

CITY COUNCIL MEETING MINUTES - VERSION 1

August 25, 2014

Electrical Box Hearings

7:15 PM

(1) Washington & Kent Streets (Nat. Grid)

At 7:15 pm President O'Brien opened the public hearing. The City Clerk called the roll, 11 present. The City Clerk read the notice of public hearing. Lien Gauthier of National Grid spoke in favor. There were no public comments. Motion to approve by Councillor Herzog, seconded by Councillor Cameron. Roll call vote, 11 yes. The hearing was closed at 7:20pm.

(2) 13 Pond Street (Nat. Grid)

At 7:20 pm President O'Brien opened the public hearing. The City Clerk called the roll, 11 present. The City Clerk read the notice of public hearing. Lien Gauthier of National Grid spoke in favor. Kevin Spencer of 11 Pond Street and Kevin Davis of 13 Pond Street spoke against. Motion to table by Councillor Cronin, seconded by Councillor Tontar. Roll call vote, 11 yes. The hearing was closed at 7:28pm.

CITY COUNCIL MEETING 7:30PM

Council President O'Brien called the meeting to order at 7:30 pm. A moment of silence was held for Mary E. Vaughan who recently passed away, mother of Water Department employee, Kathe Talkington. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Eigerman, Giunta, Heartquist, Herzog, Kinsey, Tontar, Vogel, O'Brien. 11 present.

LATE FILES – Communication #5 Mayor's Update and Communication #6 Cushing Park Block Party. **Motion to waive the rules and allow late files by Councillor Cameron, seconded by Councillor Kinsey. So voted.**

PUBLIC COMMENT

Pam Armstrong	5 Buck Street	Cushing Park Potluck
Martha McManamy	210 High Street	Plastic Bag Ban
Lyndi Lanphear	347 High Street	Plastic Bag Ban
Bill Harris	56 Lime Street	Steve Hines appointment
Elizabeth Marcus	10 Barton Street	Plastic Bag Ban
Conrad Willeman	10 Barton Street	Plastic Bag Ban
Joe DiBiase	15 Frances Drive	Plastic Bag Ban
Leslie Eckholdt	36 Warren St.	Plastic Bag Ban
Lon Hachmeister	281 High Rd, Newbury	Steve Hines appointment
Michael Sales	6 Fruit St.	Plastic Bag Ban
Juliet Walker	13 Eagle St.	Plastic Bag Ban
Amber Hewett	8 Munroe St.	Plastic Bag Ban
Sheila Taintor	10 Dexter St.	Plastic Bag Ban
Rick Taintor	10 Dexter St.	Plastic Bag Ordinance
Molly Ettenborough	35 Toppans Lane	Plastic Bag Ordinance

MAYOR'S COMMENT – None

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.

1. APPROVAL OF MINUTES

August 11, 2014

(Approve)

2. TRANSFERS - none (Approve)

3. COMMUNICATIONS

- 1. Block Party Payson Street, 9/30/2014 (Approve)
- 2. Ltr to Governor Patrick from Council re: Crow Lane/ Environmental Bonds monies (R&F)
- 3. Firefighters Local 827 FY2014 Successor Collective Bargaining Agreement (B&F)
- 4. Ltr to BOH from City Council on banning synthetic marijuana products (NCS)

Removed by Councillor Cronin.

4. APPOINTMENTS- First Reading - None

END OF CONSENT AGENDA

Motion to approve the consent agenda as amended by Councillor Cameron, seconded by Councillor Connell. So voted.

REGULAR AGENDA

11. COMMUNICATIONS

- 4. Ltr to BOH from City Council on banning synthetic marijuana products

Motion to approve by Councillor Cronin, seconded by Councillor Cameron. So voted.

- 5. LATE FILE Mayor's Update

Motion to R&F Councillor Cameron, seconded by Councillor Herzog. So voted.

- 6. LATE FILE Neighborhood BBQ party at Cushing Park

Motion to approve by Councillor Cronin, seconded by Councillor Kinsey. So voted.

12. APPOINTMENTS Second Reading

			Appointment	
1.	Sheila A. Mullins	7 Parsons Street	Trust Fund Commission	August 1, 2017
2.	Douglas Locy	17 Alberta Avenue	Planning Board	August 1, 2019
3.	Steven D. Hines	54 Ferry Road	Waterfront Trust Commission	Dec. 31, 2018 August 1, 2019

Re-Appointment

4.	Richard J. O'Brien	41 Olive Street	Trust Fund Commission	April 1, 2017
5.	Stephen Dodge	57 Milk Street	Historical Commission	August 1, 2017

Motion to approve 2nd reading by Councillor Herzog as amended, seconded by Councillor Cronin. Roll call vote 11 yes. So voted

13. ORDERS

- 1. Car Free Day Resolution

Motion to approve by Councillor Herzog, seconded by Councillor Heartquist. 10 yes, 1 no (O'Brien). So voted.

- 2. Supplemental Budget FY 2015 #1

Motion to refer to Budget & Finance by Councillor Cameron, seconded by Councillor Tontar. So voted.

14. ORDINANCES

- 1. Second Reading Amend ORD Zoning Section XXVIII, Demolition control overlay district

Motion to approve second reading by Councillor Eigerman, seconded by Councillor Cameron. Roll call vote, 11 yes. So voted.

- 2. Second Reading Amend Zoning ORD Medical Marijuana Treatment Center

Motion to approve second reading by Councillor Eigerman, seconded by Councillor Herzog. Roll call vote, 10 yes, 1 recused (Cronin). So voted.

