

CITY COUNCIL MEETING MINUTES

REMOTE

March 29, 2021

7:30PM

City Council Meeting

Zoom Details

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84975753373>

Or One tap mobile :

US: +19292056099

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 929 205 6099 Webinar ID: 849 7575 3373

Remembering Janet Sheehan, census and poll worker.

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, Connell, Shand, Tontar, Vogel, Wallace, Zeid, Devlin, Khan, Lane, McCauley, and Eigerman. 11 present, using Zoom as a platform.
2. **LATE FILE ITEMS** ODNC073_03_29_2021 Late File Zoning Amendment Storage Warehousing Motion to waive the rules and accept the Late File by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes, motion passes.
3. **PUBLIC COMMENT**
James Knapp, 24 Cutting Drive
Leila Wright, 55 Reservation Terrace
Luke Shipman, 217 Northern Boulevard
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 25, 2021 (Approve)
- March 8, 2021 (Approve)

6. COMMUNICATIONS

- COMM314_03_29_2021 FY2022-FY2026 Capital Improvement Program Submission (B&F)
Councillor Zeid requested refer in addition to COTW.
- COMM315_03_29_2021 FY22 Budget Process (R&F)
- COMM317_03_29_2021 Listing of Outdoor Occupancy Applications (R&F)
- APPL024_03_29_2021 Plum Island Classic Cars (L&P)

7. TRANSFERS

8. APPOINTMENTS

- APPT236_03_29_2021 Michael Nary 20 Riverview Dr. Sp.Police Ofc.
- APPT237_03_29_2021 Rich Traister 325 Merrimac St. Disabilities Comm. 3/31/2024
- APPT238_03_29_2021 Walter Lesynski 364 Merrimac St. Harbor Comm. 4/1/2024

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

Budget and Finance

- COMM310_03_08_2021 Annual City Audit, Melanson, FY 2020 Fin Statements
- COMM312_03_08_2021 MVPC FY 2022 Assessment
- TRAN088_03_08_2021 WATER Ret/Sick Leave Acc.\$25,533.66 to Comp. Absences Fd \$25,533.66
- TRAN089_03_08_2021 HWY Streetlights \$12,000 to PARK Maint-Trees \$12,000

License & Permits

- APPL021_02_22_2021 Newburyport Sunoco 2nd Hand MV License

Planning and Development

- ODNC068_01_27_2021 Late File Zoning Amend Sec VI-C re: the # of residential structures per lot (As Amended)
- ODNC069_02_22_2021 Chapter 6.5 Barrier Beach Development definitions

Public Utilities

- APPT235_03_08_2021 Late File Owen Smith 175 Storey Ave Water/Sewer 03/31/2023

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 Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

10. PRESENTATION BY MAYOR ON CAPITAL IMPROVEMENT PROGRAM

11. COMMUNICATIONS

- COMM311_03_08_2021 Cllr Tontar letter re: KP Law Legal Opinion on Council Salaries (Continued to March 29, 2021) Motion to Approve COMM311 and make it public by Councillor Tontar, Seconded by Councillor Khan, Roll Call 11 Yes. Motion passes. Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. Roll call vote. 7 yes, 4 no (SZ, JD, JM, JE). Motion passes.
- COMM316_03_29_2021 Memo on Charter Change Procedure by Clerk

Motion to refer to General Government by Councillor Tontar, seconded by Councillor Khan. Motion withdrawn by Councillors Tontar and Khan. Motion to receive and file by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes.

12. SECOND READING APPOINTMENTS

13. ORDERS

- ORDR216_10_13_2020 Supplemental Budget Charter Sec. 2-4 42K
(continued from March 8, 2021) Pending motion to receive and file by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- ORDR242_03_29_2021 EP Outdoor Property License Emergency Preamble
Motion to approve by Councillor Tontar, seconded by Councillor Connell. Roll call vote. 11 yes. Motion passes.
- ORDR242_03_29_2021 Outdoor Property License
Motion to approve by Councillor Connell, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes.

