

**CITY COUNCIL MEETING MINUTES**  
**CITY COUNCIL CHAMBERS**  
**APRIL 8, 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 Jonathan Woodman. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Devlin, Earls, Eigerman, Giunta, Khan, Shand, Tontar, Vogel, Zeid, Connell. 10 present, 1 absent (OBrien).

**(Sound Check)**

**1. MOMENT OF SILENCE**

**2. PLEDGE OF ALLEGIANCE**

**3. CALL TO ORDER**

**4. LATE FILE ITEMS – Version 2 3/25/19 minutes, ORDR096\_04\_08\_19**

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

**5. PUBLIC COMMENT**

1. Robert Uhlig	174 Merrimac St	Dissolution of NRA
2. Rebecca Brodish	26 Summit Pl	Parking
3. Jordan Becker	7 Sanborn Terr, Amesbury	Employee Parking
4. Robin Spero	123 Atlantic Ave, Salisbury	Employee Parking
5. Jordan Cashman	18 Whittier Ave, Amesbury	Employee Parking
6. Ginny Eramo	28R Toppans Ln	Parking
7. Don Little	6 Cottage Ct	CPA Appointment
8. David Strand	10 Railroad St	Dissolution of NRA
9. Bruce Bergwall	32B Bromfield St	Licensing Appointment
10. Bill Harris	56 Lime St	Dissolution of NRA
11. Tom Salemi	16 Tyng St	Dissolution of NRA
12. Elizabeth Heath	25 Oak St	Dissolution of NRA
13. Sandra Small	25 Oak St	Dissolution of NRA
14. Dale Granger-Eckert	89 Lime St	Go Purple
15. Molly Ettenborough		Solar
16. Rhonda McManus	58 Merrimac St	Parking
17. Pam Ketchum	15 Washington St	Dissolution of NRA

**6. MAYOR'S COMMENT**

The Mayor gave a verbal update.

**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**

- March 25, 2019 *Version 2* (Approve)

**8. TRANSFERS**

- TRAN045\_04\_08\_19 Pd Prk Fund \$99.5K to Prk Clk/Admin \$5K, (B&F)  
Prk PT Enforcement Officers \$64K, Prk Supplies \$2.5K, Prk Ticket/Permit Exp \$28K

- TRAN046\_04\_08\_19 Health Insurance \$2,160 to LCM Clerical \$2,160 (B&F)
- TRAN047\_04\_08\_19 Gen Fund - Free Cash \$6K to Spec Needs Parks Equip \$6K (B&F)
- TRAN048\_04\_08\_19 Mult Accts \$1,668,067.29 to Mult Accts \$1,668,067.29 (B&F)

## 9. COMMUNICATIONS

- COMM136\_04\_08\_19 Yankee Homecoming 2019 - 7/26-8/4 (PS)
- COMM137\_04\_08\_19 IPA 5K - 5/19/2019, 7/14/2019, 9/8/2019 (PS)
- COMM138\_04\_08\_19 Newburyport Lions Club YHC Road Race - 7/30/2019 (PS)
- COMM139\_04\_08\_19 Communication from Kopelman & Paige re: Closed Legal Matters (GG)
- COMM140\_04\_08\_19 Sip, Shop, SupPORT - 5/10/2019 (PS)
- COMM141\_04\_08\_19 Dr. Sam A. Merabi Resume *as requested* (PS)

## 10. APPOINTMENTS

### First Reading

- APPT092\_04\_08\_19 Ron Ziemba 58 Lime St, #1 Comm Pres Act Comm (rep. Hist Comm) 4/1/2022

### Refer to License & Permit

- APPT093\_04\_08\_19 Bruce Bergwall 32B Bromfield St License Comm 5/1/2025

### Re-Appointments

- APPT094\_04\_08\_19 Donald F. Little 6 Cottage Ct Comm Pres Act Comm 5/1/2022
- APPT095\_04\_08\_19 Brian Greenberg 29 Lafayette St Disabilities Comm 3/1/2022

ALL ITEMS NOTED BELOW ARE REMOVED FROM THEIR RESPECTIVE COMMITTEES WITH THE MOTION TO APPROVE THE CONSENT AGENDA:

### Committee Items - Budget & Finance

- TRAN042\_03\_25\_19 – Health Ins \$28.5K to PRK PT/Seasonal Labor \$28.5K
- TRAN043\_03\_25\_19 – Free Cash \$28K to CIP Slope Mower Purchase \$28K
- TRAN044\_03\_25\_19 – CIP Reserv Terr Wall Constr \$22.5K to CIP PI Beach Dune \$22.5K
- ORDR093\_03\_25\_19 – Gift of Artwork from Scott Signore
- ORDR090\_03\_11\_19 – Parking Garage Rates
- COMM135\_03\_25\_19 – Ltr from Chamber of Commerce re: Parking Permits in Garage

