

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
AUGUST 19, 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 Jack OBrien, brother of Councillor OBrien. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Tontar, Vogel, Zeid, Devlin, Earls, Eigerman, Giunta, Khan, OBrien, Shand, Connell. 11 present.

(Sound Check)

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE ITEMS**
- 5. PUBLIC COMMENT**

1. John Spellman	200 Water St	Walk for the Poor
2. Bill Harris	56 Lime St	NMS Preservation
3. Caroleann McPherson	1 Savory St	NMS Preservation
4. Megan St. John	14 Basin St	Plum Island AEDs
5. Doug Muir	10 Hancock St	NMS Preservation

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

- July 15, 2019 (Approve)

8. TRANSFERS

- NONE

9. COMMUNICATIONS

- COMM174_08_19_19 Block Party - Otis Place - 9/21/2019 (PS)
- COMM175_08_19_19 Walk for the Poor - 9/28/2019 (PS)

10. APPOINTMENTS

- APPT116_08_19_19 Barry J. McBride **Re-Appointment** 5 Pine St, Salisbury Asst. Wiring Inspector 5/1/2020

Councillor OBrien noted this is a re-appointment.

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

Budget & Finance

- ORDR128_06_24_19 CPC Amendment to FY18 Projects
- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)
- APPT114_07_15_19 Julie Languirand 13 Cushing St, Salisbury Treasurer/Collector 8/1/2022

Public Safety

- 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
- COMM162_06_24_19 Jeanne Geiger Walk Against Domestic Violence - 10/6/2019
- COMM164a_07_15_19 Coast to the Cure Bike Ride - 9/14/2019
- ORDR133_07_15_19 Restricted Parking - M Street

END OF CONSENT AGENDA REGULAR AGENDA

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

11. MAYOR'S UPDATE

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

12. COMMUNICATIONS

- COMM176_08_19_19 Memo re: Brown School Zoning
Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Tontar. So voted.
- COMM177_08_19_19 Memo and Nexamp Contracts re: Solar Alternative On-Bill Credits
Motion to refer to Public Utilities by Councillor Zeid, seconded by Councillor Tontar. So voted.

13. APPOINTMENTS

Second Reading - NONE

14. ORDERS

- ORDR134_08_19_19 Employee Parking – Garage
Motion to refer to Public Safety by Councillor Zeid, seconded by Councillor Eigerman. So voted.
- ORDR135_08_19_19 Election Equipment
Motion to refer to General Government by Councillor Zeid, seconded by Councillor Giunta. So voted.
- ORDR136_08_19_19 Fuller Track Phase II Loan Order
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted.
- ORDR137_08_19_19 Parking Fees
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Zeid. So voted.

15. ORDINANCES

- ODNC030_03_25_19 Zoning - Amend Article XXVII Downtown Overlay District (**2nd Reading**)
(TABLED)
Motion to remove from table by Councillor Zeid, seconded by Councillor Tontar. So voted. Motion to approve second reading by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 no (Zeid). Motion passed.

- ODNC028_11_26_18 Parks & Recreation Fees (**2nd Reading**)
Motion to approve second reading by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed.
- ODNC036_06_10_19 Recording of Planning Board and ZBA Meetings (**2nd Reading**)
Motion to approve second reading by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.
- ODNC039_08_19_19 Amendment to Salary of Elected Officials
Motion to table by Councillor Zeid, seconded by Councillor Devlin. Roll call vote, 6 yes, 4 no (Tontar, Vogel, Khan, Connell), 1 present (Eigerman). Motion passed.
- ODNC040_08_19_19 Zoning Ordinance re: Kennel/Animal Boarding Use
Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Devlin. So voted.

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
- **ORDR132 07 15 19 CPC FY2020 Recommended Appropriations (COTW)**
Motion to divide by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed. Motion to approve Project No. 2/Kelleher Gardens Siding Project by Councillor Tontar, seconded by Councillor Zeid. So voted (1 present – OBrien). Motion to approve Project No. 3/Gateway Trees 2 by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve Project No. 5/Bartlet Mall Historic Restoration – Walkway Improvements by Councillor Tontar, seconded by Councillor OBrien. So voted (1 no – Zeid). Motion to approve Project No. 8/Open Space Reserve Fund by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve Project No. 10/Riverfront Trail Gap Project – Clipper City Rail Trail Phase 2 by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve Project No. 11/NHS Stadium Bond Payment, Project No. 12/Cherry Hill Soccer Field Bond Payment, and Project No. 13/Administrative Costs, collectively in the amount of \$147,620, by Councillor Tontar, seconded by Councillor Zeid. So voted. Projects No. 1, 4, 6, 7, and 9 held in committee.
- **ORDR128 06 24 19 CPC Amendment to FY18 Projects**
Motion to approve by Councillor Tontar, seconded by Councillor Khan (comm vote 2-1, Zeid). Roll call vote, 4 yes (Tontar, Vogel, Khan, Connell), 6 no, 1 present (Earls). Motion failed.
- **APPT114 07 15 19 Julie Languirand 13 Cushing St. Salisbury Treasurer/Collector 8/1/2022**
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.

