

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
AUGUST 28, 2017

7:30PM

The City Council President called the meeting to order at 7:30pm. A moment of silence was held for those affected by Hurricane Harvey. 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: Tontar, Vogel, Zeid, Cameron, Connell, Cronin, Devlin, Earls, Eigerman, Giunta, OBrien. 11 present.

(Sound Check)

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

- 4. LATE FILE ITEMS COMM104_08_28_17, COMM105_08_28_17, COMM106_08_28_17, COMM107_08_28_17, ORDR050EP_08_28_17, ORDR050_08_28_17, ORDR043_07_10_17**

Motion to waive the rules, to allow late files, by Councillor Cameron, seconded by Councillor Vogel. So voted.

5. PUBLIC COMMENT

| | | |
|----------------------|------------------|----------------|
| 1. Andrew Sidford | 42 Washington St | Parking Garage |
| 2. Andrew Port | 61 Water St #5 | Parking Garage |
| 3. Hazem Mahmoud | 52A Ferry Rd | Parking Garage |
| 4. Shawn Flaherty | 3 Summit Pl | Parking Garage |
| 5. Robert Puffer | 58 Merrimac St | Parking Garage |
| 6. Connie Preston | 18 Atwood St | Parking Garage |
| 7. Tami O'Brien | 483B Merrimac St | Parking Garage |
| 8. Zachary Elias | 78 Federal St | Parking Garage |
| 9. Byron Lane | 14 Hart Rd | Parking Garage |
| 10. Ginny Eramo | 28R Toppans Ln | Parking Garage |
| 11. Jennie Donahue | 18 Cherry St | Parking Garage |
| 12. Jeanne Deffley | 6 Woodman Way | Parking Garage |
| 13. Laurel Allgrove | 22 Beacon Ave | Parking Garage |
| 14. Donn Pollard | 7 Fruit St | Parking Garage |
| 15. Pat Daniels | 234 Low St | Parking Garage |
| 16. Bob Uhlig | 174 Merrimac St | Parking Garage |
| 17. Tom Salemi | 16 Tyng St | Parking Garage |
| 18. Ali Santarlasci | 39 Forrester St | Parking Garage |
| 19. Elizabeth Heath | 25 Oak St | Parking Garage |
| 20. Lyndi Lanphear | 347 High St | Parking Garage |
| 21. Marian Levy | 323 Merrimac St | Parking Garage |
| 22. Barbara Roche | 5 E Boylston St | Parking Garage |
| 23. Ray Clements | 117 State St | Parking Garage |
| 24. Camille Garro | 4B Greenleaf St | Parking Garage |
| 25. Michael Sales | 6 Fruit St | Parking Garage |
| 26. Ethan Manning | 31 Howard St | Parking Garage |
| 27. Steve Hines | 54 Ferry Rd | Parking Garage |
| 28. Jaime Ferris | 58 Merrimac St | Parking Garage |
| 29. Susan Crawford | 52 Temple St | Parking Garage |
| 30. Gregory Chaisson | 138 State St | Parking Garage |
| 31. Wilbur Shenk | 1 Beck St | Parking Garage |

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|-----------------------|---------------------|----------------|
| 32. Brett Lefebvre | 58 Merrimac St | Parking Garage |
| 33. Trudy Lefebvre | 58 Merrimac St | Parking Garage |
| 34. Ed Brennan | 23 Alberta Ave | Parking Garage |
| 35. Bill Bixby | 33 State St | Parking Garage |
| 36. Bonnie Sontag | 10 Upland Rd | Parking Garage |
| 37. Laura Wolfe | 87 High St | Parking Garage |
| 38. Rob Matthews | 40 Storeybrooke Dr | Parking Garage |
| 39. John Moynihan | Firehouse Center | Parking Garage |
| 40. Michael Strauss | 56 Federal St | Parking Garage |
| 41. David Strand | Chamber of Commerce | Parking Garage |
| 42. Sally Owen | 60 High Rd, Nwby | Parking Garage |
| 43. Jeanette Isabella | 1 Lime St | Parking Garage |
| 44. Jacalyn Bennett | 45 Water St | Parking Garage |
| 45. Jack Miller | 3 Peters Rd | Parking Garage |
| 46. Ed Anderson | 8 Norman Ave | Parking Garage |
| 47. John Budzyna | 11 Cushing Ave | Parking Garage |
| 48. James Brugger | 4 Savory St | Parking Garage |
| 49. Jim Roy | 4 Fruit St | Parking Garage |
| 50. Jen Collins | Custom House | Parking Garage |
| 51. John Green | 12 Finnegan Way | Parking Garage |
| 52. Jeff Cutter | 26 N Atkinson St | Parking Garage |
| 53. Leah McGavern | 21 Marlboro St | Parking Garage |
| 54. Dana Hooper | 25 Marlboro St | Parking Garage |
| 55. Juliet Alsina | 42 High St | Parking Garage |
| 56. Heather Shand | 43 Warren St | Parking Garage |
| 57. Paul Acquaviva | 62 Bromfield St | Parking Garage |
| 58. Pam Ketchum | 15 Washington St | Parking Garage |
| 59. Ken Ketchum | 15 Washington St | Parking Garage |
| 60. Ahmer Ibrahim | 85 Prospect St | Parking Garage |
| 61. Boyd Hancock | 4 Tilton St | Parking Garage |
| 62. Rob Germinara | 2 Ashland St | Parking Garage |