14. ORDINANCES

- ODNC070_02_22_2021 Amend to Home Rule Charter 2nd Reading
Motion to receive and file by Councillor Tontar, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- ODNC072_03_29_2021 Parks COVID extend 1st Reading
Motion to approve 1st Reading by Councillor Zeid, seconded by Councillor Devlin. Motion to move to a date certain, April 12, 2021, by Councillor Zeid, seconded by Councillor Devlin. Roll call vote. 11 yes. Motion passes.
- ODNC073_03_29_2021 Late File Zoning Amendment Storage Warehousing
Motion to refer to Planning & Development by Councillor Shand, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

15. 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:

- COMM310_03_08_2021 Annual City Audit, Melanson, FY 2020 Fin Statements
Motion to receive and file by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes.
- COMM312_03_08_2021 MVPC FY 2022 Assessment
- Motion to receive and file by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

- **TRAN088 03 08 2021 WATER Ret/Sick Leave Acc.\$25,533.66 to Comp. Absences Fd \$25,533.66**
Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11yes. Motion passes.
- **TRAN089 03 08 2021 HWY Streetlights \$12,000 to PARK Maint-Trees \$12,000**
Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11yes. 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:

License & Permits

In Committee:

- ODNC047_01_27_2020 General Ordinance - Short Term Rental Units Rules
- ODNC067_01_27_2021 License to Occupy Outdoor Property Ch. 12-1
- **APPL021 02 22 2021 Newburyport Sunoco 2nd Hand MV License**
- Motion to approve by Councillor Devlin, seconded by Councillor Khan. Roll call vote. 11yes. Motion passes.
- COMM229_02_24_2020 Ltr re: Implementation of Short-Term Rental Ordinance
- APPL022_03_08_2021 Banter Barber & Clothier-Pool Table App.

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_2020 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)
- **ODNC068 01 27 2021 Late File Zoning Amend Sec VI-C re: # of residential structures per lot**
(As Amended) Motion to Waive the Rules by Councillor Vogel, seconded by Councillor Khan, Roll Call vote. 11 Yes. Motion to approve as amended by Councillor Shand, seconded by Councillor Khan. Motion to amend to strike (2)a.iv.(c) by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 6 No, 5 Yes (CT, SZ, JD, JM, JE). Motion fails. Motion to amend (2)a.iv.(e)(n.b. Should be (d) not (e)) by adding the following: Further, the Planning Board shall require, in all Special Permits granted under this section, that no further subdivision of the lot be permitted by Councillor Zeid, seconded by Councillor Tontar. Council President Eigerman steps down, Councillor Tontar President Pro Tempore. Roll Call vote. 11 Yes, Motion passes. Motion to amend (2)a.iv.(f)(n.b. Should be (e) not (f)) to \$100 per square foot by Councillor McCauley, seconded by Councillor Lane. Motion withdrawn by Councillors McCauley and Lane. Motion to amend (2)a.iv.(f) to \$40 per square foot by Councillor McCauley, seconded by Councillor Lane. Motion to continue to a date certain, April 12, 2021, by Councillor Eigerman, seconded by Councillor Khan. Roll call vote. 9 yes, 2 no (BV, JD). Motion passes.
- **ODNC069 02 22 2021 Chapter 6.5 Barrier Beach Development definitions**
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
- 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
- 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
- APPL023_03_08_2021 LATE FILE Event App The Moving Wall

Public Utilities

In Committee:

- 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 Natoa FCC Small Wireless Facilities Rules Compliance Guide
- COMM292_02_08_2021 Memo - Electricity Aggregation Program
- APPT235_03_08_2021 Late File Owen Smith 175 Storey Ave Water/Sewer 03/31/2023

Motion to approve by Councillor Tontar, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

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

16. GOOD OF THE ORDER

Councillor Zeid - Special Meeting June 22, 2021 to vote on the budget.

Councillor Khan – Ordinance Review Wednesday at 6:30pm

Councillor Eigerman – Hybrid City Council Meeting coming.

17. ADJOURNMENT

Motion to adjourn at 9:50pm by Councillor Tontar, seconded by Councillor Khan. Roll call vote. 11 yes.

Motion passes.