

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
MAY 13, 2019

7:30PM

The City Council President, Barry Connell, called the meeting to order at 7:30pm, followed by the Pledge of Allegiance. 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, Connell. 11 present.

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS – 2 Public Safety committee items (ORDR095_04_08_19, COMM142_04_29_19), ORDR111EP_05_13_19, ORDR111_05_13_19, TRAN041_03_25_19 Revised

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

5. PUBLIC COMMENT

- | | | |
|-------------------|----------------|------------------|
| 1. Mackenzie Koch | 22 Virginia Ln | Strut for Strays |
| 2. Eileen Ryan | 350 High St | HRC Appointment |
| 3. Mike Olson | 28 Charles St | Brown School |
| 4. Katie Nye | 8 Russell Terr | HRC Appointment |

6. ORDR100_04_29_19 Motion to take out of order by Councillor Zeid, seconded by Councillor Giunta. So voted. Motion to remove from table by Councillor Zeid, seconded by Councillor Giunta. So voted. Motion to receive and file by Councillor Zeid, seconded by Councillor Giunta. So voted. Valedictorian Samuel Acquaviva and Salutatorians Jillian Gray and Katherine Sheehy were in attendance.

7. MAYOR'S COMMENT AND BUDGET PRESENTATION

The Mayor gave an update pursuant to her written communication and included the budget presentation and slides.

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 29, 2019 (Approve)

9. TRANSFERS

- TRAN053_05_13_19 Free Cash \$23K to YTH Brown School Expenses \$23K (B&F)
- TRAN054_05_13_19 Free Cash \$100K to FIR Overtime \$100K (B&F)
- TRAN055_05_13_19 SEW I/I Rehabilitation \$60K to SEW Plant Chemicals \$60K (B&F)

10. COMMUNICATIONS

- COMM152_05_13_19 Strut for Strays - 6/2/2019 (PS)

11. APPOINTMENTS

First Reading

- APPT100_05_13_19 Laurie Pierce 15 Second St, Amesbury Chief Procurement Officer
- APPT101_05_13_19 Katie Nye 8 Russell Terr Human Rights Comm 5/31/2021
- APPT102_05_13_19 Eileen Ryan 350 High St Human Rights Comm 6/1/2021

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

Budget & Finance

- TRAN049_04_29_19 Pd Prk Fund \$54.5K to CIP Prk Facility \$34.5K, Ticket & Permit Expense \$20K
- TRAN050_04_29_19 POL Fuel/Oil \$11K to POL Maint - Building \$11K
- ORDR097_04_29_19 Council on Aging Van Gift Acceptance \$25K
- ORDR098_04_29_19 FY19 Revolving Fund Spending Limit Increase
- ORDR099_04_29_19 Band Uniforms Gift Acceptance \$2190

Neighborhoods and City Services

- TRAN051_04_29_19 LIB SAL Librarian \$7.7K to LIB AV Material \$3.7K, LIB Admin Expense \$2K, LIB Supplies \$2K
- TRAN052_04_29_19 LIB SAL Staff \$11K to LIB Maint - Building \$11K

Public Utilities

- ORDR096_04_08_19 Solar Alternative On-Bill Credits
Councillor Zeid removed from Consent Agenda.

END OF CONSENT AGENDA

REGULAR AGENDA

Motion to approve 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. ORDR111EP_05_13_19 LATE FILE Emergency Preamble - Amended Kelley School Order

Motion to approve by Councillor Tontar, seconded by Councillor Eigerman. Roll call vote, 11 yes. Motion passed.

14. ORDR111_05_13_19 LATE FILE Amended Kelley School Order

Motion to approve by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion passed.

15. TRANSFERS

- **TRAN041_03_25_19 Free Cash \$54.5K, RRFA Sale of Municipal Bldgs \$54.5K to CIP NHS Exterior Woodwork \$109K**

Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. So voted. Motion to amend (\$110,903 from CIP Nock/Molin Parking Lot totaling \$219,903 to CIP NHS Exterior Woodwork Phase III) by Councillor Tontar, seconded by Councillor Vogel. So voted. Motion to approve as amended by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 present (Earls). Motion passed.

16. APPOINTMENTS

Second Reading

- 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

Motion to approve second reading appointments collectively by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.

17. ORDERS

- ORDR101_05_13_19 Handicapped Parking Space – Pleasant Street at Unicorn Street
Motion to take ORDR101_05_13_19, ORDR102_05_13_19, and ORDR104_05_13_19 collectively by Councillor Zeid, seconded by Councillor Devlin. So voted. Motion to refer ORDR101_05_13_19, ORDR102_05_13_19, and ORDR104_05_13_19 collectively to Public Safety by Councillor Zeid, seconded by Councillor Tontar. So voted.
- ORDR102_05_13_19 15-Min Parking Space – 92 Pleasant Street
- ORDR103_05_13_19 Parking Garage – Fees Inn Permit
Motion to refer ORDR103_05_13_19, ORDR105_05_13_19, ORDR107_05_13_19, ORDR109_05_13_19, and ORDR110_05_13_19 collectively to Budget & Finance (ORDR105_05_13_19 with Committee of the Whole) by Councillor Zeid, seconded by Councillor Tontar. So voted.
- ORDR104_05_13_19 Drop Off Space – Market St
- ORDR105_05_13_19 FY2020 Budget
- ORDR106_05_13_19 Intermunicipal Agreement Animal Control Services
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.
- ORDR107_05_13_19 Fire Apparatus Loan Order
- ORDR108_05_13_19 Acceptance of the Former George W. Brown School
Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Vogel. So voted.
- ORDR109_05_13_19 Acceptance of Chapter 32, Section 12(2)(d) – Survivor Allowance
- ORDR110_05_13_19 Acceptance of Chapter 32, Section 101 – Surviving Spouse

18. ORDINANCES

- ODNC032_05_13_19 Zoning – Amend Ag-Con District
Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Vogel. So voted.
- ODNC033_05_13_19 Zoning – Amendment to Former George W. Brown School Parcels
Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Tontar. So voted.
- ODNC034_05_13_19 Amendment to Salary of Elected Officials
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted (3 no – OBrien, Zeid, Earls).

