

CITY COUNCIL MEETING MINUTES

REMOTE –

Link to join Webinar

<https://us02web.zoom.us/j/81462146905>

Phone Dial-In Instructions:

Dial: (646) 558-8656 Webinar ID: 814 6214 6905

MAY 11, 2020

7:30PM

The City Council President, Jared Eigerman, called the meeting to order at 7:30pm. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Khan, Lane, McCauley, Connell, Shand, Tontar, Vogel, Wallace, Zeid, Devlin, Eigerman. 11 present using Zoom as a platform.

(Sound Check)

1. MOMENT OF SILENCE

2. CALL TO ORDER

3. LATE FILE ITEMS – COMM244_05_11_2020, COMM245_05_11_2020, Mayor's Update
Motion to table COMM245_05_11_2020 by Councillor Eigerman, seconded by Councillor Connell. Motion to waive the rules and accept COMM244_05_11_2020 as a late file, by Councillor Khan, seconded by Councillor McCauley. So voted (1 no – Zeid). Motion to remove COMM245_05_11_2020 from table by Councillor Vogel, seconded by Councillor Khan. So voted. Motion to waive the rules and accept COMM245_05_11_2020 as a late file, by Councillor Connell, seconded by Councillor Khan. So voted (1 no – SZ). Motion to accept Mayor's Update as a late file by Councillor Vogel, seconded by Councillor Tontar. So voted.

4. PUBLIC COMMENT

1. Jane Rascal, 51 Woodland Street #2, COMM 243
2. Brian Callahan, 29 Warren Street, ORDR 180
3. Meghan Kinsey, 1 Griffin Court, ORDR 180
4. Richard Goulet, 25 Phillips Drive, TRANS76
5. Philip Cootey, 22 Phillips Drive, TRANS76
6. Connie Preston, 18 Atwood Street, Dogs Off Leash

5. 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.

6. APPROVAL OF MINUTES

- April 27, 2020

(Approve)

7. COMMUNICATIONS

- COMM243_05_11_2020 Ltr from Jane Rascal re: NMMCD
Councillor Wallace changed from Neighborhood & City Services to Public Safety.

(PS)

8. TRANSFERS

- TRAN076_05_11_2020 Storm Water Test \$9,944.31, Storm Water Maint \$16,939.15,

(B&F)

Streetlights Electricity \$14,576.54 to CIP Phillips Drive Drainage Improvement \$41,460

- TRAN077_05_11_2020 Free Cash \$125K to Fire OT \$110K, Fire Dispatch OT \$15K (B&F)
- TRAN078_05_11_2020 Mult Accts \$\$42,928.37 to CIP Rail Trail Phase II \$42,928.37 (B&F)

9. FIRST READING APPOINTMENTS

- APPT174_05_11_2020 Paul Swindlehurst 12 Spofford St Parks Commission 5/1/2025

To be Referred to Planning & Development

- APPT175_05_11_2020 Ronald DiCola 6 Shandel Dr Conservation Comm 6/1/2023
- APPT176_05_11_2020 Jane Sender 9 Dalton St, #3 Conservation Comm 6/1/2023
- APPT177_05_11_2020 Alden Clark 15 Lunt St Planning Board 6/1/2025

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

Budget & Finance

- COMM232_03_09_2020 Annual Audit of the City's FY2019 Financial Statements
- ORDR173_03_09_2020 Acceptance of MGL Chapter 40, Section 5B (fourth paragraph)
- ORDR174_03_09_2020 Plum Island Beach Fee Dedication
- ODNC053_03_09_2020 Establishment of Plum Island Beach Stabilization Fund
- COMM239_04_27_2020 Whittier Tech Approved Budget 2020-2021
- TRAN074_04_27_2020 Free Cash 125K to Dump Truck Lease
- TRAN075_04_27_2020 Bud Cont. \$104K to Fire SAL \$84K, Dep Ch SAL \$3,5K, Cloth \$16,5K

Planning & Development

- APPT161_03_30_2020 Rick Taintor 10 Dexter St Planning Board 4/15/2025
- APPT163_04_13_2020 Glenn Richards 6 Kent St Historical Comm 5/1/2023

APPT173_04_27_2020 removed from Consent Agenda (by Councillor Shand)

