

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
JULY 15, 2019

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: Shand, Tontar, Vogel, Zeid, Earls, Eigerman, Khan, OBrien, Connell. 9 present, 2 absent (Devlin, Giunta).

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS - COMM173_07_15_19

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

5. PUBLIC COMMENT

1. Charles Carroll	25 Hill St	41C½
2. Walt Thompson	100 State St	Pesticide Ban
3. Judy Tymon	39 Lime St	Waterfront West
4. JoAnn Kincaid	23 Pleasant St	41C½
5. Frances Munroe	7 Christopher St	41C½
6. Linda Lambert	58 Merrimac St	Waterfront West
7. Chris Czernik	32 Water St #7	41C½
8. Jeannette Isabella	100 Water St	41C½, Pesticide Ban
9. Mary Carrier	4 Rawson Hill Rd	41C½
10. Jane Snow	9 Coffin St	41C½
11. Michele Norton	309B High St	Slow Bike Race
12. Victoria Carr	1 Hill St	41C½
13. Yvonne McQuilkin	39 Purchase St	41C½
14. Clete Kijek	12 Walnut St	Block Party
15. Dan Eyink	36R Spofford St	Pesticide Ban

6. 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.

7. APPROVAL OF MINUTES

- June 24, 2019

(Approve)

8. TRANSFERS

- NONE

9. COMMUNICATIONS

- COMM164a_07_15_19 Coast to the Cure Bike Ride - 9/14/2019 (PS)
- COMM165_07_15_19 Memo re: Apptmnt of Members to Charter Review Spec Comm (R&F)

- COMM166_07_15_19 Ltr re: Blood Drive to Benefit Ellie Bauer (PS)
Removed from agenda at request of petitioner.
- COMM172_07_15_19 Whittier Vo Tech 2019-2020 Gross Budget (R&F)

10. APPOINTMENTS

Re-Appointment, to be referred to Budget & Finance

- APPT114_07_15_19 Julie Languirand 13 Cushing St, Salisbury Treasurer/Collector 8/1/2022

Re-Appointment, to be referred to Planning & Development

- APPT115_07_15_19 Mark Moore 67 Curzon Mill Rd ZBA 8/1/2024

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

Budget & Finance

- ORDR007_01_29_18 41C Amendment
- ORDR091_03_11_19 41C-1/2 Ballot Question (COTW)
- ORDR092_03_11_19 41C-1/2 Adjustments (COTW)
- ODNC034_05_13_19 Amendment to Salary of Elected Officials

Neighborhoods and City Services

- ODNC028_11_26_18 Parks & Recreation Fees

Public Utilities

- Pole Hearing - Malcolm Hoyt Drive

END OF CONSENT AGENDA REGULAR AGENDA

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

11. MAYOR'S UPDATE

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

12. TRANSFERS

- TRAN063EP_07_15_19 Emergency Preamble for Health Ins \$20K to Fire OT \$20K
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- TRAN063_07_15_19 Health Insurance \$20K to Fire Overtime \$20K
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- TRAN064EP_07_15_19 Emergency Preamble for Pd Prk Fund \$15,174.10
to Prk PT Enforcement Officers \$15,174.10
Motion to approve by Councillor Tontar, seconded by Councillor Khan. So voted.
- TRAN064_07_15_19 Pd Prk Fund \$15,174.10 to Prk PT Enforcement Officers \$15,174.10
Motion to approve by Councillor Tontar, seconded by Councillor Khan. So voted.