19. 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)
- COMM120_03_11_19 Central Congregational Grant Award Letter
- COMM134_03_25_19 FY2020-FY2024 Capital Improvement Program Submission
- TRAN048_04_08_19 Mult Accts \$1,668,067.29 to Mult Accts \$1,668,067.29

- **TRAN049 04 29 19 Pd Prk Fund \$54.5K to CIP Prk Facility \$34.5K, Ticket & Permit Expense \$20K**

Motion to approve (comm vote 2-1, Zeid) by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to divide by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$20K transfer by Councillor Tontar, seconded by Councillor Zeid. So voted. Councillor Zeid requested that this payment be final and complete contractual obligations. Motion to approve \$34.5K by Councillor Tontar, seconded by Councillor Khan. So voted (2 no – OBrien, Zeid).

- **TRAN050 04 29 19 POL Fuel/Oil \$11K to POL Maint - Building \$11K**

Motion to approve by Councillor Tontar, seconded by Councillor OBrien. So voted.

- **ORDR097 04 29 19 Council on Aging Van Gift Acceptance \$25K**

Motion to approve (comm vote 3-0) by Councillor Tontar, seconded by Councillor OBrien. So voted.

- **ORDR098 04 29 19 FY19 Revolving Fund Spending Limit Increase**

Motion to approve (comm vote 3-0) by Councillor Tontar, seconded by Councillor Khan. So voted.

- **ORDR099 04 29 19 Band Uniforms Gift Acceptance \$2190**

Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted. Clerk to send thank you letter.

Education

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
- **COMM151 04 29 19 A-Frame Variance Request - Wellsco, LLC**

Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Tontar. So voted.

Motion to approve, until business signage constructed, by Councillor Earls, seconded by Councillor Tontar. So voted (1 no – Connell).

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
- **TRAN051 04 29 19 LIB SAL Librarian \$7.7K to LIB AV Material \$3.7K, LIB Admin Expense \$2K, LIB Supplies \$2K**

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

- **TRAN052 04 29 19 LIB SAL Staff \$11K to LIB Maint - Building \$11K**

Motion to approve by Councillor Zeid, seconded by Councillor Tontar. So voted.

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**
Councillor Eigerman recused. Motion to remove from Planning & Development by Councillor Giunta, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Giunta, seconded by Councillor Earls. So voted.
- ORDR087_02_11_19 Preservation Restriction Agreement – 28-30 Pleasant Street
- ODNC030_03_25_19 Zoning - Amend Article XXVII Downtown Overlay District
- **APPT099_04_29_19 Stephen G. DeLisle 195 High St ZBA** **5/31/2020**
Councillor Devlin recused. Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 recused (Devlin). 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)
- COMM130_03_25_19 Cultural Survival Bazaar – July 20-21 2019
- ODNC031_03_25_19 Regulation of the Use of Pesticides
- COMM136_04_08_19 Yankee Homecoming 2019 - 7/26-8/4
- COMM138_04_08_19 Newburyport Lions Club YHC Road Race - 7/30/2019
- ORDR094_04_08_19 Traffic Changes - Green, Pleasant, and Titcomb Streets
- **ORDR095_04_08_19 Resolution Promoting Awareness of Sewage Pollution in Public Water**
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.
- **COMM142_04_29_19 Newburyport Spring Festival - 5/26-27 2019**
Councillor Eigerman recused. Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor OBrien. So voted. Motion to approve (comm vote 3-0), subject to updated worker's compensation insurance, by Councillor Devlin, seconded by Councillor OBrien. So voted.
- COMM143_04_29_19 Cruisin' the 50s Car Show - 8/15/19
- COMM144_04_29_19 Newburyport Fall Harvest Festival - 10/13-14 2019
- COMM145_04_29_19 Witches' Night Out - 10/18/19
- COMM146_04_29_19 Downtown Trick or Treat - 10/25/19
- COMM147_04_29_19 Invitation Nights - 12/6, 12/13, 12/20 2019
- COMM148_04_29_19 Bed Race - 8/1/2019
- COMM150_04_29_19 5th Annual Harborside Half Marathon & 5K - 11/10/19

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
- Pole Hearing – 197 Low Street

Rules Committee

In Committee:

- ORDR057_08_27_18 Amendment to Council Rule 12A

20. GOOD OF THE ORDER

Councillor Khan noted the Newburyport Community Iftar will be on May 22nd at the Senior Center. Councillor Tontar announced the Budget Workshops will begin this Thursday, May 16th.

21. ADJOURNMENT

Motion to adjourn by Councillor Tontar, seconded by Councillor Vogel. So voted. 9:19pm.