

**CITY COUNCIL MEETING MINUTES**  
**CITY COUNCIL CHAMBERS**  
**OCTOBER 28, 2019**

**7:15PM**

Pole Hearing – 14 Marlboro Street

John Butler from National Grid and Kathy Malynn spoke in favor. No one spoke in opposition. Hearing closed 7:17pm.

**7:30PM**

The City Council President, Barry Connell, called the meeting to order at 7:30pm, followed by the Pledge of Allegiance. A moment of silence was held for Ann Snell, former president of the Emma Andrews Library, and Stephen Serwon, son of retired Newburyport firefighter Frank Serwon. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Khan, McCauley, OBrien, Shand, Tontar, Vogel, Zeid, Devlin, Eigerman, Giunta, Connell. 11 present.

**(Sound Check)**

**1. MOMENT OF SILENCE**

**2. PLEDGE OF ALLEGIANCE**

**3. CALL TO ORDER**

**4. LATE FILE ITEMS - ORDR151\_10\_28\_19 Amendment to 2-Hour Resident Zones, ORDR152\_10\_28\_19 FY2020 Tax Rate, ORDR153\_10\_28\_19 FY2020 Residential Factor**

Motion to waive the rules, to allow late files, by Councillor Zeid, seconded by Councillor Tontar. So voted.

**5. PUBLIC COMMENT**

1. Caleb Barlow	366 High St	Sidewalks & Roads
2. Scott Knight	3 Drew St	Sidewalks & Roads
3. Phil Cootey	22 Phillips Dr	Phillips Drive
4. Jane Snow	9 Coffin St	Sidewalks & Roads
5. Richard Goulet	25 Phillips Dr	Phillips Drive

**6. MAYOR'S COMMENT**

The Mayor gave and 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**

- October 15, 2019 (Approve)

**8. TRANSFERS**

- NONE

**9. COMMUNICATIONS**

- COMM198\_10\_28\_19 Ltr re: Middle Street Parking/Curb Cuts (PS)
- COMM199\_10\_28\_19 Newburyport Armory Conveyance (P&D)
- COMM200\_10\_28\_19 Pole Hearing - 30 Colby Farm Lane (PU)
- COMM201\_10\_28\_19 Memo re: Proposed Zoning Change – WWOD (P&D)

## 10. APPOINTMENTS

### First Reading

- APPT131\_10\_28\_19 Victoria Finnigan 10 Boxford Rd #25, Rowley Asst Treasurer 11/1/2022

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

### Planning & Development

- APPT129\_09\_30\_19 Malcolm Carnwath 22 Strong St Historical Comm 9/30/2022

### Public Safety

- ORDR145\_09\_30\_19 Snow Emergency Parking – Greenleaf Street
- COMM195\_10\_15\_19 Newburyport Youth Hockey Tag Day Fundraiser - 11/16/2019

### Public Utilities

- COMM193\_10\_15\_19 Pole Hearing - 14 Marlboro Street

## END OF CONSENT AGENDA

### REGULAR AGENDA

Motion to approve Consent Agenda as amended by Councillor Zeid, seconded by Councillor OBrien. So voted.

## 11. MAYOR'S UPDATE

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

## 12. APPOINTMENTS

### Second Reading

- APPT130\_10\_15\_19 Susan Brown 40 Fair St Tree Commission 10/1/2022

Motion to approve Second Reading appointment by Councillor Zeid, seconded by Councillor Khan. Roll call vote, 11 yes. Motion passed.

## 13. COMMUNICATIONS

- COMM197\_10\_28\_19 Ltr re: Phillips Drive Neighborhood Drainage  
Councillor Giunta removed from the Consent Agenda. Motion to refer to Neighborhood & City Services and Committee of the Whole by Councillor Giunta, seconded by Councillor OBrien. So voted.

