

CITY COUNCIL MEETING MINUTES - VERSION 1

April 29, 2013

Pole Hearing – 7:15 pm

National Grid and Verizon, Relocation of poles at the intersection of Spofford, Merrimac, and Moseley Streets due to the improvement project by the City of Newburyport, MA

At 7:20pm President O'Brien called the hearing to order. The City Clerk read the roll, 10 present, 1 absent (Heartquist). The City Clerk read the notice of public hearing for the relocation of existing poles. President O'Brien asked for those in favor. John P. Butler spoke for National Grid. President O'Brien asked for those against. Dave Barr of 20 Spofford Street spoke against. Richard Canepa of 19 Spofford Street spoke against. The Council requested an amended sketch of placement of poles. President O'Brien closed the hearing at 7:35pm.

Motion to table by Councillor Cronin, seconded by Councillor Derrivan. Roll call vote, 10 Y, 1 absent (Heartquist).

7:30 PM

Council President O'Brien called the meeting to order at 7:40 pm. A moment of silence was held for Alice Zartarian and for the victims and families of the Boston Marathon bombings, and those still healing. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Derrivan, Earls, Herzog, Hutcheson, Jones, Sullivan and O'Brien. 10 present, 1 absent (Heartquist).

1. LATE FILES – None

2. PUBLIC COMMENT –

- | | | |
|-------------------------|------------------------------|---|
| 1. Christopher LeClaire | 570 Ocean Rd, Portsmouth, NH | Fire Department |
| 2. Jody Fraser | 34 Storeybrooke Drive | Waterfront Trust |
| 3. Yvonne McQuilkin | 39 Purchase St. | Council on Aging |
| 4. David Pierce | 35 Market Sq. | Patio Application |
| 5. Mark Tramontana | 4 Melvin Ct. | Anchor Stone Deck Pizza Outdoor Seating Application |

CONSENT AGENDA

3. APPROVAL OF MINUTES

April 8, 2013

(Approved)

4. TRANSFERS

1. DPS Highway Rsv App DPW Gas \$50,000 to DPS Highway Fuel & OIL \$50,000 (Approved)
2. Mayor Gen Fd Free Cash \$91,000 to DPS Street Lights \$51,000, to Bd Registrars Elections \$20,000, to Veterans Benefits \$20,000 (~~Budget & Finance~~)(Approved)

Changed to Approve prior to the meeting.

5. COMMUNICATIONS

1. Letter regarding speeding traffic on Turkey Hill Road (Public Safety)
2. Nbpt Firefighters annual Fill the Boot Drive Aug. 1-3, 2013 (Approve)
3. Jeanne Geiger Crisis Ctr 23rd Ann. Walk Against Dom. Viol. Oct. 6, 2013 (~~Public Safety~~)(Approve)

Changed to Approve prior to the meeting.

4. New Outdoor Seating Application Orange Leaf, 35 Market Square (License & Permits)
5. Renewal Outdoor Seating Application Anchor Stone Pizza, 44 State Street (License & Permits)

Removed by Councillor Herzog.

6. APPOINTMENTS - First Reading

Appointment

- | | | | |
|----------------------------|------------------------------|------------------------|--------------|
| 1. Jay R. Larcome | 4 Russell Terrace Ext. | Special Police Officer | |
| 2. Jody Fraser | 34 Storeybrooke Drive | Waterfront Trust | Feb. 1, 2016 |
| 3. Yvonne McQuilkin | 39 Purchase Street | Council on Aging | May 31, 2018 |
| 4. Christopher J. LeClaire | 570 Ocean Rd, Portsmouth, NH | Fire Chief | June 1, 2018 |

Removed by Councillor Sullivan.

Re-Appointment

- | | | | |
|----------------------|------------------|--------------------------|---------------|
| 5. T. Bradley Duffin | 2 Cutting Drive | Harbor Commission | April 2, 2016 |
| 6. Joseph Cutrone | 21 Elmira Avenue | Ass't Inspector of Wires | Jan. 1, 2014 |
| 7. David Zinck | 6 Laurel Road | Electrical Inspector | Jan. 31, 2014 |
| 8. Paul Hogg | 4 Coltin Drive | Harbormaster | May 1, 2016 |

END OF CONSENT AGENDA

Motion to approve the Consent Agenda as amended by Councillor Cronin, seconded by Councillor Cameron. 10 yes, 1 absent (Heartquist). So voted.

