

MEETING MINUTES

For Remote

February 8, 2021

7:30PM

City Council Meeting

Zoom Meeting Details:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89752421490>

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6833

Webinar ID: 897 5242 1490

1. CALL TO ORDER

The City Council President, Jared J. Eigerman called the meeting to order at 7:30 pm and asked the City Clerk, Richard B. Jones to call the roll. The following Councillors answered present, Khan, Lane, McCauley, Connell, Shand, Tontar, Vogel, Wallace, Zeid, and Eigerman. Ten present using Zoom as a platform. Councillor Devlin was absent.(7:51pm)

2. LATE FILE ITEMS

- COMM298_02_08_2021 Plum Is Fiscal Implications of Sea Level Rise
- COMM299_02_08_2021 Phillips Drive Neighborhood Committee Ltr.
- ORDR240_02_08_2021 COVID-19 Victims and Survivors Memorial Day Resolution
Motion to waive the rules and accept the Late Filesby Councillor Zeid, seconded by Councillor Connell.
Roll call vote. 10 yes, 1 absent (Devlin). Motion passes.

3. PUBLIC COMMENT

Molly Ettenborough, 35 Toppan Lane
Michael Strauss, 56 Federal Street
Colin Sarff, 23 Charter Street
Jennie Donahue, 18 Cherry Street

4. 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.

5. APPROVAL OF MINUTES

- January 23, 2021 (Approve)
- January 27, 2021 (Approve)

6. COMMUNICATIONS

- COMM290_02_08_2021 Falmouth Broadband Feasibility Study (full text in Clerk's office) (PU)
Councillor Tontor requested COMM290_02_08_2021 be removed from Consent Agenda

- COMM291_02_08_2021 FY2021 Mid-Year Budget Report (B&F)
- COMM292_02_08_2021 Memo - Electricity Aggregation Program (PU)
- COMM293_02_08_2021 Ltr. From Jane Snow (EC)
- COMM295_02_08_2021 Best Best & Krieger Small Cells Order Annual Meeting (PU)
- Councillor Tontor requested COMM295_02_08_2021 be removed from Consent Agenda
- COMM296_02_08_2021 Natoa FCC Small Wireless Facilities Rules Compliance Guide (PU)
- Councillor Tontor requested COMM296_02_08_2021 be removed from Consent Agenda

7. TRANSFERS

none

8. APPOINTMENTS

Confirmatory Appointment

- APPT226_02_08_2021 Andrew R. Port 61 Water Street Dir. Planning & Dev. 01/31/2022
- APPT229_02_08_2021 KP Law 101 Arch St. Boston City Solicitor 02/01/2022

1st Reading

Councillor Zeid requested APPT226_02_08_2021 and APPT229_02_08_2021 be removed from Consent Agenda

Re-Appointment

**Planning & Development*

- APPT230_02_08_2021 *Joseph C. Teixeira 44 Hale Street Conservation Comm. 02/28/2024
- APPT231_02_08_2021 *Walter Chagnon 43 Lime Street ZBA 03/31/2026
- APPT232_03_01_2024 Keith Hogan 3 Bartlett Drive Trust Fund Comm. 03/01/2024

Councillor Eigerman requested APPT231_02_08_2021 be removed from Consent Agenda

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

Budget and Finance

- ORDR228_01_11_2021 Central Cong Church Amended Award to 50K
- COMM264_09_29_2020 Colleen Turner Letter

General Government

- ORDR237_01_25_2021 Amended Resolution re: January 6, 2021

Planning and Development

- APPT201_12_14_2020 Jennifer Blanchet 4 Island Ln., Newbury Zoning Admin. 12/31/2022
- APPT208_01_11_2021 Marc Cendron 91 High St. Historical Comm. 01/31/2023
- APPT210_01_11_2021 Michael Sullivan 41 Summit Pl. Waterfront Trust 01/01/2025
- APPT216_01/11/2021 Carole Wagan 9 Olive St. Conservation Comm. 01/31/2023
- APPT215_01_11_2021 Robert Ciampitti 552 Merrimac St. ZBA 02/01/2026
- APPT217_01_11_2021 Cornelia Walsh 102 Water St. Conservation Comm. 01/31/2023
- APPT220_01_27_2021 * Daniel Warchol 47 Plummer Ave Conservation Comm. 2/28/2024
- ORDR234_01_27_2021 Preservation Restriction 190 High Street

END OF CONSENT AGENDA

Councillor Devlin present 7:51 pm

Motion to approve the Consent Agenda as amended by Councillor Zeid, seconded by Councillor Connell. Roll call vote. 11 yes. Motion passes.

REGULAR AGENDA

9. MAYOR'S UPDATE

Motion to receive and file by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes.

