

**CITY COUNCIL MEETING MINUTES**  
**CITY COUNCIL CHAMBERS**  
**JANUARY 29, 2018**

**7:30PM**

The City Council President, Barry Connell, called the meeting to order at 7:30pm, followed by the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Eigerman, Giunta, Khan, OBrien, Shand, Tontar, Zeid, Devlin, Earls, Connell. 10 present, 1 absent (Vogel).

**(Sound Check)**

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

**4. LATE FILE ITEMS** Mayor's Update, COMM012\_01\_29\_18

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

**5. PUBLIC COMMENT**

1. Andrew Port	60 Pleasant St	115 Water/Complete Streets
2. John Ronan	21 Ferry Rd	41C ½ Tax Relief
3. Roseann Robillard	13 Clipper Way	41C ½ Tax Relief
4. Mark Rosen	20 Fair St	CPC Appointment
5. Jeannette Isabella	1 Lime St	41C ½ Tax Relief
6. Victoria Carr	1 Hill St	41C ½ Tax Relief
7. Judy Mouradian	46 Liberty St	R2 Zoning
8. Bette Jacques	5 Dawes St	Licensing Board
9. Alex Dardinski	8 Kent St	Complete Streets

**6. MAYOR'S COMMENT**

The mayor read a commendation to Newburyport firefighters Robert Morse, Josh Mesina, and John Strombley for their work in the delivery of a baby at the North End Fire Station. Chief LeClaire was also present.

**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**

January 2, 2018 Inauguration	(Approve)
January 8, 2018	(Approve)

**8. TRANSFERS**

- NONE

**9. COMMUNICATIONS**

- |  |       |
|--|-------|
| • COMM004_01_29_18 FY2018 Mid-Year Budget Report                             | (B&F) |
| • COMM005_01_29_18 Class II Vehicle License – RL Currie Corp.                | (L&P) |
| • COMM006_01_29_18 Class II Vehicle License – Sunoco                         | (L&P) |
| • COMM008_01_29_18 Chocolate Tour, Central Congregational Church - 5/19/2018 | (PS)  |
| • COMM009_01_29_18 Port Taxi - Application by Harold Congdon for 2018        | (L&P) |

- **COMM011\_01\_29\_18** Seacoast Taxi - Application by Richard Hewlett for 2018 (L&P)

#### 10. APPOINTMENTS

- **APPT002\_01\_29\_18** Mark A. Rosen 20 Fair St Community Preservation Comm 2/1/21
- **APPT003\_01\_29\_18** John A. Green 12 Finnegan Way Council on Aging 5/31/23
- **APPT004\_01\_29\_18** Bette Jacques 5 Dawes St Licensing Board 6/1/24
- **APPT005\_01\_29\_18** Donna Conway 27 Marlboro St Emma Andrews Comm 10/30/19

#### END OF CONSENT AGENDA

#### REGULAR AGENDA

Motion to approve the Consent Agenda as amended by Councillor Khan, seconded by Councillor Zeid. So voted.

#### 11. MAYOR'S UPDATE

The Mayor's Update concluded at 8:10pm. Motion to receive and file by Councillor Zeid, seconded by Councillor Tontar. So voted.

#### 12. COMMUNICATIONS

- **COMM007\_01\_29\_18** Abandoned Trailer at 30 Crow Lane (Colby Farm Lane)  
Removed from Consent Agenda by Councillor OBrien. Motion to receive and file by Councillor OBrien, seconded by Councillor Tontar. So voted.
- **COMM010\_01\_29\_18** Memo re: Event Postings on City Website  
Motion to receive and file by Councillor Zeid, seconded by Councillor Tontar. So voted.
- **COMM012\_01\_29\_18 LATE FILE** Memo re: MGL Chapter 59, Section 5  
Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor OBrien. So voted.

#### 13. APPOINTMENTS

##### Second Reading

- **APPT001\_01\_08\_18** Annie Maurer 17 Otis Pl, Unit 4 Council on Aging 5/31/23  
Motion to approve second reading appointments by 'Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Vogel). Motion passed.

#### 14. ORDERS

- **ORDR006\_01\_29\_18** Adjustments to Income and Int Rate for 41A Deferral  
Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Giunta. So voted.
- **ORDR007\_01\_29\_18** 41C Amendment  
Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Tontar. So voted.
- **ORDR008\_01\_29\_18** Mobilitie Grant of Location  
Motion to refer to Planning & Development and Public Utilities by Councillor Zeid, seconded by Councillor OBrien. So voted.
- **ORDR009\_01\_29\_18** 115 Water Street Disposition  
Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Giunta. So voted.

#### 15. ORDINANCES

- **ODNC\_002\_01\_29\_18** Noise Division to Chapter 8  
Motion to refer to Neighborhood & City Services by Councillor Eigerman, seconded by Councillor Giunta (1 no, OBrien). So voted.
- **ODNC\_003\_01\_29\_18** Zoning - Amendment to Table of Use Regulations  
Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Giunta (1 no, Earls). So voted.

- **ODNC\_004\_01\_29\_18** Amendment to Zoning Map  
Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Giunta (1 no, Earls). So voted.

