

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
APRIL 29, 2019

7:15PM

Pole Hearing – 197 Low Street

John Butler from National Grid spoke in favor. Motion to refer to Public Utilities by Councillor Zeid, seconded by Councillor Khan. 8 yes, 3 absent (Giunta, OBrien, Connell). Motion passed.

7:30PM

The City Council President Pro Tempore, Gregory Earls, called the meeting to order at 7:30pm, followed by the Pledge of Allegiance. A moment of silence was held for the victims of the attacks in Sri Lanka and the synagogue shooting in California. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Eigerman, Giunta, Khan, OBrien, Shand, Tontar, Vogel, Zeid, Devlin, Earls. 10 present, 1 absent (Connell).

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS

5. PUBLIC COMMENT

1. Gloria Poirier	22 Fair St	41C½
2. Bruce Menin	148 High St #2	NYS
3. Phyllis Hill	32 Low St	NYS
4. Connie Preston	18 Atwood St	Trees
5. Sarah Hall	8 Arthur Welch Dr	NYS
6. Brian Callahan	29 Warren St	NYS
7. Jessica Olson	28 Charles St	NYS
8. Mike Olson	28 Charles St	NYS
9. Paul Acquaviva	62 Bromfield St	NYS
10. Christine Doherty	13 Purchase St	NYS
11. Genise Bonacorsi	53 Turkey Hill Rd	NYS
12. Jane Snow	9 Coffin St	Free Cash
13. Sean Gallagher	40 Bellevue Ave, Salem	NYS
14. Judy Tymon	39 Lime St	Open Streets
15. Erin Newman	8 Frances Dr	NYS
16. Jennie Donahue	18 Cherry St	Swings

6. MAYOR'S COMMENT

The Mayor gave an update pursuant to her written communication.

7. PRESENTATION RE: 41C½

The City Auditor, Ethan Manning, gave a presentation on Clause 41C½.

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

- April 8, 2019

(Approve)

9. TRANSFERS

- TRAN049_04_29_19 Pd Prk Fund \$54.5K to CIP Prk Facility \$34.5K, Ticket & Permit Expense \$20K (B&F)
- TRAN050_04_29_19 POL Fuel/Oil \$11K to POL Maint - Building \$11K (B&F)

10. COMMUNICATIONS

- COMM142_04_29_19 Newburyport Spring Festival - 5/26-27 2019 (PS)
- COMM143_04_29_19 Cruisin' the 50s Car Show - 8/15/19 (PS)
- COMM144_04_29_19 Newburyport Fall Harvest Festival - 10/13-14 2019 (PS)
- COMM145_04_29_19 Witches' Night Out - 10/18/19 (PS)
- COMM146_04_29_19 Downtown Trick or Treat - 10/25/19 (PS)
- COMM147_04_29_19 Invitation Nights - 12/6, 12/13, 12/20 2019 (PS)
- COMM148_04_29_19 Bed Race - 8/1/2019 (PS)
- COMM150_04_29_19 5th Annual Harborside Half Marathon & 5K - 11/10/19 (PS)
- COMM151_04_29_19 A-Frame Variance Request - Wellsco, LLC (L&P)

11. APPOINTMENTS

Re-Appointments

- | | | | | |
|--------------------|------------------|---------------------|-------------------|-----------|
| • APPT097_04_29_19 | Peter M. Blaiwas | 61 Pleasant St #717 | Human Rights Comm | 5/1/2022 |
| • APPT098_04_29_19 | Thomas Getz | 36 Broad St | Human Rights Comm | 5/31/2022 |

Refer to Planning & Development

- | | | | | |
|--------------------|--------------------|-------------|-----|-----------|
| • APPT099_04_29_19 | Stephen G. DeLisle | 195 High St | ZBA | 5/31/2020 |
|--------------------|--------------------|-------------|-----|-----------|

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

Budget & Finance

- TRAN045_04_08_19 Pd Prk Fund \$99.5K to Prk Clk/Admin \$5K, 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
- TRAN047_04_08_19 Gen Fund - Free Cash \$6K to Spec Needs Parks Equip \$6K
- TRAN048_04_08_19 Mult Accts \$1,668,067.29 to Mult Accts \$1,668,067.29