Education

In Committee:

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General Government

In Committee:

- ORDR130_06_24_19 City Clerk Contract 2019-2022 (**COTW**)
- 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

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**
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor OBrien. Motion to approve by Councillor Eigerman, seconded by Councillor OBrien. Roll call vote, 11 yes. Motion passed.
- 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)
- APPT115_07_15_19 Mark Moore 67 Curzon Mill Rd ZBA 8/1/2024

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
- **COMM144_04_29_19 Newburyport Fall Harvest Festival - 10/13-14 2019**
Motion to approve COMM144_04_29_19, COMM145_04_29_19, COMM146_04_29_19, and COMM147_04_29_19 collectively, contingent on insurance, by Councillor Devlin, seconded by Councillor OBrien. So voted.
- **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**
Motion to approve by Councillor Devlin, seconded by Councillor Zeid. So voted.
- ODNC035_05_28_19 Amendment to Health and Sanitation (COTW)
- COMM160_06_10_19 Defibrillators on Plum Island
- **COMM162_06_24_19 Jeanne Geiger Walk Against Domestic Violence - 10/6/2019**
Motion to approve (comm vote 3-0) by Councillor Devlin, seconded by Councillor OBrien. So voted.
- **COMM164a_07_15_19 Coast to the Cure Bike Ride - 9/14/2019**
Motion to approve (comm vote 3-0) by Councillor Devlin, seconded by Councillor Zeid. So voted.
- **ORDR133_07_15_19 Restricted Parking - M Street**
Motion to approve by Councillor Devlin, seconded by Councillor OBrien. So voted.

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

Rules Committee

In Committee:

- ORDR057_08_27_18 Amendment to Council Rule 12A

17. GOOD OF THE ORDER

Councillor Earls announced his resignation effective August 31, 2019.

Placed in the record

Dear President Connell and Mr. Jones, Esq.,

I regret to inform you that I will be resigning as Newburyport City Councillor-At-Large on August 31st. The August 19th City Council Meeting will be my last unless there is a Special Meeting of the City Council between then and the end of the month.

I thank you for your leadership, assistance, and continuing friendship.

Sincerely,
Greg

Motion for emergency preamble... Motion to waive the rules and approve by Councillor Zeid, seconded by Councillor Vogel. So voted

RESOLUTION as Read by Councillor Connell

August 19, 2019

Whereas, Councillor Gregory D. Earls commenced his public service in 2000 by working on the Skate Park Committee, and

Whereas, Councillor Earls was elected in November 2001 and served on the Council from January 1, 2002 and has continued this unselfish commitment to the City of Newburyport until this day, and

Whereas, Councillor Earls has served on the License and Permits and the Joint Education Committees for most of those years and serving as Chair for each committee as various times, and

Whereas, Councillor Earls has served on the Public Safety Committee for a number of years, and

Whereas, Councillor Earls served on the Ad Hoc on the Waterfront, and

Whereas, Councillor Earls established a strong working relationship with his fellow Councillors and the Clerk's office, establishing and maintaining this relationship resulting in mutual success of the Council and Community, and

Now, Therefore, The Newburyport City Council hereby formally resolves to congratulate and recognize the considerable achievements resulting from the years of hard work and dedication by Councillor Earls and wishes him well in all future achievements. Thank you Councillor Gregory D. Earls.

18. EXECUTIVE SESSION to discuss contract negotiations with personnel - ORDR130_06_24_19 City Clerk Contract 2019-2022

Motion to go in to Executive Session, for the purpose of discussing contract negotiations with personnel, by Councillor Zeid, seconded by Councillor Devlin. Roll call vote, 10 yes, 1 absent (Earls). Motion passed.

Motion to come out of Executive Session by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Earls). Motion passed.

President Connell stated that the Council would entertain resumes and letters of interest for Councillor Earls' position, to be submitted no later than 4pm on Tuesday, September 3, 2019. President Connell stated the Council would not return to Open Session.

19. EXECUTIVE SESSION to discuss litigation with respect to the 193 High Street Zoning Appeal Councillor Devlin recused. 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 Tontar. Roll call vote, 8 yes, 2 absent (Earls, OBrien), 1 recused (Devlin). Motion passed. President Connell stated the Council would not return to Open Session. Motion to come out of Executive Session by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 8 yes, 2 absent (Earls, OBrien), 1 recused (Devlin). Motion passed.

20. ADJOURNMENT

Motion to adjourn by Councillor Tontar, seconded by Councillor Vogel. So voted. 10:33pm.