

**CITY COUNCIL MEETING MINUTES - VERSION 1**  
**January 29, 2015**

**HEARING 7:30PM Harnch's Way**

The Clerk opened the hearing and conducted a roll call. The following Councillors answered present: Cameron, Connell, Cronin, Eigerman, Heartquist, Herzog, Kinsey, Tontar, Vogel and O'Brien. 10 Present, 1 Absent (Giunta). Council President asked if there were any persons who may wish to speak in favor or against the matter at hand. Hearing none, the President entertained a motion to continue the hearing until the Zoning Board of Appeals has made a decision on the same matter.

**7:45PM**

Council President O'Brien called the meeting to order at 7:45 pm. A moment of silence was held for Robert Gouldthorpe, retired firefighter and father of current firefighter, Margaret Taranda, whose father served on the school committee for many years and Fuller Field is named after him, and Maura Perkins, former Newburyport resident and member of several local boards. 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, Heartquist, Herzog, Kinsey, Tontar, Vogel and O'Brien. 10 Present, 1 Absent (Giunta).

1. **LATE FILES** – Communication #4 Letter from Councillor Cronin to USCG and Communication #5 Mayor's Update, Committee items: License & Permits #5, 7, 8 and Planning & Development #2. Council President O'Brien pulled Ordinance #6.

**Motion to waive the rules and allow late files by Councillor Cameron, seconded by Councillor Connell. So voted.**

**2. PUBLIC COMMENT**

- |                      |                    |                            |
|----------------------|--------------------|----------------------------|
| 1. Monika Chas       | 35 Broad Street    | Plastic Bag Ban            |
| 2. Kathy Tate Howard | 94 Pleasant Street | Parking Garage Air quality |
| 3. Barry Spiro       | 4 Lafayette Street | Fluoride                   |
| 4. Jennie Donahue    | 18 Cherry Street   | Handicap Fines             |

3. **MAYOR'S COMMENT** – The Mayor gave an update.

4. **HEARTSAFE COMMUNITY DESIGNATION PRESENTATION - removed from agenda.**

5. **CITATION FOR SUSAN BELUK M.D. – removed from agenda.**

**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.

**6. APPROVAL OF MINUTES**

January 12, 2015

(Approved)

**7. TRANSFERS**

1. Mayor's Office Gen Fd Free Cash \$163,000 to Rail Trail Capital Project Fd (B&F)

**8. COMMUNICATIONS**

1. Letter from CVS Health re Plastic Bags (PU)

**Removed by Councillor Herzog.**

2. Second Hand Motor Vehicle License Maguires Auto Repair and Sales (L&P)

**Removed by Councillor Heartquist.**

**9. APPOINTMENTS – First Reading**

**RE-APPOINTMENTS**

- |                    |                 |                      |                  |
|--------------------|-----------------|----------------------|------------------|
| 1. David Zinck     | 6 Laurel Road   | Electrical Inspector | January 31, 2016 |
| 2. Gary Calderwood | 3 Howard Street | Building Inspector   | January 15, 2018 |

**Re-appointments 1 & 2 removed collectively by Councillor Cronin.**

**END OF CONSENT AGENDA**

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

**REGULAR AGENDA**

**10. COMMUNICATIONS**

1. Letter from CVS Health re Plastic Bags

**Motion to receive and file by Councillor Herzog, seconded by Councillor Cronin. 9 yes, 1 no (Vogel), 1 absent (Giunta). So voted.**

2. Second Hand Motor Vehicle License Maguires Auto Repair and Sales

**Motion to approve contingent upon providing the City Clerk with the insurance binder by Councillor Heartquist, seconded by Councillor Herzog. So voted.**

4. LATE FILE Letter to US Coast Guard Captain O’Connor

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

5. LATE FILE Mayor’s Update

**Motion to receive and file by Councillor Cameron, seconded by Councillor Herzog. So voted.**

**11. APPOINTMENTS – First Reading**

**RE-APPOINTMENTS**

- |                    |                 |                      |                  |
|--------------------|-----------------|----------------------|------------------|
| 1. David Zinck     | 6 Laurel Road   | Electrical Inspector | January 31, 2016 |
| 2. Gary Calderwood | 3 Howard Street | Building Inspector   | January 15, 2018 |

**Motion to waive the rules and approve in one readings collectively by Councillor Cronin, seconded by Councillor Connell. Roll call vote, 10 yes, 1 absent (Giunta). So voted.**

**12. APPOINTMENTS Second Reading –**

**APPOINTMENTS**

- |                         |                  |                                   |              |
|-------------------------|------------------|-----------------------------------|--------------|
| 3. Marian Leighton Levy | 323 Merrimac St. | Fruit Street Local Historic Dist. | Dec. 1, 2017 |
|-------------------------|------------------|-----------------------------------|--------------|

**RE-APPOINTMENTS**

- |                     |                            |                         |              |
|---------------------|----------------------------|-------------------------|--------------|
| 4. James D. O’Brien | 8 67 <sup>th</sup> Street. | Conservation Commission | June 1, 2017 |
|---------------------|----------------------------|-------------------------|--------------|

**Motion to approve second readings concurrently by Councillor Cameron, seconded by Councillor Herzog. Roll call vote, 10 yes, 1 absent (Giunta). So voted.**

