

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
MAY 29, 2018

7:15PM

POLE HEARING National Grid - 366 Merrimac Street

The pole hearing began at 7:15pm. Ken Dobie from National Grid spoke, Robert Germinara also spoke in favor. Discussion followed on double poles, etc. Motion to approve by Councillor Vogel, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.

7:30PM

The City Council President, Barry Connell, called the meeting to order at 7:30pm, followed by the Pledge of Allegiance and a moment of silence for Stanley Jancewicz, a long-time poll worker. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Earls, Eigerman, Giunta, Khan, OBrien, Shand, Tontar, Vogel, Zeid, Connell. 10 present, Devlin 9:10pm.

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS – ODNC023_05_29_18 Amendment to Waterways Fee

Motion to waive the rules, to allow late files, by Councillor Zeid, seconded by Councillor Earls. So voted.

5. PUBLIC COMMENT – concluded 8:07pm

1. Byron J. Matthews	6 Carleton Dr	Marijuana
2. Michael Sales	6 Fruit St	Marijuana
3. Grace Connolly	47 Green St	Marijuana
4. Jim Connolly	47 Green St	Marijuana
5. Hazem Mahmoud	52 Ferry Rd	Marijuana
6. Ed DeSousa	North Reading	Marijuana
7. Peter Fitzsimmons	7 Arlington St	Marijuana
8. Frank G. Cousins	6 Orange St	Marijuana
9. Patricia Daniels	236 Low St	Marijuana
10. Constance Preston	18 Atwood St	Marijuana
11. Melissa Chaput	316 Pembroke	Marijuana
12. Joel Miller	Boston	Marijuana
13. Bryce Anderson	5 Bridge Ln	Marijuana
14. Ralph Castagna	69 Parker St	Marijuana
15. Paul Dahn	343 High St	Marijuana
16. Jim Zampell		Marijuana
17. Phillip Cootey	22 Phillips Dr	Marijuana

6. MAYOR'S COMMENT

The mayor gave an update pursuant to her written communication.

7. MAYOR'S PROCLAMATION – National Gun Violence Awareness Day June 1st

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.

8. APPROVAL OF MINUTES

9. TRANSFERS

- **TRAN012_05_29_18** Wtr Ret Earn \$1,065,000.00, Swr Ret Earn \$557,975.00 to Multiple Accts \$1,622,975.00 (B&F)
- **TRAN013_05_29_18** Hrbrmstr Ret Earn \$4,494.32 to HBR Debt Service \$4,494.32 (B&F)
- **TRAN014_05_29_18** NYS Rec Revolving Fund \$15,000.00 to YTH Brown School Exp \$15,000.00 (B&F)

10. COMMUNICATIONS

- **COMM045_05_29_18** Block Party - Tyng Street - 6/22/18 (PS)
- **COMM046_05_29_18** Block Party - Chestnut Street - 6/23/18 (PS)
- **COMM047_05_29_18** Jeanne Geiger 27th Annual Walk Against Violence - 10/7/18 (PS)

11. APPOINTMENTS**Re-Appointments**

- **APPT040_05_29_18** Christopher J. LeClaire 37 Marshview Cir, Seabrk Fire Chief 6/1/2023
- **APPT041_05_29_18** Thomas F. OBrien 11 Moseley Ave Housing Authority 8/1/2023
- **APPT042_05_29_18** Ahmer Ibrahim 85 Prospect St Human Rights Comm 6/1/2021

Appointments to be Referred to Planning & Development

- **APPT043_05_29_18** Rishi (Surajit) Nandi 14 Spring St Planning Board 8/31/2021

Re-Appointments to be Referred to Public Utilities

- **APPT044_05_29_18** Roger E. Jones 37 Storeybrooke Dr Water/Sewer Comm 5/1/2023

END OF CONSENT AGENDA**REGULAR AGENDA**

Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Tontar. So voted (1 present, OBrien).

12. MAYOR'S UPDATE

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

13. APPOINTMENTS**Second Reading**

- **APPT039_05_14_18** Ronald M. Thurlow 28A Hancock St Harbor Commission 6/1/2020

Motion to approve second reading appointments by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.

