

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
DECEMBER 10, 2018

7:30PM

The City Council President, Barry Connell, called the meeting to order at 7:30pm, followed by the Pledge of Allegiance. A moment of silence was held for George Cooper, Barbara Emmith, James Abeel, and Francis Culver. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Giunta, Khan, OBrien, Shand, Tontar, Vogel, Zeid, Devlin, Earls, Eigerman, Connell. 11 present.

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS – two information items; Safe Routes to School and 2-hour parking zones

5. COMMENDATION FOR SENATOR KATHLEEN O’CONNOR IVES

Commendation of Senator Kathleen O’Connor Ives by the Mayor and City Council. Tuesday, December 11, 2018 proclaimed Senator Kathleen O’Connor Ives Day in Newburyport.

6. PUBLIC COMMENT

Each speaker limited to one minute.

1. Pat Daniels	234 Low St	Marijuana
2. Tom Kolterjahn	64 Federal St	Safe Routes to School
3. Reginald Bacon	21 Strong St	Safe Routes to School
4. Connie Preston	18 Atwood St	TreeComm/Marijuana
5. Jane Snow	9 Coffin St	General Comment
6. Phil Sayles	24 Rawson Ave	Marijuana
7. Peter Balentine	6 Hart Rd	Marijuana
8. Lyndi Lanphear	347 High St	Marijuana
9. Ben Swartz	105 State St	Marijuana
10. Allison Balentine	6 Hart Rd	Marijuana
11. Matt McDermott	23 Marlboro St	Marijuana
12. Matt Kane	63 Curzon Mill Rd	Marijuana
13. Amy Roberts	5 Dexter St	Marijuana
14. Lynn Schow	75 High St	Marijuana
15. Bre Sullivan	41 Forrester St	Marijuana
16. Ann Dykes	12 Munroe St	Marijuana
17. Marian Levy	323 Merrimac St	Marijuana
18. Neil Hubacker	15 Howard St	Marijuana
19. John Giordano	7 N Atkinson St	Marijuana
20. Jessica Amoroso	238 High St	Marijuana
21. Ayesha Berlind	24 Beacon Ave	Marijuana
22. Ulrika Gerth	24 Arlington St	Marijuana
23. Ken Christie	3 Lunt St	Marijuana
24. Juliet Walker	13 Eagle St	Safe Routes to School
25. Rick Doucette	69 Marlboro St	Marijuana
26. Eileen Bernau	13R Bromfield St	Marijuana
27. Ed Bernau	13R Bromfield St	Marijuana
28. Josh Baumfeld, MD	75 High Street	Marijuana
29. Sarah Hall	8 Arthur Welch Dr	Marijuana
30. Sierra Gitlin	20 Orange St	Marijuana

31. Tom Salemi	16 Tyng St	Marijuana
32. Sonja Jasinski	4 Orange St	Marijuana
33. Christine Riccardi	30 Summit Pl	Marijuana
34. Jennie Donahue	18 Cherry St	Accessible Swings
35. Dominick Garibaldi	14 67 th St	Marijuana
36. John Elwell	266 High St	Marijuana
37. Brian Belts	14 67 th St	Marijuana
38. Asa Leighton	15 Essex St	Marijuana
39. Kate Senzamici	46 Purchase St	Marijuana
40. David Campochiaro	46 Kent St	Marijuana
41. Judy Tymon	39 Lime St	Safe Routes to School
42. Rick Taintor	10 Dexter St	Marijuana, Safe Routes
43. Stephanie Niketic	93 High St	Safe Routes to School

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

November 26, 2018

(Approve)

9. TRANSFERS

- **TRAN036_12_10_18** HR Sal Dir \$2000 to HR Ad \$500, HR Supplies \$1500 (B&F)

10. COMMUNICATIONS

- **COMM099_12_10_18** 2019 Class II Vehicle License – Plum Autoworks, Inc. (L&P)
- **COMM100_12_10_18** 2019 Class II Vehicle License – RL Currie Corp. (L&P)
- **COMM101_12_10_18** 2019 Class II Vehicle License – LCA Motors (L&P)
- **COMM102_12_10_18** 2019 Class II Vehicle License – State Automotive Repair (L&P)

11. APPOINTMENTS

Re-Appointments, To Be Referred to Planning & Development

- **APPT074_12_10_18** Stephen J. Moore 10 N Atkinson St Conservation Comm 12/1/2021
- **APPT075_12_10_18** Jennifer Blanchet 4 Island Ln, Newbury Zoning Admin 12/31/2020

END OF CONSENT AGENDA

REGULAR AGENDA

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

12. MAYOR'S UPDATE

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

13. APPOINTMENTS

Second Reading

- **APPT073_11_26_18** Ronald F. Senter 10 Madison St Special Police Officer

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

Motion to waive the rules, to address Planning & Development committee items at this point in the agenda, by Councillor Zeid, seconded by Councillor Giunta. So voted.

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
- **ORDR036_05_14_18** Marijuana Retailers Ballot Question

Motion to remove from Planning & development by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 no (Khan). Motion passed. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Giunta. Motion to amend, to place on ballot in November 2019 municipal election, by Councillor Eigerman, seconded by Councillor Shand. Roll call vote, 10 yes, 1 no (Giunta). Motion passed. Motion to table by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 4 yes (Khan, Shand, Tontar, Vogel), 7 no. Motion failed. Motion to amend, to add “a ‘yes’ vote will result in no retail marijuana in Newburyport. A ‘no’ vote will change nothing.” by Councillor Vogel, seconded by Councillor Devlin. Roll call vote, 10 yes, 1 no (Khan). Motion passed. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 6 yes, 4 no (Khan, Vogel, Earls, Connell), 1 present (Tontar). Motion passed subject to a review of the City Solicitor with the understanding that in the event that the City Solicitor did not approve the additional YES/NO language, the question would go on the Ballot without the Amendment. Motion to continue the meeting past the hour of 11 pm by Councillor Zeid, seconded by Councillor Giunta. So voted.

