

## CITY COUNCIL MEETING MINUTES - VERSION 1

May 26, 2015

7:30 PM

Council President O'Brien called the meeting to order at 7:30 pm. A moment of silence was held for Charles W. Howard, Jr., brother of retired Police Marshal Tom Howard, Harold Lester Kirkpatrick, husband of retired school teacher Jean Kirkpatrick and Jennifer Honegger Hatzmann, step daughter of Lois Honegger, the Mayor's Executive Assistant. 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, Heartquist, Herzog, Kinsey, Tontar, Vogel and O'Brien. 11 present.

### 1. LATE FILES – Mayor's Update Communication #7, and Communication # 8

**Motion to waive the rules and accept the late file items by Councillor Cameron, seconded by Councillor Cronin. 11yes. So voted.**

### 2. PUBLIC COMMENT

- |                   |                  |                    |
|-------------------|------------------|--------------------|
| 1. Jeff Esche     | 30 Lime Street   | Emerald Ash Borer  |
| 2. Sheila Mullins | 7 Parsons Street | Budget             |
| 3. Jack Fleming   | Kennebunk, ME    | Seaside Santa Dash |
| 4. Chris Kealey   | 8 Payson Street  | Harbor Commission  |

### 3. MAYOR'S UPDATE

**The Mayor gave an update.**

## 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.

### 4. APPROVAL OF MINUTES

May 11, 2015

(Approved)

### 5. TRANSFERS

- |   |            |
|---|------------|
| 1. Mayor/Assessor Overlay Surplus Acct to Valuation/Processing \$1500 | (Approved) |
| 2. Library Salaries Staff to Heat/Electricity \$20,000                | (Approved) |

**Removed by Councillor Cronin.**

- |   |       |
|---|-------|
| 3. Mayor Insurance 32B \$64,500 - \$2000 to Veterans Benefits, \$50,000 to LGL City Solicitor, \$7500 to Colby Farm Lot 1 Feasibility Study, \$5000 Joppa Park Survey | (B&F) |
|---|-------|

### 6. COMMUNICATIONS

- |  |      |
|--|------|
| 1. Tier II Boating Infrastructure Grant recipient letter | (PS) |
|--|------|

**Changed to R&F.**

- |   |       |
|---|-------|
| 2. Seaside Santa Dash Event Application | (PS)  |
| 3. Letter regarding Emerald Ash Borer   | (R&F) |

**Removed by Councillor Cameron.**

- |   |      |
|---|------|
| 4. New Outdoor Seating Application 17 State Street Cafe | (PS) |
|---|------|

**Changed to L&P.**

- |  |      |
|--|------|
| 5. Pan Merrimack Challenge Event Application | (PS) |
|--|------|

**Removed by Councillor Connell.**

- |   |       |
|---|-------|
| 6. Comments on Capital Improvement Plan | (B&F) |
|---|-------|

**Removed by Councillor Tontar.**

### 7. APPOINTMENTS – First Reading

#### APPOINTMENTS

- |                       |                 |                               |              |
|-----------------------|-----------------|-------------------------------|--------------|
| 1. Christopher Kealey | 8 Payson Street | Harbor Commission (Alternate) | June 1, 2017 |
|-----------------------|-----------------|-------------------------------|--------------|

## END OF CONSENT AGENDA

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

## REGULAR AGENDA

### **8. MAYOR's Presentation of FY2016 Budget**

#### **9. TRANSFERS**

2. Library Salaries Staff to Heat/Electricity \$20,000

**Motion to refer to Budget & Finance by Councillor Cronin, seconded by Councillor Cameron. So voted.**

#### **10. COMMUNICATIONS**

3. Letter regarding Emerald Ash Borer

**Motion to refer to Neighborhoods and City Services by Councillor Cameron, Councillor Eigerman. So voted.**

5. Pan Merrimack Challenge Event Application

**Motion to approve by Councillor Connell, seconded by Councillor Heartquist. So voted.**

6. Comments on Capital Improvement Plan

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

7. LATE FILE – Mayor's Communication

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

8. LATE FILE – MVRTA Summer Schedule

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

### **11. APPOINTMENTS - Second Reading - None**

### **12. ORDERS**

1. Resolution Newburyport Day of Yoga

**Motion to approve by Councillor Herzog, seconded by Councillor Cronin. 5 yes (Cronin, Eigerman, Giunta, Heartquist, Herzog), 5 no, 1 recused (Kinsey). Motion failed.**

