

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
NOVEMBER 12, 2019

7:15PM

Tax Levy Hearing

The tax levy hearing was called to order at 7:15pm. 9 councillors present, 2 absent (Zeid, Devlin). Motion to adjourn by Councillor OBrien, seconded by Councillor Giunta. So voted.

Pole Hearing – Colby Farm Lane

The pole hearing was called to order at 7:20pm. 9 councillors present, 2 absent (Zeid, Devlin). Paullo Satler from National Grid and Rob Germinara spoke in favor. No one spoke against.

7:30PM

The City Council President, Barry Connell, called the meeting to order at 7:30pm, followed by the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: McCauley, OBrien, Shand, Tontar, Vogel, Zeid (remote), Eigerman, Giunta, Khan, Connell. 10 present, 1 absent (Devlin).

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS

5. PUBLIC COMMENT

1. Byron Lane	14 Hart Rd	Retail Zoning
2. Constance Preston	18 Atwood St	Retail Zoning
3. Lanita Ann Dykes	12 Munroe St	Retail Zoning
4. Lynn Schow	75 High St	Retail Zoning
5. Paul O'Brien	483 Merrimac St	Retail Zoning
6. Tom Salemi	16 Tyng St	Retail Zoning
7. Sierra Gitlin	20 Orange St	Retail Zoning
8. John Giordano	7 N Atkinson St	Retail Zoning
9. Eileen Regan	79 Lime St	Retail Zoning
10. Roy Hancock	4 Tilton St	Retail Zoning
11. Molly Manuel	27 Broad St	Retail Zoning
12. Jennie Donahue	18 Cherry St	Retail Zoning
13. Matt Kane	63 Curzon Mill Rd	Retail Zoning
14. Joanne McCarthy	158 Crow Ln	Retail Zoning

6. COMMENDATION FOR THE “PLOGGING OF NEWBURYPORT” TEAM

The Mayor read a commendation for the Plogging Newburyport team.

7. RECOGNITION FOR COUNCILLOR OBRIEN

The Mayor and the City Council President jointly read a proclamation for Councillor Thomas F. OBrien.

8. 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.

9. APPROVAL OF MINUTES

- October 28, 2019

(Approve)

10. TRANSFERS

- NONE

11. COMMUNICATIONS

- COMM202_11_12_19 Newburyport Rotary Santa Parade - 12/1/2019 (PS)
- COMM203_11_12_19 2020 Class II Vehicle License - RL Currie Corp. (L&P)
- COMM204_11_12_19 2020 Class II Vehicle License - LCA Motors (L&P)
- COMM205_11_12_19 Ladies' Night Out Run/Walk - 12/7/2019 (PS)

12. APPOINTMENTS

First Reading - NONE

ALL ITEMS NOTED BELOW ARE REMOVED FROM THEIR RESPECTIVE COMMITTEES WITH THE MOTION TO APPROVE THE CONSENT AGENDA:

Public Safety

- COMM195_10_15_19 Newburyport Youth Hockey Tag Day Fundraiser - 11/16/2019

END OF CONSENT AGENDA REGULAR AGENDA

Motion to waive the rules, so that the Council did not have to do a roll call vote when removing items from committee, by Councillor Giunta, seconded by Councillor Eigerman. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed. Motion to approve the Consent Agenda by Councillor Giunta, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.

13. MAYOR'S UPDATE

Motion to receive and file by Councillor Khan, seconded by Councillor OBrien. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.

14. APPOINTMENTS

Second Reading

- APPT131_10_28_19 Victoria Finnigan 10 Boxford Rd #25, Rowley Asst Treasurer 11/1/2022
- Motion to approve second reading appointment by Councillor OBrien, seconded by Councillor McCauley. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.

15. ORDERS

- ORDR154_11_12_19 Friends of NYS Gift Acceptance \$11,000
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- ORDR155_11_12_19 Plum Island AED Gift Acceptance \$2,603.98
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- ORDR156_11_12_19 Acceptance of Colby Farm Open Space
Motion to refer to Planning & Development by Councillor Giunta, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent Devlin). Motion passed.

- ORDR157_11_12_19 Fire Boat Gift Acceptance
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- ORDR158_11_12_19 Rescission of Marijuana Sales Tax
Motion to refer to Budget & Finance and Committee of the Whole by Councillor Giunta, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.

16. ORDINANCES

- ODNC040_08_19_19 Zoning Ordinance re: Kennel/Animal Boarding Use (Confirmatory 2nd Reading)
Motion to approve confirmatory reading by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- ODNC043_11_12_19 Prohibition of Non-Medical Marijuana Retailers
Motion to refer to General Government and Committee of the Whole by Councillor Giunta, seconded by Councillor Khan. Withdrawn. Motion to refer to License & Permit and Committee of the Whole by Councillor Eigerman, seconded by Councillor OBrien. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- ODNC044_11_12_19 Zoning Amendment - Prohibition of Non-Medical Marijuana Establishments
Motion to refer ODNC044_11_12_19 and ODNC045_11_12_19, collectively, to Planning & Development, Planning Board, and Committee of the Whole by Councillor Giunta, seconded by Councillor OBrien. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- ODNC045_11_12_19 Zoning Amendment - Definition "Marijuana Retailers"

17. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

Budget & Finance

In Committee:

- COMM112_02_11_19 Memo re: Fire-Based EMS Cost/Benefit Analysis
- COMM120_03_11_19 Central Congregational Grant Award Letter
- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)
Project No. 9 held in committee.
- ORDR136_08_19_19 Fuller Track Phase II Loan Order
- COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations
- COMM192_09_30_19 10-Year Financial Projection (COTW)
- **ORDR148 10 28 19 Parent Workshops Gift Acceptance from Anna Jaques \$5,000**
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor OBrien. Roll call vote, 10 yes, 1 absent (Devlin). Motion to approve by Councillor Tontar, seconded by Councillor OBrien. Roll call vote, 10 yes, 1 absent (Devlin), Motion passed.
- ORDR150_10_28_19 Opioid Addiction Treatment and Prevention Grant Acceptance \$600K
- **ORDR152 10 28 19 FY2020 Tax Rate**
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Devlin). Motion to approve tax rate of \$12.84 by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 8 yes, 2 no (Zeid, Giunta) 1 absent (Devlin), Motion passed.
- **ORDR153 10 28 19 FY2020 Residential Factor**
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 absent (Devlin). Motion to approve residential factor of 1 by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Devlin), Motion passed.

Education

Councillor Giunta provided Council with materials on Budget Development.

In Committee:

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General Government

In Committee:

-

License & Permits

In Committee:

- COMM029_04_30_18 Outdoor Seating – West Row Café
- COMM104_01_14_19 Seacoast Taxi - Application by Richard Hewlett for 2019

Neighborhoods and City Services

In Committee:

- ORDR048_06_13_16 Sidewalk Order
- COMM111_10_10_17 Petition for Road Repairs and Repaving – Squires Glen
- ODNC042_09_30_19 Parking at Public Parks and Playgrounds
- COMM194_10_15_19 Ltr from Newburyport Livable Streets
- COMM196_10_15_19 Ltr re: Road and Sidewalk Work on Merrimac and High Streets (COTW)
- COMM197_10_28_19 Ltr re: Phillips Drive Neighborhood Drainage (COTW)

Planning & Development

In Committee:

- ORDR086_01_28_19 CPC FY2019 Amended Recommendation for Affordable Housing Trust Funds
- ODNC029_01_28_19 Zoning Map Amendment – Storey Ave South
- **COMM164_06_24_19 Ltr to Ward 2 Councillor from Eric Goodness**

Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Giunta. So voted. Motion to receive and file by Councillor Eigerman, seconded by Councillor Giunta. Motion to amend the motion to receive and file, add a request to the Clerk to request a copy of the investigation by the executive branch on the matter, by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed. Motion to receive and file as amended by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.

- ODNC038_07_15_19 Zoning Amendment – Waterfront West Overlay District (COTW)
- COMM185_09_09_19 Memo re: Waterfront West Sustainability
- **APPT129_09_30_19 Malcolm Carnwath 22 Strong St Historical Comm 9/30/2022**
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed. Motion to approve by Councillor Eigerman, seconded by Councillor OBrien. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- **COMM199_10_28_19 Newburyport Armory Conveyance**
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed. Motion to receive and file by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- COMM201_10_28_19 Memo re: Proposed Zoning Change – WWOD

Public Safety

In Committee:

- ODNC009_03_12_18 Floating Homes, Houseboats, and Related Marinas

- COMM087_09_24_18 Ltr re: Coffin Street
- COMM116_02_25_19 Toward Zero Waste Newburyport Initiative (*full text available*) (COTW)
- ORDR094_04_08_19 Traffic Changes - Green, Pleasant, and Titcomb Streets
- ODNC035_05_28_19 Amendment to Health and Sanitation (COTW)
- ORDR145_09_30_19 Snow Emergency Parking – Greenleaf Street
- ORDR146_09_30_19 Restricted Parking – Merrimac Street at Ashland Street
- **COMM195_10_15_19 Newburyport Youth Hockey Tag Day Fundraiser - 11/16/2019**
Motion to approve by Councillor Giunta, seconded by Councillor OBrien. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- COMM198_10_28_19 Ltr re: Middle Street Parking/Curb Cuts
- ORDR149_10_28_19 Eliminate Two Hour Parking Upper Summer St
- ORDR151_10_28_19 Amendment to 2-Hour Resident Zones

Public Utilities

In Committee:

- COMM122_11_27_17 Mobilitie Application/Small Cell Utility Petition (re-file)
- ODNC022_05_29_18 Addition to Chapter 5, Article 6 - Small Cell Sites
- COMM200_10_28_19 Pole Hearing - 30 Colby Farm Lane

Rules Committee

In Committee:

- ORDR057_08_27_18 Amendment to Council Rule 12A

18. GOOD OF THE ORDER

The Clerk wished Councillor OBrien good luck and thanked him for all he has done, and noted that his unequalled institutional knowledge will be missed.

19. ADJOURNMENT

Motion to adjourn by Councillor Vogel, seconded by Councillor OBrien. So voted. 9:15pm.