

CITY COUNCIL MEETING MINUTES - VERSION 2
September 28, 2015

7:30 PM

Council President O'Brien called the meeting to order at 7:30 pm. A moment of silence was held. 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** – Communication #7 Mayor's Update, revised order #2, appraisal, and screening committee communication.

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

2. PUBLIC COMMENT

1. David Galanek	4 Wallace Bashaw Jr, Way	Signage Permit
2. Alice Santarlasci	34 Forrester St.	40 R
3. Cynthia Randall	140 State St.	40 R
4. Barbara Oswald	158State St.	40 R
5. Andrew Morris	23 Cherry St.	40 R
6. Lyndi Lamphear	347 High St.	40 R
7. Tim Loring	26 Hill St.	40 R
8. Pat Daniels	234 Low St.	40 R
9. Richard Sullivan, Jr.	6 Lt. Leary Drive	40 R
10. Sean MacDonald	9 Farrell St.	40 R
11. Malcolm Carnwath	22 Strong St.	40 R
12. Kathleen French	1 Charles St.	40 R
13. Jeff Tomlinson	21 Hill St.	40 R
14. Doris Allen	25 Moseley Ave.	40 R
15. John DeWitt	12 Summit Place	40 R
16. Jeffrey Cook	49 Hill St.	40 R
17. Stephanie Niketic	93 High St.	40 R
18. Andrew Simpson	1 ½ Greenleaf St.	40 R
19. Madeline Nash	19 Arlington St.	40 R
20. Bonnie Sontag	10 Upland Rd.	Smart Growth
21. Aleksandra Gavin	8 Elizabeth Ln.	Smart Growth
22. Mary Anne Clancy	16 Neptune St.	40 R
23. Karen Wiener	7 Linder St.	40 R
24. Sheila Mullen	7 Parsons St.	40 R
25. Rob Germinara	2 Ashland St.	Sidewalks/NRA/40R

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

September 15, 2015

(Approved)

5. TRANSFERS - None

6. COMMUNICATIONS

- | | |
|--|-------|
| 1. Whittier Regional Vocational Technical High School | (R&F) |
| 2. Special Event Application Loco Sports, Inc. ½ marathon Nov. 15, 2015 | (PS) |
| 3. Application for Moveable Sign Avita of Newburyport | (L&P) |
| 4. Special Event Application Ladies Night out Run Dec. 12, 2015 | (PS) |
| 5. Letter re: 40R Smart Growth Overlay Zoning District from Gregory Winter | (R&F) |
| 6. Summary Report from Environmental Partners on Wastewater Treatment Facility & Odor Controls | (PU) |

Removed by Councillor Herzog.

7. APPOINTMENTS – First Reading

APPOINTMENTS

- | | | | |
|-------------------|-----------------|--|-------------|
| 1. Sarah M. White | 349 High Street | CPA Committee representing Historical Com. | Oct.1, 2018 |
|-------------------|-----------------|--|-------------|

END OF CONSENT AGENDA

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

REGULAR AGENDA

8. COMMUNICATIONS

7. LATE FILE – Mayor’s Communication

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

8. Summary Report from Environmental Partners on Wastewater Treatment Facility & Odor Controls (PU)

Motion to refer to Public Utilities and Committee of the Whole by Councillor Herzog, seconded by Councillor Cameron. So voted.

9. APPOINTMENTS - 2nd Reading

APPOINTMENTS - TABLED

- | | | | |
|--------------|------------------|------------------|---------------|
| 2. Ann Dykes | 12 Munroe Street | Parks Commission | April 1, 2018 |
|--------------|------------------|------------------|---------------|

Motion to remove from the table by Councillor Herzog, seconded by Councillor Heartquist. So voted. Motion to receive and file by Councillor Herzog, seconded by Councillor Heartquist. So voted.

APPOINTMENTS

- | | | | |
|-------------------------|---------------------|-------------------------|----------------|
| 3. Jane Niebling | 45 Temple Street | Cultural Commission | Sept. 30, 2018 |
| 4. Joanna Fernandes | 29 Hill Street | Bartlet Mall Commission | Dec. 1, 2016 |
| 5. Marian Leighton Levy | 323 Merrimac Street | NRA | Oct. 30, 2020 |

RE-APPOINTMENTS

- | | | | |
|---------------------------|-----------------|------------------------------|---------------|
| 6. Donald B. Notargiacomo | 5B Zabriskie Dr | Constable for Civil Business | Sept. 1, 2017 |
|---------------------------|-----------------|------------------------------|---------------|

Motion to approve collectively 2nd reading by Councillor Connell, seconded by Councillor Cameron. So voted.

10. ORDERS

1. TABLED Resolution to work collaboratively with Verizon to provide FIOS

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

2. Discontinue portion of Belcher’s Street

Motion to refer to Neighborhood and City Services by Councillor Connell, seconded by Councillor Herzog. So voted.

3. Access Easement Way off Spofford Street

Motion to refer to Neighborhood and City Services by Councillor Cronin, seconded by Councillor Connell. So voted.

