

**CITY COUNCIL MEETING MINUTES**  
**CITY COUNCIL CHAMBERS**  
**SEPTEMBER 9, 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: Vogel, Zeid, Devlin, Eigerman, Giunta, Khan, OBrien, Shand, Tontar, Connell. 10 present.

**(Sound Check)**

**1. MOMENT OF SILENCE**

**2. PLEDGE OF ALLEGIANCE**

**3. CALL TO ORDER**

**4. LATE FILE ITEMS** – Amendment to ORDR132\_07\_15\_19, ODNC037\_06\_24\_19, Agenda Version 2 Motion to waive the rules, to allow late files, by Councillor Zeid, seconded by Councillor Tontar. So voted.

**5. PUBLIC COMMENT**

1. Susan Shefte	36 Woodland St	Library Appt
2. Jim McCauley	27 Storeybrooke Dr	Council Vacancy
3. Linda Lambert	58 Merrimac St	9/19 Meeting
4. Pam Ketchum	15 Washington St	Council Vacancy
5. Jane Snow	9 Coffin St	Council Vacancy
6. Tom Salemi	16 Tyng St	Council Vacancy
7. Ed Cameron	5 Milk St	Council Vacancy
8. Bob Cronin	126 Merrimac St	Council Vacancy
9. Rob Germinara	2 Ashland St	Council Vacancy
10. Bill Harris	56 Lime St	NRA Deed

**6. CANDIDATES FOR CITY COUNCIL**

1. COMM179\_09\_09\_19 Edward C. Cameron, Jr.
2. COMM180\_09\_09\_19 Robert J. Cronin
3. COMM181\_09\_09\_19 Robert A. Germinara
4. COMM182\_09\_09\_19 Hazem H. Mahmoud
5. COMM183\_09\_09\_19 James J. McCauley
6. COMM184\_09\_09\_19 Thomas L. Salemi

**7. ELECTION OF COUNCILLOR-AT-LARGE** to fill the open Council seat

The City Council President instructed the Clerk to call a roll call for the election of the open City Council seat.

**Round 1 Roll Call Vote** – 5 votes for Cronin (Zeid, Devlin, Eigerman, Giunta, OBrien), 3 votes for McCauley (Vogel, Khan, Shand), 2 votes for Cameron (Tontar, Connell).

**Round 2 Roll Call Vote** – 6 votes for McCauley (Vogel, Eigerman, Khan, Shand, Tontar, Connell), 4 votes for Cronin (Zeid, Devlin, Giunta, OBrien).

The City Council President called for a recess; the Clerk swore in James J. McCauley, who then joined the Council for the remainder of the meeting.

**8. MAYOR'S COMMENT**

The Chief Administrative Officer, Matt Coogan, gave a report.

**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.

**9. APPROVAL OF MINUTES**

- August 19, 2019

(Approve)

**10. TRANSFERS**

- NONE

**11. COMMUNICATIONS**

- COMM185\_09\_09\_19 Memo re: Waterfront West Sustainability (P&D)
- COMM186\_09\_09\_19 FY2019 Year-End Financial Report (B&F)
- COMM187\_09\_09\_19 Whittier Vo-Tech Annual Operational Report (R&F)
- COMM188\_09\_09\_19 Newburyport Half Marathon - 10/20/2019 (PS)

**12. APPOINTMENTS**

- APPT117\_09\_09\_19 Susan Shefte **First Reading** 36 Woodland St Library Board of Directors 10/1/2026  
Councillor Connell recused.

