

# **CITY COUNCIL MEETING**

## **MINUTES**

**February 26, 2024 7:00 pm**  
**City Council Chambers, City Hall**  
**60 Pleasant Street, Newburyport**

\*\*\*\*\*

### **Executive Session**

\*\*\*\*\*

Zoom details for City Council Meeting:  
<https://us02web.zoom.us/j/81299990548>  
Or One tap mobile:  
US: +19292056099,81299990548#  
Or Telephone US: +1 929 205 6099  
Webinar ID: 812 9999 0548

1. **MOMENT OF SILENCE** Remembering Steve Maguire and Leo Rocco
2. **PLEDGE OF ALLEGIANCE**
3. **CALL TO ORDER** 7:00pm the City Clerk called the roll; the following City Councillors answered present: Lane, McCauley, Preston, Wright (remote), Zeid, Donahue, Granas, Harman, Khan, and Cameron. 10 present, 1 absent (Shand).
4. **LATE FILE**
  - COMM00541\_02\_26\_2024 Kim Turner letter including supporting documents (CS/COTW)  
Motion to waive the rules, accept the late file, and refer to CS/COTW by Councillor Zeid, seconded by Councillor Preston.  
Roll call vote, 10 yes, 1 absent (Shand), motion passes.
5. **PUBLIC COMMENT**
6. **MAYOR'S COMMENT**

## **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**  
February 12, 2024 (Approve)
8. **COMMUNICATIONS**
  - COMM00538\_02\_26\_2024 Plummer Spring Bridge Memo (PW&S)
  - COMM00539\_02\_26\_2024 Merrimack Valley Regional Transit Authority Route Changes Memo & Map (PW&S)
  - COMM00540\_02\_26\_2024 Newburyport-MBTA-Communities-Storey-Ave-Slides (P&D/COTW)
9. **TRANSFERS**
  - TRAN00181\_02\_26\_2024 Mayor: MYR DEI Coordinator \$25,000 to MYR DEI Initiatives \$25,000 (B&F)
  - TRAN00182\_02\_26\_2024 DPS: Water Retained Earning \$42,000 to Water OPM Services \$42,000 (B&F)
  - TRAN00183\_02\_26\_2024 DPS: Sewer Retained Earnings \$18,000 to Sewer OPM Services \$18,000 (B&F)
10. **APPOINTMENTS**
  - **Confirmatory**  
APPT00472\_02\_12\_2024 Cynthia Schartman 12 Market St. Cultural Council Liaison on 3/1/2027  
Newburyport Public Arts Committee

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

**BUDGET& FINANCE**

- ORDR00533\_01\_29\_2024 NHS Statement of Interest Vote (COTW)
- ORDR00534\_01\_29\_2024 Nock Statement of Interest Vote (COTW)
- ORDR00538\_02\_12\_2024 Grant Acceptance Firefighter Safety Equipment \$14,100.66
- ORDR00539\_02\_12\_2024 Grant Acceptance EMPG \$4600.00

**GENERAL GOVERNMENT**

- ORDR00536\_02\_12\_2024 Early Voting 2024

**LICENSES & PERMITS**

- APPL00174\_02\_12\_2024 Agave Parklet Application
- APPL00175\_02\_12\_2024 Angies Parklet Application
- APPL00176\_02\_12\_2024 Angry Donut Parklet Application
- APPL00177\_02\_12\_2024 Bar 25 Parklet Application
- APPL00178\_02\_12\_2024 Brine Parklet Application
- APPL00179\_02\_12\_2024 Carmine Parklet Application
- APPL00180\_02\_12\_2024 Loretta Parklet Application
- APPL00181\_02\_12\_2024 NU Kitchen Parklet Application
- APPL00182\_02\_12\_2024 Oregano Parklet Application
- APPL00183\_02\_12\_2024 Paddle Inn Parklet Application
- APPL00184\_02\_12\_2024 Port Tavern Parklet Application
- APPL00185\_02\_12\_2024 Anchor Pizza Parklet Application

**PLANNING & DEVELOPMENT**

- COMM00530\_01\_29\_2024 Update Regarding Zoning Studies & Amendments (COTW)  
Related to Storey Ave & “MBTA Communities”(COTW)
- COMM00536\_02\_12\_2024 Update Regarding ODNC164\_10\_30\_2023  
Zoning Amendment Global R3 Multi-Family
- COMM00537\_02\_12\_2024 Email from Stephanie Niketic re: ODN00164
- ODNC00165\_02\_12\_2024 Zoning Ordinance to establish the State/High Overlay District (SHOD) (COTW)

**END OF CONSENT AGENDA**

COMM00540\_02\_26\_2024 Removed from the Consent Agenda at the request of Councillor Zeid.  
Motion to approve the Consent Agenda as amended by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 10 yes, 1 absent (Shand), motion passes.