License & Permit

- | | | | | |
|--------------------|----------------|------------------|--------------|----------|
| • APPT093_04_08_19 | Bruce Bergwall | 32B Bromfield St | License Comm | 5/1/2025 |
|--------------------|----------------|------------------|--------------|----------|

Public Safety

- | | | | | |
|--------------------|-------------------|------------|-----------------|----------|
| • APPT090_03_11_19 | Dr. Sam A. Merabi | 7 Brown Sq | Board of Health | 4/1/2022 |
|--------------------|-------------------|------------|-----------------|----------|

- COMM129_03_25_19 Annual 8th 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 9th Annual GNOCA 5K Run/Walk 09/22/2019
- COMM137_04_08_19 IPA 5K - 5/19/2019, 7/14/2019, 9/8/2019
- COMM140_04_08_19 Sip, Shop, SupPORT - 5/10/2019
- COMM141_04_08_19 Dr. Sam A. Merabi Resume *as requested*

END OF CONSENT AGENDA REGULAR AGENDA

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

12. MAYOR'S UPDATE

Motion to receive and file 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 the table by Councillor Zeid, seconded by Councillor Tontar. So voted. Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Giunta. So voted.
- COMM149_04_29_19 Newburyport Art Walk - 5/4/19
Councillor Devlin removed from Consent Agenda. Motion to waive the rules by Councillor Devlin, seconded by Councillor Giunta. So voted. Motion to approve emergency preamble by Councillor Devlin, seconded by Councillor Giunta. The Clerk read the emergency preamble into the record. Roll call vote, 8 yes, 2 no (Khan, Zeid), 1 absent (Connell). Motion passed. Motion to approve by Councillor Devlin, seconded by Councillor Giunta. So voted (1 no – Khan).

14. TRANSFERS

- TRAN051_04_29_19 LIB SAL Librarian \$7.7K to LIB AV Material \$3.7K, LIB Admin Expense \$2K, LIB Supplies \$2K
Councillor Tontar removed from Consent Agenda. Motion to refer to Neighborhood & City Services by Councillor Tontar, seconded by Councillor Vogel. So voted.
- TRAN052_04_29_19 LIB SAL Staff \$11K to LIB Maint - Building \$11K
Councillor Tontar removed from Consent Agenda. Motion to refer to Neighborhood & City Services by Councillor Tontar, seconded by Councillor Vogel. So voted.

15. APPOINTMENTS

Second Reading

- APPT092_04_08_19 Ron Ziemba 58 Lime St, #1 Comm Pres Act Comm (rep. Hist Comm) 4/1/2022

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

Motion to approve second reading appointments collectively by Councillor Zeid, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 absent (Connell). Motion passed.

16. ORDERS

- ORDR097_04_29_19 Council on Aging Van Gift Acceptance \$25K
Motion to take ORDR097_04_29_19, ORDR098_04_29_19, and ORDR099_04_29_19 collectively by Councillor Zeid, seconded by Councillor Tontar. So voted. Motion to refer ORDR097_04_29_19, ORDR098_04_29_19, and ORDR099_04_29_19 collectively to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted.
- ORDR098_04_29_19 FY19 Revolving Fund Spending Limit Increase
- ORDR099_04_29_19 Band Uniforms Gift Acceptance \$2190
- ORDR100_04_29_19 Resolution Recognizing NHS 2019 Valedictorian and Salutatorians
Motion to table by Councillor Zeid, seconded by Councillor Giunta. So voted.

17. ORDINANCES

- NONE

18. 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
- 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
- COMM134_03_25_19 FY2020-FY2024 Capital Improvement Program Submission
- **TRAN045 04 08 19 Pd Prk Fund \$99.5K to Prk Clk/Admin \$5K, Prk PT Enforcement Officers \$64K, Prk Supplies \$2.5K, Prk Ticket/Permit Exp \$28K**
Motion to approve by Councillor Tontar, seconded by Councillor Khan. Motion to divide the question, such that the asset of the parking garage be assigned to the Parking Department or DPS, by Councillor Eigerman. Withdrawn. Motion to amend, remove \$2,500, by Councillor Vogel, seconded by Councillor Eigerman. So voted. Motion to approve as amended by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Connell). Motion passed.
- **TRAN046 04 08 19 Health Insurance \$2,160 to LCM Clerical \$2,160**
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **TRAN047 04 08 19 Gen Fund - Free Cash \$6K to Spec Needs Parks Equip \$6K**
Motion to approve by Councillor Tontar, seconded by Councillor Khan. So voted.
- **TRAN048 04 08 19 Mult Accts \$1,668,067.29 to Mult Accts \$1,668,067.29**
Motion to approve \$65K for Newburyport Youth Services (PL007) by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 9 yes, 1 no (Zeid), 1 absent (Connell). Motion passed. Motion to refer remainder of TRAN048_04_08_19 back to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted.

