

**CITY COUNCIL MEETING MINUTES**  
**CITY COUNCIL CHAMBERS**  
**AUGUST 13, 2018**

**7:15PM**

**POLE HEARING – Storey Avenue**

The pole hearing began at 7:15pm. Dave Boucher from National Grid spoke in favor. No opposition. Motion to approve by Councillor Vogel, seconded by Councillor Khan. Roll call vote, 6 yes, 5 absent (OBrien, Tontar, Zeid, Earls, Giunta). Motion passed.

**7:30PM**

The City Council President, Barry Connell, called the meeting to order at 7:30pm, followed by the Pledge of Allegiance. He mentioned Clara, a resident celebrating her 108<sup>th</sup> birthday this month. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Khan, OBrien, Shand, Tontar, Vogel, Zeid, Devlin, Earls, Eigerman, Connell. 10 present, 1 absent (Giunta).

**(Sound Check)**

**1. MOMENT OF SILENCE**

**2. PLEDGE OF ALLEGIANCE**

**3. CALL TO ORDER**

**4. LATE FILE ITEMS - ORDR056EP\_08\_13\_18**

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

**5. PUBLIC COMMENT**

1. Steve Comley, Sr.	Rowley, MA	Seabrook Station
2. Tom Carleo	109 Prospect St	Fuller Field
3. Constance Preston	18 Atwood St	Marijuana retail, Parks Commission
4. Kim Turner	27 High St	Parks Commission
5. Esther Sayer	10 Ship St	Parks Commission, Marijuana retail
6. Ed Brennan	23 Alberta Ave	Parks Commission
7. Joanna Fernandes	29 Hill St	Parks Commission
8. Karen Johnson	120 High St	Parks Commission
9. Art Currier	100 State St	Marijuana retail
10. Jennie Donahue	18 Cherry St	Marijuana retail
11. Molly Manuel	27 Broad St	Marijuana retail

**6. MAYOR'S COMMENT**

The mayor gave an update pursuant to her written communication.

**7. SUPERINTENDENT OF SCHOOLS – Introduction to the School Year**

Sean Gallagher updated the Council on his plans for the school year and was welcomed by the City Council.

**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**

- **TRAN024\_08\_13\_18** GEN Budget Contingency \$27,496.88 to Multiple \$27,496.88 (B&F)
- **TRAN025\_08\_13\_18** ASR Travel Allowance \$3,300 to ASR Salary Assessor \$3,300 (B&F)
- **TRAN026\_08\_13\_18** GEN Budget Contingency \$8,241.27 to Multiple \$8,241.27 (B&F)

**10. COMMUNICATIONS**

- **COMM070\_08\_13\_18** Trust Fund Repurposing – MH Simpson Trust (B&F)
- **COMM071\_08\_13\_18** Designated Driver Service (L&P)
- **COMM072\_08\_13\_18** The Challenge 5K Freedom Run – 10/6/18 (PS)
- **COMM074\_08\_13\_18** Walk for our Poor – 9/29/18 (PS)
- **COMM075\_08\_13\_18** Outdoor Seating – Souffles (L&P)
- **COMM076\_08\_13\_18** A-Frames – Keller Williams Realty (L&P)

**11. APPOINTMENTS - NONE**

**END OF CONSENT AGENDA  
REGULAR AGENDA**

Motion to approve the Consent Agenda as amended by Councillor Zeid, seconded by Councillor Khan. So voted (Councillor Vogel recused, left the room).

**12. MAYOR'S UPDATE**

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

**13. COMMUNICATIONS**

- **COMM068EP\_08\_13\_18** Emergency Preamble for Cruisin' the 50s Car Show - 8/16/18  
Motion to remove COMM068EP\_08\_13\_18 and COMM068\_08\_13\_18 jointly by Councillor Eigerman, seconded by Councillor Devlin. Roll call vote, 9 yes, 1 no (Zeid), 1 absent (Giunta). Motion passed.  
Motion to approve by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 8 yes, 2 no (OBrien, Zeid), 1 absent (Giunta). Motion passed.
- **COMM068\_08\_13\_18** Cruisin' the 50s Car Show - 8/16/18  
Motion to approve by Councillor Eigerman, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Giunta). Motion passed.
- **COMM069EP\_08\_13\_18** Emergency Preamble for Riverfront Music Festival - 9/1/18  
Motion to waive Rule 12A and to approve by Councillor Eigerman, seconded by Councillor Earls. Roll call vote, 8 yes, 2 no (OBrien, Zeid), 1 absent (Giunta). Motion passed.
- **COMM069\_08\_13\_18** Riverfront Music Festival - 9/1/18 The Council directed the Clerk to contact the City Solicitor concerning an indemnification agreement and insurance amounts. Also, the Council would like the City Solicitor present at the August 27, 2018 meeting. There were six items that the Council would like addressed:  
1. Indemnification agreement contract, 2. Operations plan, 3. Insurance amounts, 4. Fire department costs, 5. Copy of contract between Chamber of Commerce and The River, and 6. Handicap parking details. Motion to continue to a Date Certain (August 27, 2018) by Councillor Eigerman, seconded by Councillor OBrien. Roll call vote, 9 yes, 1 no (Connell), 1 absent (Giunta). Motion passed.
- **COMM073\_08\_13\_18** Bartlet Mall Day – 10/6/18  
Removed from Consent Agenda by Councillor Eigerman. Motion to refer to Public Safety by Councillor Shand, seconded by Councillor Earls. So voted.