REGULAR AGENDA

7. COMMUNICATIONS

5. Renewal Outdoor Seating Application Anchor Stone Pizza, 44 State Street

Motion to approve by Councillor Herzog, seconded by Councillor Jones. 10 yes, 1 ab. (Heartquist). So voted.

8. APPOINTMENTS - First Reading

Appointment

4. Christopher J. LeClaire 570 Ocean Rd, Portsmouth, NH Fire Chief June 1, 2018

Motion to waive the rules by Councillor Sullivan, seconded by Councillor Cameron. Motion to approve in one reading by Councillor Sullivan, seconded by Councillor Cameron. So voted.

9. APPOINTMENTS - Second Reading

Appointment

- | | | | |
|---------------------|-----------------|----------------------------|-----------------|
| 9. Erin Moon LaRosa | 8 Wildwood Dr | Open Space Committee | |
| 10. Gary Gorski | 28 Magnolia St. | Library Board of Directors | January 1, 2020 |

Motion to approve collectively by Councillor Jones, seconded by Councillor Cameron. So voted.

Re-Appointment

11. Judy Tymon 39 Lime St. Nbpt Affordable Housing Tr April 1, 2014

Motion to approve by Councillor Jones, seconded by Councillor Cameron. So voted.

10. ORDERS

1. Adopt order of taking of temp. and permanent easements, Virginia Lane and Storeybrooke Road

Motion to approve by Councillor Derrivan, seconded by Councillor Earls. Roll call vote, 10 yes, 1 absent (Heartquist). So voted.

2. Adopt order of taking Moseley Ave., Spofford St., and Merrimac St.

Motion to approve by Councillor Herzog, seconded by Councillor Derrivan. Roll call vote, 10 yes, 1 absent (Heartquist). So voted.

11. ORDINANCES

1. Amend Zoning Ord. Sec. V add V-6 Temporary Moratorium on Medical Marijuana Treatment Ctr

Motion to refer to Planning & Development and Committee of the Whole for a joint hearing with the Planning Board by Councillor Jones, seconded by Councillor Connell. 10 yes, 1 absent (Heartquist). So voted.

2. Amend Sec. 13-176.1 30 minutes High St. from Ashland St. and west

Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Derrivan. 10 yes, 1 absent (Heartquist). So voted.

3. Amend Ch. 13 Article IV Div 6 Sec. 13-179 Handicapped Parking Strong Street

Motion to waive the rules and take in one reading by Councillor Jones, seconded by Councillor Cameron.
Motion to approve by Councillor Cronin, seconded by Councillor Jones. Roll call vote, 10 yes, 1 absent (Heartquist). So voted.

12. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Mid-Year Report
2. DPS-Sewer I/I Reduction Prog. \$100,000 to CIP-Plum Island Alarm Syst \$100,000 *09/10/2012
3. Mayor Gen Fd Free Cash \$94,000 to School Dept. \$94,000 *03/12/2013

Motion to remove by Councillor Cameron, seconded by Councillor Cronin. Motion to approve by Councillor Cameron, seconded by Councillor Cronin. 9 yes, 1 no (Jones), 1 absent (Heartquist). So voted.

Councillor Cameron informed that they will be scheduling the budget hearings in mid-May.

General Government

In Committee:

1. Campaign Finance Reports – Municipal Forms website posting *05/14/2012
2. Ordinance Review Committee Ordinances to be revised *01/14/2013

Joint Education

In Committee:

1. Letter regarding World War II Memorial Stadium *10/23/2012
2. NHS Baseball Alumni Assoc. re loss of baseball field *11/26/2012

License & Permits

In Committee:

1. Andiamo Restaurant Outdoor Seating Application *03/26/2013

Motion to approve by Councillor Earls, seconded by Councillor Jones. Motion to waive the rules and allow to be removed by Councillor Jones, seconded by Councillor Cameron, 9 yes, 1 no (Cronin), 1 absent (Heartquist).
Motion to approve by Councillor Earls, seconded by Councillor Jones. So voted.

