

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
OCTOBER 29, 2018

7:15PM

Pole Hearing – 111 Low Street – 4 Henry Graf Jr. Road

10 present, 1 absent (Devlin). Representatives from WaveGuide spoke. Motion to table by Councillor Tontar, seconded by Councillor Zeid. Motion to close hearing by Councillor Zeid, seconded by Councillor Vogel. 7:43pm.

7:30PM

The City Council President, Barry Connell, called the meeting to order at 7:43pm, followed by the Pledge of Allegiance. A moment of silence was held for Barbara Harnch, Patricia Cody, and the victims of the Pittsburgh synagogue shooting. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Devlin, Earls, Eigerman, Giunta, Khan, OBrien, Shand, Tontar, Vogel, Zeid, Connell. 11 present, 0 absent.

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS – ORDR064_10_09_18, COMM090_10_09_18, ORDR033_05_14_18

Motion to wave the rules to allow late file items, by Councillor Khan, seconded by Councillor Tontar. So voted.

5. PUBLIC COMMENT

1. Ahmer Ibrahim	85 Prospect St	Question 3
2. Lukas Phipps	2 Allen St	Question 3
3. Bill Harris	56 Lime St	Custom House
4. Rita Mihalek	53 Warren St	Custom House
5. Connie Preston	18 Atwood St	Marijuana Retail
6. Tony Murray	High St	Marijuana Retail
7. Christine Ricardi	3 Summit Pl	Marijuana Retail
8. Adrienne Silversmith	4 Willow St	Cultural Council
9. Margo Leanna	41 Green St	Marijuana Retail
10. Brin Stevens	195 High St	Marijuana Retail
11. Patty Hoffman	15 Lafayette St	Marijuana Retail
12. Sonia Linteris	19 Cushing Ave	Marijuana Retail
13. Steven Linteris	19 Cushing Ave	Marijuana Retail
14. James Shanley	15 Olive St	Marijuana Retail
15. Brian Belts	14 67 th St	Marijuana, Wall
16. Nicole Nadeau	6 Bayne Ln	Marijuana Ballot
17. Dominick Garibaldi	14 67 th St	Marijuana, Wall
18. Steve Bowditch	21 Olive St	Marijuana Retail
19. Ryan Richie	246 Northern Blvd	Marijuana Retail
20. Lynn Schow	75 High St	Marijuana Retail
21. Jennifer Allard	295 High St	Marijuana Retail
22. Mike Brennan	16 Eagle St	Marijuana Retail
23. Marcy Freedman	13 67 th St	Cement Wall

6. MAYOR'S COMMENT

The mayor introduced Matthew Coogan, the city's new Chief Administrative Officer, and gave an update pursuant to her written communication.

7. PRESENTATION BY NEWBURYPORT AFFORDABLE HOUSING TRUST

Affordable Housing Trust member Judy Tymon spoke.

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

October 9, 2018

(Approve)

October 22, 2018

(Approve)

9. TRANSFERS

- **TRAN030_10_29_18** Harbormaster Retained Earnings \$41,210.71 to Pump Out Boat Purchase \$41,210.71 (B&F)

10. COMMUNICATIONS

- **COMM091_10_29_18** Pole Hearing – 3 Perkins Way (PU)

11. APPOINTMENTS

- **APPT061_10_29_18** Victoria Finnigan 63 Washington St, Asst Treasurer/Collector 11/1/2019
Groveland
- **APPT062_10_29_18** Karen B. Wiener 7 Lincoln St Affordable Housing Trust 11/30/2019
- **APPT063_10_29_18** Jane Niebling 45 Temple St Cultural Commission 9/30/2021
- **APPT064_10_29_18** Sarah M. White 349 High St Historical Commission 10/1/2021
- **APPT065_10_29_18** Douglas Bolick 8 Court St Board of Registrars 9/1/2021
- **APPT066_10_29_18** David Dylewski 334R Merrimac St Tree Commission 11/1/2021

END OF CONSENT AGENDA

REGULAR AGENDA

Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Giunta. So voted.

