

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 ODN164_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

- APPT00469_02_12_2024 Shanna Sartori 2 Garden St. Newburyport Public Arts Committee 3/15/2025
- APPT00470_02_12_2024 Katherine Moran 9 Garden St. Newburyport Public Arts Committee 3/15/2025
- APPT00471_02_12_2024 Peter Carzasty 35 Temple St. Newburyport Public Arts Committee 3/15/2025
- APPT00473_02_12_2024 Paula Estey 3 Pine St. Newburyport Cultural Council Liaison on Public Arts Committee 3/1/2027
- 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 Newburyport Associate Member Zoning Board of Appeals 7/31/2027
- ***Confirmatory*** Dennis Morel 83 Bow Ridge Rd. Lynn Building Inspector 2/15/2027
- APPT00474_02_12_2024 ***Re-Appointment*** Kevin Wallace 40 Oak St. Newburyport Fruit Street Local Historic District Commission 3/15/2027
- APPT00475_02_12_2024 ***Re-Appointment*** Robert Currier 3 Summit Pl. Newburyport Affordable Housing Trust 3/15/2026

- ***Re-Appointment*** Andrew Port 61 Water St. Director of Planning 3/15/2026
 - APPT00477_02_12_2024 Newburyport & Development
 - APPT00478_02_12_2024 Edward 8 Lucey Dr. Historical 3/15/2027
 - Noymer Newburyport Commission
- 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: ODN00164**
- **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