

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
NOVEMBER 27, 2017

7:30PM

The City Council President called the meeting to order at 7:30pm. A moment of silence was held for Donald Champoux of Newburyport, fatality on Route 113 on November 24th. 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: Earls, Eigerman, Giunta, Tontar, Vogel, Zeid, Cameron, Connell, Cronin, OBrien. 10 present, 1 absent (Devlin).

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS Mayor's Update, ORDR068a_11_27_17

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

5. PUBLIC COMMENT

1. Peter Goldberg

19 Pheasant Run Dr

Squires Glen

2. Rabbi Benjamin Resnick

53 ½ Washington St

Candle Lighting

6. MAYOR'S COMMENT

The mayor gave an update pursuant to her written communication, and also presented certificates of commendation for Keith Carter for 30 years in the Police Department and for James McDonald for 35 years in the Fire Department.

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

November 13, 2017

(Approve)

8. TRANSFERS

- **TRAN048_11_27_17** Free Cash \$47,322.10 to Tractor Purchase \$47,322.10 (B&F)

9. COMMUNICATIONS

- **COMM120_11_27_17** Councillor Zeid Memo re: Special Events (PS)
- **COMM121_11_27_17** State Automotive Repair - Class II Vehicle License (L&P)
Councillor Vogel noted certificate of liability insurance required.
- **COMM122_11_27_17** Mobilitie/Small Cell Utility Petition (PU)

10. APPOINTMENTS

- **APPT068_11_27_17** Joe Lamb 14 Russia St Community Pres Comm 1/1/20
- **APPT069_11_27_17** Joseph A. Sederquist 2 Wightman Rd, Asst HarborMstr/Spec Pol Off 12/31/20
Wilmington
- **APPT070_11_27_17** Paul C. O'Brien 483 Merrimac St Chief Procurement Officer N/A

Re-Appointments

- **APPT071_11_27_17** Jill Brennan 24 Webster St Assessor 1/1/21

• APPT072_11_27_17	Peter Binette	#7, Haverhill 255 Main St, Amesbury	Building Commissioner	1/1/21
• APPT073_11_27_17	Jane Healey	38 Winter St	Community Pres Comm	1/1/20
• APPT074_11_27_17	David Zinck	6 Laurel Rd	Electrical Inspector	1/1/19
• APPT075_11_27_17	Virginia R. Champi	84 Purchase St	Emma Andrews Comm	10/30/18
• APPT076_11_27_17	Aine G. Ellrott	43 Purchase St	Emma Andrews Comm	10/30/18
• APPT077_11_27_17	Elizabeth Valeriani	29 Oak St	Emma Andrews Comm	10/30/18
• APPT078_11_27_17	Elizabeth L. Watson	53 Warren St #315	Emma Andrews Comm	10/30/18
• APPT079_11_27_17	Kevin Wallace	40 Oak St	Fruit St Comm	11/30/20
• APPT080_11_27_17	Enrico Caruso	34 Russett Hill Rd, Haverhill	Asst HarborMstr/Spec Pol Off	12/31/20
• APPT081_11_27_17	Francis F. Chaisson	300 Merrimac St	Asst HarborMstr/Spec Pol Off	12/31/20
• APPT082_11_27_17	Michael Chaisson	46 Lake Attitash Rd, Amesbury	Asst HarborMstr/Spec Pol Off	12/31/20
• APPT083_11_27_17	Richard Cummings	7 Jewett St, Georgetown	Asst HarborMstr/Spec Pol Off	12/31/20
• APPT084_11_27_17	Joseph Grande	52 Linwood Ave, Methuen	Asst HarborMstr/Spec Pol Off	12/31/20
• APPT085_11_27_17	Adam R. Hayden	76 Longfellow Dr	Asst HarborMstr/Spec Pol Off	12/31/20
• APPT086_11_27_17	James Maranto	167 Harper Ridge Rd, E. Hampstead, NH	Asst HarborMstr/Spec Pol Off	12/31/20
• APPT087_11_27_17	Robert Padellaro	17 56 th St	Asst HarborMstr/Spec Pol Off	12/31/20
• APPT088_11_27_17	Richard Puopolo	169 Apache Way, Tewksbury	Asst HarborMstr/Spec Pol Off	12/31/20
• APPT089_11_27_17	Daniel Scott	Haverhill	Asst HarborMstr/Spec Pol Off	12/31/20
• APPT090_11_27_17	Philip Stern	271 Merrimac St, #2	Asst HarborMstr/Spec Pol Off	12/31/20
• APPT091_11_27_17	David Willey	13 Devonshire Crossing, Lowell	Asst HarborMstr/Spec Pol Off	12/31/20
• APPT092_11_27_17	Kristian Zoeller	115 Timber Swamp Rd, Hampton, NH	Asst HarborMstr/Spec Pol Off	12/31/20
• APPT093_11_27_17	Tracy Maynard	69 Middle St	Human Resources Dir	1/1/21
• APPT094_11_27_17	Kathleen Carey	2 Chapel St	Lib Board Directors	1/1/24
• APPT095_11_27_17	Marcia Edson	11 Salem St	Lib Board Directors	1/1/24
• APPT096_11_27_17	Elizabeth Valeriani	29 Oak St	Lib Board Directors	1/1/24