**REGULAR AGENDA**

**9. MAYOR'S UPDATE**

Motion to receive and file by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 10 yes, 1 absent (Shand), motion passes.

**10. FIRST READING APPOINTMENTS**

## 11. COMMUNICATIONS

- COMM00540\_02\_26\_2024 Newburyport-MBTA-Communities-Storey-Ave-Slides  
Motion to refer to P&D/COTW by Councillor Zeid, seconded by Councillor Lane. Roll call vote, 10 yes, 1 absent (Shand), motion passes.

## 12. TRANSFERS

## 13. SECOND READING APPOINTMENTS

- APPT00462\_01\_29\_2024 Murphy 50 Braintree Hill Office Park City Solicitor 1/31/2025  
Hesse Toomey & Suite 410  
Lehane Braintree, MA 02184

*\*APPT00462\_01\_29\_2024 Moved to a date certain March 11,2024*

## 14. ORDERS

- ORDR00540\_02\_26\_2024 Grant Acceptance Form Defibrillator Equipment Program
- ORDR00541\_02\_26\_2024 Gift Acceptance Exchange Club \$600  
Motion to collectively refer ORDR00540 and ORDR00541 to B&F by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 10 yes, 1 absent (Shand), motion passes.
- ORDR00542\_02\_26\_2024 Crosswalk on Turkey Hill at Hale St  
Motion to refer to PW&S by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 10 yes, 1 absent (Shand), motion passes.

## 15. ORDINANCES

## 16. COMMITTEE ITEMS

### Budget & Finance

#### *In Committee:*

- ORDR00533 01 29 2024 NHS Statement of Interest Vote (COTW)

Motion to approve by Councillor Zeid, seconded by Councillor Harman. Roll call vote, 10 yes, 1 absent (Shand), motion passes.

- ORDR00534 01 29 2024 Nock Statement of Interest Vote (COTW)

Motion to approve by Councillor Zeid, seconded by Councillor Harman. Roll call vote, 10 yes, 1 absent (Shand), motion passes.

- ORDR00538 02 12 2024 Grant Acceptance Firefighter Safety Equipment \$14,100.66

- ORDR00539 02 12 2024 Grant Acceptance EMPG \$4600.00

Motion to collectively approve ORDR00538 and ORDR00539 by Councillor Zeid, seconded by Councillor Harman. Roll call vote, 10 yes, 1 absent (Shand), motion passes.

### Community Services

#### *In Committee:*

- APPT00463\_02\_12\_2024 Andrea 183 High St. Community 3/15/2027  
Weetman Newburyport Preservation Act  
Committee
- APPT00464\_02\_12\_2024 Kristen 16 Olive St. Library Board of 3/15/2027  
Donahue Newburyport Directors
- APPT00465\_02\_12\_2024 Caroline 4 Coombs Cir. Library Board of 3/15/2027  
McCarthy Newburyport Directors
- APPT00467\_02\_12\_2024 Kim Turner 27 High St. Public Arts 03/15/2025  
Newburyport Committee
- APPT00468\_02\_12\_2024 Nicole Whelan 12 Lafayette St. Public Arts 3/15/2025  
Newburyport Committee

- APPT00469\_02\_12\_2024 Shanna Sartori 2 Garden St. Public Arts 3/15/2025  
Newburyport Committee
- APPT00470\_02\_12\_2024 Katherine 9 Garden St. Public Arts 3/15/2025  
Moran Newburyport Committee
- APPT00471\_02\_12\_2024 Peter Carzasty 35 Temple St. Public Arts 3/15/2025  
Newburyport Committee
- APPT00473\_02\_12\_2024 Paula Estey 3 Pine St. Cultural Council 3/1/2027  
Newburyport Liaison on Public Arts Committee
- COMM00525\_01\_08\_2024 Letter from Joe Morgan re: Frog Pond Restoration Project
- ORDR00515\_11\_27\_2023 Gift Acceptance Morrill Foundation \$110,000
- ORDR00474\_07\_10\_2023 Plan Approval Bartlett Mall Improvement Project (COTW)
- ORDR00537\_02\_12\_2024 Youth and Recreation Center Design Approval (COTW)

## General Government

### *In Committee:*

- **ORDR00536 02 12 2024** **Early Voting 2024**

Motion to approve as amended in committee to include the language that the clerk may add or delete poll workers and police detail as necessary by Councillor Cameron, seconded by Councillor Zeid. Friendly amendment by Councillor Zeid that if changes are made to the approved list before the next election that the clerk submit a communication to inform the council. Roll call vote, 10 yes, 1 absent (Shand), motion passes.

