

## CITY COUNCIL MEETING MINUTES

March 27, 2012

Council President O'Brien called the meeting to order at 7:30 pm. A moment of silence was held for Michael Farrell and Shirley Purdie and well wishes for Councillor Connell. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Ives, Jones, Sullivan, Cameron, Cronin, Earls, Heartquist, Herzog, OBrien. 9 present, 2 absent (Connell, Derrivan).

**1. LATE FILES – Transfers # 4, 5; Committee Items Budget & Fin #2,3,4 , Joint Ed #1, Pub Util #2 Motion to waive the rules and allow late file items and committee items by Councillor Jones, seconded by Councillor Cameron. 9 yes, 2 absent (Connell, Derrivan). So voted.**

### **2. PUBLIC COMMENT –**

- 1) Steve Sawyer, 15 Collins Street, Wetlands Ordinance
- 2) Bruce Menin, 83 Lime Street, GOMI
- 3) John Harwood, First Religious Society, Resolution
- 4) Walt Mott, 4 Turkey Hill Road, Resolution
- 5) David Chretin, 132 Beach Rd, Salisbury, Yankee Homecoming
- 6) Jeff Esche, 30 Lime Street, Tree Ordinance (declined to speak)
- 7) Molly Ettenborough, 35 Toppans Lane, Transfer
- 8) Andrew Simpson, 1 ½ Greenleaf Street, Appointment
- 9) Paul Bevilacqua, 126 Merrimack Street, Unit 3, Tree Ordinance
- 10) James Shanley, 15 Olive Street, Transfer

## **CONSENT AGENDA**

### **3. APPROVAL OF MINUTES**

March 12, 2012

(Approved)

### **4. TRANSFERS**

1. Police/City Clerk/Auditor Ins Claims-RSVAPP \$1,164.76 to Police MIS/Comm \$697.50, to City Clerk-Admin \$467.26 (Approved)
2. Assessors-Valuation/Processing \$770.00 to Other Supplies \$770.00 (Approved)
3. Mayor/Planning/IT Free Cash \$132,147.20 to GIS \$3,600.00, to IT-Computer Exp. \$116,047.20, to Planning-Prof Services \$12,500.00 (B&F)

**Removed by Councillor Cameron.**

### **5. COMMUNICATIONS**

1. Movable Sign Eunice James Fitness Studio 31A Pleasant Street (L&P)

**Removed by Councillor Earls.**

2. Outdoor seating renewal for the Port Tavern (Approved)
3. Outdoor seating renewal for the Purple Onion (Approved)
4. Yankee Homecoming 2012 July 29<sup>th</sup> – August 5<sup>th</sup> (PS)
5. Outdoor seating renewal for the Upper Crust (Approved)
6. Outdoor seating renewal for the Rockfish (Approved)
7. PMC Kids Ride June 24, 2012 (PS)

### **6. APPOINTMENTS – First Reading**

#### **Appointments**

- |                   |                     |                          |               |
|-------------------|---------------------|--------------------------|---------------|
| 1. Andrew Simpson | 1½ Greenleaf Street | Bartlett Mall Commission | March 1, 2015 |
| 2. Noah Luskin    | 36 Plummer Ave.     | Planning Board           | May 31, 2014  |

## **END OF CONSENT AGENDA**

**Motion to approve as amended by Councillor Earls, seconded by Councillor Jones. So voted.**

## REGULAR AGENDA

### 7. TRANSFERS

4. LATE FILE-Mayor Gen Admin Heat CH \$2,555.16 to Gen Admin Postage Machine \$2,555.16

**Motion to approve by Councillor Jones, seconded by Councillor Cameron. 9 yes, 2 absent (Connell, Derrivan). So voted.**

5. LATE FILE-Health Solid Waste \$30,000 to Chipper Compost \$30,000, from Solid Waste Fee \$33,000 to Chipper Compost \$33,000

**Motion to approve by Councillor Jones, seconded by Councillor Earls. 9 yes, 2 absent (Connell, Derrivan). So voted.**

3. Mayor/Planning/IT Free Cash \$132,147.20 to GIS \$3,600.00, to IT-Computer Exp. \$116,047.20, to Planning-Prof Services \$12,500.00

