

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
August 29, 2016

7:30PM

The City Council President, Thomas O'Brien, called the meeting to order at 7:30pm. A moment of silence was held for Ralph Ayers, Lawrence Howard, Wallace Thurlow, Robert Daigle, Richard Kaplan, and Cindi Kozuchowski, followed by the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Devlin, Earls, Eigerman, Giunta, Tontar, Vogel, Zeid, Cameron, Connell, Cronin, O'Brien.

(Sound Check)

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**

- 4. LATE FILE ITEMS Mayor's Update, COMM087EP_08_29_16, ORDR072_08_29_16, ORDR073_08_29_16, ORDR074_08_29_16, ORDR065_08_29_16, ORDR066_08_29_16**

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

5. PUBLIC COMMENT

| | | |
|-----------------------|--------------------|-----------------------|
| 1. Crispin Miller | 1 Parker Ridge Way | Tree Commission |
| 2. Jill Ramsdell | 85 Storey Avenue | Gratitude Day |
| 3. Jean Berger | 33 Middle Street | CPC Funding YWCA |
| 4. Norm Hansen | 12 Carleton Drive | CPC Belleville Church |
| 5. Victoria Carr | 1 Hill Street | CPC YWCA |
| 6. John Feehan | 13 Market Street | CPC YWCA |
| 7. Nancy Peace | 53 Warren Street | CPC YWCA |
| 8. Christina Ouimette | 2 Broad Street | CPC YWCA |
| 9. Steve Wiehe | 33 Frances Drive | CPC YWCA |
| 10. Constance Preston | 18 Atwood Street | Tree Commission |

6. MAYOR'S COMMENT

The mayor gave an update pursuant to her written communication.

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.

7. APPROVAL OF MINUTES

August 8, 2016

(Approve)

8. TRANSFERS

- **NONE**

9. COMMUNICATIONS

- **COMM084_08_29_16** Ltr RE: Amp Music Downtown, T. Stewart

(L&P)

- **COMM085_08_29_16** Walk for Kenyan Girls' Education (PS)
- **COMM086_08_29_16** Walk for the Poor (PS)
- **COMM088_08_29_16** FY2016 Year-End Financial Report (B&F)

10. APPOINTMENTS

First Appointments

- **APPT063_08_29_16** Renee Bourdeau 376 High St ZBA 3/1/2020
- **APPT064_08_29_16** Constance Preston 18 Atwood St Tree Commission 10/1/2017

Re-Appointments

- **APPT065_08_29_16** Byron M. Getchell 14 Milk St Tree Commission (alt) 5/1/2019

END OF CONSENT AGENDA REGULAR AGENDA

Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Cameron. So voted.

11. MAYOR'S UPDATE

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

12. COMMUNICATIONS

- **COMM087EP_08_29_16** Payson Street Block Party Emergency Preamble
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. Councillor Connell recused himself. 10 Yes. Motion passed.
- **COMM087_08_29_16** Payson Street Block Party
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. Councillor Connell recused himself. So voted.

13. APPOINTMENTS

Second Reading

Motion to approve second reading appointments collectively by Councillor Cameron, seconded by Councillor Tontar. Roll call vote, 11 Yes. Motion passed.

- **APPT057_08_08_16** Kim Kudym 44 Hale St Tree Comm 5/1/2018
- **APPT058_08_08_16** Joe Lamb 14 Russia St Planning Board 8/31/2021
- **APPT059_08_08_16** Paul C. O'Brien 483B Merrimac St CPC 5/1/2019
- **APPT060_08_08_16** Maureen Louise Pomeroy 62 Boardman St ZBA 8/1/2021
- **APPT061_08_08_16** Richard Puopolo 169 Apache Wy Asst Harbormaster 8/1/2019
- **APPT062_08_08_16** Julie Languirand 13 Cushing St, Sal Treasurer/Collector 8/30/2019

14. ORDERS

- **ORDR067_08_29_16** Hillside Ave, Cottage Ct – Resident Parking
Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Tontar. So voted.
- **ORDR068_08_29_16** High Street – Resident Parking
Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Tontar. So voted.
- **ORDR069_08_29_16** Hancock St, Chestnut St – Parking Restrictions
Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Tontar. So voted.
- **ORDR070_08_29_16** Bus Stop @ Water and Charles Streets Moved
Motion to refer to Public Safety by Councillor Zeid, seconded by Councillor Cameron. So voted.

- **ORDR071_08_29_16** Blind Person Sign
Motion to refer to Public Safety by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR072_08_29_16 LATE FILE** Order of Taking – 223 High Street
Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Cameron. So voted.
- **ORDR073_08_29_16 LATE FILE** Kelley School Preservation Restriction
Motion to refer to Planning & Development by Councillor Cameron, seconded by Councillor Vogel. So voted.
- **ORDR074_08_29_16 LATE FILE** Kelley School Certificate of Vote
Motion to refer to Planning & Development by Councillor Cameron, seconded by Councillor Zeid. So voted.

