

CITY COUNCIL MEETING MINUTES - VERSION 2
June 29, 2015

7:15 PM
POLE HEARING

National Grid for pole at 172 State Street

Council President O'Brien called the meeting to order at 7:23 pm. He instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Eigerman, Giunta, Heartquist, Herzog, Tontar, Vogel, O'Brien. 10 present, 1 absent (Kinsey). The attorney representing James Bourque spoke in favor. Motion to approve by Councillor Vogel, seconded by Councillor Herzog. So voted. Closed hearing at 7:28 pm.

7:30 PM

Council President O'Brien called the meeting to order at 7:35 pm. A moment of silence was held for Olga McFarland, an activist for the Newburyport senior community. 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, Tontar, Vogel and O'Brien. 10 present, 1 absent (Kinsey).

1. LATE FILES – Mayor's Update Communication #8, and Order #3

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

2. PUBLIC COMMENT

- | | | | |
|-----|-------------------|-------------------|--------------------------------------|
| 1. | H. Fairweather | 4 Parsons Street | Planning & Dev item #7 |
| 2. | Tom Kolterjahn | 64 Federal Street | Zoning Amendment 2 Family & multi |
| 3. | Bill Harris | 56 Lime Street | Zoning Amendment 2 Family & multi |
| 4. | Phyllis Sher | 69 Lime Street | Zoning 2 Family ordinance |
| 5. | Greg Nikas | 69 Lime Street | Zoning 2 Family ord |
| 6. | Judy Mouradian | 46 Liberty Street | Zoning Ordinance |
| 7. | Sharif Zeid | 192 Water Street | Zoning |
| 8. | Michelle LaFlamme | 3 Belcher Street | Commission for Diversity & tolerance |
| 9. | Bruce Menin | 83 Lime Street | Zoning Ord |
| 10. | Julie Menin | 83 Lime Street | Zoning Ordinance |
| 11. | Stephanie M Ketic | 93 High Street | Zoning Ordinance |
| 12. | Paul Biscard | 4 Tremont Street | Zoning Ord |
| 13. | Bill Hickey | 1 Parsons Street | Zoning Ord |
| 14. | Pamela Kipp | 11 Tremont Street | Zoning Ordinance |
| 15. | Cheryl Kubat | 78 High Street | Zoning Ord |
| 16. | David Kipp | 11 Tremont Street | Zoning Amend |
| 17. | Jerry Mullins | 7 Parsons Street | Redefine 2-multi uses |
| 18. | Jeanette Isabella | 1 Lime Street | Zoning Amendment |
| 19. | Rob Germinara | 2 Ashland Street | Budget & Finance #15, Ordinance #5 |

Council President O'Brien called for a five minute break from 8:14 to 8:19pm.

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

June 8, 2015 (Approved)

5. TRANSFERS

1. Mayor Insurance 32-B to Advertising \$3,937.69 (B&F)

6. COMMUNICATIONS

1. Block Party Application Lafayette St between Highland & High St August 1, 2015 (Approved)
2. Block Party Application Dove St from Munroe to Merrimac St August 1, 2015 (Approved)

3. Block Party Application 54th Street July 18, 2015 (Approved)
4. Special Event Application Ovarian Cancer Awareness 5k Run/Walk Sept. 27, 2015 (PS)
5. Special Event Application Newburyport Open Streets Sept. 20, 2015 (PS)

7. APPOINTMENTS – First Reading

APPOINTMENTS			
1.	Dr. Michelle R. LaFlamme	3 Bricher St.	Commission on Diversity & Tolerance
2.	Jane Niebling	45 Temple St.	Tree Commission
RE-APPOINTMENTS			
3.	Richard Cummings	7 Jewett Street	Assistant Harbor Master
4.	Susan Grolnic	10 Willow Avenue	Planning Board
5.	Wallace Thurlow	2 Dorothy Lucey Dr.	Atkinson Common Commission

END OF CONSENT AGENDA

Motion to approve the consent agenda by Councillor Giunta, seconded by Councillor Heartquist. So voted.

REGULAR AGENDA

8. COMMITTEE ITEMS

Planning & Development

7. Amend Zoning Definitions 2 Family and Multi-Family uses

Motion to remove and take out of order by Councillor Cameron, seconded by Councillor Eigerman. So voted. Motion to amend to replace with document dated June 29, 2015 by Councillor Cameron, seconded by Councillor Eigerman. So voted. Motion to approve as amended by Councillor Cameron, seconded by Councillor Eigerman. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.

9. COMMUNICATIONS

6. Boston Solar Letter regarding City of Newburyport solar options

Motion to refer to Public Utilities by Councillor Vogel, seconded by Councillor Herzog. So voted.

7. Tropic Star Propane Gas 81 & 83 Storey Ave

Motion to approve by Councillor Herzog, seconded by Councillor Giunta. So voted.

