

CITY COUNCIL MEETING AGENDA - VERSION 2

REMOTE MINUTES June 29, 2020

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7:30 PM Council Meeting

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: Tontar, Vogel, Wallace, Zeid, Devlin, Khan, Lane, McCauley, Connell, Shand, Eigerman. 11 present using Zoom as a platform.

(Sound Check)

1. **MOMENT OF SILENCE** Pat Connelly, former City Councillor and 1st woman City Councillor for the City of Newburyport, former employee of the Redevelopment Authority and the City Clerk's Office, was remembered.

2. CALL TO ORDER

3. LATE FILE ITEMS

COMM250_06_29_2020 Letter from Elizabeth Goullaud

ODNC051_02_24_2020 Fences in Downtown Overlay District

COMM249_06_29_2020 Artichoke River Woods Conservation Project

Motion to waive the rules and allow late files by Councillor Zeid, seconded by Councillor Tontar. So voted.

4. PUBLIC COMMENT

1. Jane Rascal, EcoHealth Advocates, 51 Woodland Street
2. Thomas Getz, Newburyport Human Rights Commission, 36 Broad Street
3. Jim Marks, Teamster, 8 Wild Rose Drive, Worcester, MA
4. Trish Boateng, 18 Merrill Street

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.

5. APPROVAL OF MINUTES

- May 26, 2020
- June 8, 2020

(Approve)

(Approve)

6. COMMUNICATIONS

- COMM248_06_29_2020 Letter from Jim Marks, Teamsters re: TRAN081 (R&F)
- COMM249_06_29_2020 Greenbelt-Artichoke River Woods Conservation Project (R&F)

On recommendation of the Council President COMM248_06_29_2020 and COMM249_06_29_2020 were received and filed.

7. TRANSFERS

- TRAN083_06_29_2020 Solid Waste Revolving Fund \$20,000 to SUS Solid Waste \$20,000 (B&F)

8. FIRST READING APPOINTMENTS

- APPT180_06_29_2020 Paula Estey 3 Pine Street Cultural Commission 06/30/2023
- APPT181_06_29_2020 Diana Kerry 33 Temple St Cultural Commission 07/15/2023
- APPT182_06_29_2020 Richard A. Eaton 4 Horton St. NBPT Trust Fund Comm. 07/15/2023
- APPT183_06_29_2020 Ryan Kelley 24 School St. , Byfield Cultural Commission 07/15/2023

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

Budget & Finance

- TRAN070_03_09_2020 Free Cash (Lib Sal rev. 5/18/20) \$25K to LIB Maint-Equipment \$25K
- TRAN081_06_08_2020 Teamster Local 170 Multiple 46,189.46 to Multiple 46,189.46
- TRAN082_06_08_2020 Free Cash 12,800 to Fire Hose & Fittings 12,800
- ORDR182_06_08_2020 Revolving Fund Spending Limit Increase
- ORDR183_06_08_2020 Revolving Fund Order
- ORDR187_06_08_2020 LATE FILE CPC Report & Order

Planning & Development

- ORDR188_06_08_2020 LATE FILE Preservation Restriction Cushing House

Public Utilities

- ORDR184_06_08_2020 Michael Mazzotta - licensed contractor
- ORDR185_06_08_2020 WCJ Services - licensed contractor
- ORDR186_06_08_2020 EKB Equipment, LLC - licensed contractor

END OF CONSENT AGENDA

Motion to amend Consent Agenda to receive and file COMM248_06_29_2020 and COMM249_06_29_2020 by Councillor Zeid, seconded by Councillor Tontar. So voted.

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

REGULAR AGENDA

9. MAYOR'S UPDATE

The Mayor stated she would email written update.

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

10. SECOND READING APPOINTMENTS

- APPT179_06_08_2020 Mia Yim 6 Woodman Way, Unit 202 Cultural Commission 6/30/2023

Motion to approve Second Reading of appointments by Councillor Zeid seconded by Councillor Tontar. Roll call. 11 yes. So voted.

11. COMMUNICATIONS

- COMM250_06_29_2020 Letter Elizabeth Goullaud

Motion to refer to Public Safety by Councillor Khan, seconded by Councillor Tontar. So voted.

12. ORDERS

- ORDR189_06_29_2020 Resolution NBPT Public Schools

Motion to establish an Emergency Preamble due to the exigency of the school calendar by Councillor Zeid, seconded by Councillor Khan. Roll Call. 11 yes. So voted.

Motion to approve by by Councillor Zeid, seconded by Councillor Khan. So voted.

- ORDR190EP_06_29_2020 Emergency Preamble for Resolution Racial Justice
- ORDR190_06_29_2020 Resolution Racial Justice

Motion to refer together to Public Safety and COTW by Councillor Khan, seconded by Councillor Lane. So voted.

- ORDR191_06_29_2020 Waterfront Paid Parking Fund

Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Vogel. So voted.