- ORDR00527\_01\_08\_2024 Council Rules 2024

## Licenses & Permits

### *In Committee:*

- **APPL00174 02 12 2024** **Agave Parklet Application**
- **APPL00175 02 12 2024** **Angies Parklet Application**
- **APPL00176 02 12 2024** **Angry Donut Parklet Application**
- **APPL00177 02 12 2024** **Bar 25 Parklet Application**
- **APPL00178 02 12 2024** **Brine Parklet Application**
- **APPL00179 02 12 2024** **Carmine Parklet Application**
- **APPL00180 02 12 2024** **Loretta Parklet Application**
- **APPL00181 02 12 2024** **NU Kitchen Parklet Application**
- **APPL00182 02 12 2024** **Oregano Parklet Application**
- **APPL00183 02 12 2024** **Paddle Inn Parklet Application**
- **APPL00184 02 12 2024** **Port Tavern Parklet Application**
- **APPL00185 02 12 2024** **Anchor Pizza Parklet Application**

Motion to collectively approve APPL00174, APPL00175, APPL00176, APPL00177, APPL00178 APPL00179, APPL00180, APPL00181, APPL00182, APPL00183, APPL00184, and APPL00185 by Councillor McCauley, seconded by Councillor Zeid. Roll call vote, 9 yes, 1 present (Donahue), 1 absent (Shand), motion passes.

## Planning & Development

### *In Committee:*

- APPT00466\_02\_12\_2024 Larry Giunta 139 Crow Lane Associate Member 7/31/2027  
Newburyport Zoning Board of Appeals
- ***Confirmatory*** Dennis Morel 83 Bow Ridge Rd. Building Inspector 2/15/2027  
Lynn
- ***Re-Appointment*** Kevin Wallace 40 Oak St. Fruit Street Local 3/15/2027  
Newburyport Historic District Commission
- ***Re-Appointment*** Robert Currier 3 Summit Pl. Affordable Housing 3/15/2026  
Newburyport Trust

- |                              |               |              |                       |           |
|------------------------------|---------------|--------------|-----------------------|-----------|
| <b><i>Re-Appointment</i></b> | Andrew Port   | 61 Water St. | Director of Planning  | 3/15/2026 |
| • APPT00477_02_12_2024       |               | Newburyport  | & Development         |           |
| • APPT00478_02_12_2024       | Edward Noymer | 8 Lucey Dr.  | Historical Commission | 3/15/2027 |
- COMM00529\_01\_29-2024 Letter from Jim McCarthy re: Request to update codified sign ordinances
  - **COMM00530\_01\_29\_2024 Update Regarding Zoning Studies & Amendments (COTW)**  
**Related to Storey Ave & “MBTA Communities”(COTW)**

Motion to refer back to P&D/COTW by Councillor Zeid, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Shand), motion passes.

- COMM00534\_02\_12\_2024 Administration Memo re: COMM00529\_01\_29\_2024  
(Jim McCarthy letter to request an update codified sign ordinances)
- COMM00535\_02\_12\_2024 Development Agreements Documents re:  
Zoning Amendment Global R3 Multi-Family
- **COMM00536\_02\_12\_2024 Update Regarding ODNC164\_10\_30\_2023**  
**Zoning Amendment Global R3 Multi-Family**
- **COMM00537\_02\_12\_2024 Email from Stephanie Niketic re: ODNC00164**
- **ODNC00165\_02\_12\_2024 Zoning Ordinance to establish the**  
**State/High Overlay District (SHOD) (COTW)**

Motion to collectively receive and file COMM00536, COMM00537, and ODNC00165 by Councillor Preston, seconded by Councillor Harman. Roll call vote, 10 yes, 1 absent (Shand), motion passes.

## **Public Works & Safety**

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

- COMM00527\_01\_08\_2024 Letter from Philip Cootey
- COMM00533\_02\_12\_2024 Middle Street Plummer Spring Bridge - Proposed next steps
- ORDR00449\_04\_24\_2023 Approving Shared Streets Grant, High Street Traffic Calming

## **17. GOOD OF THE ORDER**

Councillor Cameron noted that there will be an annual report on municipal consumption.

## **18. EXECUTIVE SESSION:**

**Pursuant to MGL c. 30A s. 21 there will be an executive session for the purpose of discussing strategy with respect to City of Newburyport litigation involving zoning, personnel, roadways and land use, et al.**

Council President Cameron stated that Pursuant to MGL c. 30A s. 21 there will be an executive session for the purpose of discussing strategy with respect to City of Newburyport litigation involving zoning, personnel, roadways and land use, et al. and noted that the City Council would not be coming out of the Executive Session. Motion to into executive session by Councillor Cameron, seconded by Councillor Preston. Roll call vote, 10 yes, 1 absent (Shand), motion passes. Point of order noted by Councillor Zeid regarding council rule 27. Motion to waive rule 27 and go into executive session at 8:35 pm by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 9 yes, 1 no (McCauley), 1 absent (Shand), motion passes.

## **19. ADJOURNMENT**