_05_30_17** BDR Elections & Reg \$1K to CLK Admin \$1K

(B&F)

- **TRAN030_05_30_17** Solid Waste Fee \$24,723.22 to Household Haz Waste \$12K, Sal Recycle Mgr \$12,723.22 (B&F)
- **TRAN031_05_30_17** Lib Sal Staff \$10K to Lib Maint Equip \$10K (B&F)
- **TRAN032_05_30_17** Free Cash \$233,603.67 to Snow & Ice Labor \$41,201.75, Snow & Ice Expenses \$192,401.92 (B&F)
- **TRAN033_05_30_17** Free Cash \$25K to LGL City Solicitor \$25K (B&F)
- **TRAN034_05_30_17** Free Cash \$70K to Fire Overtime \$70K (B&F)

9. COMMUNICATIONS

- **COMM060_05_30_17** Block Party – Pheasant Run Drive – 6/30/17 (PS)
- **COMM061_05_30_17** Pan Merrimack Challenge Ride – 6/17/17 (PS)
BC changed to R&F
- **COMM062_05_30_17** Lion's Club Yankee Homecoming Road Race – 8/1/2017 (PS)
- **COMM063_05_30_17** Slow Bike Race – 8/2/17 (PS)
- **COMM064_05_30_17** City Clerk Contract – 3 year (B&F)
- **COMM065_05_30_17** Ltr from Kyle Hodsdon, NHS Director of Athletics (R&F)
- **COMM066_05_30_17** Amendment to Funding Contribution Article 5 (GG, COTW)

10. APPOINTMENTS

| Re-Appointments | | | | | |
|---------------------------|-----------------------|---------------------|---------------------|-----------|--|
| • APPT035_05_30_17 | Karen B. Wiener | 7 Lincoln St | Aff Housing Trust | 6/1/2018 | |
| • APPT036_05_30_17 | Dan Bourdeau, PE | 376 High St | Conserv Comm | 6/1/2020 | |
| • APPT037_05_30_17 | Douglas A. Muir | 10 Hancock St | Conserv Comm | 5/1/2020 | |
| • APPT038_05_30_17 | Brian Brunault | 83 Garden St | Constable Civil Bus | 7/1/2021 | |
| • APPT039_05_30_17 | Miller Graf | 2 Rawson Hill Rd | Council on Aging | 5/31/2022 | |
| • APPT040_05_30_17 | Leslie Eckholdt | 36 Warren St | Fruit St Local | 5/1/2020 | |
| • APPT041_05_30_17 | Karen Popken | 49 Boardman St | Parks Comm | 5/1/2018 | |
| • APPT042_05_30_17 | Brendan J. Coffey, PE | 7 Park St | WaterSewer Comm | 5/1/2020 | |
| • APPT043_05_30_17 | Edmund L. Kelley | 24 Dorothy Lucey Dr | WaterSewer Comm | 5/1/2020 | |

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

END OF CONSENT AGENDA REGULAR AGENDA

11. MAYOR'S UPDATE

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

12. COMMUNICATIONS

- **COMM056_05_08_17** Ad Hoc Central Waterfront Committee – Report to Full Council (**TABLED**)
Motion to remove COMM056_05_08_17 by Councillor Eigerman, seconded by Councillor Earls. So voted. Motion to remove COMM067_05_30_17 by Councillor Zeid, seconded by Councillor Cameron. So voted. Motion to replace COMM056_05_08_17 with COMM067_05_30_17 and approve by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Giunta). Motion passed.
- **COMM059_05_30_17** Port Taxi Memos – Suspension of Taxi Permits

Removed from Consent Agenda by Councillor Earls. Motion to receive and file by Councillor Earls, seconded by Councillor Zeid, withdrawn. Motion to refer to License & Permit by Councillor Earls, seconded by Councillor Zeid. So voted.

- **COMM067_05_30_17** Ad Hoc Central Waterfront Committee Report w/ Proposed Amendments
- **COMM068_05_30_17 LATE FILE** Ask A Priest, IC Parish – 6/30-9/1, 6-8:30pm
Motion to refer to Neighborhood & City Services by Councillor Connell, seconded by Councillor Zeid. So voted.

