

**CITY COUNCIL MEETING MINUTES**  
**CITY COUNCIL CHAMBERS**  
**JUNE 26, 2017**

**7:30PM**

The City Council President called the meeting to order at 7:32pm. A moment of silence was held for Michael Curran. 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: Devlin, Earls, Giunta, Tontar, Vogel, Zeid, Cronin, OBrien. 8 present, 1 remote (Cameron), 2 absent (Eigerman, Connell). Councillor Connell attempted to join remotely but the connection failed. Motion to waive roll call vote on all procedural, non-substantive votes by Councillor Zeid, seconded by Councillor Devlin. Motion for a friendly amendment, to waive roll call vote on all votes, by Councillor Vogel, seconded by Councillor Tontar, So Voted. Roll call vote on Amended Motion, 9 yes, 2 absent (Eigerman, Connell). Motion passed.

**(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. Hazem Mahmoud	52A Ferry Rd	Garage/WFW Ballot
2. Amantha Moore	10 N Atkinson St	CPC Funding
3. Stephen Comley	Box 646, Rowley	Nuclear Safety
4. Linda Lambert	58 Merrimac St	Garage/WFW Ballot
5. Nancy Earls	25 Milk St	CPC Funding

**6. MAYOR'S COMMENT**

**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**

June 12, 2017

(Approve)

**8. TRANSFERS**

- **TRAN037\_06\_26\_17** Hwy Sal Labor \$40K, Hwy Sal Facilities Maint \$7K to Hwy Streetlight Electricity \$47K (B&F)
- **TRAN038\_06\_26\_17** School Expenses \$42K to School Lunch \$42K (B&F)
- **TRAN039\_06\_26\_17** FY18 Gen Budget Conting \$20,876 to Pol Sal Officers \$20,876 (B&F)

**9. COMMUNICATIONS**

- **COMM078\_06\_26\_17** Ltr from Stephen B. Comley, Sr. re: Nuclear Safety (R&F)
- **COMM079\_06\_26\_17** A-Frames - Greetings by Design (L&P)
- **COMM080\_06\_26\_17** Ltr re: Dedication of Public Space to Recognize Citizens (N&CS)
- **COMM081\_06\_26\_17** Fill the Boot for Muscular Dystrophy Assoc. - 8/3-5, 2017 (PS)

- **COMM082\_06\_26\_17** Bed Race - 8/3/2017

(PS)

## 10. APPOINTMENTS

### Re-Appointments

- **APPT048\_06\_26\_17** Kimberley Logue 18 Woodman Way #3 Housing Authority 5/1/2022

## END OF CONSENT AGENDA

### REGULAR AGENDA

Motion to approve the Consent Agenda 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. APPOINTMENTS

### Second Reading

### Re-Appointments

- **APPT044\_05\_30\_17** Madeline Nash 19 Arlington St Aff Housing Trust 5/1/2018
- **APPT046\_05\_30\_17** Richard A. Eaton 4 Horton St Trust Fund Comm 7/1/2020
- **APPT047\_05\_30\_17** Richard J. O'Brien 41 Olive St Trust Fund Comm 7/1/2020

Motion to approve, collectively, Second Reading appointments by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.

## 13. ORDERS

- **ORDR039\_06\_26\_17** New England Paving, LLC, Lic Contractor  
Motion to refer, collectively, ORDR039\_06\_26\_17 and ORDR040\_06\_26\_17 to Public Utilities by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.
- **ORDR040\_06\_26\_17** Tim Zanelli Excavating, LLC, Lic Contractor
- **ORDR041\_06\_26\_17** CPC FY2018 Recommended Appropriations  
Motion to refer to Budget & Finance and Committee of the Whole by Councillor Tontar, seconded by Councillor Giunta. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.

