

CITY COUNCIL MEETING MINUTES – VERSION 2
CITY COUNCIL CHAMBERS
JUNE 11, 2018

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 Robert Welch. 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 9:32pm.

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS

5. ORDR039_05_29_18 Resolution Recognizing NHS 2018 Valedictorian and Salutatorian (TABLED)

Motion to remove from table by Councillor Zeid, seconded by Councillor OBrien. So voted. Motion to approve by Councillor Zeid, seconded by Councillor OBrien. So voted. Councillor Zeid congratulated the valedictorian, Margaret Cote, and salutatorian, Molly Laliberty.

6. PUBLIC COMMENT

1. David Chatfield	67 Federal St	Resiliency Plan
2. Peter Fitzsimmons	7 Arlington St	Marijuana Retail
3. Alex Kelly	194 Low St	Marijuana Zoning
4. Connie Preston	18 Atwood St	Parks Budget
5. Joel Miller	Comm Ave, Boston	Marijuana Cultivation
6. Melissa Chaput	316 Pembroke	Marijuana Cultivation
7. Paul Dahn	343 High St	Marijuana Cultivation
8. Heather Affolter	39 Virginia Ln	Marijuana Cultivation
9. Robin Grant	202 Low St	Marijuana Cultivation
10. Derek Lively	475 Merrimac St	Marijuana Cultivation

7. MAYOR'S COMMENT

The mayor gave an update pursuant to her written communication.

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

May 29, 2018

(Approve)

9. TRANSFERS

- **TRAN015_06_11_18** Solid Waste Fee \$35K to Resiliency Plan Technical Assistance \$15K, Household Hazardous Waste \$20K (B&F)
- **TRAN016_06_11_18** SEW Biosolids Disp \$90K to SEW Plant Chem \$90K (B&F)
- **TRAN017_06_11_18** DPW Gas \$15K to DPS Highway - Fuel & Oil \$15K (B&F)
- **TRAN018_06_11_18** Health Insurance \$85K to Fire Overtime \$85K (B&F)
- **TRAN019_06_11_18** POL Maint - Vehicles \$6K, POL Fuel/Oil Vehicles \$18.5K, POL Ammunition \$4,081 to POL Vehicle Purchase/Lease \$28,581 (B&F)

- **TRAN020_06_11_18** Free Cash \$20,563 to Fire HVAC Replace \$20,563 (B&F)

10. COMMUNICATIONS

- **COMM048_06_11_18** Ltr re: Marijuana Retailers Ballot Question (GG)
- **COMM049_06_11_18** Block Party - Congress Street - 8/4/2018 (PS)
- **COMM050_06_11_18** Fill-The-Boot Drive for MDA - 8/2-8/4 (PS)
- **COMM051_06_11_18** High Street Mile - 8/5/2018 (PS)
- **COMM052_06_11_18** Coast to the Cure Bike Ride - 9/8/2018 (PS)

END OF CONSENT AGENDA REGULAR AGENDA

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

11. MAYOR'S UPDATE

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

12. APPOINTMENTS

Second Reading

- **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

Motion to approve second reading appointments collectively by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 8 yes, 2 recused (Khan, OBrien), 1 absent (Devlin). Motion passed.

First Reading

- **APPT045_06_11_18** David St. Cyr 25 Tyng St NRA 11/1/2022
- **APPT046_06_11_18** Robert Uhlig 10 Ocean St NRA 4/10/2022

Councillor Zeid removed from Consent Agenda. Motion to approve by Councillor Vogel, seconded by Councillor Tontar. Roll call vote, 4 yes, 6 no (Eigerman, Giunta, Khan, OBrien, Shand, Zeid), 1 absent (Devlin). Motion to receive and file by Councillor Zeid, seconded by Councillor Khan. Roll call vote, 8 yes, 2 no (Vogel, Connell), 1 absent (Devlin). Motion passed.

RECESS

Motion to recess by Councillor Tontar, seconded by Councillor Zeid. So voted.