13. COMMUNICATIONS

- COMM167EP_07_15_19 Emergency Preamble for Misselwood Concours D'Elegance Show - 7/20/19
Motion to approve by Councillor Zeid, seconded by Councillor Tontar. Withdrawn. Motion to receive and file COMM167EP_07_15_19 and COMM167_07_15_19 collectively by Councillor Zeid, seconded by Councillor Vogel. So voted.
- COMM167_07_15_19 Misselwood Concours D'Elegance Show - 7/20/19

- COMM168EP_07_15_19 Emergency Preamble for Slow Bike Race - 7/31/19
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- COMM168_07_15_19 Slow Bike Race - 7/31/19
Motion to approve, subject to insurance, by Councillor Tontar, seconded by Councillor Zeid. So voted.
- COMM169EP_07_15_19 Emergency Preamble for Block Party - Jackson Street - 8/3/19
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- COMM169_07_15_19 Block Party - Jackson Street - 8/3/19
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- COMM170EP_07_15_19 Emergency Preamble for Block Party - 54th Street - 8/10/19
Motion to approve by Councillor Zeid, seconded by Councillor Tontar. So voted.
- COMM170_07_15_19 Block Party - 54th Street - 8/10/19
Motion to approve by Councillor Zeid, seconded by Councillor Tontar. So voted.
- COMM171EP_07_15_19 Emergency Preamble for Block Party - Congress Street - 8/3/19
Councillor OBrien added as co-sponsor. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- COMM171_07_15_19 Block Party - Congress Street - 8/3/19
Motion to approve by Councillor Zeid, seconded by Councillor OBrien. So voted.
- COMM173_07_15_19 LATE FILE Block Party - Walnut Street - 8/22/2019
Motion for an oral emergency preamble by Councillor Tontar, seconded by Councillor Zeid. So voted (1 no – Zeid). Motion to approve by Councillor Tontar, seconded by Councillor Vogel. So voted (2 no – Zeid, OBrien).

14. APPOINTMENTS

Second Reading

- | | | | | |
|--------------------|-----------------|----------------|------------------|-----------|
| • APPT105_06_24_19 | Chris Czernik | 32 Water St #7 | Council on Aging | 5/31/2024 |
| • APPT106_06_24_19 | Andrew Soracco | 33 Middle St | Tree Commission | 7/1/2022 |
| • APPT112_06_24_19 | Patricia Peknik | 4 Dove St | Historic Comm | 7/31/2021 |

Motion to approve second reading appointments by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 9 yes, 2 absent (Devlin, Giunta). Motion passed.

Re-Appointments

- | | | | | |
|--------------------|------------------|---------------|-------------------|----------|
| • APPT107_06_24_19 | Jennifer Groskin | 11 Myrtle Ave | Human Rights Comm | 7/1/2022 |
| • APPT110_06_24_19 | Sheila J. Trieff | 11 Shandel Dr | Human Rights Comm | 7/1/2022 |

Motion to approve second reading appointments by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 9 yes, 2 absent (Devlin, Giunta). Motion passed.

15. ORDERS

- ORDR109_05_13_19 Acceptance of Chapter 32, Section 12(2)(d) *Confirmatory*
Motion to approve by Councillor Zeid, seconded by Councillor Khan. So voted.
- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations
Motion to refer to Budget & Finance and Committee of the Whole by Councillor Tontar, seconded by Councillor Khan. So voted.
- ORDR133_07_15_19 Restricted Parking - M Street
Motion to refer to Public Safety by Councillor Zeid, seconded by Councillor Tontar. So voted.

16. ORDINANCES

- ODNC030_03_25_19 Zoning - Amend Article XXVII Downtown Overlay District (**2nd Reading**)
Motion to approve second reading by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 7 yes, 2 no (Zeid, OBrien), 2 absent (Devlin, Giunta). Motion failed. Motion to reconsider by

Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 9 yes, 2 absent (Devlin, Giunta). Motion passed. Motion to table by Councillor Zeid, seconded by Councillor Tontar. So voted.

- **ODNC031_03_25_19 Regulation of the Use of Pesticides (2nd Reading)**
Motion to approve second reading by Councillor Earls, seconded by Councillor Tontar. Roll call vote, 7 yes, 2 no (Zeid, OBrien), 2 absent (Devlin, Giunta). Motion passed.
- **ODNC038_07_15_19 Zoning Amendment - Waterfront West Overlay District**
Councillor Vogel recused. Motion to refer to Planning & Development and Committee of the Whole by Councillor Zeid, seconded by Councillor OBrien. So voted.

17. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

Budget & Finance

In Committee:

- **ORDR091 03 11 19 41C-1/2 Ballot Question (COTW)**
Motion to approve by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 4 yes (Tontar, Vogel, Earls, Connell), 5 no, 2 absent (Devlin, Giunta). Motion failed.
- **ORDR007 01 29 18 41C Amendment**
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. Motion to amend to 2020 by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve as amended by Councilor Tontar, seconded by Councillor Zeid. Roll call vote, 9 yes, 2 absent (Devlin, Giunta). Motion passed.
- **COMM112_02_11_19 Memo re: Fire-Based EMS Cost/Benefit Analysis**
- **ORDR092 03 11 19 41C-1/2 Adjustments (COTW)**
Motion to receive and file by Councillor Khan, seconded by Councillor Tontar. So voted.
- **COMM120_03_11_19 Central Congregational Grant Award Letter**
- **ODNC034 05 13 19 Amendment to Salary of Elected Officials**
Motion to approve by Councillor Tontar, seconded by Councillor Khan. Motion for friendly amendment, delete “with the inauguration of the Mayor”, by Councillor Zeid, seconded by Councillor Tontar. So voted. Motion to approve as amended by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 7 yes, 2 no (OBrien, Connell), 2 absent (Devlin, Giunta). Motion had seven votes but failed, per Newburyport Charter Article 3, Sec. 3-1(c) and Article 4, Sec. 4-4 requiring two-thirds vote.
- **ORDR119_06_10_19 Bond Order - Streets and Sidewalks \$10M**
- **ORDR128_06_24_19 CPC Amendment to FY18 Projects**

Education

In Committee:

-

General Government

In Committee:

- **COMM139 04 08 19 Communication from Kopelman & Paige re: Closed Legal Matters**
Councillor Eigerman asked that Council be further updated with any outstanding insurance cases. Motion to receive and file by Councillor Vogel, seconded by Councillor Zeid. So voted.
- **ODNC036 06 10 19 Recording of Planning Board and ZBA Meetings**
Motion to approve first reading (comm vote 2-0) by Councillor Vogel, seconded by Councillor Zeid. Roll call vote, 9 yes, 2 absent (Devlin, Giunta). Motion passed.
- **ORDR131 06 24 19 Resolution re: Cultural District**
Motion to approve by Councillor Vogel, seconded by Councillor Tontar. Roll call vote, 9 yes, 2 absent (Devlin, Giunta). Motion passed.
- **ORDR130 06 24 19 City Clerk Contract 2019-2022 (COTW)**

Motion to approve (comm vote 2-0) by Councillor Vogel, seconded by Councillor Tontar. Withdrawn.
Motion to refer to Committee of the Whole in executive session by Councillor Zeid, seconded by Councillor Vogel. So voted.

- ODNC037_06_24_19 Ordinance regarding City Solicitor Appointment and Duties

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
- **ODNC028 11 26 18 Parks & Recreation Fees**

Motion to approve by Councillor Zeid, seconded by Councillor Tontar. So voted. Motion to amend, add “athletic” before “fields” in Mid to Large Parks section, by Councillor Tontar, seconded by Councillor Eigerman. So voted. Motion to approve as amended by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 9 yes, 2 absent (Devlin, Giunta). Motion passed.

Planning & Development

In Committee:

- ODNC008_02_12_18 Disposition of G. W. Brown School
- ORDR086_01_28_19 CPC FY2019 Amended Recommendation for Affordable Housing Trust Funds
- ODNC029_01_28_19 Zoning Map Amendment – Storey Ave South
- ODNC032_05_13_19 Zoning – Amend Ag-Con District
- ODNC033_05_13_19 Zoning – Amendment to Former George W. Brown School Parcels
- APPT111_06_24_19 David B. Vine 47 Marlboro St Conservation Comm 5/31/2022
- **APPT113 06 24 19 Elizabeth M. DeLisle 50 Woodland St Planning Board 8/31/2021**

Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 9 yes, 2 absent (Devlin, Giunta). Motion passed.

