

CITY COUNCIL MEETING MINUTES - VERSION 1

August 11, 2014

CITY COUNCIL MEETING 7:30PM

Council President O'Brien called the meeting to order at 7:30 pm. A moment of silence was held for Ruth E. Hogg, grandmother of Harbormaster Paul Hogg, who had recently passed away and Ed Metcalf of Newburyport. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Giunta, Cronin, Eigerman, Heartquist, Herzog, Kinsey, Tontar, Vogel, O'Brien. 10 present, 1 absent (Connell).

LATE FILES – There are two committee items that should have been in the packet, Bond Orders #2 and #3. There is a, Communication #12 Mayor's Update, Communication #13 on Crow Lane and Communication #14 on Shark and Tuna Tournament. **Motion to waive the rules and allow late files by Councillor Cameron, seconded by Councillor Vogel. So voted.**

PUBLIC COMMENT

Tom Salemi,	16 Tyng Street	NRA
Larry Collins	46 Garden Street, Topsfield	Shark Tournament
Jeffrey Brunelle	106 Low Street	Salvation Army
Sharif Zeid	192 Water Street	Zoning
Denis Kennedy	4 Carter Street	Road Race
Sheila Mullins	7 Parsons Street	Trust Fund
Steven Hines	54 Ferry Road	WFT

MAYOR'S COMMENT – Mayor gave an update on a number of items 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

July 14, 2014 As Amended

(Approve)

2. TRANSFERS

1. Health-Recycling & Energy RSV APP Solid Waste Fee \$17,500 to Household Hazardous Waste \$7,500, to Chipper Service \$10,000 (Approve)

9. COMMUNICATIONS

1. Letter to Mayor from Councillor Vogel re Health Director (R&F)
2. Block Party Strong & Boardman Streets, Sept. 6, 2014 from 5 to 9pm (Approve)
3. Block Party Bricher, Hill & Cherry Streets, Aug. 16, 2014 from 4 to 9pm (Approve)
4. Knights of Columbus Tootsie Roll Fundraiser Sat. Oct. 11, 2014 at State & High Streets (Approve)
5. Conor McManamy request to sell reusable bags in Market Square (L&P)
6. Neurofibromatosis Northeast Coast to the Cure bike Ride Sept. 6, 2014 (PS)
7. Yankee Clipper Boy Scouts Pack 21 Popcorn Fundraiser Market Square Oct. 4, 8 & Nov. 1, 2014 (L&P)
8. Response from New Ventures re letter from City dated June 26, 2014 (R&F)
- Removed by Councillor Herzog.**
9. Alzheimer's Assoc. Boot drive at State & High Streets Aug. 30, 2014 (Approve)
10. Block Party Warren St. & Griffin & Cutter's Court, Sept. 20, 2014 from 3 to 10pm (Approve)
11. Intermunicipal Harbormaster Services Agreement (NCS)

Removed by Councillor Cronin.

10. APPOINTMENTS-First Reading

- | | | Appointment |
|----------------------|------------------|-----------------------|
| 1. Sheila A. Mullins | 7 Parsons Street | Trust Fund Commission |

August 1, 2017

- | | | | | |
|-----------------------|--------------------|-------------------|-----------------------------|----------------|
| 2. | Douglas Locy | 17 Alberta Avenue | Planning Board | August 1, 2019 |
| 3. | Steven D. Hines | 54 Ferry Road | Waterfront Trust Commission | August 1, 2019 |
| Re-Appointment | | | | |
| 4. | Richard J. O'Brien | 41 Olive Street | Trust Fund Commission | April 1, 2017 |
| 5. | Stephen Dodge | 57 Milk Street | Historical Commission | August 1, 2017 |

END OF CONSENT AGENDA

Motion to approve the consent agenda as amended by Councillor Cameron, seconded by Councillor Herzog. So voted.