- 3. Ch 13, Sec 13-168 Parking Franklin St, Delete

Motion to refer to Public Safety by Councillor Vogel, seconded by Councillor Heartquist. So voted.

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

- 1. Mayor letter regarding Order for Revolving Fund Expenses

*03/17/2014

2. Order Amend Revolving Fund expenses *03/17/2014
3. Order Home Rule Petition- supplementing education budget (COTW) *05/12/2014
4. Amend ORD Ch. 2 Section 2-45 City Council Salary *05/12/2014
5. Amend ORD Ch. 2 Section 2-61A School Committee Salary *05/12/2014
6. Human Resources Dependent Audit *06/30/2014

General Government

In Committee:

1. Mayor's Update *06/09/2014

Joint Education

In Committee:

1. Order Home Rule Petition- supplementing education budget (COTW) *05/12/2014

License & Permits

In Committee:

1. Movable Sign Application Newburyport Brewing Company *02/10/2014
2. Amend Ch.6.5, Article III Plastic Bags (NCS & COTW) *03/17/2014
3. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas *04/28/2014
4. Letter regarding transient vendor licensing *06/30/2014
5. Conor McManamy request to sell reusable bags in Market Square *08/11/2014
6. Yankee Clipper Boy Scouts Pack 21 Popcorn Fundraiser Market Square Oct. 4, 8, Nov. 1, 2014 *08/11/2014

Neighborhoods and City Services

In Committee

1. Amend Ch.6.5, Article III Plastic Bags (L&P, COTW) *03/17/2014*04/28/2014

Motion to remove from committee by Councillor Connell, seconded by Councillor Cameron. So voted.

Motion to approve 1st reading and order printed with the following amendments in Section 6.5-47(d) (3) by replacing the language "Five-hundred dollars (\$500)" with "Three-hundred dollars (\$300)"; and deleting Section 6.5-47(f). Roll call vote, 6 yes, 5 no (Giunta, Herzog, Kinsey, Cronin, O'Brien). Motion passed.

2. Market Basket Letter re: plastic bags *05/12/2014

Planning & Development

In Committee:

1. Letter from Newburyport Preservation Trust *03/31/2014
2. Abandon portion of Russell Terrace Ext. *08/11/2014

Motion to remove 2, 3, 4 and 5 by Councillor Cameron, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Cameron, seconded by Councillor Eigerman. Roll call vote, 11 yes. So voted.

3. Accept grant of drainage easements from Springwell Investments, LLC *08/11/2014

Motion to approve as amended by Councillor Cameron, seconded by Councillor Eigerman. Roll call vote, 11 yes. So voted.

4. Accept deed from Springwell Investments, LLC for fee *08/11/2014

Motion to approve by Councillor Cameron, seconded by Councillor Eigerman. Roll call vote, 11 yes. So voted.

5. Order of Layout Morin Road and Richardson's Path *08/11/2014

Motion to approve by Councillor Cameron, seconded by Councillor Eigerman. Roll call vote, 11 yes. So voted.

Public Safety

In Committee:

1. 4th annual 5k run/walk for Ovarian Cancer Sept. 28, 2014 *06/30/2014

Motion to remove by Councillor Cronin, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Cameron. So voted.

2. Green Stride ½ Marathon October 26, 2014 *06/30/2014
3. River Run ½ Marathon and 5k, May 31, 2015 *06/30/2014

Motion to remove by Councillor Cronin, seconded by Councillor Cameron. So voted. Motion to approve with the following stipulations; start no earlier than 9:30am, no amplification before 9:00am, must have access to Riverside Café, coordinate with the Harbor Master by Councillor Cronin, seconded by Councillor Cameron. So voted.

4. 2nd Annual Pumpkin Patch request Jeanne Geiger Crisis Center *07/14/2014

Motion to remove by Councillor Cronin, seconded by Councillor Vogel. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Vogel. So voted.

5. Neurofibromatosis Northeast Coast to the Cure bike Ride Sept. 6, 2014 *08/11/2014

Motion to remove by Councillor Cronin, seconded by Councillor Vogel. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Vogel. So voted.

6. Amend ORD Sec 13-168 Parking restricted Olive Street *08/11/2014

Motion to remove by Councillor Cronin, seconded by Councillor Herzog. So voted. Motion to amend to change Northerly to Southerly by Councillor Cameron, seconded by Councillor Eigerman. 10 yes, 1 no (O'Brien). So voted. Motion to approve as amended by Councillor Cronin, seconded by Councillor Herzog. Roll call vote, 11 yes. Motion passed.

7. Intermunicipal Harbormaster Services Agreement *08/11/2014

Motion to remove by Councillor Cronin, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Herzog. Roll call vote, 11 yes. Motion passed.

Public Utilities Committee

In Committee:

1. Stormwater Permitting Status Update *05/12/2014

Motion to remove by Councillor Herzog, seconded by Councillor Heartquist. Motion to receive and file by Councillor Herzog, seconded by Councillor Heartquist. So voted.

2. Letter from Daniel Eyink, MD regarding water fluoridation *05/27/2014

3. Energy Advisory Committee letter regarding lights on private property *06/30/2014

Rules Committee

16. GOOD OF THE ORDER

17. ADJOURNMENT

Councillor Cronin moved to adjourn, seconded by Councilor Herzog at 9:08 pm, so voted.