6. MAYOR'S COMMENT

The mayor made brief remarks regarding the proposed intermodal parking facility.

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

August 14, 2017

(Approve)

8. TRANSFERS

- **TRAN041_08_28_17** \$40K Solid Waste Fee to \$20K Hshld Haz Waste, \$20K Chipper (B&F)

9. COMMUNICATIONS

- **COMM098_08_28_17** Ltr from Marshal Murray re: Parking Spaces for Police (PS)

- **COMM099_08_28_17** Petition re: Hales Court Parking Lot (PS)
- **COMM100_08_28_17** FY2017 Year-End Financial Report (B&F)

10. APPOINTMENTS

- **APPT053_08_28_17** Charles C. Kennedy 167 Water St Water/Sewer Comm (Alt) 8/1/2019

END OF CONSENT AGENDA REGULAR AGENDA

Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Cameron. So voted. A five-minute recess was taken at 8:50pm.

11. MAYOR'S UPDATE

12. TRANSFERS

- **TRAN042EP_08_28_17** Hydraulic Oil Leak \$78,223 Emergency Preamble
Motion to approve by Councillor Vogel, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.
- **TRAN042_08_28_17** Hydraulic Oil Leak \$78,223
Motion to approve by Councillor Vogel, seconded by Councillor Tontar. So voted.

13. COMMUNICATIONS

- **COMM101_08_28_17** Memorandum of Agreement - Parking Garage
Motion to receive and file by Councillor Cameron, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 no (Zeid). Motion passed.
- **COMM102_08_28_17** Ltr re: Request for Public Hearing on Evacuation Plan
Motion to refer to Public Safety by Councillor Connell, seconded by Councillor Earls. So voted.
- **COMM103_08_28_17** Table for Bake Sale Fundraiser
Motion to approve emergency preamble by Councillor Eigerman, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Cameron, seconded by Councillor Tontar. So voted.
- **COMM104_08_28_17 LATE FILE** Ltr from Chamber of Commerce re: Parking Garage
Motion to receive and file by Councillor Connell, seconded by Councillor Cameron. So voted.
- **COMM105_08_28_17 LATE FILE** Ltr of Explanation re: Ember Plinko Event
Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Cameron. So voted.
- **COMM106_08_28_17 LATE FILE** Parking Garage Financials
Motion to receive and file by Councillor Vogel, seconded by Councillor Cameron. Roll call vote, 9 yes, 2 no (Zeid, OBrien). Motion passed.
- **COMM107_08_28_17 LATE FILE** Block Party - Warren Street - 9/16
Motion to refer to Public Safety by Councillor Tontar, seconded by Councillor Zeid. Withdrawn.
Motion to approve emergency preamble by Councillor Cameron, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.

14. APPOINTMENTS

Second Reading

- **APPT050_08_14_17** Kathryn L. Haried 100 High St Tree Comm (Alt) 5/1/2018
- **APPT051_08_14_17** Christopher Zarembo 52 Longfellow Dr ZBA 8/1/2019
- **APPT052_08_14_17** Maureen Louise Pomeroy 62 Boardman St ZBA 8/1/2021

Motion to approve, collectively, by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.

15. ORDERS

- **ORDR049_08_28_17** 143A State Street Setback Driveway
Motion to refer to Public Safety by Councillor Tontar, seconded by Councillor Eigerman. So voted.
- **ORDR050EP_08_28_17 LATE FILE** Height Restriction Parking Garage Emergency Preamble
- **ORDR050_08_28_17 LATE FILE** Height Restriction Parking Garage
Motion to table ORDR050EP_08_28_17 and ORDR050_08_28_17 collectively by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to remove from the table by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to receive and file by Councillor Tontar, seconded by Councillor Cameron. So voted.