13. ORDERS

- **ORDR041_06_11_18** Band Uniforms Gift Acceptance \$9,000
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Giunta. So voted.
- **ORDR042_06_11_18** Parking Lot Hours - Hales Court Lot
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Earls. So voted.
- **ORDR043_06_11_18** Paid Parking Permits
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Earls. So voted.

14. ORDINANCES

- **ODNC013_04_30_18** Establishment of Departmental Revolving Funds (**2nd Reading**)
Motion to approve second reading by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- **ODNC015_04_30_18** Marijuana Zoning – Cultivation (**2nd Reading**)

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

- **ODNC021_05_14_18** Temporary Moratorium on Recreational Marijuana Establishments (**2nd Reading**)
Motion to approve second reading by Councillor Eigerman, seconded by Councillor Khan. Roll call vote, 8 yes, 2 no (Earls. Vogel), 1 absent (Devlin). Motion passed.
- **ODNC024_06_11_18** Zoning Amendment - Marijuana Retail Sales Locations
Motion to refer to Planning & Development by Councillor Vogel, seconded by Councillor Earls. So voted.

15. COMMITTEE ITEMS

Education

In Committee:

Councillor Giunta gave an update about projectors at the high school, the school-wide tech plan, and prevention programs.

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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
- **ODNC023_05_29_18** LATE FILE Amendment to Waterways Fee

Neighborhoods and City Services

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation (**COTW**)
Motion to remove from Neighborhood & City Services by Councillor OBrien, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor OBrien, seconded by Councillor Tontar. So voted.
- **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
Motion to remove from Neighborhood & City Services by Councillor OBrien, seconded by Councillor Tontar. So voted. Motion to approve by Councillor OBrien, seconded by Councillor Tontar. So voted.
- **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
- **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
 - **APPT043_05_29_18** Rishi (Surajit) Nandi 14 Spring St Planning Board 8/31/2021
- Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor OBrien. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor OBrien. Roll call vote, 10 yes, 1 absent (Devlin). 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
Motion to remove from Public Safety by Councillor Giunta, seconded by Councillor Zeid. So voted.
Motion to approve as amended (remove Section L ("Market Street, from Merrimac Street to Washington Street") and Section M ("Court Street")) by Councillor Giunta, seconded by Councillor Zeid. 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
- **COMM041_05_14_18** Lions Club Bed Race - 8/2/2018
Motion to remove from Public Safety by Councillor Giunta, seconded by Councillor OBrien. So voted.
Motion to approve by Councillor Giunta, seconded by Councillor Zeid. So voted.
- **COMM043_05_14_18** Greek Food Festival - July 27-29, 2018
Motion to remove from Public Safety by Councillor Giunta, seconded by Councillor Zeid. (Comm vote 3-0). So voted. Motion to approve by Councillor Giunta, seconded by Councillor Zeid. So voted.
- **COMM045_05_29_18** Block Party - Tyng Street - 6/22/18
Motion to remove from Public Safety by Councillor Giunta, seconded by Councillor Khan. (Comm vote 3-0). So voted. Motion to approve by Councillor Giunta, seconded by Councillor Khan. So voted.
- **COMM046_05_29_18** Block Party - Chestnut Street - 6/23/18
Motion to remove from Public Safety by Councillor Giunta, seconded by Councillor Tontar. (Comm vote 3-0). So voted. Motion to approve by Councillor Giunta, seconded by Councillor Zeid. So voted.
- **COMM047_05_29_18** Jeanne Geiger 27th Annual Walk Against Violence - 10/7/18

Public Utilities

In Committee:

- **COMM122_11_27_17** Mobilitie Application/Small Cell Utility Petition (re-file)
- **ODNC022_05_29_18** Addition to Chapter 5, Article 6 - Small Cell Sites
- **APPT044_05_29_18** Roger E. Jones 37 Storeybrooke Dr Water/Sewer Comm 5/1/2023

Rules Committee

In Committee:

