

CITY COUNCIL MEETING MINUTES - VERSION 1
March 30, 2015

HEARING 7:30PM Harnch's Way

The Clerk opened the hearing and conducted a roll call. The following Councillors answered present: Cameron, Connell, Cronin, Eigerman, Giunta, Herzog, Kinsey, Tontar, Vogel and O'Brien. 10 Present, 1 Absent (Heartquist). Council President asked if there were any persons who may wish to speak in favor or against the matter at hand. Attorney Griffin presented the plan of the new Harnch's Way on behalf of S&D Realty Trust. No one spoke against. The hearing was closed at 7:43 pm.

Council Meeting

Council President O'Brien called the meeting to order at 7:46 pm. A moment of silence was held for Bill Page of Page Insurance who was supporter of many local causes over the years and devoted much of his personal time and energy to the betterment 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, Connell, Cronin, Eigerman, Giunta, Herzog, Kinsey, Tontar, Vogel and O'Brien. 10 Present, 1 Absent (Heartquist).

1. LATE FILES – Communication #8 and #9, 10, Appointment #13, new Order #2

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

2. PROCLAMATION

The Mayor and City Council President O'Brien read the Proclamation. Head Coach Foley thanked the Council and Coach Hennigar and Co-Captains Carleo and Graham were present.

3. MAYOR'S UPDATE

The Mayor gave an update.

4. PUBLIC COMMENT

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|---------------------|---------------------|----------------------------|
| 1. Jerry Mullins | 7 Parsons Street | Colby Farm Properties |
| 2. James Brugger | 4 Savory Street | Planning Board Appointment |
| 3. Patty Myers | 14 Sylvester Street | Colby Farm Property |
| 4. Donna Harrington | 20 Beacon Avenue | Highland Cemetery |

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.

5. APPROVAL OF MINUTES

March 9, 2015

(Approved)

6. TRANSFERS

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| 1. Mayor Gen'l Fd Free Cash to Veterans Benefits \$17,000 | (B&F) |
| 2. Mayor Gen'l Fd Free Cash to YTH Access Accom. \$5,000, to YTH Brown School \$25,000 | (B&F) |

7. COMMUNICATIONS

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|---|-----------|
| 1. Outdoor Seating Renewal Oregano Restaurant | (Approve) |
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Removed by Councillor Eigerman.

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|---|-----------------|
| 2. Outdoor Seating Renewal Middle Street Foods | (Approve) |
| 3. Amer. Diabetes Assoc. North Shore Tour De Cure Special Event App. May 17, 2015 | (Public Safety) |

Removed by Councillor Cronin.

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| 4. Letter reappointing H. Nelson Burns rep to Whittier Voc Tech School Committee | (R&F) |
| 5. Block Party Cherry Hill Soccer Fields, June 20, 2015 | (Approve) |
| 6. Richard W. England, Energy Advisory Committee | (R&F) |
| 7. Coastal Trails Coalition Slow Bike Race July 29, 2015 | (Public Safety) |

8. APPOINTMENTS – First Reading

APPOINTMENTS

1. Elizabeth Horne	13 Moseley Ave.	Commission for Diversity & Tolerance	May 1, 2018
2. James Brugger	4 Savoy St.	Planning Board	May 1, 2020
3. Andrew Shapiro	20 Eagle St.	Planning Board	April 1, 2020
4. Donna Harrington	20 Beacon Ave.	Highland Cemetery Commission	February 1, 2018
5. Karen K. Johnson	120 High St.	Bartlet Mall Commission	February 1, 2018
6. Richard Goulet	19 Kent St.	ZBA Alternate to Full member	June 30, 2016
7. Renee Bourdeau	376 High St.	Alternate Zoning Board of Appeals	March 1, 2020

Removed by Councillor Eigerman.

RE-APPOINTMENTS

8. Joseph C. Teixeira	44 Hale St.	Conservation Commission	March 1, 2018
9. Michael Disette	44 Jefferson St.	Community Pres. Act Com.	March 1, 2018
10. Stephen B. Sawyer	15 Collins St.	Parks Commission	April 1, 2018
11. Kevin Hunt	14 Tenth St.	Veterans Agent	April 1, 2016

END OF CONSENT AGENDA

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

REGULAR AGENDA

9. COMMUNICATIONS

1. Outdoor Seating Renewal Oregano Restaurant

Motion to approve pending receipt of updated insurance certificate by Councillor Eigerman, seconded by Councillor Bruce Vogel. So voted.

3. LATE FILE - Amer. Diabetes Assoc. North Shore Tour De Cure Special Event App. May 17, 2015

Motion to approve by Councillor Cronin, seconded by Councillor Connell . So voted.

8. LATE FILE - Mayor's Update

Motion to receive and file by Councillor Cameron, seconded by Councillor Connell . So voted.