12. MAYOR'S UPDATE

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

13. TRANSFERS

- **TRAN031EP_10_29_18** Emergency Preamble for General Fund \$12.5K, Water Retained Earnings \$12.5K, Sewer Retained Earnings \$12.5K to Generator Purchase \$37.5K
Motion to approve by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion passed.
- **TRAN031_10_29_18** General Fund \$12.5K, Water Retained Earnings \$12.5K, Sewer Retained Earnings \$12.5K to Generator Purchase \$37.5K
Motion to approve by Councillor Tontar, seconded by Councillor OBrien. So voted.

14. APPOINTMENTS

Second Reading

- **APPT059_10_09_18** Scott Hanley 1 Milk St Tree Comm 11/1/2021

Re-Appointments

- **APPT060_10_09_18** Paul M. Bevilacqua 126 Merrimac St #3 Tree Comm 11/1/2021

Motion to approve second reading appointments by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed.

15. ORDERS

- **ORDR058_08_27_18** CPA Project #4, Slate Roof, Custom House (**TABLED**)
Motion to remove from table by Councillor Tontar, seconded by Councillor Vogel. So voted. Motion to receive and file by Councillor Tontar, seconded by Councillor Giunta. So voted.
- **ORDR067_10_29_18** FY2019 Residential Factor
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Eigerman. So voted.
- **ORDR068_10_29_18** FY2019 Tax Rate
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Eigerman. So voted.
- **ORDR069EP_10_29_18** Emergency Preamble for FirstLight Conduit Grant
Motion to approve by Councillor Zeid, seconded by Councillor Giunta. So voted.
- **ORDR069_10_29_18** FirstLight Conduit Grant
Motion to approve, the matter having been in Public Utilities since September 24, 2018, by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 11 yes. Motion passed.
- **ORDR070_10_29_18** CPC FY2019 Rail Trail Phase II
Motion to refer to Budget & Finance by Councillor Eigerman, seconded by Councillor Tontar. So voted.
- **ORDR071_10_29_18** CPC FY2019 Custom House Slate Roof
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. So voted.
- **ORDR072_10_29_18** Additions to 2-Hour Parking Zones
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Earls. So voted.
- **ORDR073_10_29_18** Stop Sign – Newhall Lane at Elizabeth Lane
Motion to refer to Public Safety by Councillor OBrien, seconded by Councillor Tontar. So voted.

16. ORDINANCES

- **ODNC023_05_29_18** Amendment to Waterways Fee (**2nd Reading**)
Motion to approve second reading by Councillor Earls, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 no (Zeid). Motion passed.
- **ODNC024_06_11_18** Zoning Amendment - Marijuana Retail Sales Locations (**2nd Reading**)
Motion to approve second reading by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote, 8 yes, 2 no (Giunta, OBrien), 1 recused (Devlin). Motion passed.

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR007_01_29_18** 41C Amendment
- **TRAN027_10_09_18** Sale of Municipal Equip \$18K to School Tech Upgrades \$18K
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **TRAN028_10_09_18** Legal Settlements \$22.5K to Reservation Terr Wall \$22.5K
Councillor Eigerman recused and left the room. Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve (Comm vote 3-0) by Councillor Tontar, seconded by Councillor Zeid. So voted.

- **TRAN029_10_09_18** PI Utility Trust Fund \$99,197 to Olga Way Pump Replace \$99,197
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Devlin. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Khan. So voted.

Education

Councillor Giunta gave an update; next meeting will be November 5th 5:30pm at the Senior Center.