## 14. ORDERS

- ORDR148\_10\_28\_19 Parent Workshops Gift Acceptance from Anna Jaques \$5,000  
Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Tontar. So voted.
- ORDR149\_10\_28\_19 Eliminate Two Hour Parking Upper Summer St  
Motion to refer ORDR149\_10\_28\_19 and ORDR151\_10\_28\_19, collectively, to Public Safety by Councillor Zeid, seconded by Councillor Devlin. So voted.
- ORDR150\_10\_28\_19 Opioid Addiction Treatment and Prevention Grant Acceptance \$600K  
Motion to refer ORDR150\_10\_28\_19, ORDR152\_10\_28\_19, and ORDR153\_10\_28\_19, collectively, to Budget & Finance by Councillor Zeid, seconded by Councillor Tontar. So voted.
- ORDR151\_10\_28\_19 LATE FILE Amendment to 2-Hour Resident Zones
- ORDR152\_10\_28\_19 LATE FILE FY2020 Tax Rate
- ORDR153\_10\_28\_19 LATE FILE FY2020 Residential Factor

## 15. ORDINANCES

- ODNC040\_08\_19\_19 Zoning Ordinance re: Kennel/Animal Boarding Use (2<sup>nd</sup> Reading)

Motion to approve second reading by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.

- ODNC041\_09\_09\_19 Zoning Map - Colby Farm Residential Overlay District (2<sup>nd</sup> Reading)  
Motion to approve second reading by Councillor Giunta, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion passed.

## 16. 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
- **ORDR119 06 10 19 Bond Order - Streets and Sidewalks \$10M (COTW)**  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Vogel. Motion to amend, decrease from \$10 million to \$6 million, strike “throughout the city” and replace with “under the jurisdiction of the city, including, without limitation, to pave, set curbs, stripe, re-grade, and/or install drainage infrastructure within the public way”, strike “in five equal increments of two million dollars and no cents (\$2,000,000.00)” and replace with “over five (5) fiscal years, in increments not to exceed one million, two-hundred thousand dollars and no cents (\$1,200,000.00), and strike “consistent with Item Numbers HW009 and HW010 of the Capital Improvement Plan for Fiscal Years 2020-2024” and replace with “and with no less than fifty percent (50%) of any such yearly increment to be expended on public ways classified functionally as “local” under the then-current Road Inventory maintained by the Massachusetts Department of Transportation”, by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed. Motion to change date from October 28, 2019 to June 10, 2019, when the order was introduced, by Councillor Eigerman, seconded by Councillor Vogel. So voted. Motion to approve as amended by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion passed.
- **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)**

### Education

#### *In Committee:*

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### General Government

#### *In Committee:*

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### 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)

## **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 LATE FILE Ltr to Ward 2 Councillor from Eric Goodness
- 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 refer to Planning & Development by Councillor Eigerman, seconded by Councillor Giunta. So voted.

## **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**

Motion to refer ORDR145\_09\_30\_19 and COMM195\_10\_15\_19, collectively, to Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted.

- ORDR146\_09\_30\_19 Restricted Parking – Merrimac Street at Ashland Street
- **COMM195 10 15 19 Newburyport Youth Hockey Tag Day Fundraiser - 11/16/2019**

## **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
- **COMM193 10 15 19 Pole Hearing - 14 Marlboro Street**

Motion to approve (comm vote 3-0) by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 11 yes. Motion passed.

## **Rules Committee**

### ***In Committee:***

- ORDR057\_08\_27\_18 Amendment to Council Rule 12A

**17. EXECUTIVE SESSION** to discuss litigation with respect to the 193 High Street Zoning Appeal  
The Council President announced there would be no Executive Session.

## **18. GOOD OF THE ORDER**

Councillor Zeid stated November 21, 2019 as a possible meeting date on High Street and Merrimac Street.

## **19. ADJOURNMENT**

Motion to adjourn by Councillor OBrien, seconded by Councilor Vogel. So voted. 8:56pm.