8. LATE FILE – Mayor's Communication

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

10. APPOINTMENTS - Second Reading

APPOINTMENTS			
6.	Dan Bourdeau	376 High Street	Conservation Commission
RE-APPOINTMENTS			
7.	Roger E. Jones	37 Storeybrooke Dr.	Water/Sewer Commission

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

11. ORDERS

1. Order for the FY 2016 Budget

Councillor Tontar moved to waive the rules and take the FY2016 Budget out of committee, seconded by Councillor Cameron. So voted. Motion to approve Emergency Preamble by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Kinsey). Motion to amend by incorporating the revised FY2016 Budget proposed by the Mayor dated June 24, 2015. Roll call vote, 10 yes, 1 absent (Kinsey). So voted. Motion to approve as amended by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.

2. Accepting Gift of Public Bathrooms at Cashman Park

Councillor Eigerman recused himself. Motion to refer to Planning & Development by Councillor Cronin, seconded by Councillor Giunta. So voted.

3. LATE FILE – Inter-Municipal Agreement Animal Control

Motion to approve the Emergency Preamble by Councillor Connell, seconded by Councillor Heartquist. Roll call vote, 10 yes, 1 absent (Kinsey). Motion to approve by Councillor Vogel, seconded by Councillor Heartquist. Roll call vote, 10 yes, 1 absent (Kinsey).

12. ORDINANCES

1. 2nd Reading Amend ORD Part 2 Article III Ch. 3-31 Feeding or baiting of wild birds

Motion to approve second reading by Councillor Cronin, seconded by Councillor Cameron. Roll call vote, 9 yes, 1 no (O'Brien), 1 absent (Kinsey). So voted.

2. Amend ORD 15-32 Taxi Licenses
Motion to refer to License and Permits by Councillor Heartquist, seconded by Councillor Cameron. So voted.

3. Amend ORD 13-168 Toppans Lane
Removed from agenda.

4. Amend ORD Ch. 13 Article IV Div 6 Sec. 13-175 2 hr No Atkinson
Motion to refer to Public Safety by Councillor Tontar, seconded by Councillor Giunta. So voted.

5. Amend Zoning Definition Two-Family and Multi-Family uses
Previously voted.

13. 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. Annual Audit FY2014 Financial Statements – copy on file in City Clerk's office *04/27/2015
9. Health-Energy/Recycling Solid Waste Fee to Hsehd Haz Waste \$10,000 *06/08/2015

Motion to remove by Councillor Tontar, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. 9 yes, 1 no (O'Brien), 1 absent (Kinsey). So voted.

10. Health-Energy/Recycling Solid Waste Fee to Sal. Energy Recycl.Coord. \$21,697 *06/08/2015

Motion to remove by Councillor Tontar, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Herzog. 9 yes, 1 no (O'Brien), 1 absent (Kinsey). So voted.

11. Fire Dept. FROM Lease of Vehicles \$77,000, Fuel/oil \$17,500, Protective Clothing \$12,500,
Educ. Materials \$3,000 TO Overtime \$110,000 *06/08/2015

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

12. Mayor FROM Insurance 32-B \$410,500, Gen'l Fd Free Cash \$136,855.96, FEMA Reimb
2007 Rsv Appr \$23,367.67 TO Snow & Ice Exp \$570,723.63 *06/08/2015

Motion to remove by Councillor Tontar, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Connell. 10 yes, 1 absent (Kinsey). So voted.

13. Mayor Rsv Appr Legal Settlements \$134,772.44 to Snow & Ice Labor \$83,007.34,
Snow & Ice Exp. \$51,765.10 *06/08/2015

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

14. Mayor Gen'l Fd Free Cash to Senior/Community Center Project \$100,000 *06/08/2015

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

15. Mayor Gen'l Fd Free Cash to Culvert Capital Project \$150,000 *06/08/2015

Motion to remove by Councillor Tontar, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. Roll call vote, 6 yes, 4 no (Herzog, Vogel, Cameron, Connell), 1 absent (Kinsey). So voted.

16. DPS Water Retained Earnings to FY16 Budget Reserves \$450,000 *06/08/2015

Motion to remove by Councillor Tontar, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Herzog. Roll call vote, 5 yes, 5 no (Heartquist, Vogel, Connell, Cronin, Eigerman), 1 absent (Kinsey). Motion failed.

17. DPS Sewer Retained Earnings to FY16 Budget Reserves \$500,000 *06/08/2015

Motion to remove by Councillor Tontar, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Herzog. Roll call vote, 5 yes, 5 no (Heartquist, Vogel, Connell, Cronin, Eigerman), 1 absent (Kinsey). Motion failed.

18. FY 2016 Budget *06/08/2015

Removed after Consent Agenda.

19. Revolving Funds FY2016 *06/08/2015

Motion to remove by Councillor Tontar, seconded by Councillor Herzog. So voted. Motion to amend to change date beginning July 1, 2015 by Councillor Tontar, seconded by Councillor Herzog. So voted. Motion to approve as amended by Councillor Tontar, seconded by councillor Herzog. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.