4. Accept Sec. 15B of Ch. 60 MGL authorizing establishment tax title collection revolv fund

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

5. \$14,000 Net premium paid to the City be appropriated to pay costs and reduce premium

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

6. \$5,000 Net premium paid to the City be appropriated to pay costs and reduce premium

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

7. \$20,000 Net premium paid to the City be appropriated to pay costs and reduce premium

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

8. Special Municipal Employees Community Preservation Commission (CPC)

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

9. Declaration of rental space at the Senior Community Center

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

13. ORDINANCES

1. 2nd Reading Amend Zoning ORD Appendix A Sec. XXIX Smart Growth District (SGOD)

Motion to approve 2nd reading by Councillor Cameron, seconded by Councillor Vogel. Motion to amend by reducing the district to 1 Boston Way and no more than 80 (eighty) units by Councillor Cronin, seconded by Councillor Giunta. Roll call vote, 3 yes (Cronin, Giunta, O’Brien), 8 no. Motion failed. Motion to approve roll call vote, 8 yes, 3 no (Cronin, Giunta, O’Brien). So voted.

2. Amend ORD Ch. 13-181 Parking Lots Waterfront Trust Lot

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

3. Amend ORD Ch. 13-181 Parking Lots Green Street Lot Police Vehicles
Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Cameron. 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. Statement re: Human Resources Dependent Audit *08/10/2015
6. FY2015 Year-End Financial Report *09/15/2015

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

7. Accept Gift of \$228,500 from the Friends of the Newburyport Council on Aging for Sr Ctr *09/15/2015

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

General Government

In Committee:

1. Letter re: Health Insurance Benefit *05/11/2015
2. Order Polling Place High Street *07/13/2015

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

3. Required notice to establish screening committee for City Marshal *09/15/2015

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

4. Changes to City Hall Rental Application and Rules of Use *09/15/2015
5. Create Ch. 2-2.5 City Flag *09/15/2015

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. Amend ORD 15-32 Taxi Licenses *06/29/2015

Motion to remove by Councillor Heartquist, seconded by Councillor Herzog. So voted. Motion to approve 1st reading and order published by Councillor Heartquist, seconded by Councillor Herzog. Roll call vote, 11 yes. So voted.

5. Regulations *08/10/2015
6. Amend Ch 9-111 Transient Vendors Definitions *08/10/2015

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

Neighborhoods and City Services

Councillor Connell said he will have a N&CS meeting on October 8, 2015 at 7:00pm.

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
5. Amend Ch11 Parks and Recreation (COTW) *08/10/2015
6. Amend Ch. 12-9 Maintenance of City Owned Sidewalks *09/15/2015
7. Amend Ch. 12-181 Protection of Public Trees *09/15/2015

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

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

5. NRA Ad Hoc (COTW) *08/10/2015
6. Establish a Waterfront Committee (COTW) *08/10/2015

Motion to remove #5 and #6 collectively by Councillor Cameron, seconded by Councillor Cronin. So voted. Motion to receive and file #5 and #6 collectively by Councillor Cameron, seconded by Councillor Cronin. So voted. The Planning & Development committee voted 3-0 to combine the two orders to the revised AD Hoc NRA Order. Motion to approve by Councillor Cameron, seconded by Councillor Cronin. So voted.

7. Amend Zoning VIII-D Sign regulations *09/15/2015
8. Amend Zoning XI-I Glare *09/15/2015
9. Amend Ch. 2-116 Planning Board Established, membership, appointment *09/15/2015
10. Amend Ch. 2-119 Planning Board Members to serve without pay; powers and duties *09/15/2015

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. Amend ORD Ch. 13 Article IV Div 6 Sec. 13-175 2 hr No. Atkinson *06/29/2015
4. Letter regarding condition of Dove Street *07/13/2015
5. Special Event Application Green Strides Half Marathon October 25, 2015 *09/15/2015

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

6. 3rd Annual Pumpkin Patch Fun Run event *09/15/2015

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

7. River Relay for Real Lives *09/15/2015

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

8. Revising the Location of the EV Charging Station *09/15/2015

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

9. Amend Ch. 3-2 Disposal of Animal Waste *09/15/2015
10. Amend Ch. 13-136 Designated Stop Intersections *09/15/2015
11. Amend Ch. 13-168 Parking Restricted on Certain Streets *09/15/2015
12. Amend Ch. 13-180 Resident Parking *09/15/2015
13. Amend Ch. 13-168 Parking Restricted on Pauline Street *09/15/2015

Public Utilities Committee

In Committee:

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

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

Rules Committee

12. GOOD OF THE ORDER

Council President O'Brien announced the appointment of members to the ad hoc committee. They are Council President O'Brien, Councillor Jared J. Eigerman, Chair, Councillor Robert J. Cronin, Councillor Edward C. Cameron, Councillor Allison Heartquist, William Harris, a member of the Waterfront Trust, a member of the Harbor Commission, Tom Salemi of the NRA, Chamber of Commerce President Ann Ormond or her designee and E.J. Heath of the Committee for an Open Waterfront.

13. ADJOURNMENT

Councillor Cameron moved to adjourn, seconded by Councilor Kinsey, at 9:17 pm. So voted.