

CITY COUNCIL MEETING MINUTES - VERSION 1
CITY COUNCIL CHAMBERS
MAY 8, 2017

7:15PM

Capital Improvement Program Hearing

The City Council President called the meeting to order at 7:15pm. The City Council President pro tempore Connell then instructed the City Clerk to call the roll. The following Councillors answered present: Vogel, Zeid, Cameron, Connell, Cronin, Earls, Eigerman, Giunta, Tontar. 10 present, 1 Absent (OBrien). The Clerk read the notice as published and as required by the Charter. The President then asked all to speak in favor or opposed. Hearing no one, he closed the meeting at 7:19 pm.

7:30PM

The City Council President called the meeting to order at 7:30pm. President Protemp Connell 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: Vogel, Zeid, Cameron, Connell, Cronin, Earls, Eigerman, Giunta, Tontar, Devlin, OBrien (remotely). 11 present. Note that since Councillor OBrien is participating remotely, all votes were roll call votes.

(Sound Check)

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE ITEMS Mayor's Update, COMM056_05_08_17, COMM057_05_08_17, COMM058_05_08_17, PS Committee Items, Order of Taking, Agreement with Exhibits A, B, & C, TRAN028_05_08_17**

5. PUBLIC COMMENT

1. Jim McCauley	27 Storeybrooke Dr	Ad Hoc Report
2. Laurel Allgrove	22 Beacon Ave	Ad Hoc Report
3. Ann Marie Vega	21 Boyd Dr	Evergreen
4. Pam Lee	1 Boyd Dr	Evergreen
5. Rob Germinara	2 Ashland St	NRA Appt/Ad Hoc Report

6. MAYOR'S COMMENT

The Mayor spoke briefly and then went through 10 slides on the Annual Budget (FY18) which was placed on the Councillors' desks at the start of the meeting.

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

April 24, 2017

(Approve)

April 27, 2017

(Approve)

8. TRANSFERS

- **TRAN025_05_08_17** Mult Acnts \$98K to LED Streetlight Conversion \$98K (B&F)(PU)

- **TRAN026_05_08_17** Lib Sal Staff \$10K to Lib Maint - Equipment \$10K (B&F)
- **TRAN027_05_08_17** Fir Fuel/Oil Vehicles \$15K to Fir Maint - Vehicles \$15K (B&F)

9. COMMUNICATIONS

- **COMM051_05_08_17** FY2018 Proposed Budget (B&F)(COTW)
- **COMM052_05_08_17** Outdoor Seating Application – Mandarava (L&P)
- **COMM053_05_08_17** Outdoor Seating Application - Dos Amigos Burritos (L&P)
- **COMM054_05_08_17** Ride to End Alzheimer's - 6/24/17 (PS)
- **COMM055_05_08_17** Lafayette Street Block Party - 7/29/17 (PS)

10. APPOINTMENTS

- **NONE**

END OF CONSENT AGENDA REGULAR AGENDA

Motion to approve the Consent Agenda as amended by Councillor Cameron, seconded by Councillor Zeid.
Roll call vote, 11 yes. Motion passed.

11. MAYOR'S UPDATE

Motion to receive and file by Councillor Cameron, seconded by Councillor Tontar. Roll call vote, 11 yes.
Motion passed.

12. COMMUNICATIONS

- **COMM057_05_08_17** Memo from Sgt Whitney to Port Taxi re: suspension of 5 taxi (Port)
- **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
Motion to refer collectively to License & Permit by Councillor Cameron, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion passed.

13. APPOINTMENTS

Second Reading

- **APPT032_04_24_17** David St. Cyr 25 Tyng St NRA 4/1/2018

Re-Appointments

- **APPT033_04_24_17** Kevin Hunt 14 10th St Veterans Agent 4/1/2018
- **APPT034_04_24_17** Barry J. McBride 5 Pine St Asst Wiring Inspector 5/1/2018

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

14. ORDERS

- **ORDR024_05_08_17** Parking Restricted Fair Street at Middle Street
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed.

15. ORDINANCES

- **ODNC005_05_08_17** Update of Rules for Special Events

Motion to approve first reading by Councillor Zeid, seconded by Councillor Devlin. Roll call vote, 11 yes. Motion passed.

