

CITY COUNCIL MEETING MINUTES - VERSION 1

May 27, 2014

Council President O'Brien called the meeting to order at 7:35 pm. A moment of silence was held for all those remembered during this past Memorial Day Observance. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Tontar, Vogel, Cameron, Connell, Cronin, Eigerman, Giunta, Herzog, Kinsey and O'Brien. 10 present, 1 absent (Heartquist).

1. LATE FILES – Mayor's Communication #11

2. Motion to waive the rules and allow the late file by Councillor Cameron, seconded by Councillor Vogel. 10 yes, 1 absent (Heartquist). So voted.

3. PUBLIC COMMENT

- | | | |
|----------------------|---------------|------------------------|
| 1) Dan Eyink | 171 High St | Water Fluoridation |
| 2) Bill Patenaude | Methuen, MA | Water Fluoridation |
| 3) Chris Martel | Amesbury, MA | Water Fluoridation |
| 4) Spencer McNeil | Bedford, MA | Water Fluoridation |
| 5) Vincent Zanfagna | 8 Beck St. | Water Fluoridation |
| 6) Andrew Teichner | Boxford, MA | Water Fluoridation |
| 7) Judy Avery | 54 Milk St. | Appt. Cultural Council |
| 8) Steve Ruszczyk | Seabrook, NH | PAVO |
| 9) Marnee Meyer | Cambridge, MA | Water Fluoridation |
| 10) Jeffrey Brunelle | 106 Low St | Plastic Bags |
| 11) Paul O'Brien | 11 Munroe St | Plastic Bags |
| 12) Daniel Deren | 154 Water St | Water Fluoridation |
| 13) P.J.Goddard | 21 Carter St | Water Fluoridation |

4. MAYOR'S COMMENT

The Mayor provided a brief update on a number of matters outlined in her 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.

1. APPROVAL OF MINUTES

May 12, 2014

(Approved)

2. TRANSFERS

- | | |
|--|------------|
| 1. Youth Services Sub. Abuse Gr \$15,000 to Drug Free Communities Gr. \$15,000 | (Approved) |
| 2. DPS RSV App DPW Gas \$23,000 to DPS Highway Fuel & Oil \$23,000 | (Approved) |

9. COMMUNICATIONS

- | | |
|---|-------|
| 1. Patriots for American Veterans Organization (PAVO) Walk for our Troops Oct.4, 2014 | (PS) |
| 2. Letter from Daniel Eyink, MD regarding water fluoridation | (R&F) |

Removed at the request of Councillor Herzog. Councillor Herzog moved to Refer to PU, seconded by Councillor Kinsey. So voted on a Roll Call vote, 8 yes, 2 No (Connell, O'Brien), 1 absent (Heartquist).

- | | |
|---|------|
| 3. Orange Leaf Frozen Yogurt use of Market Square June 28, 2014 | (PS) |
|---|------|

Removed at the request of Councillor Cronin. Councillor Cronin moves to Approve, seconded by Councillor Giunta. So voted.

10. APPOINTMENTS-First Reading

- | | | | |
|-------------------|------------------|---|-----------------|
| 1. Judy Avery | 54 Milk Street | Appointment
Cultural Council | June 1, 2017 |
| 2. Katie Guildner | 7 Broad Street#2 | Re-Appointment
Moseley Woods Commission | January 1, 2017 |

END OF CONSENT AGENDA

Motion to approve Consent Agenda as amended by Councillor Cameron, seconded by Councillor Herzog. So voted.

REGULAR AGENDA

11. COMMUNICATIONS

11. LATE FILE Mayor's Update

12. APPOINTMENTS-Second Reading

Re-Appointment

- | | | | |
|------------------|---------------------|-------------------|----------------|
| 3. Andrew Casson | 240 Merrimac Street | Harbor Commission | March 31, 2017 |
| 4. James Knapp | 24 Cutting Drive | Harbor Commission | May 1, 2017 |

Councillor Cronin moved to approve collectively #3, seconded by Councillor Herzog. Roll call vote, 10 yes 1 absent (Heartquist).

13. ORDERS

1. Community Preservation Recommendations FY2014

Councillor Eigerman recused himself.

Councillor Tontar moved to Approve, seconded by Councillor Vogel. Councillor Cronin moved to Table, seconded by Councillor Herzog. Roll call vote, 6 Yes, 3 No (O'Brien, Tontar, Vogel), 1 recused (Eigerman), 1 absent (Heartquist). So Voted.

2. Acceptance of gift from Port Paint and Paper of \$1772

Councillor Cronin moved to Approve, seconded by Councillor Giunta. So Voted.

3. Revised Kelley School Order

Councillor Cameron moved to refer to P&D, seconded by Councillor Kinsey, So Voted.

14. ORDINANCES

1. Amend ORD Ch.13 Section 13-179 Waterfront Trust Lot Handicapped Parking

Councillor Cronin moved to refer to Public Safety Committee, seconded by Councillor Herzog, so voted.

2. Amend ORD Zoning Section XII-B, Medical Marijuana treatment center

Councillor Cronin Recused himself. Councillor Connell moved to refer to P&D Committee and Planning Board, seconded by Councillor Herzog, so voted.