20. CPC FY2016 appropriations *06/08/2015

21. Accept and Establish Initial Exemption Percentage *06/08/2015
Motion to remove by Councillor Tontar, seconded by Councillor Herzog. So voted. Motion to amend by striking “to see if the City will” and adding “That the City Council accepts” by Councillor Herzog, seconded by Councillor Tontar. So voted. Motion to approve as amended 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

Motion to remove 4 and 5 collectively by Councillor Heartquist, seconded by Councillor Herzog. So voted. Motion to approve 4 and 5 collectively by Councillor Heartquist, seconded by Councillor Herzog. So voted.

6. New Outdoor Seating Application 17 State Street Café *05/26/2015

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

Neighborhoods and City Services

In Committee:

1. Temple Street sidewalk repair *04/27/2015
2. Letter re: sidewalks and bike paths to Hale Street and West End *05/11/2015
3. Letter regarding Emerald Ash Borer *05/26/2015
4. City-Wide Sidewalk Specifications *06/08/2015

Planning & Development

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

Removed earlier in agenda.

8. Land transfer March’s Hill, Fish Pier, City Branch Rail Cor, 115 Water St, Joppa Park, land in Newbury *06/08/2015

Motion to remove by Councillor Cameron, seconded by Councilor Connell. So voted. Motion to replace with revised order and approve by Councillor Cameron, seconded by Councillor Connell. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.

9. Acquisition of Temp and Perm Easement s and other Interests in Land Clipper City Rail Trail *06/08/2015

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

10. Acquisition of Int in Land in fee or by Lease Easement or Agreement Clipper City Rail Trail *06/08/2015
Councillor Connell recused himself. Motion to remove by Councillor Cameron, seconded by Councillor Vogel. So voted. Motion to approve by Councillor Cameron, seconded by Councillor Vogel. Roll call vote, 9 yes, 1 recused (Connell), 1 absent (Kinsey).

11. Acq. of Int in Land in Fee or by Lease Esmt or Agmt Boston & Maine RR, Town of Newbury *06/08/2015
Motion to remove by Councillor Cameron, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Cameron, seconded by Councillor Herzog. Roll call vote, 10 yes, 1 absent (Kinsey).

12. Acquisition of Interest in Land in Fee or by Lease Easement or Agreement Mass Electric land *06/08/2015
Motion to remove by Councillor Cameron, seconded by Councillor Connell. So voted. Motion to approve by Councillor Cameron, seconded by Councillor Herzog. Roll call vote, 10 yes, 1 absent (Kinsey).

13. Transfer of Custody of Property and/or Grant of Esmt Newburyport/Newbury Clipper Rail Trail *06/08/2015

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

14. Acquisition of Interest in Land in fee or by Lease Easement or Agreement Clarridge Lot 2 *06/08/2015

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

15. Transfer of Custody of Property and/or Grant of Easement Lot 3 Lot 4 *06/08/2015

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

16. Order of taking Joppa Park *06/08/2015

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

17. Order of taking portions of land Parker, High, Purchase, Water Streets and Custom House Way *06/08/2015

Motion to remove by Councillor Cameron, seconded by Councillor Connell. So voted. Councillor Connell recused himself. Motion to add Councillor Cameron as a sponsoring Councillor on orders #6 -16 dated June 8, 2015, listed here as items #8-18, by Councillor Cameron, seconded by Councillor Cronin. So voted.

Motion to amend with replacement order by Councillor Herzog, seconded by Councillor Cameron. So voted. Motion to approve as amended by Councillor Cameron seconded by Councillor Herzog. Roll call vote, 9 yes, 1 recused (Connell), 1 absent (Kinsey).

18. Grant leasehold interest in land on Water Street *06/08/2015

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

19. Accept and Establish Initial Exemption Percentage *06/08/2015

Public Safety

In Committee:

1. London Livery request for valet parking at 38 State Street *04/27/2015

2. Seaside Santa Dash 5k event *05/26/2015

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

3. Order regarding Signs *05/26/2015

4. Amend Ch 9 Article 7 Div # Regulation of Door to Door Sales *05/26/2015

5. Amend Ch 13 Section 13-168 Parking restricted Toppans Lane *05/26/2015

Motion to remove by Councillor Cronin, seconded by Councillor Tontar. So voted. Motion to approve 1st reading and order published by Councillor Cronin, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Kinsey).

6. Newburyport Fire Dept. permission for Fill the Boot Drive July 30, 31, Aug. 1 for MDA *06/08/2015

7. Special Event Application Yankee Homecoming Road Race July 28, 2015 *06/08/2015

8. Special Event Application Newburyport Lions Bed Race July 30, 2015 *06/08/2015

Motion to remove items 7 & 8 collectively by Councillor Cronin, seconded by Councillor Cameron. So voted. Motion to approve items 7& 8 collectively by Councillor Cronin, seconded by Councillor Cameron. So voted.

9. Greater Nbpt Chamber of Commerce & Newburyport Dev. Use of Pleasant St 6/25/2015 *06/08/2015

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

Public Utilities Committee

Councillor Herzog stated that there will be a meeting of the Water/Sewer Commission.

In Committee:

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

Rules Committee

14. GOOD OF THE ORDER

15. ADJOURNMENT

Councillor Tontar moved to adjourn, seconded by Councilor Cameron at 10:02pm. So voted.