

CITY COUNCIL MEETING MINUTES - VERSION 1

February 11, 2016

7:30PM

The City Clerk 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: Connell, Cronin, Devlin, Earls, Eigerman, Giunta, Tontar, Vogel and Zeid. 9 present, 2 absent (Cameron, O'Brien).

1. CALL TO ORDER

2. LATE FILES – COMM21- 02_08_16 - Mayor's update – State of the City

Motion to waive the rules and allow the late file by Councillor Cronin, seconded by Councillor Zeid. So voted.

3. PUBLIC COMMENT

1. Peter Fitzsimmons 7 Arlington Street upgrade for security HS

4. MAYOR'S COMMENT

The Mayor submitted the State of the City.

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

January 25, 2016

(Approved)

6. TRANSFERS

TRAN003_02_08_16 – Sustainability Solid Waste Fees \$45,650 to Hshld Haz. Waste \$15,000, to Chipper \$7,000, to Salary Recycle/Energy Manager \$23,650

(B&F)

7. COMMUNICATIONS

COMM014_02_08_16 – Phat Cabbie Transportation Taxi License

(L&P)

COMM015_02_08_16 – Block Party Douglas Johnson, 2 Arthur Welch Drive, June 25, 2016

(PS)

COMM016_02_08_16 – Annual Newburyport Chocolate Tour, May 21, 2016, 1 to 5pm

(PS)

COMM017_02_08_16 – Special Event Application Spring Fever 5K, April 10, 2016

(PS)

COMM018_02_08_16 – January 2016 Grants Report

(R&F)

COMM019_02_08_16 – 2nd Hand Motor Vehicles Sales License, State Automotive Repair

(L&P)

COMM020_02_08_16 – Memo re: hiring process for Building Commissioner

(B&F)

Changed from B&F to P&D.

8. APPOINTMENTS – First Reading

Appointments

APPT006_02_08_16 – Ted Waldron, 14 Oak Street, License Commission

June 1, 2018

Re-Appointments

APPT007_02_08_16 – Monica Blondin, 154 High Street, Library Board of Directors

January 15, 2023

APPT008_02_08_16 – David Dylewski, 334R Merrimac St., Tree Commission

November 1, 2018

APPT009_02_08_16 – Jeanine T. Murphy, 10 Plummer Ave., Atkinson Common Comm.

March 30, 2019

APPT010_02_08_16 – Robert Ciampitti, Jr., 552 Merrimac St., Zoning Board of Appeals

February 1, 2021

Removed by Councillor Tontar.

APPT011_02_08_16 – Barry J. McBride, 5 Pine St., Salisbury, Ass't. Wiring Inspector

January 31, 2017

APPT012_02_08_16 – David Zinck, 6 Laurel Road, Electrical Inspector

January 31, 2017

APPT013_02_08_16 – Paul Dahn, 343 High Street, Harbor Commission

January 31, 2019

APPT014_02_08_16 – Paul J. Rooney, Jr., 161 N. Boulevard, Harbor Commission

May 31, 2019

APPT015_02_08_16 – T. Bradley Duffin, 2 Cutting Drive, Harbor Commission

April 2, 2019

APPT016_02_08_16 – Douglas Bolick, 8 Court Street, Board of Registrars

September 1, 2018

END OF CONSENT AGENDA

Motion to approve the consent agenda as amended by Councillor Cronin, seconded by Councillor Giunta. So voted. Councillor Earls Recused

REGULAR AGENDA

9. APPOINTMENTS Second Reading

APPOINTMENTS

APPT005_01_25_16-Mark Murray 13 Middle St, Merrimac Marshal, Police Dept, Jan. 1, 2021
Motion to waive the rules and take appointment by Councillor Cronin, seconded by Councillor Giunta. So Voted. Councillor Cronin entered the following statement into the record, "A disturbing incident occurred in 2013 which involved an off-duty Newburyport police officer. This incident was jointly investigated by the Newburyport Police and the Essex County District Attorney's office. The District Attorney determined that there was insufficient evidence to gain a conviction. Following this, the officer in question resigned. During this investigatory period, Acting Marshall Murray was a Lieutenant and was not involved in the investigation."
Motion to Approve by Councillor Cronin, Seconded by Councillor Tontar. On a roll call vote, motion passed, 9 Y, 2A.

The President took a short, five minute recess.

10. COMMUNICATIONS

COMM021_02_08_16- LATE FILE Mayor's Update State of the City
Motion to receive and file by Councillor Zeid, seconded by Councillor Tontar. So voted.