Budget & Finance

In Committee:

- **ORDR007_01_29_18** 41C Amendment
- **ORDR022_04_09_18** Local Retail Sales Tax on Marijuana
- **TRAN011_05_14_18** Transfers - Capital and Reserve Fund \$1,879,054.50 (COTW)
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. (Comm vote 2-1 Nock/Molin Parking Lot; 3-0 all other items). So voted. Motion to approve by Councillor

Tontar, seconded by Councillor Vogel. Motion to amend, to remove the \$480K transfer to the Nock/Molin Parking Lot Repaving & Lighting Improvements account, by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 6 yes, 4 no (Eigerman, Tontar, Vogel, Connell), 1 absent (Devlin). Motion passed. Motion to approve as amended by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed. Motion to approve Nock/Molin Lot by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 8 yes, 2 no (Earls, Zeid), 1 absent (Devlin). Motion passed.

- **ORDR034_05_14_18** Roof Replacement Projects Loan
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 9 yes, 2 no (Zeid, Devlin). Motion passed.
- **COMM044_05_14_18** Mayor's Budget Presentation
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **TRAN012_05_29_18** Wtr Ret Earn \$1,065,000.00, Swr Ret Earn \$557,975.00 to Multiple Accts \$1,622,975.00
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve as amended by removing \$100K transfer from Water Retained Earnings to 60-32801 Budget Reserve and \$375K from Sewer Retained Earnings to 61-32801 Budget Reserve and approving all remaining items by Councillor Tontar, seconded by Councillor Khan. So voted.
- **TRAN013_05_29_18** Hrbrmstr Ret Earn \$4,494.32 to HBR Debt Service \$4,494.32
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Khan. So voted.
- **TRAN014_05_29_18** NYS Rec Revolving Fund \$15,000.00 to YTH Brown School Exp \$15,000.00
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.
- **ORDR038_05_29_18** G. Mello - Collection and Hauling Contract (5-Year)
- **ORDR040_05_29_18** Wheelabrator Contract

RECESS

Motion to recess by Councillor Tontar, seconded by Councillor Zeid. So voted.

- **ORDR035_05_14_18** Budget Order FY2019
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Shand. So voted. Motion to cut Mayor's Office Miscellaneous Expense (57801) by \$2,000 by Councillor Zeid, seconded by Councillor Eigerman. Roll call vote, 8 yes, 2 no (Tontar, Vogel), 1 absent (Devlin). Motion passed. Motion to cut General Administration Training/Travel (53004) by \$3,000 by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 3 yes (Eigerman, Giunta, Zeid), 7 no, 1 absent (Devlin). Motion failed. Motion to cut Parking Consulting Services (53005) by \$5,000 by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 6 yes, 4 no (Eigerman, Tontar, Vogel, Connell), 1 absent (Devlin). Motion passed. Motion to cut Health Department Project Assistance (51166) by \$6,640 by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 3 yes (OBrien, Zeid, Devlin), 8 no. Motion failed. Motion to cut Animal Control Overtime by \$1,000 by Councillor Zeid, seconded by Councillor OBrien. So voted (1 no, Vogel). Motion to cut Parks Maintenance (52420) by \$8,500 by Councillor Zeid, seconded by Councillor Devlin. Motion failed. Motion to cut HR Part-Time Assistant (51166) by \$7,760 by Councillor Zeid, seconded by Councillor Eigerman. Roll call vote, 4 yes (Eigerman, OBrien, Zeid, Devlin), 7 no. Motion failed. Motion to approve as amended by Councillor Tontar, seconded by Councillor Vogel. Roll call vote 9 yes, 2 no (Zeid, Devlin). Motion passed.

16. GOOD OF THE ORDER

Council President Connell thanked Paul O'Brien, Ethan Manning, and the Councillors for their work throughout the budget process.

17. ADJOURNMENT

Motion to adjourn by Councillor Zeid, seconded by Councillor Khan. So voted. 10:33pm.