## 14. ORDINANCES

- **ODNC011\_05\_31\_16** Amend Transient Vendors for Cashman (**2<sup>nd</sup> READING**)  
Motion to approve second reading by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.
- **ODNC003\_04\_10\_17** Zoning Amendment - Hardship for Variances (**2<sup>nd</sup> READING**)  
Motion to waive the rules, as the sponsoring councillor was not present, by Councillor Vogel, seconded by Councillor Tontar. Motion to approve second reading by Councillor Vogel, seconded by Councillor Tontar. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.
- **ODNC004\_04\_10\_17** Zoning Amendment - Zoning Administrator (**2<sup>nd</sup> READING**)  
Motion to waive the rules, as the sponsoring councillor was not present, by Councillor Cronin, seconded by Councillor Zeid. Motion to approve second reading by Councillor Earls, seconded by Councillor Tontar. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.
- **ODNC006\_05\_30\_17** Amend Sec. 3-2 Disposal of Animal Waste (**2<sup>nd</sup> READING**)  
Motion to waive the rules, as the sponsoring councillor was not present, by Councillor Earls, seconded by Councillor Vogel. Motion to approve second reading by Councillor Earls, seconded by Councillor Tontar. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed. Motion to reconsider by

Councillor Devlin, seconded by Councillor Zeid. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion to approve second reading by Councillor Earls, seconded by Councillor Tontar. Roll call vote, 6 yes, 3 no (Devlin, Giunta, Zeid), 2 absent (Eigerman, Connell). Motion passed.

- **ODNC008\_06\_26\_17** Zoning Amendment – Bed & Breakfast Use (V-D, V-E)  
Motion to refer to Planning & Development and Committee of the Whole by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.
- **ODNC009\_06\_26\_17** Zoning Amendment – Ag/Con District, Lot Area/Lot Cov  
Motion to waive the rules, as the sponsoring councillor was not present, by Councillor Zeid, seconded by Councillor Tontar. Motion to refer to Planning & Development and Committee of the Whole by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.
- **ODNC010\_06\_26\_17** Zoning Amendment – Zoning Map, R-2, Dimensional Controls  
Motion to refer to Planning & Development and Committee of the Whole by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.
- **ODNC011\_06\_26\_17** Zoning Amendment – Inclusionary Affordable Housing  
Motion to waive the rules, as the sponsoring councillor was not present, by Councillor Earls, seconded by Councillor Zeid. . Motion to amend by adding Councillor Cronin as co-sponsor, by Councillor Cronin, seconded by Councillor Zeid. So Voted. Motion to refer to Planning & Development and Committee of the Whole by Councillor Zeid, seconded by Councillor Tontar. 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
- **COMM032\_03\_28\_17** Line Items Reduced in FY17 Adopted Budget
- **TRAN022\_04\_24\_17** PI Utility Fund \$1.9M to PI Hydrant Replacement \$1.9M (**PU**)
- **COMM064\_05\_30\_17** City Clerk Contract – 3 year  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Giunta. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.
- **ORDR028\_05\_30\_17** Gift Acceptance – Sunscreen Dispenser  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Giunta. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.
- **TRAN035\_06\_12\_17** Swr Retained Earnings \$675K to FY18 Budget Rsrv \$675K (**PU**)  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.

- **TRAN036\_06\_12\_17** Wtr Retained Earnings \$300K to Meter Replace Proj \$100K Water Main Replace Proj \$200K (PU)  
Motion to remove, jointly, from Budget & Finance and Public Utilities by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.
- **ORDR031\_06\_12\_17** FY2018 Revolving Fund Order (COTW)  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. Motion to approve by Councillor Vogel, seconded by Councillor Tontar. Motion to amend to decrease Downtown Paid Parking (Item 2839) from \$750K to \$500K, by Councillor Cronin, seconded by Councillor Zeid. Roll call vote, 5 yes, 4 no (Earls, Tontar, Vogel, Cameron), 2 absent (Eigerman, Connell). Motion failed. Motion to amend to decrease Downtown Paid Parking to \$650K, by Councillor Tontar, seconded by Councillor Cronin. Roll call vote, 8 yes, 1 no (Vogel), 2 absent (Eigerman, Connell). Motion passed. Motion to approve as amended by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 8 yes, 1 no (Zeid), 2 absent (Eigerman, Connell). Motion passed.
- **ORDR032\_06\_12\_17** Nock Parking Lot Order