Councillor Zeid approved on the condition of the provision of an address for APPT089_11_27_17.

END OF CONSENT AGENDA REGULAR AGENDA

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

11. MAYOR'S UPDATE

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

12. COMMUNICATIONS

- **COMM123_11_27_17** Ahavas Achim Interfaith Candle Lighting - 12/10-12/31

Motion to approve in one reading, as an emergency exists pursuant to Charter Section 2-9 (b), by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 9 yes, 1 no (Connell), 1 absent (Devlin). Motion to approve by Councillor Tontar, seconded by Councillor Cameron. 1 no (Connell), 1 absent (Devlin). Motion passed.

13. APPOINTMENTS – Second Reading

- **NONE**

14. ORDERS

- **ORDR066_11_27_17** Raffaele Construction Corp. - Lic Contractor
Motion to refer to Public Utilities by Councillor Eigerman, seconded by Councillor Cameron. So voted.
- **ORDR067_11_27_17** Special Counsel - Waterfront West
Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Cameron. So voted. Councillor Vogel recused himself.
- **ORDR068a_11_27_17** Marijuana Moratorium
Motion to refer to Planning & Development by Councillor Tontar, seconded by Councillor Zeid. 1 no (Vogel), 1 absent (Devlin). Motion passed.

15. 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
- **TRAN044_11_13_17** Free Cash \$20K to High School Roof Repairs \$20K
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **TRAN045_11_13_17** Free Cash \$35K to Rail Trail Phase 2 Capital Project \$35K
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Giunta. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **TRAN046_11_13_17** Free Cash \$373,762 to General Fund Budget Reserve \$373,762
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **TRAN047_11_13_17** Free Cash \$300K to Roadway Reconstruction Program \$300K
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **COMM117_11_13_17** Ltr re: Morrill Foundation Funding Directive
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- **ORDR061_11_13_17** Home Rule Petition re: Special Election to Accept Clause 41C1-2 (**COTW**)

- **ORDR062_11_13_17** Residential Factor FY2018
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to discuss ORDR062_11_13_17 and ORDR063_11_13_17 simultaneously by Councillor Eigerman, seconded by Councillor Cameron. Motion to approve a residential factor of 1 by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR063_11_13_17** Tax Rate FY2018
Motion to remove from Budget & Finance by Councillor Zeid, seconded by Councillor Cameron. Motion to approve a tax rate of \$13.26 by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- **ORDR064_11_13_17** Newburyport Parks Conservancy Gift Acceptance \$1689.77
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- **ORDR065_11_13_17** Senior Tax Work-Off Income Limit
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to approve by Councillor Tontar, seconded by Councillor Connell. So voted.

General Government

In Committee:

Joint Education

In Committee:

Councillor Giunta announced the next meeting would be on Monday, December 4th at 5:30pm in the Senior Center.

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

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**)
- **COMM111_10_10_17** Petition for Road Repairs and Repaving – Squires Glen

Planning & Development

In Committee:

- **COMM023_02_27_17** Zoning Changes to Waterfront West (**COTW**)
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Connell. Motion to receive and file by Councillor Cameron, seconded by Councillor Zeid. Councillors Vogel and Cronin recused themselves.
- **COMM024_03_13_17** Newburyport's Master Plan - Final Document (**COTW**)