- APPT118\_09\_09\_19 Gregory A. Downs 40 Riverview Dr, Asst Harbormaster/Shellfish 10/1/2022  
Newbury Constable/Special Police
- APPT119\_09\_09\_19 Andrew C. Malatesta 37 Federal St, Asst Harbormaster/Shellfish 10/1/2022  
Newburyport Constable/Special Police
- APPT120\_09\_09\_19 Mike Merriman 6 Little Pond Rd, Asst Harbormaster/Shellfish 10/1/2022  
Merrimac Constable/Special Police
- APPT121\_09\_09\_19 Tim Wareham 10 20<sup>th</sup> St, Asst Harbormaster/Shellfish 10/1/2022  
Newbury Constable/Special Police

**To be Referred to Planning & Development**

- APPT122\_09\_09\_19 Rachel D. Webb PO Box 742 Zoning Board of Appeals 10/1/2020

**Re-Appointments**

- APPT123\_09\_09\_19 Donna Conway 27 Marlboro St Emma Andrews Lib Comm 10/30/2020
- APPT124\_09\_09\_19 Aine G. Ellrott 43 Purchase St Emma Andrews Lib Comm 10/30/2020
- APPT125\_09\_09\_19 Elizabeth Valeriani 29 Oak St Emma Andrews Lib Comm 10/30/2020
- APPT126\_09\_09\_19 Elizabeth L. Watson 53 Warren St Emma Andrews Lib Comm 10/30/2020

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

**Planning & Development**

- APPT115\_07\_15\_19 Mark Moore 67 Curzon Mill Rd ZBA 8/1/2024

**Public Safety**

- COMM174\_08\_19\_19 Block Party - Otis Place - 9/21/2019
- COMM175\_08\_19\_19 Walk for the Poor - 9/28/2019

**Public Utilities**

- COMM177\_08\_19\_19 Memo and Nexamp Contracts re: Solar Alternative On-Bill Credits

**END OF CONSENT AGENDA  
REGULAR AGENDA**

Motion to approve Consent Agenda as amended by Councillor Zeid, seconded by Councillor Tontar. So voted (1 recused, Connell).

### 13. MAYOR'S UPDATE

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

### 14. COMMUNICATIONS

- COMM178EP\_09\_09\_19 Emergency Preamble for Block Party - Bricher St - 9/14/19  
Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- COMM178\_09\_09\_19 Block Party - Bricher St - 9/14/19  
Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- COMM189\_09\_09\_19 CPC Revised Recommendation for FY2020 Appropriations  
Removed from Consent Agenda by Councillor Tontar. Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted.

### 15. APPOINTMENTS

#### Second Reading

#### Re-Appointments

- APPT116\_08\_19\_19 Barry J. McBride 5 Pine St, Salisbury Asst. Wiring Inspector 5/1/2020

Motion to approve Second Reading Appointments by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.

### 16. ORDERS

- ORDR139\_09\_09\_19 Two-Hour Resident Parking Zones  
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Tontar. So voted.
- ORDR140\_09\_09\_19 FY2020 Supplemental Budget Request #1  
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.
- ORDR141\_09\_09\_19 Approval to Pay Prior Year Bills (Human Resources, Parks)  
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.
- ORDR142\_09\_09\_19 Acceptance of NRA Deed  
Motion to refer to Planning & Development and Committee of the Whole by Councillor Eigerman, seconded by Councillor Giunta. So voted.
- ORDR143\_09\_09\_19 Handicapped Parking Space – St. Paul's Church  
Motion to refer to Public Safety by Councillor Shand, seconded by Councillor Tontar. So voted.

### 17. ORDINANCES

- ODNC039\_08\_19\_19 Amendment to Salary of Elected Officials (**TABLED**)  
Motion to remove from the table by Councillor Zeid, seconded by Councillor Tontar. So voted.  
Motion to approve by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 11 yes.  
Motion passed.
- ODNC041\_09\_09\_19 Zoning Map - Colby Farm Residential Overlay District  
Motion to refer to Planning & Development by Councillor Giunta, seconded by Councillor Tontar.  
So voted.