## 14. APPOINTMENTS

### Second Reading

- **APPT047\_07\_16\_18** Willem E. van de Stadt 55 Highland St, Salem MA Asst Hrbrmstr 8/1/2021

Motion to approve Second Reading Appointments by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Giunta). Motion passed.

## 15. ORDERS

- **ORDR051\_08\_13\_18** Restricted Parking – Fair Street Along Fair Street  
Motion to refer to Public Safety by Councillor Tontar, seconded by Councillor Vogel. So voted.
- **ORDR052\_08\_13\_18** Lawn Barber, Inc. – Licensed Contractor  
Motion to refer to Public Utilities by Councillor Zeid, seconded by Councillor Tontar. So voted.
- **ORDR053\_08\_13\_18** Preservation Restriction Agreement – 5 Moseley Ave  
Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Tontar. So voted.
- **ORDR054\_08\_13\_18** Preservation Restriction Agreement – 241 High Street  
Motion to refer to Planning & Development by Councillor Tontar, seconded by Councillor Vogel. So voted.
- **ORDR055\_08\_13\_18** Grant of Easement – Massachusetts Electric Company  
Motion to refer to Public Utilities by Councillor Zeid, seconded by Councillor Vogel. So voted.
- **ORDR056EP\_08\_13\_18** LATE FILE Emergency Preamble for Amendment to Parking Fees  
Motion to approve by Councillor Khan, seconded by Councillor Tontar Roll call vote, 8 yes, 2 no (OBrien, Zeid), 1 absent (Giunta). Motion passed.
- **ORDR056\_08\_13\_18** Amendment to Parking Fees  
Motion to approve by Councillor Khan, seconded by Councillor Tontar. So Voted.

## 16. ORDINANCES

- **ODNC025\_08\_13\_18** Colby Farm Lane Residential Overlay District  
Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Tontar. So voted.

## 15. COMMITTEE ITEMS

### Budget & Finance

#### *In Committee:*

- **ORDR007\_01\_29\_18** 41C Amendment
- **ORDR022\_04\_09\_18** Local Retail Sales Tax on Marijuana
- **ORDR038\_05\_29\_18** G. Mello - Collection and Hauling Contract (5-Year)  
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 OBrien. So voted.
- **TRAN023\_07\_16\_18** Paid Parking Fund \$30K to Vehicle/Equip Purchase \$30K  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve, subject to remaining funds after purchase returning to the Parking Fund, by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR050\_7\_16\_18** CPC FY2019 Recommended Appropriations (**COTW**)  
Motion to remove from Budget & Finance and Committee of the Whole by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve Project #1 (Newburyport Affordable Housing Trust) such that if the 100,000 designated for Affordable Housing at the Brown School is not fully used, it shall be placed in the Community Housing Reserve Fund, by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve Project #2 (Kelleher Gardens Community Building Generator) by Councillor Tontar, seconded by Councillor Zeid. So voted (Earls, OBrien recused). Motion to approve