Public Safety

- ODNC057_04_27_2020 Moratorium on Dog License Fines

END OF CONSENT AGENDA

REGULAR AGENDA

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

10. MAYOR'S UPDATE

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

11. SECOND READING APPOINTMENTS

- APPT167_04_27_2020 Madeline Nash 19 Arlington St Afford Housing Trust 5/1/2023
- APPT168_04_27_2020 Barry J. McBride 5 Pine St, Salisbury Asst Wiring Inspector 5/15/2021
- APPT169_04_27_2020 Cynthia Muir 10 Hancock St Council on Aging 5/31/2025
- APPT170_04_27_2020 Robert Dow 185 Storey Ave Harbor Comm 5/1/2023
- APPT171_04_27_2020 James Knapp 24 Cutting Dr Harbor Comm 5/1/2023

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

12. COMMUNICATIONS

- COMM241_05_11_2020 Charter Review Final Report
Motion to refer to General Government by Councillor Tontar, seconded by Councillor Khan. So voted.
- COMM242_05_11_2020 Confirmatory Legal Opinion from KP Law re: Charter Changes
Motion to refer to General Government by Councillor Tontar, seconded by Councillor Connell. So voted.
- COMM244_05_11_2020 LATE FILE Continuing Appropriation Budget 3 months
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.
- COMM245_05_11_2020 LATE FILE DLS Ltr MJHandy Deficit 150K
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Connell. So voted.

13. ORDERS

- ORDR180_05_11_2020 Emergency Order - Economic Revitalization
Motion to refer to Ad-Hoc Committee on Economic Development by Councillor McCauley, seconded by Councillor Zeid. Councillor Khan asked that Public Safety be added by friendly amendment. Councillor Vogel asked that it be sent to Committee of the Whole by Councillor also by friendly amendment. Councillor McCauley Councillor Zeid agreed to COTW (not Public Safety) being added. So voted
- ORDR181_05_11_2020 Resolution Recognizing NHS 2020 Graduates
Motion to Table by Councillor Zeid, seconded by Councillor Devlin. So voted.

14. ORDINANCES

- NONE

15. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

Budget & Finance

In Committee:

- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)
Project No. 9 held in committee.
- ORDR136_08_19_19 Fuller Track Phase II Loan Order
- COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations
- TRAN070_03_09_2020 Free Cash \$25K to LIB Maint-Equipment \$25K
- **COMM232 03 09 2020 Annual Audit of the City's FY2019 Financial Statements**
Motion to receive and file (comm vote 3-0) by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR173 03 09 2020 Acceptance of MGL Chapter 40, Section 5B (fourth paragraph)**
Motion to approve ORDR173_03_09_2020 and ORDR174_03_09_2020 collectively by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 no (Connell). Motion passed.
- **ORDR174 03 09 2020 Plum Island Beach Fee Dedication**
Motion to approve ORDR173_03_09_2020 and ORDR174_03_09_2020 collectively by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 no (Connell). Motion passed.
- **ODNC053 03 09 2020 Establishment of Plum Island Beach Stabilization Fund**
Motion to approve first reading by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 9 yes, 1 no (Connell), 1 absent (Vogel). Motion passed. Note: Councillor Vogel re-joined the meeting after this vote.
- COMM236_03_30_2020 DLS Bulletin 2020-01 Emergency Expenditures and Borrowing
- COMM238_04_13_2020 FY2021-FY2025 Capital Improvement Program Submission

- **COMM239 04 27 2020 Whittier Tech Approved Budget 2020-2021**
Motion to receive and file by Councillor Tontar, seconded by Councillor Khan. So voted.
- **TRAN074 04 27 2020 Free Cash 125K to Dump Truck Lease**
Motion to approve by Councillor Tontar, seconded by Councillor Khan. So voted.
- **TRAN075 04 27 2020 Bud Cont. \$104K to Fire SAL \$84K, Dep Ch SAL \$3.5K, Cloth \$16.5K**
Motion to approve by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 no (Devlin). Motion passed.
- **ORDR178_04_27_2020 Acts of 1987 (w/ Education)**

Education

Meeting Monday, May 18th at 5pm to discuss school budget.

In Committee:

- COMM235_03_30_2020 Ltr re: SC Apptmnt of Brett Murphy to Whittier Vo-Tech Cmte
- COMM240_04_27_2020 Memo re: SOI Submission Info
- **ORDR178_04_27_2020 Acts of 1987 (w/ B&F)**

General Government

Charter Review Committee report is in General Government Cmte and Chair Eigerman will schedule meeting soon.

In Committee:

-

License & Permits

In Committee:

- ODNC047_1_27_20 General Ordinance - Short Term Rental Units Rules
- COMM229_02_24_2020 Ltr re: Implementation of Short-Term Rental Ordinance
- COMM230_03_09_2020 Yearly Report, Section 16A of the Liquor Control Act
- **APPT172_04_27_2020 Craig G. Holt 33 Carter St Licensing Board 6/1/2026**

Councillor Vogel stated he will have meeting for Appointment of Craig Holt soon.