- ORDR192_06_29_2020 Newburyport PTO Gift

Motion to establish an Emergency Preamble due to necessity for supporting Newburyport families by Councillor Zeid, seconded by Councillor Tontar. So voted.

Motion to approve by Councillor Zeid, seconded by Councillor Tontar. So voted.

- ORDR193_06_29_2020 Institution for Savings Fence Panel Gift
- ORDR194_06_20_2020 Mary Alice Arakelian Foundation Fence Panel Gift

Motion to refer collectively to Planning & Development by Councillor Zeid, seconded by Councillor Tontar. So voted.

- ORDR195_06_29_2020 Plummer Spring Road Agreement City & West Newbury

Motion to refer to Neighborhood & City Services with the condition that the Clerk receives Appendix A from the Administration by Councillor Zeid, seconded by Councillor Khan. So voted.

13. ORDINANCES

- ODNC048_02_10_2020 Newburyport Historical Commission (**2nd Reading**)

Motion to approve by Councillor Zeid, seconded by Councillor Tontar. Roll call. 11 yes. So voted

- ODNC059_06_29_2020 Truck Routes

Motion to refer to Public Safety by Councillor Zeid, seconded by Councillor Tontar. So voted.

14. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

Ad Hoc Committee on Economic Development

In Committee:

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 (Lib Sal rev. 5/18/20) \$25K to LIB Maint-Equipment \$25K**

Motion to approve amended by Councillor Tontar, seconded by Councillor Khan. So voted.

- COMM236_03_30_2020 DLS Bulletin 2020-01 Emergency Expenditures and Borrowing

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

- ORDR178_04_27_2020 Acts of 1987 (w/ Education)
- **ORDR182 06 08 2020 Revolving Fund Spending Limit Increase**

Came out of committee 2-1 (Zeid). Motion to approve by Councillor Tontar, seconded by Councillor Khan 10 yes, 1 no (Zeid). Motion passed.

- **ORDR183 06 08 2020 Revolving Fund Order**

Came out of committee 2-1 (Zeid). Motion to approve by Councillor Tontar, seconded by Councillor Khan 10 yes, 1 no (Zeid). Motion passed.

- **TRAN081 06 08 2020 Teamster Local 170 Multiple 46,189.46 to Multiple 46,189.46**

Motion to approve by Councillor Tontar, seconded by Councillor Khan. Roll call. 8 yes, 3 no (Zeid, Devlin, McCauley). Motion passed.

- **TRAN082 06 08 2020 Free Cash 12,800 to Fire Hose & Fittings 12,800**

Motion to approve by Councillor Tontar, seconded by Councillor Zeid 11 yes. Motion passed.

- **ORDR187 06 08 2020 LATE FILE CPC Report & Order**

Motion to approve Project No. 1 as amended by Councillor Tontar, seconded by Councillor Connell. 11 yes. Motion passed as amended.

Motion to approve Project No.2 by Councillor Tontar, seconded by Councillor Khan. 11 yes. Motion passed.

Motion to amend Project No. 3 by Councillor Tontar, seconded by Councillor Khan. 10 yes, 1 no (Devlin). Motion passed as amended.

Motion to approve Project No. 3 amended by Councillor Tontar, seconded by Councillor Khan, to add the language ***and;***

Further, that CPA funds identified in FY'21 Project 4 above (Cushing House Cobble Courtyard Phase II), and for FY'20 Project 4 (Cushing House Electrical System), previously approved by the Council in 2019 for preservation of the subject property, may be released to the applicant prior to recording of the perpetual Preservation Restriction (PR) due to the extant 10-year PR that will remain in place until final Massachusetts Historical Commission (MHC) approval of the perpetual PR; and

Further, that CPA funds identified in FY'21 Project 3 above (Newburyport Public Library Archival Center HVAC) may be released to the applicant prior to recording of the perpetual Preservation Restriction (PR) due to the City's direct ownership and control of the subject property and on the condition that all construction work associated with this project be reviewed and approved by the Newburyport Historical Commission (NHC) prior to the start of work in order to ensure consistency with the terms of the pending PR.

11 yes. Motion passed.

Motion to amend Project No. 4 by Councillor Tontar, seconded by Councillor Shand, to add the language ***and;***

Further, that CPA funds identified in FY'21 Project 4 above (Cushing House Cobble Courtyard Phase II), and for FY'20 Project 4 (Cushing House Electrical System), previously approved by the Council in 2019 for preservation of the subject property, may be released to the applicant prior to recording of the perpetual Preservation Restriction (PR) due to the extant 10-year PR that will remain in place until final Massachusetts Historical Commission (MHC) approval of the perpetual PR; and

Further, that CPA funds identified in FY'21 Project 3 above (Newburyport Public Library Archival Center HVAC) may be released to the applicant prior to recording of the perpetual Preservation Restriction (PR) due to the City's direct

ownership and control of the subject property and on the condition that all construction work associated with this project be reviewed and approved by the Newburyport Historical Commission (NHC) prior to the start of work in order to ensure consistency with the terms of the pending PR.