14. ORDERS

- **ORDR038_05_29_18** G. Mello - Collection and Hauling Contract (5-Year)
Motion to take ORDR038_05_29_18 and ORDR040_05_29_18 collectively by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed. Motion to refer ORDR038_05_29_18 and ORDR040_05_29_18 collectively to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- **ORDR039_05_29_18** Resolution Recognizing NHS 2018 Valedictorian and Salutatorian
Motion to table by Councillor Zeid, seconded by Councillor OBrien. So voted.
- **ORDR040_05_29_18** Wheelabrator Contract

15. ORDINANCES

- **ODNC011_03_12_18** Zoning Map Change - Low Street Farms (2nd Reading)
Motion to approve second reading by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- **ODNC022_05_29_18** Addition to Chapter 5, Article 6 - Small Cell Sites
Motion to refer to Public Utilities by Councillor Zeid, seconded by Councillor Tontar. So voted.
- **ODNC023_05_29_18** LATE FILE Amendment to Waterways Fee
Motion to refer to License & Permit by Councillor Earls, seconded by Councillor Giunta. So voted.

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR007_01_29_18** 41C Amendment
- **COMM022_03_26_18** FY2018-FY2022 Capital Improvement Program Submission
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to amend, to alter the table on Page 83 entitled “Estimated Project Costs by Fiscal Year”, Phillips Drive Roadwork and Drainage, by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed. Motion to amend, to postpone Ambulance Project Costs (Page 17) from FY2019 to FY2020, by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 4 yes (Eigerman, Giunta, OBrien, Vogel), 5 no, 1 present (Zeid), 1 absent (Devlin). Motion failed. Motion to amend, to increase Fuller Complex Field Improvement Project Costs (Page 40) from \$200K in FY2019 to \$200K FY2020, by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 1 yes (Eigerman), 8 no, 1 present (Zeid), 1 absent (Devlin). Motion failed. Motion to amend, to increase Recreation Center Project Costs (Page 49) from \$2M to \$3M, by Councillor Eigerman, seconded by Councillor Khan. Roll call vote, 7 yes, 2 no (Tontar, Connell), 1 present (Zeid), 1 absent (Devlin). Motion passed. Motion to approve as amended by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 9 yes, 1 present (Zeid), 1 absent (Devlin). Motion passed.
- **ORDR022_04_09_18** Local Retail Sales Tax on Marijuana
- **ODNC013_04_30_18** Establishment of Departmental Revolving Funds
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to amend, to add Part D on Page 1, delete Engineering Services on Page 3, add Solid Waste and Assessor’s Office on Page 6, by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to amend, to state that any fund with greater than \$200K (\$350K for Recreational Services) at the end of the fiscal year shall transfer the excess over that amount to the General Fund, by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 6 yes, 5 no (Earls, Khan, Tontar, Vogel, Connell). Motion passed. Motion to amend, to increase Recreational Services threshold to \$400K, by Councillor Earls, seconded by Councillor Vogel. Roll call vote, 3 yes (Earls, Tontar, Vogel), 8 no. Motion failed. Motion to approve as amended by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.
- **ORDR028_04_30_18** FY19 Revolving Fund Spending Limits
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to amend, to reduce Electrical Inspector from \$95K to \$60K, by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed. Motion to approve as amended by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- **TRAN009_05_14_18** Free Cash \$191,818.51 to Snow&Ice Lbr \$7,921.19, Snow&Ice Exp \$183,897.32
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.
- **TRAN010_05_14_18** Health Ins \$1,410 to LCM Clerical \$900, LCM General \$510

Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Khan. So voted.

- **TRAN011_05_14_18** Transfers - Capital and Reserve Fund \$1,879,054.50 (**COTW**)
- **ORDR034_05_14_18** Roof Replacement Projects Loan
- **ORDR035_05_14_18** Budget Order FY2019
- **COMM044_05_14_18** Mayor's Budget Presentation

Education

Councillor Giunta announced a meeting on June 4th at 5:30pm in the Senior Center.

