

CITY COUNCIL MEETING MINUTES

REMOTE

March 8, 2021

7:30PM

City Council Meeting

Zoom Meeting Details:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89073174359>

Or iPhone one-tap :

US: +13126266799,,89073174359# or +19292056099,,89073174359#

Or Telephone:

Dial: US: +1 312 626 6799 Webinar ID: 890 7317 4359

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, McCauley, Connell, Shand, Tontar, Vogel, Wallace, Zeid, Khan, Lane, and Eigerman. 10 present, 1 absent (JD), using Zoom as a platform.

2. **LATE FILE ITEMS**

- APPT235_03_08_2021 LATE Owen Smith 175 Storey Water/Sewer 03/31/2023
FILE Ave
- COMM313_03_08_2021 LATE FILE Ltr to Postmaster from Cllr Connell & J Donahue
- APPL023_03_08_2021 LATE FILE Event App The Moving Wall

Motion to waive the rules and accept the Late Files by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 10 yes, 1 absent (JD). Motion passes.

3. **PUBLIC COMMENT**

Ted Epstein 46 Warren St.
Owen Smith 175 Storey Ave.
Jennie Donahue 18 Cherry St.
Nancy Caswell 3 Jefferson Ct.
Mike McCormick 16 Norman Ave.
Peter Fitzsimmons 7 Arlington St.
Thomas Murray 7 Fox Run
Sean Reardon 5 Lois St.
Chris Kealey 8 Payson
Paul LaRosa 8 Wildwood Dr.

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**

- February 22, 2021 (Approve)
- February 25, 2021

Minutes_02_25_2021 moved to City Council meeting March 29, 2021 as requested by Council President Eigerman.

6. COMMUNICATIONS

- COMM310_03_08_2021 Annual City Audit, Melanson, FY 2020 Fin Statements (B&F)
- COMM312_03_08_2021 MVPC FY 2022 Assessment (B&F)

7. TRANSFERS

- TRAN088_03_08_2021 WATER Ret/Sick Leave Acc.\$25,533.66 to Comp. Absences Fd \$25,533.66 (B&F)
- TRAN089_03_08_2021 HWY Streetlights \$12,000 to PARK Maint-Trees \$12,000 (B&F)

8. APPOINTMENTS

- *APPT235_03_08_2021 LATE Owen Smith 175 Storey Water/Sewer 03/31/2023
FILE Ave

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

Budget and Finance

- 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
- ODNC063_09_29_2020 Bond and Transfer Limit
- ORDR216_10_13_2020 Supplemental Budget Charter Sec. 2-4 42K
- COMM284_01_27_2021 Ltr. from Susanne Gallagher

Planning and Development

- COMM297_02_08_2021 Land Vest Appraisal Property Off Middle St, W.Newbury & Nbpt
- ORDR238_02_8_2021 Conservation Restriction and Easements, ECGB
- COMM305_02_22_2021 Artichoke River Memo and Aerial Photo
- COMM303_02_22_2021 Ltr from Craig Douglas

Public Utilities

- ORDR230_01_11_2021 Water and Sewer fees

Councillor Devlin present.

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

END OF CONSENT AGENDA REGULAR AGENDA

9. MAYOR'S UPDATE

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

10. COMMUNICATIONS

- COMM306_02_22_2021 LATE FILE UPDATED Memo for Market Landing Appropriation
Motion to receive and file by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes.
Motion passes.

- COMM311_03_08_2021 Cllr Tontar letter re: KP Law Legal Opinion on Council Salaries
Motion to move to a date certain, March 29, 2021 by Councillor Tontar, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- COMM313_3_08_2021 LATE FILE Ltr to Postmaster from Cllr Connell & J Donahue
Motion to instruct the Clerk to send a letter to the Postmaster and Congressman Moulton with an invitation to Councillors to add their signatures by Councillor Connell, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes.
- APPL022_03_08_2021 Banter Barber & Clothier-Pool Table App.
Motion to refer to License & Permits by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes.
- APPL023_03_08_2021 LATE FILE Event App The Moving Wall
Motion to refer to Public Safety by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.

11. SECOND READING APPOINTMENTS

- APPT233_02_22_2021 Joe Carper 8 Fruit St. Fruit St. Hist. 03/31/2024
Cmte.
- APPT234_02_22_2021 Cheryl H. 24 Milk St. NBPT Housing 03/31/2026
Amey Auth.

Motion to approve collectively on second reading by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

12. ORDERS

- ORDR241_02_22_2021 Market Landing Appropriation 150K (Continued to March 8, 2021)
President Eigerman steps down, Councillor Connell becomes President Pro Tempore. Motion to approve by Councillor Eigerman, seconded by Councillor Khan. Roll call vote. 10 yes, 1 no (SZ). Motion passes.

