

CITY COUNCIL MEETING MINUTES - VERSION 1

August 10, 2015

7:15 PM

POLE HEARING

National Grid Electrical Box Installation at 1 Rawson Hill at High Street 7:15 PM

Council President O'Brien called the meeting to order at 7:15 pm. He instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Eigerman, Giunta, Heartquist, Herzog, Kinsey, Tontar, Vogel, O'Brien. 11 present. Rudy Kocandile of National Grid spoke in favor. Greg Miller of 275 High Street spoke against. Councillor Tontar spoke and asked for alternatives to the current design. Motion to table by Councillor Tontar, seconded by Councillor Giunta. So voted. Closed hearing at 7:28 pm.

7:30 PM

Council President O'Brien called the meeting to order at 7:30 pm. A moment of silence was held for William Barlett and Susan Keller. 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. PUBLIC COMMENT

1. Ed Gronbeck	Brass Lyon 36 Market Square	Harbormaster 2.53
2. Bill Harris	56 Lime Street	Harbormaster Bldg, Waterfront Com.
3. Elizabeth Harris	56 Lime Street	Harbormaster Bldg, Sewer
4. Ann Ormond	38R Merrimac St.	Harbormaster Facility
5. George Ellison	2A Noble St.	Harbormaster Facility
6. Mary Ann Lawler	2 Woodland St.	Harbormaster Facility
7. Steven Hines	54 Ferry Road	Harbormaster Facility
8. Michael Mroz	25 Water Street	Harbormaster Facility
9. Leslie Eckholdt	36 Warren Street	NRA
10. Andrew Casson	240 Merrimac Street	Harbormaster Facility
11. David Pierre	35 Market Sq (Orange Leaf)	Harbormaster Facility
12. David Keery	437 Merrimac St, Architect	Harbormaster Facility
13. Sharon Scott	9 Louise Street	NRA
14. Jim Roy	4 Fruit Street	NRA
15. Tom Salemi	16 Tyng Street	NRA
16. Rob Germinara	2 Ashland Street	B&F #5, Health Director leaving

2. 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.

3. APPROVAL OF MINUTES

July 13, 2015

(Approved)

4. TRANSFERS

1. Energy/Recycling Rsv Appr Solid Waste Fees to Hshold Haz Waste \$20,000, Chipper Svc \$10,000 (B&F)

5. COMMUNICATIONS

1. City of Newburyport net assessment for 2015-2016 Whittier Regional Voc. Tech. HS (B&F)
2. Statement re: Human Resources Dependent Audit (B&F)
3. Notification of Sept. 13, 2015 Raindate for PanMass Kids Ride (R&F)

6. APPOINTMENTS – First Reading - None

END OF CONSENT AGENDA

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

REGULAR AGENDA

7. COMMUNICATIONS

4. Request for table in Market Square August 29, 2015 for MSPCA at Nevins Farm

Motion to approve emergency preamble by Councillor Herzog, seconded by Councillor Cameron. 10 yes, 1 no (Cronin). So voted. Motion to approve by Councillor Herzog, seconded by Councillor Cameron. Roll call vote, 11 yes. So voted.

5. Block Party Warren St. between Cutter & Griffin Cts September 12, 2015

Motion to approve emergency preamble by Councillor Cameron, seconded by Councillor Herzog. 10 yes, 1 no (Cronin). So voted. Motion to approve by Councillor Cameron, seconded by Councillor Herzog. Roll call vote, 11 yes. So voted.

6. LATE FILE – Mayor’s Communication

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

8. APPOINTMENTS - Second Reading

RE-APPOINTMENTS

1. Bonnie Sontag 10 Upland Road Fruit Street Local Historic District Com May 31, 2018

Motion to approve 2nd reading by Councillor Herzog, seconded by Councillor Giunta. Roll call vote, 11 yes.

9. ORDERS

1. Resolution NRA Dissolution (originally introduced July 13, 2015)

Motion to approve second reading by Councillor Herzog, seconded by Councillor Giunta. Roll call vote, 4 yes (Herzog, Cronin, Giunta, O’Brien), 7 no. Motion failed.

2. Resolution NRA Disband

Motion to receive and file by Councillor Cronin, seconded by Councillor Giunta. 10 yes, 1 no (Vogel). So voted.

3. NRA Ad Hoc

Motion to table by Councillor Cronin, seconded by Councillor Giunta. 8 yes, 3 no (Cameron, Herzog, Vogel). So voted. Motion to reconsider by Councillor Herzog. Motion to suspend the rules by Councillor Cronin, seconded by Councillor Kinsey. 10 yes, 1 no (Vogel). So voted. Motion to reconsider and refer to Planning & Development and Committee of the Whole by Councillor Herzog, seconded by Councillor Cronin. 10 yes, 1 no (Vogel). So voted.