Neighborhoods & City Services

In Committee:

- COMM197_10_28_19 Ltr re: Phillips Drive Neighborhood Drainage (COTW)
- ODNC050_02_24_2020 Curb Cuts and Notice of Work Involving Sidewalks
- COMM233_03_09_2020 Ltr re: MVRTA State Street Bus Stop Shelter
- COMM234_03_30_2020 Ltr from Newburyport Livable Streets March 11, 2020

Planning & Development

Councillor Shand stated that she will have a meeting Thursday, May 14th to discuss Safe Routes to School.

In Committee:

- COMM214_01_13_2020 Ltr from Central Cong Church re: CPA Funding, Historic Pres
- COMM215_01_13_2020 Ltr re: Colby Farm Open Space Beautification
- ODNC046_1_27_20 Zoning Amendment - Short Term Rental Units Definition
- ODNC048_02_10_2020 Newburyport Historical Commission
- ODNC051_02_24_2020 Fences in Downtown Overlay District
- COMM231_03_09_2020 Ltr re: Short-Term Rental Ordinance
- ODNC054_03_09_2020 Enforcement of the State Building Code
- **APPT161 03 30 2020 Rick Taintor 10 Dexter St Planning Board 4/15/2025**

Motion to approve by Councillor Shand, seconded by Councillor Tontar. Roll call vote, 9 yes, 2 present (Zeid, Eigerman). Motion passed.

- **APPT163 04 13 2020** **Glenn Richards** **6 Kent St** **Historical Comm** **5/1/2023**

Motion to approve by Councillor Shand, seconded by Councillor Connell. Roll call vote, 11 yes. Motion passed.

- **APPT173 04 27 2020** **Stephen G. DeLisle** **195 High St** **ZBA** **5/31/2021**

Public Safety

In Committee:

- COMM216_01_13_2020 Ltr re: Ban the Use of Glyphosate
- COMM221_01_27_2020 Letter re: Sign at 43 Pine Hill Road
- COMM227_02_10_2020 Update and Request from Waste Stream Task Force
- APPL004_03_09_2020 Footsteps for Food - 4/14/2020
- APPL005_03_09_2020 Cultural Survival Bazaar - 7/18-19 2020
- APPL006_03_09_2020 Spring Invitation Night - 5/1/2020
- APPL007_03_09_2020 Newburyport Spring Festival - 5/24-25 2020
- APPL008_03_09_2020 Newburyport Car Show - 8/20/2020
- APPL009_03_09_2020 Newburyport Fall Harvest Festival - 10/11-12 2020
- APPL010_03_09_2020 Witches' Night Out - 10/23/2020
- APPL011_03_09_2020 Downtown Trick or Treat - 10/30/2020
- APPL012_03_09_2020 Invitation Nights - 12/4, 12/11, 12/18 2020
- ODNC055_03_09_2020 Recycling and Yard Waste Disposal by City
- COMM237_03_30_2020 21-23 Walnut St Public Safety Concern
- APPT165_04_13_2020 Dr. Robin Blair 18 Market St Board of Health 4/30/2023
- **ODNC057 04 27 2020 Moratorium on Dog License Fines**
Motion to approve first reading by Councillor McCauley, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.
- APPL013_04_27_2020 Chocolate Tour Central Cong. Church 5/16/2020

Public Utilities

In Committee:

- APPT156_03_09_2020 John Tomasz 38 Storeybrooke Dr Water/Sewer Comm 3/31/2023
- APPT166_04_13_2020 Robert A. Cook 19 Everette Dr Water/Sewer Comm 3/1/2023
- APPT166_04_13_2020 Resume of Robert Cook, Water/Sewer Commission

Rules

In Committee:

- COMM220_01_27_2020 Proposed City Council Rule 9F
- ORDR170_02_24_2020 Amendment Council Rules 2020 (COTW)
- ORDR171_02_24_2020 Amendment to Rule 17B (COTW)

16. GOOD OF THE ORDER

Council President Eigerman set a date to meet on ORDR180; 5/14 7:00pm. Councillor Tontar noted that the Capital Improvement Program Hearing will be on May 26th at 7:00 pm and there will be a Budget and Finance Cmte on this Thursday, May 14, 2020.

17. ADJOURNMENT

Motion to adjourn by Councillor Tontar, seconded by Councillor Connell. So voted. 9:43pm.