16. ORDINANCES

- **NONE**

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**)
- **ORDR032_06_12_17** Nock Parking Lot Order
- **ORDR045_07_13_17** Bond Order - Parking Garage, 3.7M (**COTW**)
Motion to remove from Budget & Finance and Committee of the Whole by Councillor Tontar, seconded by Councillor Devlin. Motion to amend by Councillor Devlin, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 no (OBrien). Motion passed. Motion to waive the rules, to continue the meeting past 11pm, by Councillor Devlin, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed. Motion to allow debate by Councillor Eigerman, seconded by Councillor Devlin. Roll call vote, 6 yes, 5 no (Tontar, Zeid, Connell, Devlin, Earls). Motion fails. Motion to approve as amended by Councillor Cameron, seconded by Councillor Devlin. Roll call vote, 8 yes, 3 no (Zeid, Cronin, OBrien). Motion passed.

General Government

In Committee:

- **ORDR044_07_13_17** Ballot Question - Parking Garage (**N&CS**)
Motion to remove from General Government and Neighborhood & City Services by Councillor Devlin, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 no (Earls). Motion passed. Motion to approve by Councillor Cronin, seconded by Councillor Devlin. Roll call vote, 9 yes, 2 no (Connell, Eigerman). Motion passed.

Joint Education

In Committee:

Councillor Giunta announced a Joint Education Sub-Committee of the Whole School Committee and City Council to be held on Sept 5th at 5:30pm at Newburyport High School in Room 118.

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
- **COMM091_08_14_17** A-Frames - Star Nails
- **COMM097_08_14_17 LATE FILE** Inn Street Artisans' Market Show
Motion to remove from License & Permit by Councillor Vogel, seconded by Councillor Eigerman.
Motion to approve, on the condition that he provide proof of insurance, by Councillor Vogel, seconded by Councillor Eigerman. So voted.

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**)
- **COMM080_06_26_17** Ltr re: Dedication of Public Space to Recognize Citizens
- **ORDR044_07_13_17** Ballot Question - Parking Garage (**GG**)
Taken up with General Government committee items.
- **COMM090_08_14_17** Ltr re: Parking Garage

Planning & Development

In Committee:

- **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
- **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
- **ODNC008_06_26_17** Zoning Amendment – Bed & Breakfast Use (V-D, V-E) (**COTW**)
- **ODNC009_06_26_17** Zoning Amendment – Ag/Con District, Lot Area/Lot Cov (**COTW**)
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Connell. Motion to amend, to increase the % Lot Cov. From 1% to 3%, by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed.
- **ODNC010_06_26_17** Zoning Amendment – Zoning Map, R-2, Dimensional Controls (**COTW**)
- **ODNC011_06_26_17** Zoning Amendment – Inclusionary Affordable Housing (**COTW**)
- **ORDR043_07_10_17** Order of Taking - West End Sewer Access Road Project (**PU**)
Motion to remove from Planning & Development and Public Utilities by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to waive the rules, as a copy of the order was not included in the packet, by Councillor Eigerman, seconded by Councillor Vogel. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.
- **ORDR047_08_14_17** Pilot Program for Wayfinding Signage (**PU, COTW**)

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**)
- **COMM088_07_10_17** Newburyport Half Marathon - 10/22/17

Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Tontar. Motion to approve, on two conditions: 1. No amplification before 9am, and 2. Police detail at Park Lunch. Motion to approve as amended by Councillor Cronin, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 no (OBrien). Motion passed.

- **COMM089_07_10_17** Merrimack River Feline Rescue Society 25th Anniversary - 9/23/17
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Tontar. Motion to receive and file by Councillor Cronin, seconded by Councillor Tontar. So voted.
- **COMM092_08_14_17** Ltr re: Suprin's Driving School Road Test
- **COMM093_08_14_17** Bartlet Mall Day - 10/7/17
- **COMM096_08_14_17** Friends of the Poor - 9/30/17
- **COMM094_08_14_17** Ember Plinko Event - 8/26/17
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Tontar. Motion to approve for 9/9/17, on the condition that the Building Commissioner inspect for safety. Motion to approve as amended by Councillor Cronin, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 no (Connell). Motion passed.
- **COMM095_08_14_17** Newburyport River Run - 5/6/18
- **ORDR046_08_14_17** 88 State Street Loading Zone

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit
- **ORDR015_04_10_17** Complete Streets Policy (**P&D**)
- **ORDR043_07_10_17** Order of Taking - West End Sewer Access Road Project (**P&D**)
Taken up with Planning & Development committee items.
- **ORDR048_08_14_17** Scott Blood Excavation, LLC, Lic Contractor
- **ORDR047_08_14_17** Pilot Program for Wayfinding Signage (**P&D, COTW**)

Rules Committee

In Committee:

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

16. GOOD OF THE ORDER

17. ADJOURNMENT

Motion to adjourn by Councillor Cronin, seconded by Councillor Eigerman. So voted. 11:23pm.