13. ORDINANCES

- ODNC070_02_22_2021 Amend to Home Rule Charter (Continued to March 8, 2021)
Councillor Connell continues as President Pro Tempore. Motion to approve on 1st reading by Councillor Eigerman, seconded by Councillor Tontar. Motion to amend Sec. 6-4as follows:

Adoption of the *budget*. The city council shall adopt the proposed operating *budget*, with or without amendments, ~~within forty five days following the date the proposed budget on or before the last day of the current fiscal year or period is filed with the city clerk.~~ In amending the proposed operating *budget*, the city council may delete or decrease any amounts except expenditures required by law, but except on the recommendation of the mayor, the city council shall not increase any item in or the total of the proposed operating *budget*, unless otherwise authorized by the General Laws. If the city council fails to take action on any item in the proposed operating *budget* ~~within forty five days after its receipt by the last day of the current fiscal year or period~~, that amount shall, without any action by the city council, become a part of the appropriations for the year, and be available for the purposes ~~s~~pecified.

.... by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes. Roll call vote on pending motion to approve as amended. 11 yes. Motion passes.

Councillor Eigerman returns as Council President.

14. COMMITTEE ITEMS

Ad Hoc Committee on Economic Development

In Committee:

- COMM262_08_31_2020 Gasbarro Ltr re: Awareness

Ad Hoc Committee on Market Landing Park 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.

Motion to receive and file collectively ORDR132_07_15_2019 and COMM189_09_09_2019 by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes.

- **ORDR136_08_19_19 Fuller Track Phase II Loan Order**

Motion to approve with the following amendments: Line 1- \$694,800 to \$640,000; Line 3- 500 to 1000 change to 300; Line 8- \$699,820 to \$640,000, by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 10 yes, 1 no (JM). Motion passes.

- **COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations**

Motion to receive and file collectively ORDR132_07_15_2019 and COMM189_09_09_2019 by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes.

- **ODNC063_09_29_2020 Bond and Transfer Limit**

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

- **ORDR216_10_13_2020 Supplemental Budget Charter Sec. 2-4 42K**

Motion to receive and file by Councillor Zeid, seconded by Councillor Khan. Motion to continue to a date certain, March 29, 2021 by Councillor Tontar, seconded by Councillor Lane. Roll call vote. 11 yes. Motion passes.

- **COMM284_01_27_2021 Ltr. from Susanne Gallagher**

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

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
- COMM293_02_08_2021 Ltr. From Jane Snow

General Government

In Committee:

- COMM289_02_08_2021 Newburyport Litigation Status Report for February, 2021 (CONFIDENTIAL) COTW

Motion to remove from committee by Councillor Eigerman. Councillor Devlin recused. Roll call vote. 10 yes, 1 recused (JD). Motion to receive and file by Councillor Eigerman, seconded by Councillor Khan. Roll call vote. 10 yes, 1 recused (JD). 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
- APPL021_02_22_2021 Newburyport Sunoco 2nd Hand MV License

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
- COMM299_02_08_2021 LATE FILE Phillips Dr. Neighborhood Committee Ltr.

Planning & Development

In Committee:

- COMM215_01_13_2020 Ltr re: Colby Farm Open Space Beautification
- ODNC046_01_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)
- ORDR229_12_14_2020 Disposition and Funding for Rehabilitation former Brown School COTW
- ODNC068_01_27_2021 Late File Zoning Amend Sec VI-C re: the # of residential structures per lot
- **APPT231_02_08_2021** *Walter 43 Lime ZBA 03/31/2026
Chagnon Street

Motion to approve by Councillor Shand, seconded by Councillor Khan. Roll call vote. 10 yes, 1 recused (JD). Motion passes. Councillor Devlin returns.

- **COMM297_02_08_2021 Land Vest Appraisal Property Off Middle St, W. Newbury & Nbpt**
Motion to receive and file collectively COMM297_02_08_2021 and COMM305_02_22_2021 by Councillor Shand, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- **ORDR238_02_8_2021 Conservation Restriction and Easements, ECGB**
Motion to approve by Councillor Shand, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- **COMM305_02_22_2021 Artichoke River Memo and Aerial Photo**
Motion to receive and file collectively COMM297_02_08_2021 and COMM305_02_22_2021 by Councillor Shand, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- ODNC069_02_22_2021 Chapter 6.5 Barrier Beach Development definitions
- **COMM303_02_22_2021 Ltr from Craig Douglas**
Motion to receive and file by Councillor Shand, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

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_01_11_2021 Water and Sewer fees**
Motion to approve by Councillor Tontar, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.
- COMM290_02_08_2021 Falmouth Broadband Feasibility Study (full text in Clerk's office)
- COMM295_02_08_2021 Best Best & Krieger Small Cells Order Annual Meeting
- COMM296_02_08_2021 Notoa FCC Small Wireless Facilities Rules Compliance Guide
- COMM292_02_08_2021 Memo - Electricity Aggregation Program

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)
- ORDR239_02_8_2021 Council Rule 7 and 10B

15. GOOD OF THE ORDER

16. ADJOURNMENT

Motion to adjourn at 9:52 pm by Councillor Khan seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.