2. Signs

**Motion to approve by Councillor Herzog, seconded by Councillor Heartquist. So voted. Withdrawn. Motion to refer to Public Safety by Councillor Heartquist, seconded by Councillor Cronin. Roll call vote,**

3. Adopt Energy Aggregation Plan

**Motion to refer to Public Utilities and Committee of the Whole by Councillor Herzog, seconded by Councillor Cameron. Roll call vote, 11 yes. So voted.**

### **13. ORDINANCES**

1. Amend Ch.9 Article 7 Div. 3 – Regulation of Door to Door Sales

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

2. Amend Ch. 13 Section 13-168 Parking restricted Toppans Lane

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

### **14. 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. Harbormaster Rate Increase \*03/30/2015

9. FY2015-FY2019 Capital Improvement Program \*04/13/2015

**Motion to remove by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to strike #45 Fish Pier Embayment Dredging Project by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote, 2 yes (Eigerman, Vogel) 9 no. Motion failed. Motion to strike #48 Inn Street –Phase IV Elevated Walkway Project by Councillor Eigerman, seconded by Councillor Vogel. 4 yes (Cronin, Eigerman, Kinsey, Vogel), 7 no. Motion failed. Motion to amend #51 Parking Garage by deleting last sentence by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote, 11 yes. So voted. Motion to amend #85 Graf Road Lift Station and Force Main such that the lift station will handle up to 2500 gal/min by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 no (Connell). So voted. Motion to approve the CIP as amended by Councillor Cameron, seconded by Councillor Vogel. Roll call vote, 11 yes. So voted.**

10. AFSCME Negotiations – Tentative Agreement \*04/27/2015

**Motion to remove by Councillor Tontar, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Herzog. So voted.**

11. Annual Audit FY2014 Financial Statements – copy on file in City Clerk’s office \*04/27/2015

12. AFSCME Negotiations –Tentative agreement details \*05/11/2015

**Motion to remove by Councillor Herzog, seconded by Councillor Tontar. So voted. Motion to receive and file by Councillor Tontar, seconded by Councillor Herzog. So voted.**

## **General Government**

### *In Committee*

1. Letter re: Health Insurance Benefit \*05/11/2015

## **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

**Motion to remove by Councillor Connell, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Connell, seconded by Councillor Herzog. Motion withdrawn.**

2. Cushing Park \*04/13/2015

**Motion to remove by Councillor Connell, seconded by Councillor Herzog. So voted. Motion to approve as amended by Councillor Connell, seconded by Councillor Herzog. So voted.**

3. Temple Street sidewalk repair \*04/27/2015

4. Letter re: sidewalks and bike paths to Hale Street and West End \*05/11/2015

## **Planning & Development**

**Councillor Cameron announced a joint hearing on June 17<sup>th</sup> on the Smart Growth plan.**

### *In Committee:*

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

5. Request to present to City Council Essex Tech High School \*05/11/2015

6. Amend Zoning Add Office Uses at Business Park \*05/11/2015

7. Amend Zoning Definitions 2 Family and Multi-Family uses \*05/11/2015

## **Public Safety**

### ***In Committee:***

1. Letter from Yankee Homecoming 2015 General Chair \*02/23/2015
2. Letter from Chamber of Commerce on 2015 use of streets \*02/23/2015

**Motion to remove by Councillor Cronin, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Herzog. So voted.**

3. Coastal Trails Coalition Slow Bike Race July 29, 2015 \*03/30/2015

**Motion to remove by Councillor Cronin, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Tontar. So voted.**

4. London Livery request for valet parking at 38 State Street \*04/27/2015
5. Neurofibromatosis Northeast 5<sup>th</sup> Annual Coast to Cure, Sept. 12, 2015 \*05/11/2015

## **Public Utilities Committee**

**Councillor Herzog said there will be a meeting of Public Utilities and Committee of the Whole at 6:30pm on June 8<sup>th</sup>.**

### ***In Committee:***

1. Water and Sewer Commissions adjustment of sewer bill charges re second meters \*11/24/2014

## **Rules Committee**

## **15. GOOD OF THE ORDER**

## **16. ADJOURNMENT**

**Councillor Tontar moved to adjourn, seconded by Councilor Kinsey at 8:53pm. So voted.**