Project #3 (YWCA Women's Residence) by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 7 yes, 3 no (OBrien, Devlin, Eigerman), 1 absent (Giunta). Motion passed. Motion to approve Project #4 (Slate Roof Replacement at Custom House) by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 5 yes, 5 no (OBrien, Zeid, Devlin, Earls, Eigerman), 1 absent (Giunta). Motion failed. Motion to approve Project #5 (NHS Exterior Woodwork Phase III) by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Giunta). Motion passed. Motion to approve Project #6 (Cushing House Laundry/Courtyard) by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 8 yes, 2 no (Devlin, Eigerman), 1 absent (Giunta). Motion passed. Motion to approve Project #7 (Open Space Reserve Fund) by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to amend to approve Project #8 (Master Plan for Lower Atkinson Common) by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 8 yes, 2 no (Tontar, Vogel), 1 absent (Giunta). Motion passed. Motion to approve Project #9 (Specimen Trees for Bartlet Mall) by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve Project #10 (Gateway Trees) by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve Project #11 (Open Space and Recreation Plan Update) by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve Project #12 (Restoration Swan Fountain Bartlet Mall) by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve Project #13 (Clipper City Rail Trail Edible Avenue) by Councillor Tontar, seconded by Councillor Khan. Motion to amend to add "solely within the City", by Councillor Eigerman, seconded by Councillor Zeid. 9 yes, 1 no (Devlin), 1 absent (Giunta). So voted. Motion to approve Project #14 (Little River Nature Trail Kiosks) by Councillor Tontar, seconded by Councillor Khan. 9 yes, 1 no (Connell), 1 absent (Giunta). So voted. Motion to approve Project #15 (Fuller Field Track Renovation) by Councillor Tontar, seconded by Councillor Khan. Motion to amend to add the additional language designated Attachment 'A' by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Giunta). Motion passed. Motion to approve Project #16, #17, #18, and #19 (Bond Costs) by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Giunta). Motion passed. Motion to approve Project #20 by Councillor Tontar, seconded by Councillor Zeid. So voted.

**Motion to waive Rule 2B to extend City Council Meeting past 11:00pm by Councillor Zeid, seconded by Councillor Eigerman. Roll call vote, 8 yes, 2 no (OBrien, Vogel), 1 absent (Giunta). Motion passed.**

## **Education**

### *In Committee:*

- 

## **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
- **COMM048\_06\_11\_18** Ltr re: Marijuana Retailers Ballot Question

## **License & Permits**

### *In Committee:*

- **COMM029\_04\_30\_18** Outdoor Seating - West Row Café
- **ODNC023\_05\_29\_18** LATE FILE Amendment to Waterways Fee
- **COMM065\_07\_16\_18** LATE FILE Outdoor Seating - Superfine Food
- **COMM064\_07\_16\_18** A-Frame - Sea Bags

## **Neighborhoods and City Services**

### *In Committee:*

- **ORDR048\_06\_13\_16** Sidewalk Order

- **COMM111\_10\_10\_17** Petition for Road Repairs and Repaving – Squires Glen
- **ODNC020\_05\_14\_18** Amendment to Chapter 11, Parks & Recreation  
Motion to remove from Neighborhood & City Services by Councillor OBrien, seconded by Councillor Zeid. So voted. Motion to Approve ‘Keep Them’ version by Councillor OBrien seconded by Councillor Zeid, Motion to amend to approve “Abolish Them” version by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote, 9 yes, 1 no (OBrien), 1 absent (Giunta). Motion passed. Motion to receive and file “Keep Them” by Councillor Zeid, seconded by Councillor Vogel, so voted.
- **COMM058\_06\_25\_18** Ltr re: Parks Department Operations in Atkinson Common

## **Planning & Development**

### ***Min 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
- **ODNC024\_06\_11\_18** Zoning Amendment - Marijuana Retail Sales Locations (**COTW**)
- **ORDR049\_7\_16\_18** Preservation Restriction Agreement - 50-58 Middle Street

## **Public Safety**

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

- **COMM020\_03\_12\_18** Newburyport Half Marathon - 10/21/2018
- **ODNC009\_02\_12\_18** Floating Homes, Houseboats, and Related Marinas
- **ORDR031\_04\_30\_18** No Parking Titcomb from Pleasant to Merrimac
- **ORDR032\_04\_30\_18** No Parking Merrimac St from Titcomb St Running Westerly
- **COMM047\_05\_29\_18** Jeanne Geiger 27<sup>th</sup> Annual Walk Against Violence - 10/7/18
- **ORDR043\_06\_11\_18** Paid Parking Permits  
Motion to Remove by Councillor Devlin, seconded Councillor Zeid, so voted, Motion to Approve with Attachment ‘A’ and with the deletion of Hales Court from subsection (e)(3).
- **COMM047A\_07\_16\_18** Jeanne Geiger Walk - change of date from 10/7/18 to 10/14/2018
- **COMM063\_07\_16\_18** Ltr re: Ferry Road Traffic/Parking
- **ORDR047\_7\_16\_18** No Parking Greenleaf Street at Auburn Street

## **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:***

-

**16. GOOD OF THE ORDER** The Councillors thanked Paul O'Brien, CAO, for his service to the City of Newburyport.

**17. ADJOURNMENT**

Motion to adjourn by Councillor Vogel, seconded by Councillor Khan. So voted. 11:44pm.