## **General Government**

### ***In Committee:***

- **ORDR016\_04\_10\_17** Extension of Intermunicipal Agreement for Shared Animal Control  
Motion to remove ORDR016\_04\_10\_17 and COMM066\_05\_30\_17, collectively, from General Government by Councillor Vogel, seconded by Councillor Tontar. So voted. Motion to approve, collectively, by Councillor Vogel, seconded by Councillor Tontar. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.
- **COMM066\_05\_30\_17** Amendment to Funding Contribution Article 5 (COTW)

## **Joint Education**

Councillor Giunta announced the first meeting will be during the first week of August in room 118 at Newburyport High School.

### ***In Committee:***

## **License & Permits**

### ***In Committee:***

- **COMM010\_01\_25\_16** Licensing Commission Acoustic & Amplified Entertainment
- **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
- **COMM071\_06\_12\_17** A-Frames - Firehouse Center for the Arts  
Motion to remove from License & Permit and approve by Councillor Vogel, seconded by Councillor Zeid. Councillor Vogel stated he was unsure whether insurance was required, where it is a city-owned building. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.
- **COMM072\_06\_12\_17** Table in Market Square - Exchange Club - 8/19, 8/26  
Motion to remove from License & Permit by Councillor Vogel, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Vogel, seconded by Councillor Tontar. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.
- **COMM074\_06\_12\_17** A-Frames - Harbor Creamery

Motion to remove from License & Permit by Councillor Vogel, seconded by Councillor Zeid. So voted. Motion to approve one sign in front of the store by Councillor Vogel, seconded by Councillor Zeid. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.

## **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**)
- **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
- **COMM038\_03\_28\_17** Lower Custom House Way
- **ORDR015\_04\_10\_17** Complete Streets Policy (**PU**)
- **COMM069\_06\_12\_17** Air Quality Analysis of Intermodal Facility
- **ODNC007\_06\_12\_17** Zoning Amendment - I2 Zone Change

## **Public Safety**

### *In Committee:*

- **ORDR077\_09\_12\_16** Parking Restricted on Daniel Lucy Way
- **COMM048\_04\_24\_17** Ltr from Merchants re: Downtown Events (**N&CS**)
- **ORDR019\_04\_24\_17** Stop Signs at Temple and Fair  
Motion to waive the rules, as the sponsoring councillor was not present, by Councillor Cronin, seconded by Councillor Giunta. 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. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.
- **COMM075\_06\_12\_17** Block Party - Dove Street - 8/5  
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. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.
- **ORDR033\_06\_12\_17** Stop Sign at Plummer Ave  
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Cronin. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.
- **ORDR034\_06\_12\_17** Handicapped Parking Space – 40 Market Street  
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Earls. Roll call vote, 9 yes, 2 absent (Eigerman, Connell). Motion passed.

## **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 \$1.9M to PI Hydrant Replacement \$1.9M (**B&F**)
- **TRAN035\_06\_12\_17** Swr Retained Earnings \$675K to FY18 Budget Rsrv \$675K (**B&F**)
- **TRAN036\_06\_12\_17** Wtr Retained Earnings \$300K to Meter Replace Proj \$100K Water Main Replace Proj \$200K (**B&F**)
- **ORDR037\_06\_12\_17** Contractor Application - Northern Drill Services
- **ORDR038\_06\_12\_17** Contractor Application - Brennan Construction, Inc.

## **Rules Committee**

### ***In Committee:***

- **ORDR013\_02\_27\_17** Amend City Council Rules Relating to Bonding Funds (**COTW**)

## **16. GOOD OF THE ORDER**

Councillor Zeid – Plum Island update - Site visit at the Plum Island Point Parking lot June 30<sup>th</sup> 1:00 pm.

Councillor Cronin – Ward 2 meeting by Councillor Eigerman at The Grog June 29<sup>th</sup> 5:30 pm.

Councillor Tontar – American Rhythm and Roots festival fund raiser this weekend; highly recommend

## **17. ADJOURNMENT**

Motion to adjourn by Councillor Zeid, seconded by Councillor Tontar. So voted. 9:19pm.