**Motion to refer GIS \$3,600 and IT Computer \$116, 047.20 to Budget & Finance by Councillor Cameron, seconded by Councillor Herzog. So voted. Motion to approve Planning Prof. Services \$12,500 by Councillor Cameron, seconded by Councillor O'Connor Ives. 7 yes, 2 no (Jones, Cronin), 2 absent (Connell, Derrivan).**

### 8. COMMUNICATIONS

8. NPDES MS4 Stormwater Update with short presentation

**Presentation by Jon-Eric White and Debbie Cheng.**

1. Movable Sign Eunice James Fitness Studio 31A Pleasant Street

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

### 9. APPOINTMENTS – Second Reading

#### Appointments

3. Rosemary Decie	8 Fenders Avenue	Moseley Woods Commission	February 1, 2015
4. Sadie Cathcart	4 Vernon Court	Bartlett Mall Commission	March 1, 2015
5. Kristin Sherman	9 60 <sup>th</sup> Street	Emma Andrews Branch Library Commission	March 1, 2013

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

#### Re-Appointments

6. Edmund R. McGrath	28 Olive Street	Historical Commission	Dec. 1, 2015
7. Wallace W. Thurlow	2 Dorothy Lucey Dr	Atkinson Common Commission	April 30, 2015
8. Barbara Dowd	12 Merrill Street	Library Board of Directors	Jan. 1, 2019
9. Joseph Cutrone	21 Elmira Avenue	Ass't Inspector of Wires	Feb.1, 2013
10. Elizabeth Valeriani	29 Oak Street	Emma Andrews Branch Library Commission	March 1, 2013
11. Susan Chase	44 Oak Street	Emma Andrews Branch Library Commission	March 1, 2013
12. Mary Zinck	6 Laurel Road	Board of Registrars	March 31, 2015

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

### 10. ORDERS

1. Federal Elections Commission Resolution

**Motion to approve by Councillor Herzog, seconded by Councillor O'Connor Ives. 9 yes, 2 absent (Connell, Derrivan). So voted.**

2. Special Election June 5, 2012

**Motion to approve by Councillor Heartquist, seconded by Councillor Jones. Roll call vote, 9 yes, 2 absent (Connell, Derrivan). So voted.**

3. Special Election Calendar

**Motion to approve by Councillor Heartquist, seconded by Councillor Jones. 9 yes, 2 absent (Connell, Derrivan). So voted.**

## 11. ORDINANCES

1. Second Reading Amend Ord. 13-180A Designated Employee Parking spaces  
**Motion to approve second reading by Councillor Cronin, seconded by Councillor Cameron. Roll call vote, 9 yes, 2 absent (Connell, Derrivan). So voted.**

## 12. COMMITTEE ITEMS

### Budget & Finance

#### *In Committee:*

1. Mayor/School Gen Fd Free Cash \$25,000 to Sch. Rev Curric/Staff Devel. \$25,000 \*01/09/2012
2. Mayor/Fire Free Cash \$33,840 to Fire Med/Physical Test \$4,800, to Fire Protective Clothing \$13,200, to Fire Protective Equipment \$15,840 \*02/27/2012

**Motion to remove and waive the rules by Councillor Cameron, seconded by Councillor Earls. Motion to approve by Councillor Cameron, seconded by Councillor Sullivan. 9 yes, 2 absent (Connell, Derrivan).**

3. Newburyport Retirement Board Stipend \*02/27/2012

**Motion to remove and waive the rules by Councillor Cameron, seconded by Councillor O'Connor Ives. Motion to approve by Councillor Cameron, seconded by Councillor Herzog. 9 yes, 2 absent (Connell, Derrivan).**

4. Police/Auditor Ins. Claims RSV APP \$23,000 to Police Purchase Cruiser \$23,000 \*03/12/2012

**Motion to remove and waive the rules by Councillor Cameron, seconded by Councillor Herzog. Motion to approve by Councillor Cameron, seconded by Councillor Herzog. 9 yes, 2 absent (Connell, Derrivan).**