## 15. COMMITTEE ITEMS

### Budget & Finance

#### *In Committee:*

- **ORDR061\_11\_13\_17** Home Rule Petition re: Special Election to Accept Clause 41C1-2 (COTW)  
Motion to waive the rules, to take before orders in the regular agenda, by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. Motion to amend as follows by Councillor Khan, seconded by Councillor Tontar.
  1. To add “if accepted as such through a municipal election, based on various criteria selected by the City Council, including but not limited to, minimum age, exemption amount, durational residency, and gross receipts limit based on household classification” and delete “who has reached their seventieth birthday, or sixty-fifth birthday if accepted as such” from the first paragraph,
  2. To change “City of Newburyport” to “City Council” in the third paragraph,
  3. To add a new paragraph following the third, stating “Whereas, upon the passage of three years following the enactment of Clause 41C ½ the City Council may vote to revoke through a regular municipal election the enactment of said Clause, and”,
  4. To add the phrase “other non-substantive” to the sixth paragraph,
  5. To delete the phrases “and set a whole estate limit” and “and establishing” to the seventh paragraph,
  6. To delete Section 2.

So voted. Motion to amend certain language by Councillor Devlin, seconded by Councillor Eigerman. Withdrawn. Motion to amend the “based upon” language by Councillor Eigerman. No second. Motion to amend, to change “based upon” to “subject to” by Councillor Zeid, seconded by Councillor Khan. So voted. Motion to table by Councillor Devlin, seconded by Councillor Eigerman. Roll call vote, 3 yes (Eigerman, Zeid, Devlin), 7 no, 1 absent (Vogel). Motion failed. Motion to approve as amended by Councillor Tontar, seconded by Councillor Giunta. Roll call vote, 8 yes, 2 no (Eigerman, Devlin), 1 absent (Vogel). Motion passed.

- **TRAN001\_01\_08\_18** Free Cash \$14,950 to Hwy Maint - Trees \$14,950  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. So voted.
- **ORDR001\_01\_08\_18** Harbormaster Docks Gift Acceptance \$1000  
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. So voted.
- **ORDR002\_01\_08\_18** Parks Clipper City Rail Trail Gift Acceptance \$500  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. So voted.
- **ORDR003\_01\_08\_18** Parks Conservancy Gift Acceptance \$9600  
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. So voted. (B&F Committee vote was 3-0).

### General Government

#### *In Committee:*

- **ODNC019\_12\_11\_17** Recommended Additions to Chapter 2, Article III, Division 6, Section 2-125a

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### **Joint Education**

Councillor Giunta announced a meeting on Monday, February 5, 2018 at 5:30pm in the Senior Center.

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

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### **License & Permits**

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

- **COMM002\_01\_08\_18** LCA Motors MV Dealers License  
Motion to waive the rules, as the committee item was not included in the packet, by Councillor Earls, seconded by Councillor Devlin. So voted. Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Devlin. So voted. Motion to approve by Councillor Earls, seconded by Councillor Zeid. So voted. (L&P Committee vote was 3-0).

### **Neighborhoods and City Services**

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

- **ODNC001\_01\_11\_16** Amend Ch11 Parks and Recreation (**COTW**)
- **ORDR048\_06\_13\_16** Sidewalk Order
- **COMM111\_10\_10\_17** Petition for Road Repairs and Repaving – Squires Glen

### **Planning & Development**

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

- **ORDR015\_04\_10\_17** Complete Streets Policy  
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve, with edits from 12/11/2017 incorporated, by Councillor Eigerman, seconded by Councillor Tontar. 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**)  
Councillor Eigerman recused. Motion to remove from Planning & Development by Councillor Giunta, seconded by Councillor Tontar. So voted. Motion to approve first reading by Councillor Giunta, seconded by Councillor Tontar. Roll call vote, 9 yes, 1 recused (Eigerman), 1 absent (Vogel). Motion passed. (P&D Committee vote was 2-0 in favor; Councillor Eigerman recused).
- **COMM122\_11\_27\_17** Mobilitie Application/ Small Cell Utility Petition (re-file) (**PU**)
- **ODNC\_001\_01\_08\_18** Medical Marijuana Zoning Map

### **Public Safety**

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

- **COMM112\_10\_10\_17** Walk MS: Newburyport – 4/28/2018  
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor OBrien. So voted. Motion to approve by Councillor Devlin, seconded by Councillor OBrien. So voted.
- **COMM127\_12\_11\_17** **LATE FILE** Snow & Ice Plan 2017-2018
- **COMM003\_01\_08\_18** Yukan Sports, LLC Road Race – 4/29/18, etc.  
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor OBrien. So voted. 6 police details needed. Motion to approve by Councillor Devlin, seconded by Councillor Giunta. So voted. (PS Committee vote was 3-0).
- **ORDR004\_01\_08\_18** No Parking Fair St – at Essex
- **ORDR005\_01\_08\_18** No Parking Fruit St – Driveway

### **Public Utilities**

Councillor Zeid announced a committee meeting on February 1<sup>st</sup> at 6:00pm to discuss this committee item.

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

- **COMM122\_11\_27\_17** Mobilitie Application/Small Cell Utility Petition (re-file) **(P&D)**

**Rules Committee**

*In Committee:*

**16. GOOD OF THE ORDER**

**17. ADJOURNMENT**

Motion to adjourn by Councillor OBrien, seconded by Councillor Tontar. So voted. 9:39pm.