

**CITY COUNCIL MEETING MINUTES**  
**CITY COUNCIL CHAMBERS**  
**FEBRUARY 11, 2019**

**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 Beverly Canepa, Edward Demski, and Kathy Hill. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Shand, Tontar, Vogel, Zeid, Devlin, Earls, Eigerman, Giunta, Khan, OBrien, Connell. 11 present, 0 absent.

**(Sound Check)**

**1. MOMENT OF SILENCE**

**2. PLEDGE OF ALLEGIANCE**

**3. CALL TO ORDER**

**4. LATE FILE ITEMS - ORDR089\_02\_11\_19v2, ODNC027\_11\_13\_18 map, ORDR082\_01\_14\_19, ORDR085\_01\_28\_19, Agendav2**

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

**5. PUBLIC COMMENT**

1. Rick Taintor

10 Dexter St

Waterfront West

2. Christian Hansen

29 Hill St

Library Board

**6. 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.

**7. APPROVAL OF MINUTES**

January 28, 2019

(Approve)

**8. TRANSFERS**

- **TRAN038\_02\_11\_19** Free Cash \$45K to Safe Routes to School Project \$45K (B&F)
- **TRAN039\_02\_11\_19** Free Cash \$40K to Rail Trail Phase II Project \$40K (B&F)

**9. COMMUNICATIONS**

- **COMM110\_02\_11\_19** Port Taxi - Application by Harold Congdon for 2019 (L&P)
- **COMM112\_02\_11\_19** Memo re: Fire-Based EMS Cost/Benefit Analysis (B&F)

**10. APPOINTMENTS**

- **APPT081\_02\_11\_19** Christian Hansen 29 Hill St Library Board of Directors 02/01/2026

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

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

**11. MAYOR'S UPDATE**

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

## 12. COMMUNICATIONS

- **COMM106\_01\_28\_19** Ad Hoc Committee on Waterfront West: Report to Full Council (**TABLED**)  
Councillor Vogel recused. Motion to remove from table by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **COMM115\_02\_11\_19** Conservation Restriction - 3 & 5 Collins Farm Road  
Removed from Consent Agenda by Councillor Eigerman. Councillor Eigerman recused. Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Tontar. So voted.

## 13. APPOINTMENTS

- **NONE**

## 14. ORDERS

- **ORDR087\_02\_11\_19** Preservation Restriction Agreement – 28-30 Pleasant Street  
Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **ORDR088\_02\_11\_19** Multiple Trust (Stickney, Weare, Connors) Gift Acceptance  
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR089\_02\_11\_19** Handicapped Parking Space – Lower Custom House Way  
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Giunta. So voted.

## 15. ORDINANCES

- **ODNC027\_11\_13\_18** Zoning Map Amendment – Storey Ave (**2<sup>nd</sup> Reading/TABLED**)  
Councillor Devlin recused. Motion to remove from table by Councillor Giunta, seconded by Councillor Tontar. So voted. Motion to approve second reading by Councillor Giunta, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 recused (Devlin). 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
- **ORDR082\_01\_14\_19** Fire Department Fees FY2019  
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. Motion to define commercial tent as greater than 400 square feet according to international fire code by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion to insert “and unvented gas appliance” after “\*If a smoke detector inspection and a carbon monoxide inspection” by Councillor Earls, seconded by Councillor Vogel. Withdrawn. Motion to divide fee for unvented gas appliance by Councillor Eigerman, seconded by Councillor Vogel. So voted. Motion to table by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 7 yes, 4 no (Vogel, Devlin, Eigerman, Connell). Motion passed.
- **TRAN037\_01\_28\_19** Pd Parking Fund \$130K to Parking Rev Collect Sys \$130K  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve (Comm vote 2-1, no – Tontar) by Councillor Tontar, seconded by Councillor Khan. Motion to amend subject to both extension of contract with Waterfront Trust and Newburyport Redevelopment Authority by Councillor Giunta, seconded by Councillor Shand. So voted (1 no – Vogel). Motion to approve as amended by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Eigerman). Motion passed.

- **COMM107\_01\_28\_19** FY2019 Mid-Year Budget Report

## **Education**

Councillor Giunta gave an update on STEM, MCAS, and Common Core.

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

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## **General Government**

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

- **COMM109\_01\_28\_19** 2019 Election Calendar

## **License & Permits**

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

- **COMM029\_04\_30\_18** Outdoor Seating – West Row Café
- **COMM100\_12\_10\_18** 2019 Class II Vehicle License – RL Currie Corp.
- **COMM104\_01\_14\_19** Seacoast Taxi - Application by Richard Hewlett for 2019
- **COMM108\_01\_28\_19** 2019 Class II Vehicle License – Great Bay Autobody  
Motion to remove from License & Permit by Councillor Earls, seconded by Councillor OBrien. So voted. Motion to approve, subject to \$25,000 bond, by Councillor Earls, seconded by Councillor OBrien. 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

## **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
- **COMM105\_01\_14\_19** Ltr re: Newport Condominiums
- **ORDR083\_01\_28\_19** Custom House Grant of Easement  
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor OBrien. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 9 yes, 2 no (Zeid, OBrien). Motion passed.
- **ORDR086\_01\_28\_19** CPC FY2019 Amended Recommendation for Affordable Housing Trust Funds
- **ODNC029\_01\_28\_19** Zoning Map Amendment – Storey Ave South

## **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  
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Giunta. So voted. Motion to amend, change date from 4/30 to 6/30 for both lots, by Councillor Devlin, seconded by

Councillor Giunta. So voted. Motion to approve as amended by Councillor Devlin, seconded by Councillor Giunta. So voted.

**COMM086\_09\_24\_18** Ltr from Residents of East Boylston Street

- **COMM087\_09\_24\_18** Ltr re: Coffin Street
- **COMM103\_01\_14\_19** Walk MS - 4/27/2019

Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Khan. So voted.

Motion to approve by Councillor Devlin, seconded by Councillor Khan. So voted.

- **ORDR084\_01\_28\_19** 15-Minute Parking - Liberty Street
- **ORDR085\_01\_28\_19** Parking - Hours of Operation in Lots

Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Giunta. So voted.

Motion to approve by Councillor Devlin, seconded by Councillor Giunta. 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

## **16. GOOD OF THE ORDER**

Councillor Zeid announced a meeting on the Brown School on Wednesday, February 13<sup>th</sup> at 7pm in the gymnasium.

## **17. ADJOURNMENT**

Motion to adjourn by Councillor Zeid, seconded by Councillor OBrien. So voted. 9:30pm.