15. ORDINANCES

- **ODNC015_08_29_16** 25 MPH Speed Zones
Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Zeid. So voted.

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR009_02_08_16** Increase Fees for Fire Dept.
- **ORDR010_02_08_16** Increase Fines Parking Violations
- **ORDR002_01_25_16** Accept Gift of \$25,000 Repairing Brown's Wharf Culvert (COTW)
- **ORDR039_05_31_16** Increase Hourly Parking Rate to \$1.50
- **TRAN023_08_8_16** Solid Waste Fee (40,000) to HHWaste (20,000) and Chipper (20,000)
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Connell. So voted.
- **TRAN024_08_8_16** Parks, Maintenance (10,000) to P-T Emp (10,000)
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **ORDR058_08_08_16** CPC Recommendations For FY17
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. So voted.
Votes on individual projects were as follows:

| No. | Project Title | Requested Amount | Category | Recommendation |
|-----|---|------------------|-------------------|----------------|
| 1 | YWCA at Hillside Motion to approve by Councillor Tontar, seconded by Councillor Connell. So voted. | \$150,000 | Community Housing | \$150,000 |
| 2 | Clipper City Rail Trail and Harborwalk, Phase II Motion to approve by Councillor Tontar, seconded by Councillor Connell. So voted. | \$160,000 | Recreation | \$100,000 |

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|----|--|--------------|------------------------|--------------|
| 3 | Newburyport Affordable Housing Trust Motion to approve by Councillor Tontar, seconded by Councillor Vogel. Councillor Cameron recused himself. Motion passed. | \$88,500 | Community Housing | \$50,000 |
| 4 | Historic Structure Survey Update Project Motion to approve by Councillor Tontar, seconded by Councillor Vogel. So voted. | \$15,000 | Historic Resources | \$15,000 |
| 5 | The Track at Fuller Field – Improvement & Renovation Project Motion to approve by Councillor Tontar, seconded by Councillor Cronin. So voted. | \$150,000 | Recreation | \$150,000 |
| 6 | Joppa Park Renovation Project, Phase II Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted. | \$25,000 | Open Space, Recreation | \$25,000 |
| 7 | Open Space Reserve Fund Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted. | \$150,000 | Open Space | \$100,000 |
| 8 | Belleville Congregational Church Restoration Motion to approve by Councillor Tontar, seconded by Councillor Cameron. 2 No (TO, BC). Motion passed. | \$52,900 | Historic Resources | \$39,000 |
| 9 | Rehabilitation of the Perkins Printing and Engraving Plant Motion to approve by Councillor Tontar, seconded by Councillor Vogel. So voted. | \$14,082 | Historic Resources | \$14,000 |
| 10 | Newburyport Harbor Light Plum Island Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted. | \$12,000 | Historic Resources | \$12,000 |
| 11 | City Hall Bond Payment Motion to approve Projects 11-15 collectively by Councillor Tontar, seconded by Councillor Connell. So voted. | \$168,187.50 | Historic Resources | \$168,187.50 |

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|----|---|--------------|----------------|--------------|
| | Open Space Bond Payment | | | |
| 12 | Motion to approve Projects 11-15 collectively by Councillor Tontar, seconded by Councillor Connell. So voted. | \$104,591.31 | Open Space | \$104,591.31 |
| | Stadium Bond Payment | | | |
| 13 | Motion to approve Projects 11-15 collectively by Councillor Tontar, seconded by Councillor Connell. So voted. | \$132,368.75 | Recreation | \$132,368.75 |
| | Cherry Hill Parcel B Bond Payment | | | |
| 14 | Motion to approve Projects 11-15 collectively by Councillor Tontar, seconded by Councillor Connell. So voted. | \$13,208.75 | Recreation | \$13,208.75 |
| | Administrative Costs | | | |
| 15 | Motion to approve Projects 11-15 collectively by Councillor Tontar, seconded by Councillor Connell. So voted. | \$12,000 | Administration | \$12,000 |

- **ORDR059_08_08_16** \$615,000 Plum Island Sewer Valve Pit Monitoring System Capital Project
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted.
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 11 Yes. Motion passed.
- **ORDR060_08_08_16** \$835,000 is Appropriated to Various Drainage Projects
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted.
Motion to approve by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 10 Yes, 1 No (RC). Motion passed.
- **ORDR061_08_08_16** Spending Limit for Medicare/Medicaid Revolving Fund from \$15,000 to \$25,000
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted.
Motion to approve by Councillor Tontar, seconded by Councillor Cronin. So voted.
- **ORDR062_08_08_16** \$60,000 Appropriated for New Harbormaster Facility
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted.
Motion to approve by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 8 yes, 3 no (TO, RC, JD). Motion passed.