5. Mayor/Police/DPS Hwy Gen'l Fd Free Cash \$84,400 to DPS Hwy St Lights \$65,000, to Gen Admin Trvl/Trng \$9,400 to Gen. Admin. Maint/Repair City Hall \$10,000 \*03/12/2012
6. Mayor/Harbormaster Capital Outlay \$2750 to Harbormaster Salary \$2750 \*03/12/2012
7. Mayor/Yth Svcs Gen'l Fd Free Cash \$26,400 to Gen Ad Maint/Repair City Hall \$24,000 \*03/12/2012

### General Government

#### *In Committee*

### Joint Education

#### *In Committee:*

1. Mayor/School Gen Fd Free Cash \$25,000 to Sch Rev Curric/Staff Devel. \$25,000 \*01/09/2012

**Motion to remove by Councillor Heartquist, seconded by Councillor Sullivan. Motion to approve by Councillor Heartquist, seconded by Councillor Sullivan. Motion to table by Councillor Jones, seconded by Councillor Herzog. Roll call, 5 yes, 4 no (Earls, Heartquist, Ives, Sullivan), 2 absent (Connell, Derrivan).**

### License & Permits

#### *In Committee:*

1. Movable Sign application Port City Sandwiches \*03/12/2012

### Neighborhoods & City Services

#### *In Committee:*

1. Newburyport Tree Ordinance \*07/22/2010

### Planning & Development

**Councillor O'Connor Ives reported on the status of the Tree Ordinance and Wetlands Ordinance.**

#### *In Committee:*

1. Newburyport Tree Ordinance \*07/22/2010
2. Amend Ord. 6.5 Environment Article II Wetlands – Wetlands Protection \*11/28/2011
3. Amend Ord. Sec. III-C Zoning Map Storey Avenue Re-Zoning \*02/13/2012

## **Public Safety**

### ***In Committee:***

2. Amend Ord. 10-9 Miscellaneous offenses – use or consumption of marijuana \*11/28/2011
3. Nbpt Labor Day Festival request for 3 day downtown event Sept. 1-3, 2012 \*01/30/2012
4. Amend Ord. 13-180 Parking Resident Harris St. \*01/30/2012
5. Amend Ord. 13-180 Parking Resident Middle St. \*01/30/2012

**Motion to remove by Councillor Cronin, seconded by Councillor Earls. Motion to approve first reading and order published by Councillor Cronin, seconded by Councillor Earls. 9 yes, 2 absent (Connell, Derrivan). So voted.**

6. 1<sup>st</sup> Lt. Derek Hines Soldier Assistance Fund Flag Day 5k June 14, 2012 \*03/12/2012

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

7. 2<sup>nd</sup> annual Jackie Poor Memorial Walk Sept. 30, 2012 \*03/12/2012

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

## **Public Utilities Committee**

**Councillor Herzog gave a brief update on the Street Lighting Recommendation.**

### ***In Committee:***

1. Street Lighting Recommendation \*09/21/2011
2. Sewer Commission surplus land \*02/13/2012

**Motion to remove by Councillor Herzog, seconded by Councillor O'Connor Ives. Motion to approve by Councillor Herzog, seconded by Councillor O'Connor Ives. Roll call vote, 8 yes, 1 present (Jones), 2 absent (Connell, Derrivan). So voted.**

3. Drain Layer/Utility Contractor Tom Williamson's Landscape Masonry \*03/12/2012

## **Rules Committee**

### ***In Committee:***

## **13. GOOD OF THE ORDER**

**Councillor Sullivan thanked Senator Baddour for his years of service and assistance to the City of Newburyport.**

**Councillor Herzog gave an update on Street Lighting.**

**Councillor Heartquist stated that Port Pride has a fundraiser at Michael's Harborside on Thursday, March 29, 2012 at 6:30pm.**

## **14. ADJOURNMENT**

**Motion to adjourn at 9pm by Councillor Jones, seconded by Councillor Cameron.**