Education

Councillor Giunta announced the next meeting will be Monday, May 6th, at 5:30pm in the Senior/Community Center.

In Committee:

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General Government

In Committee:

- COMM139_04_08_19 Communication from Kopelman & Paige re: Closed Legal Matters

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
- **APPT093 04 08 19 Bruce Bergwall 32B Bromfield St License Comm** **5/1/2025**
Motion to approve by Councillor Vogel, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Connell). Motion passed.

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:

- ODNC008_02_12_18 Disposition of G. W. Brown School
- ODNC014_04_30_18 Amendment to Demolition Delay
- 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
- ODNC030_03_25_19 Zoning - Amend Article XXVII Downtown Overlay District
- **APPT096 04 08 19 Richard Person 4 Wrights Ct Redevelopment Authority 4/10/2022**

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, 10 yes, 1 absent (Connell). Motion passed.

Public Safety

In Committee:

- ODNC009_02_12_18 Floating Homes, Houseboats, and Related Marinas
- COMM087_09_24_18 Ltr re: Coffin Street
- COMM116_02_25_19 Toward Zero Waste Newburyport Initiative (*full text available*) (COTW)
- **COMM128 03 25 19 Open Streets 2019 - Newburyport Parks Dept – 06/23/2019**
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted.
Motion to approve by Councillor Devlin, seconded by Councillor Zeid. So voted.
- **COMM129 03 25 19 Annual 8th Pan Mass Challenge Kids Ride – 06/09/2019**
Motion to approve, subject to insurance, by Councillor Devlin, seconded by Councillor Tontar. So voted.
- **COMM130 03 25 19 Cultural Survival Bazaar – July 20-21 2019**
Motion to refer back to Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted.
- **COMM131 03 25 19 Alzheimer's Association Ride to End Alzheimer's – 06/23/2019**
Motion to approve by Councillor Devlin, seconded by Councillor Zeid. So voted.
- **COMM133 03 25 19 9th Annual GNOCA 5K Run/Walk 09/22/2019**
Motion to approve by Councillor Devlin, seconded by Councillor Zeid. So voted.
- 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**
Motion to approve (comm vote 2-0) by Councillor Devlin, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Connell). Motion passed.
- **COMM136 04 08 19 Yankee Homecoming 2019 - 7/26-8/4**
- **COMM137 04 08 19 IPA 5K - 5/19/2019, 7/14/2019, 9/8/2019**
Motion to approve by Councillor Devlin, seconded by Councillor Zeid. So voted.
- **COMM138 04 08 19 Newburyport Lions Club YHC Road Race - 7/30/2019**
- **COMM140 04 08 19 Sip, Shop, SupPORT - 5/10/2019**
Motion to approve, subject to insurance, by Councillor Devlin, seconded by Councillor Zeid. So voted.
- **COMM141 04 08 19 Dr. Sam A. Merabi Resume as requested**
Motion to receive and file by Councillor Devlin, seconded by Councillor Zeid. So voted.
- ORDR094_04_08_19 Traffic Changes - Green, Pleasant, and Titcomb Streets
- ORDR095_04_08_19 Resolution Promoting Awareness of Sewage Pollution in Public Water

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
- ORDR096_04_08_19 Solar Alternative On-Bill Credits

Councillor Zeid gave an update on this committee item and stated it will probably come up for a vote at the next meeting.

Rules Committee

In Committee:

- ORDR057_08_27_18 Amendment to Council Rule 12A

17. GOOD OF THE ORDER

19. ADJOURNMENT

Motion to adjourn by Councillor Zeid, seconded by Councillor OBrien. So voted. 9:48pm.