4. Establish a Waterfront Committee

Motion to refer to Planning & Development and Committee of the Whole by Councillor Cameron, seconded by Councillor Heartquist. Motion to add a friendly amendment by Councillor Herzog to send to General Government and Committee of the Whole (no second). Motion to add friendly amendment by Councillor Eigerman that the committee consist of 5 City Councillors chosen by the President and the president or president’s designee as chair of the committee and that the NRA itself consider its future and to get its house in order. Roll call vote, 10 yes, 1 no (O’Brien). So voted.

5. Authorizing Acceptance of Hamilton Estates Preservation Restriction

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

6. Authorizing Acceptance of Hamilton Estates Conservation Restriction

Motion to refer to Planning & Development by Councillor Cronin, seconded by Councillor Cameron. So voted.

7. Electric Charging Station Green Street Lot

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

8. Regulations

Motion to refer to License & Permits by Councillor Herzog, seconded by Councillor Giunta. 9 yes, 2 no (Connell, Vogel). So voted.

9. Use of Bull Nose Music

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

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

10. Accept \$25,000 Grant Stanton Foundation

Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Herzog. So voted.

11. Resolution Car Free Day

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

12. Location Agreement Public Way Authorization

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

10. ORDINANCES

1. Tabled 2nd Reading Amend ORD Ch. 13-168 Parking Restricted Toppans Lane

Motion remove from the table by Councillor Cronin, seconded by Councillor Tontar. So voted. Motion to approve 2nd reading by Councillor Cronin, seconded by Councillor Tontar. Roll call vote, 11 yes. So voted.

2. 2nd Reading Amend Zoning Add Office Uses at Business Park

Motion to approve 2nd reading by Councillor Eigerman, seconded by Councillor Cronin. Roll call vote, 11 yes. So voted.

3. Tabled Amend Ch 9 Article 7 Div # Regulation of Door to Door Sales

Motion remove from the table by Councillor Cronin, seconded by Councillor Cameron. So voted. Motion to approve 1st reading and order published by Councillor Cronin, seconded by Councillor Cameron. Roll call vote, 7 yes, 4 no (Herzog, Vogel, Giunta, Heartquist). Motion passed.

4. Amend Ch11 Parks and Recreation

Motion to refer to Neighborhood and City Services and Committee of the Whole by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 11 yes.

5. Amend Ch 9-111 Transient Vendors Definitions

Motion to refer to License and Permits by Councillor Eigerman, seconded by Councillor Heartquist. 10 yes, 1 no (Herzog). So voted.

11. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Order Home Rule Petition- supplementing education budget (COTW) *05/12/2014
2. Amend ORD Ch. 2 Section 2-45 City Council Salary *05/12/2014
3. Amend ORD Ch. 2 Section 2-61A School Committee Salary *05/12/2014
4. Letter from Hope Church regarding Master Box fee *11/10/2014
5. Order Approp. for new transient boater facility proj. (back-up info on file in Clerk's office) *07/13/2015

Motion to remove by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed.

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
2. Order Polling Place High Street *07/13/2015

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. Amend ORD 15-32 Taxi Licenses *06/29/2015
5. New Application Outdoor Seating Dos Amigos Burritos 24 Pleasant Street *07/13/2015

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

Councillor Cameron gave a Smart Growth update.

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

Public Safety

In Committee:

1. London Livery request for valet parking at 38 State Street *04/27/2015
2. Order regarding Signs *05/26/2015
3. Newburyport Fire Dept. permission for Fill the Boot Drive July 30, 31, Aug. 1 for MDA *06/08/2015

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

4. Amend ORD Ch. 13 Article IV Div 6 Sec. 13-175 2 hr No. Atkinson *06/29/2015
5. Special Event Application St. Vincent DePaul Walk for the Poor, Sept. 26, 2015 *07/13/2015
6. Special Event Application 24th Walk Against Violence, October 4, 2015 *07/13/2015
7. Letter regarding condition of Dove Street *07/13/2015

Public Utilities Committee

In Committee:

1. Water and Sewer Commissions adjustment of sewer bill charges re second meters *11/24/2014
2. Boston Solar Letter regarding City of Newburyport solar options *06/29/2015

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

3. Mayor’s Letter re: Water/Sewer rate vote *07/13/2015

Rules Committee

12. GOOD OF THE ORDER

Councillor Vogel stated it was not his intent to offend Councillor Cronin.

Councillor Herzog stated that he did not receive update on BOH and the Director.

Mayor Holaday stated that she was on vacation and apologized for not letting the Council know sooner about the Health Director.

13. ADJOURNMENT

Councillor Cameron moved to adjourn, seconded by Councilor Tontar, at 10:13 pm. So voted.