**13. ORDERS**

1. TABLED - Discontinuance Harnch’s Way until January 29, 2015 at 7:30 pm

**Motion to remove from the Table by Councillor Cameron, seconded by Councillor Cronin. So voted. Motion to Table pending ZBA decision by Councillor Herzog, seconded by Councillor Cameron. So voted.**

2. OPEB appoint custodian

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

3. Accept Mayor Gayden W. Morrill Charitable Foundation Donation \$85,000

**Motion to approve by Councillor Cameron, seconded by Councillor Connell. So voted.**

**14. ORDINANCES**

1. 2<sup>nd</sup> READ Revised Amend Zoning Ordinance Section III-C Back Bay

**Motion to approve second reading by Councillor Cronin, seconded by Councillor Connell. Roll call vote, 10 yes, 1 absent (Giunta). So voted.**

2. 2<sup>nd</sup> READ Amend ORD 13-184 Handicapped Parking Regulations

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

3. Amend ORD 13-174 Parking limited State Street 4 hour

**Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Cronin. So voted.**

4. Amend ORD 13-168 Parking restricted Norman Avenue

**Motion to refer to Public Safety by Councillor Connell, seconded by Councillor Herzog. So voted.**

5. Amend ORD 13-168 Parking restricted Murphy Avenue

**Motion to refer to Public Safety by Councillor Connell, seconded by Councillor Herzog. So voted.**

6. Amend ORD 6.5-48 Rev Plastic Bags, Effective Date

**Removed by Council President O'Brien.**

7. Amend ORD 13-180 Resident Parking

**Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Cameron. So voted.**

8. Amend Zoning ORD Apendix A Sec. XXIX Smart Growth District (SGOD)

**Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Herzog. 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 |
| 7. Letter from Hope Church regarding Master Box fee                | *11/10/2014 |

### General Government

#### 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 ORD Sec. 9-114 Transient Vendors Restricted Areas               | *04/28/2014 |
| 3. Letter regarding transient vendor licensing                           | *06/30/2014 |
| 5. Second Hand Motor Vehicle License Renewal GNFD dba Newburyport Sunoco | *01/12/2015 |

**Motion to remove items 5, 7 and 8 collectively by Councillor Heartquist, seconded by Councillor Herzog. So voted. Motion to approve items 5, 7 and 8 collectively by Councillor Heartquist seconded by Councillor Herzog. So voted.**

|  |             |
|--|-------------|
| 6. Taxi License Renewal Harold Congdon Port Taxi, Inc. | *01/12/2015 |
|--|-------------|

|   |             |
|---|-------------|
| 7. Second Hand Motor Vehicle License Renewal LCA Motors | *01/12/2015 |
|---|-------------|

**Motion to remove items 5, 7 and 8 collectively by Councillor Heartquist, seconded by Councillor Herzog. So voted. Motion to approve items 5, 7 and 8 collectively by Councillor Heartquist seconded by Councillor Herzog. So voted.**

|   |             |
|---|-------------|
| 8. Second Hand Motor Vehicle License Renewal Plum Autoworks, Inc. | *01/12/2015 |
|---|-------------|

**Motion to remove items 5, 7 and 8 collectively by Councillor Heartquist, seconded by Councillor Herzog. So voted. Motion to approve items 5, 7 and 8 collectively by Councillor Heartquist seconded by Councillor Herzog. So voted.**

## Neighborhoods and City Services

### *In Committee:*

1. Amend ORD Part 2 Article III Ch. 3-31 Feeding or baiting of wild birds \*01/12/2015

## Planning & Development

### *In Committee:*

1. Letter from Newburyport Preservation Trust \*03/31/2014
2. Correspondence Unnamed Way off Spofford Street \*01/12/2015

**Motion to waive the rules and allow committee item by Councillor Cameron, seconded by Councillor Herzog.**

**So voted. Motion to confirm that the way is in the care, custody and control of the Water Department by Councillor Cameron, seconded by Councillor Connell. Roll call vote, 10 yes, 1 absent (Giunta). So voted.**

3. First Refusal to Purchase Lot 8 Low Street \*01/12/2015
4. Amend ORD Zoning Map Sec. III-C "Back Bay Area Zoning Map Change" \*01/12/2015

## Public Safety

### *In Committee:*

1. Amend ORD 13-174 State Street Resident Parking \*11/10/2014
2. Amend ORD 13-136 Stop Intersections Beacon Avenue \*01/12/2015

**Motion to remove by Councillor Cronin, seconded by Councillor Heartquist. So voted. Motion to approve 1<sup>st</sup> reading and order published by Councillor Cronin, seconded by Councillor Heartquist. Roll call vote, 10 yes, 1 absent (Giunta). So voted.**

## Public Utilities Committee

### *In Committee:*

1. Water and Sewer Commissions adjustment of sewer bill charges re second meters \*11/24/2014
2. Home Rule Petition Fluoride in Water \*01/12/2015

## Rules Committee

## 16. GOOD OF THE ORDER

**Councillor Herzog thanked the Morrill Foundation for their donation of \$85,000.**

**Councillor Eigerman commended the DPS efforts on snow removal.**

## 17. ADJOURNMENT

**Councillor Cameron moved to adjourn, seconded by Councilor Connell at 8:51 pm. So voted.**