11. APPOINTMENTS Second Reading

RE-APPOINTMENTS

APPT003_01_25_16 - Justin Dutcher 7 Morin Rd, Newburyport, Harbor Commission January 1, 2019
Motion to Approve 2nd reading by Councillor Zeid seconded by Councillor Giunta. Roll call vote, 9 Yes, 2 Absent.

APPT004_01_25_16 -Edward L. Ramsdell 32 Kent St., Newburyport, Zoning Board February 1, 2021
Motion to refer to General Government by Councillor Tontar and seconded by Councillor Vogel.
Motion to amend the motion to include Rob Ciampitti (APPT010_02_08_16) by Councillor Eigerman and seconded by Councillor Vogel. So voted.
Motion to amend the motion to additionally refer to Planning and Development by Councillor Cronin and seconded by Councillor Giunta. So voted.
Councillor Earls recused.

12. ORDERS

ORDR007_02_08_16 – Resolution to recognize Newburyport Youth Services 10 year anniversary
The resolution was read by Mayor Holaday. Motion to Approve by Councillor Vogel, Seconded by Councillor Tontar. So voted.

ORDR008_02_08_16 – Formosa Plastics Settlement Acceptance
Motion to refer to B&F by Councillor Cronin, Seconded by Councillor Tontar. So voted

ORDR009_02_08_16 – Increase fees for Fire Dept.
Motion to refer to B&F by Councillor Tontar, Seconded by Councillor Vogel. So voted

ORDR010_02_08_16 – Increase fines Parking Violations
Motion to refer to B&F by Councillor Tontar, Seconded by Councillor Vogel. So voted

13. ORDINANCES

ODNC005_02_08_16 – Zoning Amend App. A, Sec. III-C Zoning Map, dated Feb. 8, 2016
Motion to refer to P&D by Councillor Zeid, seconded by Councillor Tontar. 9 yes, 2 A So voted.

14. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **TRAN001_01_11_16** - Gen Fd \$242,000, ENSTech \$30,171, FY15 School Expenses \$45,344.42, FY16 School Expenses \$24,484.58 to High School Security Upgrade \$342,000

Motion to remove by Councillor Tontar, seconded by Councillor Zeid. So voted.

Motion to approve by Councillor Tontar, seconded by Councillor Zeid

Motion to revisit phase 3 by Councillor Eigerman, seconded by Councillor Cronin (not voted on),

Motion to amend by reducing the amount of the transfer to \$142,085.5 by Councillor Zeid, seconded by Councillor Vogel, roll call vote (5 Y, 4 N – JD, GE, CT, BV, 2A), motion fails

Vote on Motion to approve, roll call (6 Y, 3 N – JE, SV, BC, 2A) Motion passes.

- **ORDR002_01_11_16** - Loan Order intermodal transit parking facility \$630,300

Motion to Remove by Councillor Tontar seconded by Councillor Vogel, So voted, Motion to Refer to B&F and COTW by Councillor Tontar, seconded by Councillor Vogel, So voted.

- **TRAN002_01_25_16** - Sewer Retained Earnings \$230,000, to Odor Control Impv. Project \$230,000

Motion to remove by Councillor Tontar, seconded by Councillor Zeid, So voted

Motion to approve by Councillor Tontar, seconded by Councillor Zeid, So voted

- **COMM011_01_25_16** – Finance Director FY 2016 Mid-Year Report

Motion to remove by Councillor Tontar, seconded by Councillor Vogel, So voted

Motion to R&F by Councillor Tontar, seconded by Councillor Vogel, So voted

- **ORDR002_01_25_16** – Accept gift of \$25,000 repairing Brown’s Wharf Culvert

- **ORDR004_01_25_16** - Order to change fees for recycling TVs

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

Motion to approve by Councillor Tontar, seconded by Councillor Devlin, So voted

- **ODNC002_01_25_16** – Chapter 4 Fines for dogs on Plum Island

Motion to remove by Councillor Tontar, seconded by Councillor Vogel, So voted

Motion to approve by Councillor Tontar, seconded by Councillor Vogel, Roll Call (6Y, 3N – RC, LG, SZ, 2A)

- **ODNC003_01_25_16** – Chapter 3 Animals Dogs Kennel fees

Motion to remove by Councillor Tontar, seconded by Councillor Vogel, So voted

Motion to approve Section A by Councillor Tontar, seconded by Councillor Vogel, Roll Call (4Y JE, CT, BV, BC, 5N, 2A) Motion fails