- **ORDR074_11_13_18** Safe Routes to School – High Street

Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve as amended (add “Said approval, and determination of consistency, is granted provided that the following details are incorporated into the project plans prior to construction:

- Cast iron detectable ADA-compliant domes shall be used on all pedestrian ramps; and
- New bricks shall be similar or equal to Stiles & Hart “Boston City Pavers,” as referenced in the Newburyport City Sidewalk Specifications, dated June 2015, with allowance for similar alternates and the use of wire-cut bricks to comply with Massachusetts accessibility and procurement laws; and
- Bricks shall be laid in the historic pattern, with a stringer course, as illustrated in the Newburyport City Sidewalk Specifications, dated June 2015, drawing 3000C; and
- The existing pattern of bricks at the carriage house driveway entrance located at 207 High Street shall be recreated during installation of brick sidewalks at this location; and
- Signage (both numbers and size) shall be minimized to the maximum extent feasible, subject to compliance with Federal and State requirements for funding of the project; and
- Existing granite curbing shall be reused and reset wherever feasible, in lieu of new curbing, with the notable exception of radius curbing required at newly designed “bump outs;” and
- Pedestrian refuge islands shall be surrounded with granite curbing and shall be surfaced with cobblestone in lieu of concrete; and
- The proposed “Rectangular Rapid Flashing Beacons” shall have black ornamental bases and poles; and
- Any granite hitching posts within the project limits shall be preserved and reinstalled in their approximate existing locations, taking into account the width required for accessible sidewalks.”) by Councillor Eigerman, seconded by Councillor Shand. So voted.
- **ORDR076_11_13_18** Marijuana Ballot Question

Motion to remove from Planning & development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor Eigerman, seconded by Councillor Zeid. So voted.

- **ODNC027_11_13_18** Zoning Map Amendment – Storey Ave

14. ORDERS

- **ORDR081_12_10_18** 2019 City Council Schedule

Motion to approve by Councillor Vogel, seconded by Councillor Tontar. Motion to amend, to approve January 14th meeting only and table remainder of the order, by Councillor Zeid, seconded by Councillor Giunta. So voted (1 no – OBrien). Motion to approve as amended by Councillor Vogel, seconded by Councillor Tontar. So voted (1 no - OBrien).

15. ORDINANCES

- **ODNC026_11_13_18** Amendment to Dog License Fees (**2nd Reading**)

Motion to approve second reading by Councillor Tontar, seconded by Councillor Devlin. Roll call vote, 10 yes, 1 no (Eigerman). Motion passed.

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR007_01_29_18** 41C Amendment
- **ORDR071_10_29_18** CPC FY2019 Custom House Slate Roof
- **TRAN033_11_26_18** Rev Comm on Disabilities \$3,300 to Accessible Swings \$3,300
Motion to remove TRAN033_11_26_18 and ORDR078_11_26_18 collectively from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve TRAN033_11_26_18 and ORDR078_11_26_18 collectively by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **TRAN034_11_26_18** Free Cash \$19,750 to Hwy Maint - Tree \$19,750
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.
- **TRAN035_11_26_18** RSV App - DPW Gas \$80K to DPS Highway Fuel & Oil \$80K
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.
- **ORDR078_11_26_18** Gift Acceptance - Accessible Swings \$3,300

Education

In Committee:

-

General Government

In Committee:

-

License & Permits

In Committee:

- **COMM029_04_30_18** Outdoor Seating – West Row Café
- **COMM098_11_26_18** A-Frame – Life is Good
Motion to remove from License & Permits by Councillor Earls, seconded by Councillor Devlin. So voted. Motion to receive and file by Councillor Earls, seconded by Councillor Devlin. So voted.

Neighborhoods and City Services

In Committee:

- **ORDR048_06_13_16** Sidewalk Order
- **COMM111_10_10_17** Petition for Road Repairs and Repaving – Squires Glen
- **ODNC028_11_26_18** Parks & Recreation Fees

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
- **ORDR072_10_29_18** Additions to 2-Hour Parking Zones

Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Eigerman. So voted. Motion to approve as amended in committee (Green Street – running from Washington Street to the loading zone in front of 26 Green Street; Pleasant Street – from Market Street to Summer Street, both sides; Harris Street, both sides) by Councillor Devlin, seconded by Councillor Eigerman. So voted (1 no – OBrien).

- **ORDR079_11_26_18** Holiday Parking

Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted. Motion to approve as amended, to change dates from 12/20-25 to 12/20-26, by Councillor Devlin, seconded by Councillor Zeid. So voted.

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

Rules Committee

In Committee:

- **ORDR057_08_27_18** Amendment to Council Rule 12A
- **ORDR077_11_26_18** Amendment to Council Rule 20

17. GOOD OF THE ORDER

Councillor Connell mentioned the passing of President George H. W. Bush and commented on his gentlemanly manner of public service.

18. ADJOURNMENT

Motion to adjourn by Councillor Devlin, seconded by Councillor Vogel. So voted. 11:28pm.