REGULAR AGENDA

11. APPOINTMENTS Second Reading

- | | | | | |
|----|------------|---------------|-----------------------|--------------|
| | | | Re-Appointment | |
| 6. | John Ronan | 21 Ferry Road | Council on Aging | May 31, 2019 |

Motion to approve 2nd reading by Councillor Cameron seconded by Councillor Cronin. Roll call vote 10 yes, 1 absent (Connell). So voted

12. COMMUNICATIONS

8. Response from New Ventures re letter from City dated June 26, 2014
Motion to R&F Councillor Herzog, seconded by Councillor Cameron. So voted.
11. Intermunicipal Harbormaster Services Agreement
Motion to Refer to PS Committee by Councillor Cronin, seconded by Councillor Herzog. So voted.
12. LATE FILE Mayor's Update
Motion to R&F Councillor Herzog, seconded by Councillor Cameron. So voted.
14. Shark and Tuna Tournament
Motion to R&F Councillor Cameron, seconded by Councillor Herzog. So voted.

13. ORDERS

1. Licensed Contractor Bayberry Nurseries LLC
Motion to approve by Councillor Herzog, seconded by Councillor Heartquist. So voted
2. Transfer Inn Street park and Playground to Parks Commission
Motion to approve by Councillor Eigerman, seconded by Councillor Vogel. 9 yes, 1 no (O'Brien), 1 absent (Connell)
3. Abandon portion of Russell Terrace Ext.
Motion to refer to P & D Committee by Councillor Giunta, seconded by Councillor Herzog. So voted.
4. Accept grant of drainage easements from Springwell Investments, LLC
Motion to refer to P & D Committee by Councillor Giunta, seconded by Councillor Cameron. So voted.
5. Accept deed from Springwell Investments, LLC for fee
Motion to refer to P & D Committee by Councillor Giunta, seconded by Councillor Cameron. So voted.
6. Order of Layout Morin Road and Richardson's Path
Motion to refer to P & D Committee by Councillor Giunta, seconded by Councillor Cameron. So voted.

14. ORDINANCES

1. Second Reading Amend ORD Sec. 3-26-d Table of Designated Off Leash Areas
Motion to approve by Councillor Herzog, seconded by Councillor Heartquist. Roll call 9 yes, 1 no (O'Brien) 1 absent (Connell). So voted.

2. Second Reading Amend ORD Sec. 3-26 subsection e, Rules for Designated Off Leash Areas
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Motion to approve by Councillor Herzog, seconded by Councillor Kinsey. Roll call 10 yes, 1 absent (Connell). So voted.

3. Second Reading Amend ORD Zoning Section XII-B, Harbormaster Facility

Motion to approve by Councillor Cronin, seconded by Councillor Tontar. Roll call 10 yes, 1 absent (Connell). So voted.

4. Second Reading Amend ORD Zoning Section XXVII-E and F (downtown overlay district)

Motion to approve by Councillor Eigerman, seconded by Councillor Cameron. Roll call 9 yes, 1 no, (O'Brien) 1 absent (Connell). So voted.

5. Second Reading Amend ORD Zoning Section XXVIII, Demolition control overlay district

Motion to strike the words 'or dormer' by Councillor Eigerman, seconded by Councillor Cameron. So voted.

Motion to approve as amended and order 1st reading (to be published) by Councillor Eigerman, seconded by Councillor Cameron. So voted.

6. Second Reading Amend ORD Sec 12-97 Road Races

Motion to approve by Councillor Cronin, seconded by Councillor Giunta. Roll call 10 yes, 1 absent (Connell). So voted.

7. Second Reading Amend ORD Sec 13-174 State Street

Motion to approve by Councillor Eigerman, seconded by Councillor Cameron. Roll call 10 yes, 1 absent (Connell). So voted.

8. Second Reading Amend ORD Sec 13-168 Parking Restricted Fair Street

Motion to approve by Councillor Eigerman, seconded by Councillor Kinsey. Roll call 10 yes, 1 absent (Connell). So voted.

9. Second Reading Amend ORD Sec 13-180 Sec. (g(2)) Zone 2 Add Fair Street

Motion to approve by Councillor Eigerman, seconded by Councillor Cameron. Roll call 10 yes, 1 absent (Connell). So voted.

10. Second Reading Amend ORD Sec 13-187 Speed Limits

Motion to approve by Councillor Cronin, seconded by Councillor Cameron. Roll call 10 yes, 1 absent(Connell). So voted.