In Committee:

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General Government

In Committee:

- **ODNC007_02_12_18** Amendment to Division 7 – City Solicitor
Motion to remove from General Government by Councillor Vogel, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor Vogel, seconded by Councillor Zeid. So voted.
- **ORDR016_03_26_18** Naming of the Five (5) Nature Trails Contained in the Little River Trail System
Motion to remove from General Government by Councillor Vogel, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Vogel, seconded by Councillor Khan. So voted.
- **COMM048_06_11_18** Ltr re: Marijuana Retailers Ballot Question
Motion to remove from General Government by Councillor Vogel, seconded by Councillor Giunta. So voted. Motion to receive and file (Comm vote 3-0) by Councillor Vogel, seconded by Councillor Giunta. So voted (1 no, OBrien).
- **ORDR064_10_09_18** Yes on Question 3 Resolution
Motion to remove from General Government by Councillor Vogel, seconded by Councillor Giunta. So voted. Motion to amend, to strike “Be It Further Resolved” and “Attest” sections and the following: “and will hereby pledge to sign on to Freedom For All Massachusetts’ Yes on 3 Coalition to say clearly”, by Councillor Eigerman, seconded by Councillor Vogel. Motion to approve as amended by Councillor Vogel, seconded by Councillor OBrien. Roll call vote, 8 yes, 3 present (Devlin, Giunta, Zeid). Motion passed.

License & Permits

In Committee:

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

Neighborhoods and City Services

In Committee:

- **ORDR048_06_13_16** Sidewalk Order
- **COMM111_10_10_17** Petition for Road Repairs and Repaving – Squires Glen

Planning & Development

In Committee:

- **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)
- **ODNC014_04_30_18** Amendment to Demolition Delay
- **ORDR033_05_14_18** Adoption of Housing Production Plan
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Tontar (1 no – OBrien). Motion to approve (Comm vote 3-0) by Councillor Eigerman, seconded by Councillor Vogel. So voted.
- **ORDR036_05_14_18** Marijuana Retailers Ballot Question
- **ODNC025_08_13_18** Colby Farm Lane Residential Overlay District

- **ORDR065_10_09_18** Custom House Resolution
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Devlin. Motion to approve (Comm vote 3-0) as amended (strike “a 99-year lease” from “Be It Resolved” section) by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed.
- **ORDR066_10_09_18** Sidewalk Easement
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve, subject to approval by the City Solicitor, by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.

Public Safety

In Committee:

- **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
- **ORDR059_08_27_18** Parking Hales Court, Waterfront Trust
- **COMM086_09_24_18** Ltr from Residents of East Boylston Street
- **COMM087_09_24_18** Ltr re: Coffin Street
- **COMM090_10_09_18** Harborside Half Marathon & 5K – 11/11/2018
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Giunta. So voted. Motion to approve (Comm vote 2-0), with conditions; 1. That residents be notified, 2. An ad is placed in the newspaper, 3. Signs are posted one week ahead of time; by Councillor Devlin, seconded by Councillor Zeid. So voted (1 no – Connell).

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
- **COMM088_09_24_18** Wave Guide Application
Motion to remove from Public Utilities by Councillor Zeid, seconded by Councillor Giunta. So voted. Motion to receive and file by Councillor Zeid, seconded by Councillor Giunta. So voted.

Rules Committee

In Committee:

- **ORDR057_08_27_18** Amendment to Council Rule 12A

17. GOOD OF THE ORDER

Councillor Zeid noted with sadness that Wayne Amaral, DPS Deputy Director, is leaving, and also noted that due to presentations and public comment, the Council did not get to its own work until after 9pm. President Connell also noted with regret that Wayne Amaral was leaving and went on to establish the ad hoc committee proposed by Councillor Zeid and to consist of the following members: Councillors Eigerman, Giunta, Shand, Devlin, Khan; Councillor Eigerman to be chairperson and the Planning Board should be involved. Rick Taintor of Newburyport has offered to consult. President Connell asked the committee to report back to the City Council on December 10th.

18. ADJOURNMENT

Motion to adjourn by Councillor Eigerman, seconded by Councillor Tontar. So voted. 10:55pm.