General Government

In Committee:

- **COMM063_06_13_16** Letter from Abutters of the I-95 Project

Joint Education

Councillor Giunta announced there would be a meeting on September 12th of Jt. Ed Committee (meeting was cancelled)

License & Permits

In Committee:

- **COMM010_01_25_16** Licensing Commission Acoustic & Amplified Entertainment
- **COMM059_05_31_16** Letter re: Sign Committee
Motion to remove from License & Permits by Councillor Vogel, seconded by Councillor Giunta. So voted. Motion to receive and file by Councillor Vogel, seconded by Councillor Giunta. So voted.
- **ODNC011_05_31_16** Amend Transient Vendors for Cashman (COTW)
- **ODNC013_07_11_16** Amend Outdoor Seating (Two Year Renewals)
- **COMM077_08_08_16** Communications re: Seacoast Taxi
Motion to remove by Councillor Vogel, seconded by Councillor Giunta. So voted. Motion to gather information to see if Seacoast Taxi is running legally by Councillor Vogel, seconded by Councillor Devlin. 10 Yes, 1 No (TO). Motion passed.
- **COMM082_08_08_16** Atria Gratitude Day
Motion to remove from License & Permits by Councillor Vogel, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Vogel, seconded by Councillor Tontar. So voted.
- **ORDR063_08_08_16** ACO Contract with W Newbury & Nbpt Extension to June 30, 2017

Neighborhoods and City Services

Councillor Connell announced there would be a meeting on September 6th at 7:00pm.

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation (COTW)
- **ORDR048_06_13_16** Sidewalk Order
- **COMM081_08_08_16** Marquand Lane Letter re: Tow Truck

Planning & Development

In Committee:

- **COMM020_02_08_16** Memo re: Hiring Process for Building Commissioner
- **ORDR055_06_27_16** Order re: Surplus Property – WWTP
- **COMM076_07_11_16 LATE FILE** Boyd Drive Petition
- **ODNC014_08_08_16** Zoning Amend Sidewalks/Trees Sec XI-K et al

Public Safety

In Committee:

- **ORDR011_02_29_16** Parking – Section 13-168, Winter Hours Restrictions, Certain Streets
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Giunta. So voted. Motion to receive and file by Councillor Cronin, seconded by Councillor Giunta. So voted.
- **COMM062_06_13_16** Newburyport Half Marathon
Motion to remove from Public Safety by Councillor Cronin, seconded by Larry Giunta. So voted. Motion to approve by Councillor Cronin, on the conditions of an insurance binder, no rain date, and no beer tent, seconded by Councillor Giunta. So voted.
- **COMM063_06_13_16** Letter from Abutters of the I-95 Project
- **COMM080_08_08_16** Special Event App Old Nbpt Day at Mall
Motion to receive and file by Councillor Cronin, seconded by Councillor Connell. So voted.
- **COMM081_08_08_16** Marquand Lane Letter re: Tow Truck
- **COMM083_08_08_16** Special Event App Grand Tasting App Inn St 9/22/16
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Giunta. So voted.
- **ORDR064_08_08_16** List of Crosswalks - add walk on Merrimac St near Caldwell Ct and Kent at Merrimac

Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Giunta. So voted.

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit
- **ODNC012_05_31_16** Amend Sign Ordinance Chapter 12.3 et al
- **ORDR065_08_08_16** Licensed Contractor Guaranteed Builders
Motion to remove from Public Utilities by Councillor Eigerman, seconded by Councillor Cameron. So voted.
Motion to approve, on the condition of proper insurance, by Councillor Eigerman, seconded by Councillor Cameron. So voted.
- **ORDR066_08_08_16** Licensed Contractor Masterson Construction
Motion to remove from Public Utilities by Councillor Eigerman, seconded by Councillor Earls. So voted.
Motion to approve, subject to the presentation of acceptable insurance, by Councillor Eigerman, seconded by Councillor Cameron. So voted.
Councillor Eigerman announced meeting on Sept, 8, 2016 in the Auditorium at 6:30pm

Rules Committee

In Committee:

17. GOOD OF THE ORDER

The Clerk thanked DPS for the new bookshelves in the Council Chambers. Councillor Zeid expressed gratitude to the Newburyport Fire Department and neighboring communities for their aid in both recent fires. Councillor Vogel stated he would talk to When Pigs Fly business about the Council's decision not to take up the matter of the table outside of the business.

18. EXECUTIVE SESSION

Motion to begin the executive session to discuss pending litigation by Councillor Cronin, seconded by Councillor Tontar. Roll call vote, 11 Yes. President O'Brien stated the Council would not return to regular session. 9:43pm

19. ADJOURNMENT

Motion to Adjourn, RC/EC All 10:31 pm