9. LATE FILE - Temporary Police Marshal Murray

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

10. LATE FILE - The Port Tavern Outdoor Seating Renewal

Motion to approve with the addition of signature by the ADA Coordinator added to the Outdoor Seating Application by Councillor Eigerman, seconded by Councillor Kinsey. So voted.

10. APPOINTMENTS – First Reading

7. Renee Bourdeau 376 High St. Alternate Zoning Board of Appeals March 1, 2020

Motion to waive the rules and approve in one reading by Councillor Cameron, seconded by Councillor Connell . Roll call vote, 10 yes, 1 absent (Heartquist). So voted.

11. APPOINTMENTS – Second Reading

RE-APPOINTMENTS

12. Jamie Pennington 16 Eagle St. Zoning Board of Appeals January 5, 2020

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

12. LATE FILE APPOINTMENTS – First Reading

13. Christopher LeClaire 570 Ocean Blvd, Portsmouth Emergency Mgmt

Motion to waive the rules and approve in one reading by Councillor Cameron, seconded by Councillor Kinsey. Roll call vote, 10 yes, 1 absent (Heartquist). So voted.

13. ORDERS

1. TABLED - Discontinuance Harnch's Way - pending ZBA decision

Motion to remove from the Table by Councillor Cameron, seconded by Councillor Kinsey. Roll call vote, 10 yes, 1 absent (Heartquist). So voted. Motion to receive and file by Councillor Cameron, seconded by Councillor Kinsey. Roll call vote, 10 yes, 1 absent (Heartquist). So voted.

2. Discontinuance Harnch's Way Revised

Motion to approve by Councillor Giunta, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Heartquist). So voted.

3. Licensed Contractor Peter D. Nicol Excavating, Inc.

Motion to approve by Councillor Herzog, seconded by Councillor Giunta. 10 yes, 1 absent (Heartquist). So voted.

4. Home Rule Petition Inter-municipal Agreement for Veterans Services

Motion to refer to General Government by Councillor Cameron, seconded by Councillor Giunta. Motion friendly amendment to refer to Committee of the Whole by Councillor Herzog, seconded by Councillor Giunta. 10 yes, 1 absent (Heartquist). So voted.

5. Harbormaster Rate Increase

Motion to refer to Budget & Finance by Councillor Cronin, seconded by Councillor Cameron. 10 yes, 1 absent (Heartquist). So voted.

14. ORDINANCES – None

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
7. Letter from Hope Church regarding Master Box fee *11/10/2014
8. Snow Budget Deficit *02/12/2015

Motion to remove by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. So voted.

9. Mayor Gen'l Fd Free Cash to HS Renovations \$30,000 *03/09/2015

Motion to remove by Councillor Tontar, seconded by Councillor Cameron. 9 yes, 1 no (Herzog), 1 absent (Heartquist). So voted. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. So voted.

General Government

Joint Education

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 ORD Sec. 9-114 Transient Vendors Restricted Areas *04/28/2014
3. Letter regarding transient vendor licensing *06/30/2014
4. Taxi License Renewal Harold Congdon Port Taxi, Inc. *01/12/2015
5. Taxi Cab Company Renewal Seacoast Taxi *03/09/2015

Neighborhoods and City Services

In Committee:

1. Amend ORD Part 2 Article III Ch. 3-31 Feeding or baiting of wild birds *01/12/2015

Planning & Development

Councillor Cameron stated that there is a Planning & Development meeting on April 2nd.

In Committee:

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|---|-------------|
| 1. Letter from Newburyport Preservation Trust | *03/31/2014 |
| 2. First Refusal to Purchase Lot 8 Low Street | *01/12/2015 |
| 3. Amend ORD Zoning Map Sec. III-C "Back Bay Area Zoning Map Change" | *01/12/2015 |
| 4. Amend Zoning ORD Appendix A Sec. XXIX Smart Growth District (SGOD) | *01/29/2015 |

Public Safety

Councillor Cronin stated that effective March 7, 2015 a new law went into effect that anytime a motorist has their wipers on they should also have their headlights on.

In Committee:

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|---|-------------|
| 1. Letter for use of Brown Square June 7, 2015 | *02/12/2015 |
| 2. Letter from Yankee Homecoming 2015 General Chair | *02/23/2015 |
| 3. Letter from Chamber of Commerce on 2015 use of streets | *02/23/2015 |

Public Utilities Committee

In Committee:

- | | |
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| 1. Water and Sewer Commissions adjustment of sewer bill charges re second meters | *11/24/2014 |
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Rules Committee

16. GOOD OF THE ORDER

Councillor Eigerman reported that he marched in the St. Patrick's Day parade in Lawrence at the invitation of Mayor Rivera.

Councillor Giunta encouraged anyone interested in preserving Colby Farm to come to the CPC meeting.

Councillor Cameron encouraged all to attend the Say No to Prejudice forum on April 7th.

17. ADJOURNMENT

Councillor Tontar moved to adjourn, seconded by Councilor Cameron at 8:47pm. 10 yes, 1 absent (Heartquist). So voted.