13. ORDERS

- **ORDR025_05_30_17** Parking – Hales Court Lot
Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Cameron. So voted.
- **ORDR026_05_30_17** Handicapped Parking Space – Summit Place
Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Devlin. So voted.
- **ORDR027_05_30_17** Loan Order – Intermodal Parking Facility Land Acquisition
Motion to refer to Budget & Finance and Committee of the Whole by Councillor Tontar, seconded by Councillor Cameron. 8 yes, 1 no (OBrien), 1 recused (Vogel), 1 absent (Giunta). Motion passed.
- **ORDR028_05_30_17** Gift Acceptance – Sunscreen Dispenser
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **ORDR029_05_30_17** Grant Acceptance – Tower Foundation
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **ORDR030_05_30_17** Handicapped Parking Space - 13 Parsons Street
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Tontar. So voted.

14. ORDINANCES

- **ODNC002_03_28_17** Amend Sec 2 – 368, 14 – 32, Water and Sewer Board (**2nd READING**)
Motion to approve by Councillor Eigerman, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Giunta). Motion passed.
- **ODNC005_05_08_17** Update of Rules for Special Events (**2nd READING**)
Motion to approve by Councillor Zeid, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Giunta). So voted.
- **ODNC006_05_30_17** Amend Sec. 3-2 Disposal of Animal Waste
Motion to refer to Neighborhood & City Services 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 (**COTW**)
- **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
- **COMM031_03_28_17** FY17-FY21 Capital Improvement Program Submission (**COTW**)
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. Motion to amend, to take out the fire station on Plum Island, by Councillor Eigerman, seconded by Councillor Cronin. Roll call vote, 6 yes, 4 no (Earls, Tontar, Zeid, Cameron), 1 absent (Giunta). Motion passed. Motion to approve as amended by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 9 yes, 1 present (Zeid), 1 absent (Giunta). Motion passed.
- **COMM032_03_28_17** Line Items Reduced in FY17 Adopted Budget
- **TRAN018_04_10_17** Multiple Accounts \$300K to Nock/Molin Parking Lot Repairs \$300K
- **TRAN022_04_24_17** PI Utility Fund \$2,030,765 to PI Hydrant Replacement 1.9M, SEW Municipal Insurance \$130,765 (**PU**)
Motion to remove \$130,675 from Budget & Finance, meaning and intending to leave \$1.9M in Plum Island Utility Fund, by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to remove \$130,765 from Public Utilities by Councillor Eigerman, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **TRAN025_05_08_17** Mult Accnts \$98K to LED Streetlight Conversion \$98K (**PU**)
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to remove from Public Utilities by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **TRAN026_05_08_17** Lib Sal Staff \$10K to Lib Maint - Equipment \$10K
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Earls. So voted.
- **TRAN027_05_08_17** Fir Fuel/Oil Vehicles \$15K to Fir Maint - Vehicles \$15K
- **COMM051_05_08_17** FY2018 Proposed Budget (**COTW**)

General Government

In Committee:

- **ORDR016_04_10_17** Extension of Intermunicipal Agreement for Shared Animal Control

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 (**COTW**)
Motion to remove from License & Permit by Councillor Vogel, seconded by Councillor Connell. So voted. Motion to approve by Councillor Vogel, seconded by Councillor Connell. Roll call vote, 4 yes, 6 no (Connell, Devlin, Earls, Eigerman, Vogel, O'Brien), 1 absent (Giunta). Motion failed. Motion to amend section 9-113(b), to change "its rules" to "rules of the City Council", by Councillor Eigerman, seconded by Councillor Vogel. So voted. Motion to amend Section 9-113(c2), to add "at the applicant's sole expense", by Councillor Vogel, seconded by Councillor Devlin. **1 no (Zeid)**. Motion passed. Motion to amend section 9-114, to add "This ordinance shall supersede any other regulation promulgated by the Board of Health relative to geographic limitations on transient vendors", by Councillor Zeid, seconded by Councillor Earls. So voted. Motion to amend Section 9-114(a), to increase from two to three, by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to amend Section 9-114(a), to increase to four and no less than two, by Councillor Vogel, seconded by Councillor Cameron. Roll call vote, 5 yes, 5 no (Connell, Cronin, Eigerman, Zeid, O'Brien), 1 absent

(Giunta). Motion failed. Motion to amend Section 9-131, to increase to \$1500, by Councillor Vogel, seconded by Councillor Devlin. Roll call vote, 8 yes, 2 no (Earls, Eigerman), 1 absent (Giunta). Motion passed. Motion to amend Section 9-132, to increase to \$2,000,000, by Councillor Vogel, seconded by Councillor Zeid. **Roll call vote, 8 yes, 2 no (Eigerman, Vogel), 1 absent (Giunta). Motion passed.** Motion to amend Section 9-133(7), to add an “s” to “location”, by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to amend Section 9-135(b), to replace “stands” with “activity”, by Councillor Zeid, seconded by Councillor Tontar. So voted. Motion to approve, as amended, by Councillor Vogel, seconded by Councillor Eigerman. Roll call vote, 10 yes, 1 absent (Giunta). Motion passed.