11 yes. So voted.

Motion to approve Project No. 4 by Councillor Tontar , seconded by Councillor Khan.

Motion to amend Project No. 4 by Councillor Tontar, seconded by Councillor Khan. 10 yes, 1 no (Zeid). Motion passed.

Motion to approve Project No. 4 as amended by Councillor Tontar , seconded by Councillor Khan. 10 yes, 1 no (Zeid).

Motion passed as amended.

Motion to approve Project No. 5 by Councillor Tontar, seconded by Councillor Khan. 11 yes. Motion passed.

Motion to approve Project No. 6 as amended by Councillor Tontar, seconded by Councillor Khan.

Motion to amend Project No. 6C by Councillor Tontar, seconded by Councillor Zeid. Changing 1.5 million to 1.3 million.

11 yes. Motion passed.

Motion to amend Project No. 6B by Councillor Zeid, seconded by Councillor Lane to add the language ***These funds shall be used within the confines of Newburyport.***

Council President Eigerman stepped down and Councillor Vogel acted as President Pro Tempore.

Motion to move the question by Councillor Zeid, seconded by Councillor Khan. Roll call. 7 no, 4 yes. Motion to move the question fails.

Roll call. 6 no, 5 yes. Motion to amend 6B fails.

Motion to approve Project No. 6 as amended by Councillor Tontar, seconded by Councillor Khan. 10 yes, 1 no (Zeid).

Motion passed as amended.

Councillor Eigerman returned as Council President.

Motion to approve Project No. 7 as amended by Councillor Tontar, seconded by Councillor Khan. 11 yes. Motion passed.

Motion to approve Project No. by Councillor Tontar, seconded by Councillor Khan. 11 yes. Motion passed.

Motion to approve Project No. 9 by Councillor Tontar, seconded by Councillor Khan. 11 yes. Motion passed.

Motion to approve Project No. 10 by Councillor Tontar, seconded by Councillor Connell. 11 yes. Motion passed.

Motion to approve Project Nos. 11, 12, & 13 collectively by Councillor Tontar, seconded by Councillor Khan. 11 yes.

Motion passed.

Education Councillor Khan gave an update.

In Committee:

- COMM235_03_30_2020 Ltr re: SC Appt. 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 Councillor Eigerman gave an update

In Committee:

- COMM241_05_11_2020 Charter Review Final Report
- COMM242_05_11_2020 Confirmatory Legal Opinion from KP Law re: Charter Changes

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
- APPL014_06_08_2020 Outdoor Seating application from Vera Ristorante LLC
- APPL015_06_08_2020 Ltr with Layout from Ted Epstein re: Outdoor Seating

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

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
- ODNC051_02_24_2020 Fences in Downtown Overlay District

Motion to remove Councillor Shand, seconded by Councillor McCauley, so voted.

Motion to approve 1st reading by Councillor Shand, seconded by Councillor Wallace. 11 yes. Roll Call. Motion passed.

- COMM231_03_09_2020 Ltr re: Short-Term Rental Ordinance
- ODNC054_03_09_2020 Enforcement of the State Building Code
- **ORDR188 06 08 2020 LATE FILE Preservation Restriction Cushing House**

Motion to approve with amendments as included in the version entitled “ORDR188 je suggestions for approval -- Caleb Cushing House PR. DRAFT “ by Councillor Shand, seconded by Councillor Khan. 11 yes. Motion passed.

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
- COMM237_03_30_2020 21-23 Walnut St Public Safety Concern
- COMM246_05_26_2020 Ltr To City Council from A Calcagni re: ORDR180
- APPT165_04_13_2020 Dr. Robin Blair 18 Market St Board of Health 4/30/2023
- COMM243_05_11_2020 Ltr from Jane Rascal re: NMMCD

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
- **ORDR184 06 08 2020 Michael Mazzotta - licensed contractor**
- **ORDR185 06 08 2020 WCJ Services - licensed contractor**

- **ORDR186_06_08_2020 EKB Equipment, LLC - licensed contractor**

Motion to approve collectively ORDR184_06_08_2020, ORDR185_06_08_2020 & ORDR186_06_08_2020 by Councillor Zeid, seconded by Councillor Tontar subject to ORDR184_06_08_2020 Contractor supplying Haverhill, Merrimac and Groveland signed approvals and ORDR185_06_08_2020 supplying the third reference. So voted.

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)

15. GOOD OF THE ORDER

Councillor Zeid suggested cancelling the July meeting.

Councillor Eigerman suggested keeping the scheduled meeting.

Councillor Shand mentioned she would be working on the Open Space Plan.

16. ADJOURNMENT

Motion to adjourn by Councillor Tontar, seconded by Councillor Khan. So voted. 9:56pm.