

CITY COUNCIL MEETING MINUTES – VERSION 2
CITY COUNCIL CHAMBERS
MARCH 25, 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 Gerard Cody, a long-time poll worker for the city. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Zeid, Devlin, Eigerman, Khan, OBrien, Shand, Tontar, Vogel, Connell. 9 present, 2 absent (Earls, Giunta).

(Sound Check)

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE ITEMS**
- 5. PUBLIC COMMENT**

- | | | |
|----------------------|---------------|----------------|
| 1. Walt Thompson | 100 State St | Pesticides Ban |
| 2. Kelly Mahon | 36 Beacon Ave | PMC Kids Ride |
| 3. Fiona Mahon | 36 Beacon Ave | PMC Kids Ride |
| 4. Jeanette Isabella | 1 Lime St | Pesticides Ban |

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. TRANSFERS

- **TRAN041_03_25_19** Free Cash \$54.5K, RRFA Sale of Municipal Bldgs \$54.5K to CIP NHS Exterior Woodwork \$109K (B&F)
- **TRAN042_03_25_19** Health Ins \$28.5K to PRK PT/Seasonal Labor \$28.5K (B&F)
- **TRAN043_03_25_19** Free Cash \$28K to CIP Slope Mower Purchase \$28K (B&F)

8. COMMUNICATIONS

- **COMM127_03_25_19** FY2019 Mid-Year Budget Report Supplement (R&F)
- **COMM128_03_25_19** Open Streets 2019-Newburyport Parks Dept.- 06/23/2019 (PS)
- **COMM129_03_25_19** Annual 8th Pan Mass Challenge Kids Ride-06/09/2019 (PS)
- **COMM130_03_25_19** Cultural Survival Bazaar - 07/20-21/2019 (PS)
- **COMM131_03_25_19** Alzheimer's Association Ride to End Alzheimer's 06/23/2019 (PS)
- **COMM132_03_25_19** Free Standing Sign - 3 Perkins Way (P&D)
- **COMM133_03_25_19** 9th Annual GNOCA 5k Run/Walk 09/22/2019 (PS)
- **COMM134_03_25_19** FY2020-FY2024 Capital Improvement Program Submission (B&F)
- **COMM135_03_25_19** Ltr from Chamber of Commerce re: Parking Permits in Garage (B&F)

9. APPOINTMENTS

- **APPT091_03_25_19** Rick Taintor 10 Dexter Street Planning Board 04/01/2020

Motion to amend, refer to Planning & Development, by Councillor Zeid, seconded by Councillor Tontar. So voted.

END OF CONSENT AGENDA REGULAR AGENDA

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

10. MAYOR'S UPDATE

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

11. APPROVAL OF MINUTES

- March 11, 2019
Councillor Eigerman removed from Consent Agenda. Motion to strike "Motion to amend to 30 minutes from 15 minutes by Councillor Zeid" in ORDR084_01_28_19 by Councillor Zeid, seconded by Councillor Eigerman. So voted. Motion to approve as amended by Councillor Zeid, seconded by Councillor Eigerman. So voted.

12. TRANSFERS

- **TRAN044_03_25_19** CIP Reserv Terr Wall Constr \$22.5K to CIP PI Beach Dune \$22.5K
Councillor Eigerman removed from Consent Agenda. Councillor Eigerman recused. Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Tontar. So voted.

13. COMMUNICATIONS

- **COMM120_03_11_19** Central Congregational Grant Award Letter (**TABLED**)
Motion to remove from table by Councillor Zeid, seconded by Councillor Tontar. So voted. Motion to table by Councillor Zeid, seconded by Councillor Tontar. So voted.

14. APPOINTMENTS

Confirmatory Re-Appointments

- **APPT082_02_25_19** Christopher Kealey 8 Payson St Harbor Commission 12/31/2022
Motion to approve by Councillor Zeid, seconded by Councillor Devlin. Roll call vote, 9 yes, 2 absent (Earls, Giunta). Motion passed.

Second Reading

- **APPT089_03_11_19** Paul Healy 8 N St Conservation Commission 5/1/2022
Motion to waive the rules and approve APPT089_03_11_19 and APPT090_03_11_19 collectively by Councillor OBrien, seconded by Councillor Vogel. Roll call vote, 5 yes, 4 no (Zeid, Khan, Shand, Tontar), 2 absent (Earls, Giunta). Motion failed. Motion to refer APPT089_03_11_19 to Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted (1 no - OBrien).
- **APPT090_03_11_19** Dr. Sam A. Merabi 7 Brown Sq Board of Health 4/1/2022
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Khan. Roll call vote, 8 yes, 1 no (OBrien), 2 absent (Earls, Giunta). Motion passed.

15. ORDERS

- **ORDR093_03_25_19** Gift of Artwork from Scott Signore
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted.

16. ORDINANCES

- **ODNC030_03_25_19** Zoning - Amend Article XXVII Downtown Overlay District

Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted.

- **ODNC031_03_25_19** Regulation of the Use of Pesticides

Motion to suspend the rules, as the sponsoring councillor was not present, by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to refer to Public Safety by Councillor Shand, seconded by Councillor Tontar. So voted (1 present – Zeid).

17. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

Budget & Finance

In Committee:

- **ORDR007_01_29_18** 41C Amendment
- **COMM107_01_28_19** FY2019 Mid-Year Budget Report

Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to receive and file (comm vote 3-0) by Councillor Tontar, seconded by Councillor Zeid. So voted.

- **COMM112_02_11_19** Memo re: Fire-Based EMS Cost/Benefit Analysis
- **TRAN040_03_11_19** Health Ins \$30.5K to Fire Protect Cloth \$28K, CLK Admin \$2.5K
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.
- **COMM121_03_11_19** Annual Audit of the City's FY2018 Financial Statements
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 Khan. So voted.
- **ORDR090_03_11_19** Parking Garage Rates
- **ORDR091_03_11_19** 41C-1/2 Ballot Question (COTW)
- **ORDR092_03_11_19** 41C-1/2 Adjustments (COTW)

Education

In Committee:

-

General Government

In Committee:

-

License & Permits

In Committee:

- **COMM029_04_30_18** Outdoor Seating – West Row Café
- **COMM104_01_14_19** Seacoast Taxi - Application by Richard Hewlett for 2019
- **COMM125_03_11_19** 2019 Class II Vehicle License – Sunoco

Motion to remove from License & Permit by Councillor Vogel, seconded by Councillor Zeid. So voted. Motion to approve (comm vote 2-0) by Councillor Vogel, seconded by Councillor Zeid. 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
- **ORDR086_01_28_19** CPC FY2019 Amended Recommendation for Affordable Housing Trust Funds
- **ODNC029_01_28_19** Zoning Map Amendment – Storey Ave South
- **COMM115_02_11_19** Conservation Restriction - 3 & 5 Collins Farm Road
- **ORDR087_02_11_19** Preservation Restriction Agreement – 28-30 Pleasant Street
- **APPT086_02_25_19** Ann M. Gardner 239 Water St Planning Board 5/31/2024
Motion to waive Rule 20, as there was no resume included, by Councillor Eigerman, seconded by Councillor Vogel. So voted (1 no – Zeid). Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 9 yes, 2 absent (Earls, Giunta). Motion passed.
- **APPT088_02_25_19** Wilbur Shenk 1 Beck St Waterfront Trust 12/1/2024
 - **COMM123_03_11_19** Comprehensive Update to the Newburyport Zoning Ordinance

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
- **COMM087_09_24_18** Ltr re: Coffin Street
- **COMM116_02_25_19** Toward Zero Waste Newburyport Initiative (*full text available*) (**COTW**)
- **COMM124_03_11_19** 2019 Chamber of Commerce Events
- **COMM126_03_11_19** Go Purple for Alzheimer's – 6/15/2019

Public Utilities

Councillor Zeid gave an update on the wastewater treatment facility.

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
Motion to remove from Rules by Councillor Vogel, seconded by Councillor Zeid. So voted. Motion to recommit by Councillor Vogel, seconded by Councillor Eigerman. So voted.
- **ORDR077_11_26_18** Amendment to Council Rule 20
Motion to remove from Rules by Councillor Vogel, seconded by Councillor Zeid. So voted. Motion to approve (comm vote 0-2) by Councillor Vogel, seconded by Councillor Zeid. Roll call vote, 8 no, 1 yes (Connell), 2 absent (Earls, Giunta). Motion failed.
- **COMM119_02_25_19** City Council Rules 2019
Motion to remove from Rules by Councillor Vogel, seconded by Councillor Zeid. So voted. Motion to amend Rule 17A, strike “have Committee measures set to be removed from Committee shown in the Consent Agenda” and replace with “ask the Clerk to place Committee measures on the Consent Agenda”, strike “as set in Rules 7F and 7G” and replace with “including, without limitation, Rules 7F

and 7G”, and add “under Rule 7F” to the end of paragraph 2, by Councillor Vogel, seconded by Councillor Zeid. Roll call vote, 8 yes, 1 no (Khan), 2 absent (Earls, Giunta). Motion passed. Motion to amend Rule 17B, add “notwithstanding the foregoing, the electronic version of the packet, posted on the website, shall be complete” by Councillor Vogel, seconded by Councillor Zeid. Roll call vote, 9 yes, 2 absent (Earls, Giunta). Motion passed. Motion to amend Rule 21, change February 15 to February 28, strike “both the City Auditor and City Treasurer” and replace with “the Finance Director”, strike “City Auditor” and replace with “Finance Director”, and amend one week to two weeks, by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 9 yes, 2 absent (Earls, Giunta). Motion passed. Motion to amend Rule 7J, add “not”, by Councillor Zeid, seconded by Councillor Eigerman. So voted. Motion to approve as amended by Councillor Vogel, seconded by Councillor Tontar. Roll call vote, 8 yes, 1 no (Khan), 2 absent (Earls, Giunta). Motion passed.

18. GOOD OF THE ORDER

Councillor Connell noted the city solicitor will be coming to the next meeting on April 8th with executive session material.

19. ADJOURNMENT

Motion to adjourn by Councillor Zeid, seconded by Councillor OBrien. So voted. 9:00pm.