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**)
- **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
- **TRAN021_04_24_17** General Fund \$20K to Ins FICA Payroll Taxes \$20K
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed.
- **TRAN022_04_24_17** PI Utility Fund \$2,030,765 to PI Hydrant Replacement 1.9M, SEW Municipal Insurance \$130,765 (**PU**)
- **TRAN023_04_24_17** General Fund \$15,735.83, Wtr Retained Earnings 7,224.95, Swr Retained Earnings 3,945.12 to Retire Approp \$26,905.90 (**PU**)
Motion to remove from both Budget & Finance and Public Utilities by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.
- **ORDR021_04_24_17** Bond Premium Order
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.

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**)
- **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

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 - Councillor Cameron stated that P&D committee will be meeting on the Master Plan.

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 (**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
- **COMM038_03_28_17** Lower Custom House Way
- **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
- **ORDR018_04_24_17** Parking License between the City and the USPS (**PS**)
Removed PS

Public Safety

In Committee:

- **ODNC015_08_29_16** 25 MPH Speed Zones
- **ORDR077_09_12_16** Parking Restricted on Daniel Lucy Way
- **COMM037_03_28_17** 7th Annual GNOCA 5K Walk - 9/24/17
Motion to remove and approve by Councillor Cronin, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed.
- **COMM046_04_10_17** 60th Yankee Homecoming - 7/29-8/6
- **COMM048_04_24_17** Ltr from Merchants re: Downtown Events (**N&CS**)
- **COMM049_04_24_17** Coast to the Cure Bike Ride - 9/9/17
Motion to remove and approve by Councillor Cronin, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed.
- **ORDR018_04_24_17** Parking License between the City and the USPS (**P&D**)
Motion to remove and approve by Councillor Cameron, seconded by Councillor Cronin. Roll call vote, 11 yes. Motion passed.
- **ORDR019_04_24_17** Stop Signs at Temple and Fair
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.
- **ORDR020_04_24_17** No Parking, Plum Island Turnpike, Right Turning Lane

Motion to remove and approve by Councillor Cronin, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit
- **ODNC002_03_28_17** Amend Sec 2 – 368, 14 – 32, Water and Sewer Board
Motion to remove and approve by Councillor Eigerman, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed.
- **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**)
- **TRAN023_04_24_17** General Fund \$15,735.83, Wtr Retained Earnings 7,224.95, Swr Retained Earnings 3,945.12 to Retire Approp \$26,905.90 (**B&F**)

Rules Committee

In Committee:

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

Ad Hoc Central Waterfront Committee

In Committee:

- **COMM056_05_08_17** Report to Full Council
Motion to remove by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed. Motion to refer to Committee of the Whole by Councillor Zeid, seconded by Councillor Tontar. Withdrawn. Motion to table by Councillor Eigerman, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed.

16. GOOD OF THE ORDER- Councillor Zeid spoke on the Evergreen project followed by a five minute recess 08:58pm

- 17. 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 and 81-83 Merrimac Street and 90 Pleasant St; votes may be taken.

There was no Executive Session. The Council took up the **ORDR023_04_27_17** Order of Taking, the Agreement with Exhibits A, B, & C, and **TRAN028_05_08_17** (Water Retained Earnings 114,500 to Payment of Damages \$114,500) as follows:

1. Motion to approve the Agreement with Exhibits A, B & C and authorize the Mayor to sign any and all necessary documents associated therewith, by Councillor Cronin, seconded by Councillor Giunta. Roll call vote, 10 yes. 1 absent (Earls) Motion passed.
2. Motion to approve the Order of Taking by Councillor Vogel, seconded by Councillor Zeid. Councillor Connell called for a **5-minute recess.(8:45PM)**
3. Motion to approve the Order of Taking by Councillor Vogel, seconded by Councillor Zeid. Withdrawn.
4. Motion to waive the rules and allow a late file (**TRAN028_05_08_17**).

5. Emergency Preamble to allow the Order of Taking, the Agreement with Exhibits A, B, & C, TRAN028_05_08_17 by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 10 yes. 1 Absent (Earls) Motion passed.
6. Motion to reconsider the motion to approve the Agreement by Councillor Eigerman, seconded by Councillor Cronin. Roll call vote, 10 yes. 1 Absent (Earls) Motion passed.
7. Motion to approve the Agreement with Exhibits A, B, & C and authorize the Mayor to sign any and all necessary documents associated therewith by Councillor Eigerman, seconded by Councillor Cameron. Roll call vote, 10 yes. 1 Absent (Earls) Motion passed.
8. Motion to approve the Order of Taking and the appropriation and TRAN028_05_08_17 by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 Absent (Earls). Motion passed.

18. ADJOURNMENT

Motion to adjourn by Councillor Vogel, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Earls). Motion passed. 9:50pm.