- **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
- **COMM052_05_08_17** Outdoor Seating Application – Mandarava
Motion to remove from License & Permit by Councillor Vogel, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Vogel, seconded by Councillor Cameron. So voted.
- **COMM053_05_08_17** Outdoor Seating Application - Dos Amigos Burritos
Motion to remove from License & Permit by Councillor Vogel, seconded by Councillor Earls. So voted. Motion to approve by Councillor Vogel, seconded by Councillor Earls. So voted.
- **COMM057_05_08_17** Memo from Sgt Whitney to Port Taxi re: suspension of 5 taxi (Port)
Motion to remove COMM057_05_08_17 and COMM058_05_08_17 collectively from License & Permit by Councillor Vogel, seconded by Councillor Cameron. So voted. It was discussed and agreed that Port Taxi has 30 days within which to satisfy the police inspector of taxis. Motion to refer COMM057_05_08_17 and COMM058_05_08_17 collectively to License & Permit by Councillor Vogel, seconded by Councillor Earls. Roll call vote, 10 yes, 1 absent (Giunta). Motion passed.
- **COMM058_05_08_17** Memo from Sgt Whitney to City re: suspension of 5 taxi permits (Port) including information from Port Taxi delivered to Clerk on May 8, 2017

Neighborhoods and City Services

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation (**COTW**)
- **ORDR048_06_13_16** Sidewalk Order
- **COMM048_04_24_17** Ltr from Merchants re: Downtown Events (**PS**)

Planning & Development

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
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor Cameron, seconded by Councillor Zeid. So voted.
- **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 (**COTW**)
- **COMM024_03_13_17** Newburyport's Master Plan - Final Document (**COTW**)
- **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
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Zeid. So voted. Councillor Cameron stated he will send this memo to City Boards and Commissions. Motion to receive and file by Councillor Cameron, seconded by Councillor Zeid. So voted.
- **COMM038_03_28_17** Lower Custom House Way
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor Cameron, seconded by Councillor Connell. Withdrawn. Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **ORDR015_04_10_17** Complete Streets Policy (**PU**)
- **ODNC003_04_10_17** Zoning Amendment - Hardship for Variances
- **ODNC004_04_10_17** Zoning Amendment - Zoning Administrator

Public Safety

In Committee:

- **ODNC015_08_29_16** 25 MPH Speed Zones
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Tontar. Roll call vote, 9 yes, 1 no (Connell), 1 absent (Giunta). Motion passed.
- **ORDR077_09_12_16** Parking Restricted on Daniel Lucy Way
- **COMM046_04_10_17** 60th Yankee Homecoming - 7/29-8/6
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Tontar. 9 yes, 1 no (Vogel), 1 absent (Giunta). Motion passed.
- **COMM048_04_24_17** Ltr from Merchants re: Downtown Events (**N&CS**)
- **COMM054_05_08_17** Ride to End Alzheimer's - 6/24/17
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Zeid. So voted.
- **COMM055_05_08_17** Lafayette Street Block Party - 7/29/17
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Tontar. So voted.
- **ORDR024_05_08_17** Parking Restricted Fair Street at Middle Street
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Zeid. So voted.

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit
- **ORDR015_04_10_17** Complete Streets Policy (**P&D**)
- **TRAN022_04_24_17** PI Utility Fund \$2,030,765 to PI Hydrant Replacement 1.9M, SEW Municipal Insurance \$130,765 (**B&F**)
- **TRAN025_05_08_17** Mult Accnts \$98K to LED Streetlight Conversion \$98K (**B&F**)

Rules Committee

In Committee:

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

16. GOOD OF THE ORDER

Councillor Tontar acknowledged the First Religious Society for their cleanup of Woodman Park and thanked them for their contribution to the City.

17. ADJOURNMENT

Motion to adjourn by Councillor Tontar, seconded by Councillor Zeid. So voted. 10:38pm.