In Committee:

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General Government

In Committee:

- **ODNC007_02_12_18** Amendment to Division 7 – City Solicitor
- **ORDR016_03_26_18** Naming of the Five (5) Nature Trails Contained in the Little River Trail System

License & Permits

In Committee:

- **COMM029_04_30_18** Outdoor Seating - West Row Café

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
- **COMM028_04_09_18** Essex Coastal Scenic Byway Visitor Center Kiosk
- **ODNC020_05_14_18** Amendment to Chapter 11, Parks & Recreation

Planning & Development

In Committee:

- **ODNC017_10_30_17** Zoning Amendment – No Use Variances (**COTW**)
- **ODNC003_01_29_18** Zoning - Amendment to Table of Use Regulations
- **ODNC008_02_12_18** Disposition of G. W. Brown School
- **ORDR024_04_09_18** Special Act to Dissolve Newburyport Redevelopment Authority (**COTW**)
- **COMM036_04_30_18** Memo re: Proposed Marijuana Zoning Amendments
- **ODNC014_04_30_18** Amendment to Demolition Delay
- **ODNC015_04_30_18** Marijuana Zoning – Cultivation (**COTW**)

Motion to remove from Planning & Development and Committee of the Whole by Councillor Eigerman, seconded by Councillor Khan. So voted. Motion to amend Section XXXI-D.5, reducing the total cumulative square footage from 300,000 square feet to 100,000 square feet, striking “which equates to roughly ten percent of total square footage of buildings within the Business and Industry Park”, and adding “The total number of Marijuana Cultivators in the Business and Industry Park zoning districts (I-1 and I-1B) shall not exceed two”, by Councillor Shand, seconded by Councillor OBrien. Roll call vote, 9 yes, 2 no (Earls, Vogel). Motion passed. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.

- **ODNC016_04_30_18** Marijuana Zoning - Retail Sales (**COTW**)
- **COMM042_05_14_18** Ltr re: Marijuana Moratorium
- **ORDR033_05_14_18** Adoption of Housing Production Plan
- **ORDR036_05_14_18** Marijuana Retailers Ballot Question

- **ORDR037_05_14_18** Lease of Coast Guard Auxiliary Building on Plum Island Point
- **ODNC021_05_14_18** Temporary Moratorium on Recreational Marijuana Establishments
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Khan. So voted. Motion to approve as amended in Committee by Councillor Eigerman, seconded by Councillor Khan. Roll call vote, 9 yes, 2 no (Earls, Vogel). Motion passed.

Public Safety

In Committee:

- **COMM020_03_12_18** Newburyport Half Marathon - 10/21/2018
- **ODNC009_02_12_18** Floating Homes, Houseboats, and Related Marinas
- **ODNC012_03_26_18** Amendment to Chapter 13, Section 13-26
- **ORDR023_04_09_18** Additions to 2-Hour Parking Zones
- **ORDR025_04_30_18** Handicapped Space – 17 Merrill Street
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted.
Motion to approve as amended, reducing term from 3/30/2020 to 3/30/2019 and restricting to Monday-Friday 8-4pm, by Councillor Devlin, seconded by Councillor Zeid. So voted.
- **ORDR026_04_30_18** Handicapped Space – 29 Tyng Street
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Tontar. So voted.
Motion to approve by Councillor Devlin, seconded by Councillor Tontar. So voted.
- **ORDR031_04_30_18** No Parking Titcomb from Pleasant to Merrimac
- **ORDR032_04_30_18** No Parking Merrimac St from Titcomb St Running Westerly
- **COMM039_05_14_18** Feline Rescue Strut for Strays - 6/3/2018
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.
- **COMM040_05_14_18** Ride to End Alzheimer's - 6/9/2018
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Earls. So voted.
Motion to approve by Councillor Devlin, seconded by Councillor Earls. So voted.
- **COMM041_05_14_18** Lions Club Bed Race - 8/2/2018
- **COMM043_05_14_18** Greek Food Festival - July 27-29, 2018

Public Utilities

In Committee:

- **COMM122_11_27_17** Mobilitie Application/Small Cell Utility Petition (re-file)

Rules Committee

In Committee:

16. GOOD OF THE ORDER

17. ADJOURNMENT

Motion to adjourn by Councillor Zeid, seconded by Councillor Tontar. So voted. 10:21pm.