

**CITY COUNCIL MEETING MINUTES**  
**CITY COUNCIL CHAMBERS**  
**NOVEMBER 25, 2019**

**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 Cliff Martellini, a former parking enforcement officer. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Shand, Tontar, Vogel, Zeid, Devlin, Eigerman, Giunta, Khan, McCauley, Connell. 10 present, 1 absent (OBrien).

**(Sound Check)**

**1. MOMENT OF SILENCE**

**2. PLEDGE OF ALLEGIANCE**

**3. CALL TO ORDER**

**4. LATE FILE ITEMS** – COMM210\_11\_25\_19 Ahavas Achim Interfaith Candle Lighting - 12/16/19-1/5/20, ORDR162\_11\_25\_19 Bartlet Mall Resolution. The Fire Chief placed supplemental materials pertaining to ORDR157\_11\_12\_19 on the Councillors' desks.

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

**5. PUBLIC COMMENT**

- |                         |              |              |
|-------------------------|--------------|--------------|
| 1. Jane Snow            | 9 Coffin St  | Fire Boat    |
| 2. William Shuttleworth | 20 Market St | Bobby Parker |

**6. MAYOR'S COMMENT**

The Mayor gave an update pursuant to her written communication.

**7. RESOLUTION FOR ROBERT "BOBBY" PARKER**

Motion to waive the rules and Charter provisions, to vote at first introduction to City Council and declare an emergency due to the set of circumstances, by Councillor Zeid, seconded by Councillor Vogel. So voted. Motion to approve by Councillor Zeid, seconded by Councillor Vogel. So voted.

**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.

**8. APPROVAL OF MINUTES**

- November 12, 2019 (Approve)

**9. TRANSFERS**

- TRAN065\_11\_25\_19 Free Cash \$15.5K to Meeting Recording \$15.5K (B&F)

**10. COMMUNICATIONS**

- COMM206\_11\_25\_19 Pole Hearing - Bayberry Road (PU)
- COMM207\_11\_25\_19 Memo re: Retirement Board Supplemental Expense Budget (B&F)  
Motion to amend, to change to receive and file by Councillor Giunta, seconded by Councillor Zeid. So voted.
- COMM208\_11\_25\_19 2020 Class II Vehicle License - Plum AutoWorks, Inc. (L&P)
- COMM209\_11\_25\_19 Frigid Fiver - 1/26/2020 (PS)

**11. APPOINTMENTS**

## **First Reading - NONE**

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

### **License & Permits**

- COMM203\_11\_12\_19 2020 Class II Vehicle License - RL Currie Corp.
- COMM204\_11\_12\_19 2020 Class II Vehicle License - LCA Motors

### **Neighborhoods & City Services**

- ODNC042\_09\_30\_19 Parking at Public Parks and Playgrounds

### **Public Safety**

- ORDR145\_09\_30\_19 Snow Emergency Parking – Greenleaf Street
- ORDR146\_09\_30\_19 Restricted Parking – Merrimac Street at Ashland Street
- ORDR149\_10\_28\_19 Eliminate Two Hour Parking Upper Summer St

### **Public Utilities**

- COMM200\_10\_28\_19 Pole Hearing - 30 Colby Farm Lane

## **END OF CONSENT AGENDA REGULAR AGENDA**

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

## **12. MAYOR'S UPDATE**

Motion to receive and file by Councillor Vogel, seconded by Councillor Khan. So voted.

## **13. COMMUNICATIONS**

- COMM210\_11\_25\_19 LATE FILE Ahavas Achim Interfaith Candle Lighting - 12/16/19-1/5/20  
Motion to refer to Public Safety by Councillor Zeid, seconded by Councillor Giunta. So voted.

## **14. APPOINTMENTS**

### **Second Reading - NONE**

## **15. ORDERS**

- ORDR159\_11\_25\_19 Free Holiday Parking 2019  
Motion to approve by Councillor Zeid, seconded by Councillor Giunta. So voted. Motion to add December 26<sup>th</sup> by Councillor Khan, seconded by Councillor Giunta. So voted. Motion to approve as amended by Councillor Zeid, seconded by Councillor Giunta. So voted.
- ORDR160\_11\_25\_19 Resolution for Robert Parker  
See #7.
- ORDR161\_11\_25\_19 Preservation Restriction - 25 Water Street  
Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Tontar. So voted.
- ORDR162\_11\_25\_19 LATE FILE Bartlet Mall Resolution  
Motion to refer to Neighborhood & City Services by Councillor Shand, seconded by Councillor Zeid. So voted.