### Committee Items - Public Safety

- ORDR031\_04\_30\_18 No Parking Titcomb from Pleasant to Merrimac
- ORDR032\_04\_30\_18 No Parking Merrimac St from Titcomb St Running Westerly
- COMM126\_03\_11\_19 Go Purple for Alzheimer's - 6/15/2019

## END OF CONSENT AGENDA

## REGULAR AGENDA

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

## 11. MAYOR'S UPDATE

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

## 12. COMMUNICATIONS

- COMM120\_03\_11\_19 Central Congregational Grant Award Letter (TABLED)

Motion to remove from table by Councillor Zeid, seconded by Councillor Tontar. Motion to table by Councillor Zeid, seconded by Councillor Devlin. So voted.

### 13. ORDERS

- ORDR094\_04\_08\_19 Traffic Changes - Green, Pleasant, and Titcomb Streets  
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Giunta. So voted.
- ORDR095\_04\_08\_19 Resolution Promoting Awareness of Sewage Pollution in Public Water  
Motion to refer to Public Safety by Councillor Khan, seconded by Councillor Giunta. So voted.
- ORDR096\_04\_08\_19 LATE FILE Solar Alternative On-Bill Credits  
Motion to refer to Public Utilities by Councillor Zeid, seconded by Councillor Eigerman. So voted.

### 14. ORDINANCES

- NONE

### 15. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

#### Budget & Finance

##### *In Committee:*

- ORDR007\_01\_29\_18 41C Amendment
- COMM112\_02\_11\_19 Memo re: Fire-Based EMS Cost/Benefit Analysis
- **ORDR090 03 11 19 Parking Garage Rates**  
Motion to approve (Comm vote 3-0) by Councillor Tontar, seconded by Councillor Zeid. So voted.
- ORDR091\_03\_11\_19 41C-1/2 Ballot Question (COTW)
- ORDR092\_03\_11\_19 41C-1/2 Adjustments (COTW)
- TRAN041\_03\_25\_19 Free Cash \$54.5K, RRFA Sale of Municipal Bldgs \$54.5K to CIP NHS Exterior Woodwork \$109K
- **TRAN042 03 25 19 Health Ins \$28.5K to PRK PT/Seasonal Labor \$28.5K**  
Motion to approve (Comm vote 2-1, Zeid) by Councillor Tontar, seconded by Councillor Khan... So voted (2 no – Eigerman, Zeid; 1 absent – OBrien).
- **TRAN043 03 25 19 Free Cash \$28K to CIP Slope Mower Purchase \$28K**  
Motion to approve by Councillor Tontar, seconded by Councillor Khan... So voted.
- **TRAN044 03 25 19 CIP Reserv Terr Wall Constr \$22.5K to CIP PI Beach Dune \$22.5K**  
Councillor Eigerman recused. Motion to approve by Councillor Tontar, seconded by Councillor Khan. So voted.
- COMM134\_03\_25\_19 FY2020-FY2024 Capital Improvement Program Submission
- **COMM135 03 25 19 Ltr from Chamber of Commerce re: Parking Permits in Garage**  
Motion to receive and file by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR093 03 25 19 Gift of Artwork from Scott Signore**  
Motion to approve (Comm vote 3-0) by Councillor Tontar, seconded by Councillor Zeid. So voted.

#### Education

Handout for School Committee Budget from Councillor Giunta

##### *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

## 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**

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.

- ODNC008\_02\_12\_18 Disposition of G. W. Brown School
- **ORDR024 04 09 18 Special Act to Dissolve Newburyport Redevelopment Authority (COTW)**  
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 7 yes, 3 no (Giunta, Khan, Shand), 1 absent (OBrien). Motion passed. Motion to amend by substituting amendment of April 4, 2019, by Councillor Eigerman, seconded by Councillor Vogel. Motion to amend, insert the following language as a new Section 4: “The City shall reserve any monies transferred to the City pursuant to Section 2 above in addition to no less than 100% of any ongoing meter revenues generated from parking on the land solely for the purposes of design, construction, maintenance, or operation of an extended Waterfront Park, as designated in this Order under Article 97. Such funds shall be placed into a separate, designated Receipts Reserved for Appropriation fund for these purposes as improvements to the public realm.”, by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (OBrien). Motion to amend, add Section 9: “The City of Newburyport commits to designing, funding, and building a Waterfront Park, in accordance with the will of the Residents of the City of Newburyport. On a best-efforts basis, the design shall be consistent with the principles and references documented in “COMM067\_05\_30\_17” – Ad Hoc Central Waterfront Committee agreed upon by the Newburyport City Council in May of 2017 by a 10-0 (1 absent) vote.”, by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (OBrien). Motion to amend with the language of the proposed amendment, update April 4, 2019 amendment to include updated language in sections 4 and 9, by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote, 9 yes, 1 no (Khan), 1 absent (OBrien). Motion to approve as amended by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 9 yes, 1 no (Khan), 1 absent (OBrien). Motion passed.