Neighborhoods & City Services

In Committee:

1. Amend Ord. 3-27 Animals, dogs, Licensing of dogs and kennels *06/25/2012
2. Letter re naming park bench in memory of Mayor George H. Lawler *04/08/2013

Planning & Development

In Committee:

1. Communication regarding Zoning Changes on Storey Avenue *05/29/2012

Motion to remove by Councillor Jones, seconded by Councillor Derrivan. Motion to receive and file by Councillor Jones, seconded by Councillor Derrivan. So voted.

2. Order Cushing Park land transfer to Mayor for Municipal Parking *06/25/2012
3. ORD Ch. 16 Sec.5 Local Historic District *09/24/2012

Motion to remove by Councillor Jones, seconded by Councillor Derrivan. Motion to receive and file by Councillor Jones, seconded by Councillor Derrivan. Roll call vote, 8 yes, 2 no (Cameron, Earls), 1 absent (Heartquist). So voted.

4. ORD Ch. 5 Article X Building Demolition *09/24/2012

Motion to remove by Councillor Jones, seconded by Councillor Derrivan. Motion to receive and file by Councillor Jones, seconded by Councillor Connell. So voted.

5. Request for Discontinuance of Westerly Side of Harnch's Way *11/13/2012

Councillor Jones stated that there will be a meeting on May 14, 2013 at City Hall at 7pm.

6. Revising Demolition Delay *11/26/2012

Motion to remove by Councillor Jones, seconded by Councillor Derrivan. Motion to receive and file by Councillor Jones, seconded by Councillor Derrivan. Roll call vote, 9 yes, 1 no (Earls), 1 absent (Heartquist). So voted.

7. Downtown Historic District/Demolition Control District

*11/26/2012

Motion to remove by Councillor Jones, seconded by Councillor Derrivan. Motion to receive and file by Councillor Jones, seconded by Councillor Derrivan. Roll call vote, 8 yes, 2 no (Cameron, Earls), 1 absent (Heartquist). So voted.

8. Open Space & Recreation Plan Update – Final Plan

*03/26/2013

9. 2013 Demolition Delay

*03/26/2013

Public Safety

In Committee:

1. Amend Ord. 10-9 Miscellaneous offenses – use or consumption of marijuana

*11/28/2011

2. Amend Ord. 13-180 Parking Resident Harris St.

*01/30/2012

3. Community Giving Tree of Boxford donation box

*04/30/2012

4. Order Yankee Homecoming Parade

*06/25/2012

5. Parking, Russell Terrace, No Parking, 50 feet from Storey Ave

*08/27/2012

6. ORD Ch. 2 Sec.358 Fingerprint Criminal History Checks

*09/24/2012

7. Neurofibromatosis Northeast Annual Coast To Cure Sept. 7, 2013

*03/26/2013

Motion to remove by Councillor Cronin, seconded by Councillor Derrivan. Motion to approve by Councillor Cronin, seconded by Councillor Derrivan. So voted.

8. Pan-Merrimack Challenge use of City streets June 15, 2013

*03/26/2013

Motion to remove by Councillor Cronin, seconded by Councillor Derrivan. Motion to approve by Councillor Cronin, seconded by Councillor Derrivan. So voted.

9. Nbpt Youth Services Market Square fundraising May 25 and Aug. 3, 2013

*04/08/2013

Motion to remove by Councillor Cronin, seconded by Councillor Derrivan. Motion to approve by Councillor Cronin, seconded by Councillor Earls. So voted.

Public Utilities

Rules Committee

13. GOOD OF THE ORDER

Councillor Herzog stated that in February 2014 it will be the 250th anniversary of the Newbury/Newburyport. If there are organizations and people interested in creating a celebration Councillor Herzog would be willing to participate and be a point person for organizing.

Councillor Cronin spoke about the upriver spills in the Merrimack River to make the community aware.

14. ADJOURNMENT

Motion to adjourn at 8:39pm by Councillor Derrivan, seconded by Councillor Herzog. So voted.