## **16. ORDINANCES**

- NONE

## 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)**  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to receive and file by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR150 10 28 19 Opioid Addiction Treatment and Prevention Grant Acceptance \$600K**  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR154 11 12 19 Friends of NYS Gift Acceptance \$11,000**  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR155 11 12 19 Plum Island AED Gift Acceptance \$2,603.98**  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve (comm vote 3-0) by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR157 11 12 19 Fire Boat Gift Acceptance**  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to amend, add “the current 41’ fire boat shall be disposed of forthwith”, by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve as amended by Councillor Tontar, seconded by Councillor Zeid. So voted (1 no – Giunta).
- ORDR158\_11\_12\_19 Rescission of Marijuana Sales Tax (COTW)

### Education

#### *In Committee:*

- 

### 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
- **COMM203 11 12 19 2020 Class II Vehicle License - RL Currie Corp.**  
Motion to approve COMM203\_11\_12\_19 and COMM204\_11\_12\_19 collectively by Councillor Vogel, seconded by Councillor Tontar. So voted.
- **COMM204 11 12 19 2020 Class II Vehicle License - LCA Motors**  
See above.
- ODNC043\_11\_12\_19 Prohibition of Non-Medical Marijuana Retailers (COTW)

## Neighborhoods & 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**  
Motion to approve (comm vote 2-0) first reading by Councillor Zeid, seconded by Councillor Shand. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.
- 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**  
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. So voted.
- ODNC029\_01\_28\_19 Zoning Map Amendment – Storey Ave South
- ODNC038\_07\_15\_19 Zoning Amendment – Waterfront West Overlay District (COTW)
- COMM185\_09\_09\_19 Memo re: Waterfront West Sustainability
- COMM201\_10\_28\_19 Memo re: Proposed Zoning Change – WWOD
- **ORDR156 11 12 19 Acceptance of Colby Farm Open Space**  
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.
- ODNC044\_11\_12\_19 Zoning Amendment - Prohibition of Non-Medical Marijuana Establishments (w/ PB and COTW)
- ODNC045\_11\_12\_19 Zoning Amendment - Definition “Marijuana Retailers” (w/ PB and COTW)

## 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 ORDR146\_09\_30\_19 collectively back to Public Safety by Councillor Devlin, seconded by Councillor Giunta. So voted.
- **ORDR146 09 30 19 Restricted Parking – Merrimac Street at Ashland Street**  
See above.
- COMM198\_10\_28\_19 Ltr re: Middle Street Parking/Curb Cuts
- **ORDR149 10 28 19 Eliminate Two Hour Parking Upper Summer St**  
Motion to approve (comm vote 2-0) by Councillor Devlin, seconded by Councillor Zeid. So voted.
- ORDR151\_10\_28\_19 Amendment to 2-Hour Resident Zones
- COMM202\_11\_12\_19 Newburyport Rotary Santa Parade - 12/1/2019
- COMM205\_11\_12\_19 Ladies' Night Out Run/Walk - 12/7/2019

## 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
- **COMM200\_10\_28\_19 Pole Hearing - 30 Colby Farm Lane**  
Motion to approve by Councillor Zeid, seconded by Councillor Giunta. So voted.

**Rules**

***In Committee:***

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

**18. GOOD OF THE ORDER**

**19. EXECUTIVE SESSION** to discuss litigation with respect to the 193 High Street Zoning Appeal

Motion to go in to Executive Session, for the purpose of discussing litigation with respect to the 193 High Street Zoning Appeal, by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 9 yes, 1 recused (Devlin), 1 absent (OBrien). Motion passed. The Council President stated the Council would not return to Open Session. 8:55pm.

**20. ADJOURNMENT**

Motion to adjourn by Councillor Vogel, seconded by Councillor Khan. So voted. 9:45pm.