## APPOINTMENTS

- APPT096\_04\_08\_19 Richard Person 4 Wrights Ct Redevelopment Authority 4/10/2022  
Motion to refer to Planning & Development by Councillor Khan, seconded by Councillor Devlin. Withdrawn. Taken up with Planning & Development committee items, after ORDR024\_04\_09\_18. Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted.

- ODNC014\_04\_30\_18 Amendment to Demolition Delay
- **COMM105 01 14 19 Ltr re: Newport Condominiums**  
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.

- 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
- **APPT088\_02\_25\_19 Wilbur Shenk 1 Beck St Waterfront Trust 12/1/2024**  
Motion to remove APPT088\_02\_25\_19, APPT089\_03\_11\_19, and APPT091\_03\_25\_19 collectively from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve collectively by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (OBrien) Motion passed.
- **COMM123\_03\_11\_19 Comprehensive Update to the Newburyport Zoning Ordinance**  
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.
- **APPT089\_03\_11\_19 Paul Healy 8 N St Conservation Comm 5/1/2022**
- **COMM132\_03\_25\_19 Free Standing Sign - 3 Perkins Way**  
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve subject to removal of existing signs by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **APPT091\_03\_25\_19 Rick Taintor 10 Dexter St Planning Board 04/01/2020**
- ODNC030\_03\_25\_19 Zoning - Amend Article XXVII Downtown Overlay District

## 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**  
Motion to receive and file by Councillor Devlin, seconded by Councillor Zeid. So voted.
- **ORDR032\_04\_30\_18 No Parking Merrimac St from Titcomb St Running Westerly**  
Motion to receive and file by Councillor Devlin, seconded by Councillor Zeid. So voted.
- 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**  
Motion to approve by Councillor Devlin, seconded by Councillor Giunta. So voted.
- **COMM126\_03\_11\_19 Go Purple for Alzheimer's – 6/15/2019**  
Motion to approve by Councillor Devlin, seconded by Councillor Zeid. So voted.
- COMM128\_03\_25\_19 Open Streets 2019 - Newburyport Parks Dept – 06/23/2019
- COMM129\_03\_25\_19 Annual 8<sup>th</sup> Pan Mass Challenge Kids Ride – 06/09/2019
- COMM130\_03\_25\_19 Cultural Survival Bazaar – July 20-21 2019
- COMM131\_03\_25\_19 Alzheimer's Association Ride to End Alzheimer's – 06/23/2019
- COMM133\_03\_25\_19 9<sup>th</sup> Annual GNOCA 5K Run/Walk 09/22/2019
- ODNC031\_03\_25\_19 Regulation of the Use of Pesticides
- APPT090\_03\_11\_19 Dr. Sam A. Merabi 7 Brown Sq Board of Health 4/1/2022

## 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

Motion to waive the Rules to extend the Council meeting past 11:00pm...by Councillor Zeid, seconded by Councillor Tontar. So voted.

**16. EXECUTIVE SESSION** – to discuss strategy with respect to the following legal matters, litigation, and other negotiations: 115 Water Street Acquisition; Collective Bargaining and Grievances; Central Congregational Church, United Church of Christ v. City of Newburyport Planning Board; Evergreen Commons; Habeeb, et. al. v. Teixeira, et. al.; McConnell, et. al. v. Bonnie Sontag, et. al.; Raymond v. Mark Murray (Marshal of Police); The Cottages at Plum Island, LLC v. Atkinson et. al.  
Motion to go in to Executive Session by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed. 10:52pm. Councillor Connell announced that the City Council would not return to Open Session. Motion to go out of Executive Session by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.

## **19. GOOD OF THE ORDER**

Councillor Tontar stated that Capital Improvement Program hearing on Monday, April 22<sup>nd</sup> at 7pm.

## **20. ADJOURNMENT**

Motion to adjourn by Councillor Zeid, seconded by Councillor Giunta. So voted. 11:25pm.