11. Second Reading Amend ORD Sec 13-179 Handicap Parking Woodland St.

Motion to approve by Councillor Tontar, seconded by Councillor Cameron. Roll call 10 yes, 1 absent (Connell). So voted.

12. Amend ORD Sec 13-168 Parking restricted Olive Street

Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Herzog. So voted.

13. Amend Zoning ORD Medical Marijuana Treatment Center

Motion to amend by striking "All that portion of the I1B District north of Hale Street by Councillor Giunta, seconded by Councillor Eigerman. 7 yes, 2 no (Tontar, Cameron), 1 recused (Cronin), 1 absent (Connell)

Motion to approve by Councillor Eigerman, seconded by Councillor Vogel. 9 yes, 1 recused (Cronin), 1 absent (Connell)

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. Order Home Rule Petition- supplementing education budget (COTW) | *05/12/2014 |
| 4. Amend ORD Ch. 2 Section 2-45 City Council Salary | *05/12/2014 |
| 5. Amend ORD Ch. 2 Section 2-61A School Committee Salary | *05/12/2014 |
| 6. Human Resources Dependent Audit | *06/30/2014 |

General Government

In Committee:

1. Mayor's Update *06/09/2014
2. Order Reallocation of Bresnahan Bonding Athletic Fields *07/14/2014
3. Resolution for Special Election *07/14/2014

Motion to remove collectively items 2 & 3 Councillor Vogel, seconded by Councillor Heartquist. So Voted

Motion to approve Item 1 (Brenahan Bonding) Councillor Vogel, seconded by Councillor Heartquist, Roll call 10 yes, 1 absent (Connell). So voted.

Motion to approve Item 2 (Special Election) Councillor Vogel, seconded by Councillor Cameron. Roll call 10 yes, 1 absent (Connell). So voted.

Joint Education

In Committee:

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

Councillor Kinsey stated - Tours of the Bresnahan School ,Aug. 20, 2014 5:00 to 7:30 pm.

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
4. Letter regarding transient vendor licensing *06/30/2014
5. Letter Health Department enforcement (COTW) *06/30/2014

Motion to remove by Councillor Heartquist, seconded by Councillor Herzog. Motion to R&F by Councillor Heartquist, seconded by Councillor Vogel. Councillor Heartquist gave an update on the meeting with the BOH and Director Bracey reciting that there were questions put forward by the Chair of the L & P and then answered by the Director.

Neighborhoods and City Services

In Committee

1. Amend Ch.6.5, Article III Plastic Bags (L&P, COTW) *03/17/2014*04/28/2014
2. Market Basket Letter re: plastic bags *05/12/2014

Planning & Development

In Committee:

1. Letter from Newburyport Preservation Trust *03/31/2014

Public Safety

In Committee:

1. 4th annual 5k run/walk for Ovarian Cancer Sept. 28, 2014 *06/30/2014
2. Green Stride ½ Marathon October 26, 2014 *06/30/2014
3. River Run ½ Marathon and 5k, May 31, 2015 *06/30/2014
4. Citizen's petition reconsideration Franklin Street "no parking" zone *06/30/2014

Motion to remove Councillor Cronin, seconded by Councilor Cameron. So voted. Motion to R&F Councillor Cronin, seconded by Councillor Tontar. So voted.

5. 2nd Annual Pumpkin Patch request Jeanne Geiger Crisis Center *07/14/2014

Public Utilities Committee

In Committee:

1. Stormwater Permitting Status Update *05/12/2014
2. Letter from Daniel Eyink, MD regarding water fluoridation *05/27/2014
3. Energy Advisory Committee letter regarding lights on private property *06/30/2014

Councillor Herzog stated there will be a Public Utilities Meeting on August 14, 2014. 7pm

Rules Committee

16. GOOD OF THE ORDER –Councillor Tontar stated there would be an Art Exhibit at the Bartlett Mall for ten days starting Thursday, Aug. 14, 2014.

17. ADJOURNMENT

Councillor Cameron moved to adjourn, seconded by Councilor Cronin at 9:02 pm, so voted.