Motion to approve Section B by Councillor Tontar, seconded by Councillor Vogel, Roll Call (5Y GE, JE, CT, BV, BC, 4N, 2A) Motion fails

Motion to approve Section B by increasing the fees by 20% by Councillor Earls, seconded by Councillor Vogel, Roll Call (5Y GE, JE, CT, BV, BC, 4N, 2A) Motion fails

Motion to approve Section C by Councillor Tontar, seconded by Councillor Vogel, Motion to amend by increasing the fine after August 1st to \$100 by Councillor Earls, seconded by Councillor Eigerman, So voted. Motion to Approve as Amended Roll Call (9Y, 2A)

- **ODNC004_01_25_16** – Chapter 3 Animals Dogs Nuisance

Motion to remove by Councillor Tontar, seconded by Councillor Zeid, 8Y, 2N (RC, JD)

Motion to approve by Councillor Tontar, seconded by Councillor Vogel, Withdrawn

Motion to refer to L&P by Councillor Tontar seconded by Councillor Cronin, So Voted.

General Government

Joint Education

Councillor Giunta reported on schools preparing bringing foreign language back 2016-2017.

License & Permits

In Committee:

- **COMM009_01_25_16** - Second Hand Motor Vehicle License Nbpt. Sunoco GNFD, Inc.

Motion to Remove, Councillor Vogel, seconded by Councillor Earls, so voted.

Motion to Approve by Councillor Vogel, seconded by Councillor Tontar, So voted

- **COMM010_01_25_16** - Licensing Commission Acoustic & Amplified Entertainment

- **ODNC002_01_25_16** – Chapter 4 Fines for dogs on Plum Island
- **ODNC003_01_25_16** – Chapter 3 Animals Dogs Kennel fees
- **ODNC004_01_25_16** – Chapter 3 Animals Dogs Nuisance

Neighborhoods and City Services

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation (COTW)

Planning & Development

In Committee:

- **COMM005_01_11_16** Letter to Council regarding Economic Development Concept for Business Park
- **ODNC001_01_25_16** – Zoning Amend Smart Growth District (COTW)

Public Safety

In Committee:

- **APPT005_01_25_16** - Mark Murray, 13 Middle St, Merrimac, Marshal Police Dept, Jan. 1, 2021 (COTW)
Taken out of order at the end of Consent Agenda
- **COMM007_01_25_16** – Special Event App MS Walk Newburyport, April 2, 2016
Motion to Remove, Councillor Cronin, seconded by Councillor Giunta, so voted.
Motion to Approve by Councillor Cronin, seconded by Councillor Giunta, So voted
- **COMM008_01_25_16** – Special Event App Jeanne Geiger Crisis Ctr Flash Mob, Feb. 11, 2016
Motion to Remove, Councillor Cronin, seconded by Councillor Tontar, so voted.
Motion to R&F by Councillor Cronin, seconded by Councillor Earls, So voted
- **ORDR003_01_25_16** – Parking Restricted No Atkinson Street At High
Motion to Remove, Councillor Cronin, seconded by Councillor Tontar, so voted.
Motion to Approve by Councillor Cronin, seconded by Councillor Tontar, So voted
- **ORDR005_01_25_16** – Parking Restricted on Merrimac St at Kent
Motion to Remove, Councillor Cronin, seconded by Councillor Tontar, so voted.
Motion to Approve by Councillor Cronin, seconded by Councillor Tontar, So voted
- **ORDR006_01_25_16** – Crosswalks at Intersection of Fair, Fruit and Prospect
Motion to Remove, Councillor Cronin, seconded by Councillor Vogel, so voted.
Motion to Approve by Councillor Cronin, seconded by Councillor Tontar, So voted

Public Utilities Committee

Rules Committee

15. GOOD OF THE ORDER

Councillor Earls requested all Councillors use Parliamentary Procedures when addressing each other in the meetings by using the title Councillor.

- 16. EXECUTIVE SESSION – Motion to go into Executive Session for the purposes of discussion litigation regarding the Plum Island Water Sewer by Councillor Cronin, seconded by Councillor Tontar at 9:45 pm. President announces we will not be coming back into regular session. Motion to come out of executive session and adjourn, by Councillor Cronin, seconded by Councillor Tontar at 10:24 pm.**

17. ADJOURNMENT

Councillor Cronin moved to adjourn, seconded by Councilor Tontar at 10:24 pm. So voted.