10. Presentation on Bartlett Mall (water quality) by Kim Turner, Parks Commission
Sponsored by Councillor Shand

11. COMMUNICATIONS

- COMM286_02_08_2021 Parliamentary Procedure -- Britannica Online Encyclopedia
- COMM287_02_08_2021 Deliberative assembly - Wikipedia
- COMM288_02_08_2021 State Library of Massachusetts Parliamentary Procedure
Motion receive and file collectively by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.
- COMM289_02_08_2021 Newburyport Litigation Status Report for February, 2021 (**CONFIDENTIAL**)
Councillor Devlin recused. Motion to receive and file by Councillor Connell, seconded by Councillor Vogel. Motion withdrawn by Councillors Connell and Vogel. Motion to refer to General Government and COTW by Councillor Khan, seconded by Councillor Connell. Roll call vote. 10 yes, 1 recused (Devlin). Motion passes.
Councillor Devlin returned.
- COMM294_02_08_2021 Open Meeting Rules Opinion
Motion to receive and file by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes.
- COMM297_02_08_2021 Land Vest Appraisal Property Off Middle St, W.Newbury & Nbpt
Motion to refer to Planning & Development by Councillor SHand, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.
- COMM298_02_08_2021LATE FILE Plum Is Fiscal Implications of Sea Level Rise
Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.
- COMM299_02_08_2021Late File Phillips Drive Neighborhood Committee Ltr.
Motion to refer to Neighborhood & City Services by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.

12. FIRST READING APPOINTMENTS

- APPT231_02_08_2021 Walter Chagnon 43 Lime St. ZBA 03/31/2026
Councillors Devlin and Lane recused. Motion to approve on 1st reading by Councillor Zeid, seconded by Councillor Shand. Roll call vote. 9 yes, 2 recused (Devlin, Lane). Motion passes.
- APPT226_02_08_2021 Andrew R. Port 61 Water St. Dir. P&D 01/31/2021
Councillors Devlin and Lane recused. Motion to approve on 1st reading by Councillor Zeid, seconded by Councillor Shand. Roll call vote. 9 yes, 2 recused (Devlin, Lane). Motion passes.
Councillor Devlin and Lane returned.
- APPT229_02_08_2021 KP Law 101 Arch St. City Solicitor 02/01/2022
Boston

Motion to refer to General Government and COTW by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

13. SECOND READING APPOINTMENTS

- | | | | | |
|----------------------|-----------------|--------------------------------|-----------------------|------------|
| • APPT218_01_27_2021 | Colin Sarff | 23 Charter Street | Comm. On Disabilities | 02/28/2024 |
| • APPT219_01_27_2021 | Charles Griffin | 3 Vernon Street | CPC | 02/01/2024 |
| • APPT227_01_27_2021 | Glenn Richards | 6 Kent Street | CPC | 02/01/2022 |
| • APPT221_01_27_2021 | Paula Burke | 23 Blueberry Lane
Topsfield | Council on Aging | 02/28/2024 |
- Re-Appointment**
- | | | | | |
|----------------------|------------------|---------------------|-----|------------|
| • APPT224_01_27_2021 | Mark Rosen | 20 Fair Street | CPC | 02/01/2024 |
| • APPT225_01_27_2021 | Michael Dissette | 44 Jefferson Street | CPC | 03/01/2024 |

Motion to approve 2nd reading appointments collectively by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

14. ORDERS

- ORDR238_02_8_2021 Conservation Restriction and Easements, ECGB
Motion to refer Planning & Development by Councillor Shand, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes.
- ORDR239_02_8_2021 Council Rule 7 and 10B
Motion to refer to Rules by Councillor Khan, seconded by Councillor Vogel. Roll call vote. 11 yes, motion passes.
- ORDR240_02_08_2021 Late File COVID-19 Victims and Survivors Memorial Day Resolution
Motion to refer to General Government by Councillor Connell, seconded by Councillor Devlin. Roll call vote. 11 yes, Motion passes.

15. ORDINANCES

16. COMMITTEE ITEMS

Ad Hoc Committee on Economic Development

In Committee:

- COMM262_08_31_2020 Gasbarro Ltr re: Awareness

Ad Hoc Committee on Waterfront and COTW

In Committee:

- COMM261_08_31_2020 Proposed Timeline, Waterfront
- ORDR227_12_14_2020 Appropriate NRA funds for RFP award

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
- **COMM264_09_29_2020 Colleen Turner Letter**
Motion to receive and file by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- ODNC063_09_29_2020 Bond and Transfer Limit
- ORDR214_10_13_2020 Low Street Purchase w/ P&D & COTW
- ORDR216_10_13_2020 Supplemental Budget Charter Sec. 2-4 42K

- ORDR229_12_14_2020 Disposition and Funding for Rehabilitation former Brown School COTW
- COMM281_12_14_2020 Information Request for 57 Low Street COTW
- **ORDR228 01 11 2021 Central Cong Church Amended Award to 50K**
Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 10 yes, 1 no (Connell). Motion passes.
- COMM284_01_27_2021 Ltr. from Susanne Gallagher
- ORDR235_01_27_2021 Gift from Saltbox Financial \$1K for Trees