### 18. 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 remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to divide by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve Project No. 1/NHS Exterior Woodwork Restoration Phase 3 by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve Project No. 4/Cushing House Electrical System by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to amend Project No. 6/Custom House Maritime Museum: Interior Climate Control Systems Upgrade to read as follows: “The applicant shall finalize, execute and record a new permanent Preservation Restriction {PR} on the entire exterior facade of the structure. The applicant shall consult and obtain approval from the Newburyport Historical Commission {NHC} regarding the scope and details of said PR, prior to execution and recording. If the applicant believes an existing PR for this structure meets these requirements, it shall obtain a written opinion from the Newburyport Historical Commission {NHC} that the scope and details of said PR are adequate in light of this project and that no amendments or additions to said PR are necessary. ~~If the NHC determines that amendments or additions to the existing PR are necessary, t~~The applicant shall finalize, execute and record an update to said PR ~~accordingly~~. These requirements shall be met before any funds are distributed to the applicant.” by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve Project No. 6/Custom House Maritime Museum: Interior Climate Control Systems Upgrade by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve Project No. 7/NHS Exterior Woodwork Restoration Phase 4 by Councillor Tontar, seconded by Councillor Zeid. So voted.  
**Project No. 9 held in committee.**
- **ORDR136 08 19 19 Fuller Track Phase II Loan Order**

## Education

### *In Committee:*

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## General Government

### *In Committee:*

- **ODNC037 06 24 19 Ordinance regarding City Solicitor Appointment and Duties**  
 Motion to remove from General Government by Councillor Vogel, seconded by Councillor Zeid.  
 Withdrawn.
- ORDR135\_08\_19\_19 Election Equipment

## 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
- 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**  
Councillor Devlin recused. Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 recused (Devlin). Motion passed.
- COMM176\_08\_19\_19 Memo re: Brown School Zoning
- ODNC040\_08\_19\_19 Zoning Ordinance re: Kennel/Animal Boarding Use

## 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)
- COMM160\_06\_10\_19 Defibrillators on Plum Island
- **COMM174 08 19 19 Block Party - Otis Place - 9/21/2019**  
Motion to approve by Councillor Devlin, seconded by Councillor Zeid. So voted.
- **COMM175 08 19 19 Walk for the Poor - 9/28/2019**  
Motion to approve by Councillor Devlin, seconded by Councillor Tontar. So voted.
- **ORDR134 08 19 19 Employee Parking – Garage**  
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Tontar. So voted. Motion to strike “and the Titcomb Street Garage” from paragraph E4 by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 4 yes (Zeid, Devlin, Khan, OBrien), 7 no. Motion failed. Motion to approve by Councillor Devlin, seconded by Councillor Giunta. Roll call vote, 8 yes, 3 no (Zeid, Khan, OBrien). Motion passed.
- **ORDR137 08 19 19 Parking Fees**  
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Devlin, seconded by Councillor Tontar. Motion to amend price of annual resident parking permit to \$15 by Councillor Devlin, seconded by Councillor Khan. So voted. Motion to amend 9/30 to 9/16 by Councillor Eigerman, seconded by Councillor Devlin. Motion to approve by Councillor Devlin, seconded by Councillor Tontar. 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
- **COMM177 08 19 19 Memo and Nexamp Contracts re: Solar Alternative On-Bill Credits**  
Councillor Khan recused. 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

## 19. GOOD OF THE ORDER

Councillor Vogel stated the Link House annual fundraiser will be held on September 26<sup>th</sup> at Blue Ocean in Salisbury. Councillor Tontar congratulated the Exchange Club for the Field of Honor at the Mall. Councillor Zeid congratulated the appointees to the Emma Andrews Library, as well as James McCauley and the five other candidates.

**20. EXECUTIVE SESSION** to discuss litigation with respect to the 193 High Street Zoning Appeal Councillor Devlin recused. Motion to go in to Executive Session by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 9 yes, 1 absent (OBrien), 1 recused (Devlin). Motion passed. The Council President stated the Council would not return to Open Session. Motion to come out of Executive Session by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 9 yes, 1 absent (OBrien), 1 recused (Devlin). Motion passed.

**21. ADJOURNMENT**

Motion to adjourn by Councillor Zeid, seconded by Councillor Tontar. So voted. 10:20pm.