- COMM164_06_24_19 LATE FILE Ltr to Ward 2 Councillor from Eric Goodness

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
- **COMM143 04 29 19 Cruisin' the 50s Car Show - 8/15/19**
Motion to approve (comm vote 2-0), conditional on insurance, by Councillor OBrien, seconded by Councillor Vogel. So voted.
- COMM144_04_29_19 Newburyport Fall Harvest Festival - 10/13-14 2019
- COMM145_04_29_19 Witches' Night Out - 10/18/19
- COMM146_04_29_19 Downtown Trick or Treat - 10/25/19
- COMM147_04_29_19 Invitation Nights - 12/6, 12/13, 12/20 2019
- COMM150_04_29_19 5th Annual Harborside Half Marathon & 5K - 11/10/19
- **COMM156 05 28 19 Traffic Concern Ferry Road**
Motion to receive and file by Councillor OBrien, seconded by Councillor Zeid. So voted.

- ODNC035_05_28_19 Amendment to Health and Sanitation (COTW)
- COMM160_06_10_19 Defibrillators on Plum Island
- **ORDR115_06_10_19 Additions to 2-Hour Parking Zones - Ferry Road**
Motion to approve by Councillor OBrien, seconded by Councillor Tontar. So voted (1 present – Zeid).
- **ORDR116_06_10_19 Additions to 2-Hour Parking Zones - Summer Street**
Motion to approve ORDR116_06_10_19 and ORDR117_06_10_19 collectively (comm vote 2-0) by Councillor OBrien, seconded by Councillor Shand. So voted (1 present – Zeid).
- **ORDR117_06_10_19 Two Hour Parking Section 175 - Upper Summer St**
- **ORDR126_06_24_19 One Hour Parking Restriction – Merrimac St**
Motion to approve (comm vote 2-0) by Councillor OBrien, seconded by Councillor Eigerman. Motion to amend, change from one hour to two hours, by Councillor Eigerman, seconded by Councillor Shand. So voted.
- **COMM161_06_24_19 Block Party - Lafayette Street - 8/17/2019**
Motion to approve (comm vote 2-0) by Councillor OBrien, seconded by Councillor Zeid. So voted.
- **COMM163_06_24_19 High Street Mile – 8/4/2019**
Motion to approve by Councillor OBrien, seconded by Councillor Zeid. So voted.
- **ORDR118_06_10_19 Resident Parking 13-180 Zone Changes**
Motion to approve by Councillor Eigerman, seconded by Councillor OBrien. Motion to amend, add Summer Street and Ferry Road by Councillor Eigerman, seconded by Councillor OBrien. So voted. Motion to approve as amended by Councillor Eigerman, seconded by Councillor OBrien. So voted.
- COMM162_06_24_19 Jeanne Geiger Walk Against Domestic Violence - 10/6/2019

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
- **Pole Hearing - Malcolm Hoyt Drive**
Motion to approve by Councillor Zeid, seconded by Councillor Tontar. So voted.

Rules Committee

In Committee:

- ORDR057_08_27_18 Amendment to Council Rule 12A

18. GOOD OF THE ORDER

Councillor Zeid reminded residents to renew their parking permits. Council President Connell commended the Department of Public Services for their work on the High Street paving project.

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 Eigerman, seconded by Councillor Vogel. Roll call vote 7 yes, 1 no (OBrien), 3 absent (Devlin, Earls, Giunta). Motion passed. Councillor Connell stated that the City Council would not return to Open Session. 10:15pm.

20. ADJOURNMENT

Motion to adjourn by Councillor Zeid, seconded by Councillor Tontar. So voted. 10:25pm.