Education

In Committee:

- COMM240_04_27_2020 Memo re: SOI Submission Info
- COMM273_10_13_2020 Ltr of Non-Support from Mayor on Acts of 1987

General Government

In Committee:

- COMM241_05_11_2020 Charter Review Final Report
- COMM242_05_11_2020 Confirmatory Legal Opinion from KP Law re: Charter Changes
- **ORDR237 01 25 2021 Resolution re: January 6, 2021 (COTW)**
Motion to approve as amended by Councillor Devlin, seconded by Councillor McCauley . Roll call vote. 11 yes. Motion passes.

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
- ODNC067_1_27_2021 License to Occupy Outdoor Property Ch. 12-1

Neighborhoods & City Services

In Committee:

- COMM234_03_30_2020 Ltr from Newburyport Livable Streets March 11, 2020
- COMM285_01_27_2021 Memorandum from Councillor Christine Wallace

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
- COMM231_03_09_2020 Ltr re: Short-Term Rental Ordinance
- ORDR196_07_13_2020 Open Space and Recreation Plan 2020 (COTW)
- ORDR214_10_13_2020 Low Street Purchase w/ P&D (COTW)
- COMM270_10_13_2020 Ltr To DCAM _Jeigerman
- ORDR229_12_14_2020 Disposition and Funding for Rehabilitation former Brown School COTW
- **APPT201 12 14 2020 Jennifer Blanchet 4 Island Ln., Newbury Zoning Admin. 12/31/2022**
- COMM281_12_14_2020 Information Request for 57 Low Street COTW
- **APPT210 01 11 2021 Michael Sullivan 41 Summit Pl. Waterfront Trust 01/01/2025**
- **APPT216 01 11 2021 Carole Wagan 9 Olive St. Conservation Comm. 01/31/2023**
- **APPT217 01 11 2021 Cornelia Walsh 102 Water St. Conservation Comm. 01/31/2023**
- **APPT215 01 11 2021 Robert Ciampitti 552 Merrimac St. ZBA 02/01/2026**
- **APPT208 01 11 2021 Marc Cendron 91 High St. Historical Comm. 01/31/2023**
- **APPT220 01 27 2021 * Daniel Warchol 47 Plummer Ave Conservation Comm. 2/28/2024**
- **APPT222 01 27 2021 * Gregory Benik 15 Woodland St. ZBA 2/28/2026**
- **APPT228 01 27 2021 * Ken Swanton 10 Tremont St. ZBA 2/28/2026**

- **APPT223 01 27 2021 *Stephen DeLisle 195 High St. ZBA 5/31/2025**

Motion to receive and file APPT217_01_11_2021 by Councillor Shand, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.

Councillors Devlin and Lane recused.

Motion to remove APPT201_02_08_2021, APPT215_01_11_2021, APPT222_01_27_2021, APPT223_01_27_2021, and APPT228_01_27_2021 collectively by Councillor Shand, seconded by Councillor Zeid. Roll call vote. 9 yes, 2 recused (Devlin, Lane). Motion passes.

Councillors Devlin and Lane returned.

Motion to approve APPT210_01_11_2021 by Councillor Shand, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.

Motion to approve 216_01_11_2021 by Councillor Shand, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.

Motion to approve 208_01_11_2021 by Councillor Shand, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.

Motion to approve 220_01_27_2021 by Councillor Shand, seconded by Councillor Wallace. Roll call vote. 11 yes. Motion passes.

- **ORDR234 01 27 2021 Preservation Restriction 190 High Street**

- Motion to approve by Councillor Shand, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion Passes.

- ODNC068_1_27_2021 Late File Zoning Amend Sec VI-C re: the # of residential structures per lot

Public Safety

In Committee:

- COMM216_01_13_2020 Ltr re: Ban the Use of Glyphosate
- COMM243_05_11_2020 Ltr from Jane Rascal re: NMMCD
- APPT165_04_13_2020 Dr. Robin Blair 18 Market St. Board of Health 4/30/2023
- ORDR200_07_30_2020 List of Crosswalks Amended
- COMM282_01_27_2021 Ltr from Jim McCarthy re: Sign Proposal
- COMM283_01_27_2021 Ltr from Jim McCarthy-speed limit

Public Utilities

In Committee:

- ORDR230_1_11_2021 Water and Sewer fees

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)

17. GOOD OF THE ORDER

Councillor Connell would like to address the Post Office drop box that was relocated from Green Street to Pleasant Street. Councillor Tontar was appointment to the MMA Fiscal Committee.

18. ADJOURNMENT

Motion to adjourn by Councillor Tontar, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
9:10pm