- **COMM030_03_28_17** Pres. Trust Ltr to City Council re: 1690 House
Motion to remove COMM030_03_28_17 and COMM119_11_13_17 from Planning & Development collectively by Councillor Cameron, seconded by Councillor Zeid. Motion to receive and file COMM030_03_28_17 and COMM119_11_13_17 collectively by Councillor Cameron, seconded by Councillor Zeid. Councillor Eigerman recused himself.
- **COMM038_03_28_17** Lower Custom House Way
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Zeid. Motion to receive and file by Councillor Cameron, seconded by Councillor Tontar. So voted.
- **ORDR015_04_10_17** Complete Streets Policy (**PU**)
- **COMM069_06_12_17** Air Quality Analysis of Intermodal Facility
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Connell. Motion to receive and file by Councillor Cameron, seconded by Councillor Connell. So voted.
- **ODNC008_06_26_17** Zoning Amendment – Bed & Breakfast Use (V-D, V-E) (**COTW**)
- **ORDR047_08_14_17** Pilot Program for Wayfinding Signage (**PU, COTW**)
- **ODNC012_09_11_17** Zoning Amendment – Off-Street Parking Regulations (**COTW**)
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Connell. Motion to amend by striking and/or structures throughout the ordinance by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 3 yes, 7 no (Earls, Eigerman, Giunta, Tontar, Vogel, Cameron, Connell), 1 absent (Devlin). Motion failed. Motion to approve by Councillor Cameron, seconded by Councillor Connell. Roll call vote, 7 yes, 3 no (Giunta, Zeid, Cronin), 1 absent (Devlin). Motion failed. Motion to reconsider by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Devlin). Motion to approve as amended to \$7500 (reduced from \$15000), as stated in the ordinance draft dated 9/11/17 with edits incorporated by the Planning & Development Committee 11/21/17, by Councillor Vogel, seconded by Councillor OBrien. Roll call vote, 8 yes, 2 no (Zeid, Cronin), 1 absent (Devlin). Motion passed.
- **COMM115_10_30_17 LATE FILE** Memo re: Proposed Zoning Amendments on Council Agenda
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Zeid. Motion to receive and file by Councillor Cameron, seconded by Councillor Zeid. So voted.
- **ODNC017_10_30_17** Zoning Amendment – No Use Variances (**COTW**)
- **ODNC018_10_30_17** Zoning Amendment – Zoning Map R3 to R2 Expanded 10/30/2017 (**COTW**)
- **COMM119_11_13_17** Ltr re: Towle Project / Samuel Morse House
- **ORDR059_11_13_17** Order Authorizing Acceptance of Samuel Morse ("1690") House
Motion to remove ORDR059_11_13_17 and ORDR060_11_13_17 from Planning & Development collectively by Councillor Cameron, seconded by Councillor Zeid. Motion to amend, to add “perpetual” at the end of the first line, by Councillor Cameron, seconded by Councillor Zeid. Motion to approve as amended by Councillor Cameron, seconded by Councillor Tontar. So voted. Councillor Eigerman recused himself.
- **ORDR060_11_13_17** Order Authorizing Acceptance of Towle Building
Motion to remove ORDR059_11_13_17 and ORDR060_11_13_17 from Planning & Development collectively by Councillor Cameron, seconded by Councillor Zeid. Motion to amend, to add “perpetual” at the end of the first line, by Councillor Cameron, seconded by Councillor Zeid. Motion to approve as amended by Councillor Cameron, seconded by Councillor Tontar. Roll call vote, 9 yes, 1 no (Zeid), 1 absent (Devlin). Motion passed. Councillor Eigerman recused himself.

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**)
- **COMM112_10_10_17** Walk MS: Newburyport – 4/28/2018
- **ORDR055_10_10_17** No Parking - 59th Street

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit
- **ORDR015_04_10_17** Complete Streets Policy (**P&D**)
- **ORDR047_08_14_17** Pilot Program for Wayfinding Signage (**P&D, COTW**)
Motion to remove from Public Utilities and Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. Motion to receive and file by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **ODNC015_10_10_17** Amend Sec. 12-1.3 Signs in Public Ways (**COTW**)
Motion to remove from Public Utilities by Councillor Eigerman, seconded by Councillor Cameron.
Motion to approve by Councillor Eigerman, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.

Rules Committee

In Committee:

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

16. GOOD OF THE ORDER

17. TABLED – EXECUTIVE SESSION – To Discuss the Minutes and possible release thereof relating to four Executive Sessions called to discuss the Purchase and Sale Agreement for the Intermodal Transit and Parking Facility located at 90 Pleasant Street and 83 Merrimac Street in Newburyport. The four meetings referenced were held on April 10, 2017, January 9, 2017, December 12, 2016, and October 31, 2016.

Motion to remove from the table by Councillor Tontar, seconded by Councillor Zeid. Motion to receive and file by Councillor Zeid, seconded by Councillor Tontar. So voted.

18. ADJOURNMENT

Motion to adjourn by Councillor Zeid, seconded by Councillor Tontar. So voted. 9:45pm.