3. Amend ORD Zoning Section XII-B, Harbormaster Facility
4. Amend ORD Zoning Section III, Floodplain Overlay District
5. Amend ORD Zoning Section XXVII-E and F (downtown overlay district)

Councillor Cameron moved to collectively refer #3,#4,#5 to P&D Committee and Planning Board, seconded by Councillor Herzog, so voted.

6. Amend ORD Zoning Section XXVIII, Demolition control overlay district

Councillor Cameron moved to P&D Committee and Planning Board, seconded by Councillor Herzog, so voted.

7. Pending Publication – 2nd Reading Amend ORD Sec. 13-136 Stop Intersections Russell Terrace Ext

NO ACTION

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

- | | |
|--|-------------|
| 1. Mayor letter regarding Order for Revolving Fund Expenses | *03/17/2014 |
| 2. Order Amend Revolving Fund expenses | *03/17/2014 |
| 3. Free Cash \$255,170.80 to Multiple-detail attached \$255,170.80 | *05/12/2014 |

Councillor Tontar moved to remove and approve, seconded by Councillor Cameron,

Councillor Cronin moved to amend to change the amount for the Defibrillator to \$9,740, seconded by Councillor Giunta, so voted. Vote on Amended motion to Approve, so voted.

4. Free Cash \$238,241.30 to Snow & Ice Labor \$29,132.60, to Snow & Ice Expenses \$209,108.70

Councillor Tontar moved to remove, seconded by Councillor Cameron, So voted. Councillor Tontar moved to approve, seconded by Councillor Kinsey, so voted.

5. Insurance 32-B \$471,078.18 to School Expenses \$250,000, to Fire Overtime \$100,000, to DPS Streetlights \$120,000, to Retirement Appropriation \$1,078.18

Councillor Tontar moved to remove, seconded by Councillor Cameron, So voted. Councillor Tontar moved to approve, seconded by Councillor Connell, so voted.

6. Solid Waste Fee \$21,580.87 to Health Dept. Sal/Energy/Recycling Coord \$21,580.87

Councillor Tontar moved to remove, seconded by Councillor Herzog, So voted. Councillor Tontar moved to approve, seconded by Councillor Herzog, so voted.

- | | |
|--|-------------|
| 7. FY2015 Budget | *05/12/2014 |
| 8. Order Home Rule Petition- supplementing education budget (COTW) | *05/12/2014 |

9. Amend ORD Ch. 2 Section 2-45 City Council Salary *05/12/2014
10. Amend ORD Ch. 2 Section 2-61A School Committee Salary *05/12/2014

General Government

In Committee:

1. Intermunicipal Agreement Animal Control Services *05/12/2014

Councillor Vogel moved to Remove, seconded by Councillor Herzog. So Voted.

Councillor Vogel moved to Approve, seconded by Councillor Herzog. Motion passed on a Roll Call vote, 10 yes, 1 absent (Heartquist).

Joint Education - Councillor Kinsey gave a brief update on upcoming meetings.

In Committee:

1. Order Home Rule Petition- supplementing education budget (COTW) *05/12/2014

License & Permits

In Committee:

1. Movable Sign Application Newburyport Brewing Company *02/10/2014
2. Amend Ch.6.5, Article III Plastic Bags (NCS & COTW) *03/17/2014
3. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas *04/28/2014

Neighborhoods and City Services

In Committee

1. Amend Ch.6.5, Article III Plastic Bags (L&P, COTW) *03/17/2014
2. Amend ORD Sec. 3-26-d Table of Designated Off Leash Areas *04/28/2014
3. Amend ORD Sec. 3-26 subsection e, Rules for Designated Off Leash Areas *04/28/2014
4. Market Basket Letter re: plastic bags *05/12/2014

Planning & Development

In Committee:

1. Letter from Newburyport Preservation Trust *03/31/2014
2. Order Kelley School – Surplus Property *04/15/2014

Councillor Cameron moved to Remove, seconded by Councillor Herzog. So Voted.

Councillor Cameron moved to Approve, seconded by Councillor Tontar, Motion passed on a Roll Call vote, 10 Yes, 1 Absent (Heartquist).

3. Order Collins Street *04/15/2014
4. Letter re: Collins Street *05/12/2014
5. Appointment Robert Uhlig, 10 Ocean St, Newburyport Redevelopment Authority (COTW) *05/12/2014

Councillor Cameron moves to remove, seconded by Councillor Connell, So voted

Councillor Cameron moved to Table, Seconded by Councillor Connell, So voted.

6. Revised Collins Street surplus Property Order *05/12/2014

Public Safety

In Committee:

1. Letter from Jessica Reines re: traffic Gypsy Lane *05/12/2014

Councillor Cronin moves to remove, seconded by Councillor Giunta, So voted. Councillor Cronin moves to Rec & File, seconded by Councillor Giunta, so voted.

2. All Women & 1 Lucky Guy ½ Marathon Sept. 14, 2014 *05/12/2014

Councillor Cronin moves to remove, seconded by Councillor Herzog, So voted. Councillor Cronin moves to Approve, seconded by Councillor Giunta, so voted.

3. Roadway and Sidewalk Update *05/12/2014

Public Utilities Committee - Councillor Herzog announced that there will be a Meeting on June 5th at 6 pm.

In Committee:

1. Storm water Permitting Status Update *05/12/2014

Rules Committee

16. GOOD OF THE ORDER – None

17. ADJOURNMENT

Councillor Tontar moved to adjourn, seconded by Councillor Cronin at 8:50 pm. So Voted.