

CITY COUNCIL MEETING MINUTES

REMOTE
May 10, 2021
City Council Meeting
7:30 PM

Zoom Details

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89274700940>

Or One tap mobile :

US: +13126266799

Or Telephone:

Dial:

US: +1 312 626 6799

Webinar ID: 892 7470 0940

Remembering Mary Zinck

1. **CALL TO ORDER** The City Council President, Jared 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, Vogel, Wallace, Zeid, Khan, Lane, McCauley, Connell, Shand, Tontar, and Eigerman. 10 present, 1 absent (Devlin), using Zoom as a platform.
2. **LATE FILE**
 - COMM326_05_10_2021 Late File Hale Street pedestrian/bicycle improvements (CIP)
 - COMM327_05_10_2021 Late File Hale Street Fence/Wall at Squires Glen
 - ODNC073_03_29_2021 Late File Zoning Amendment Storage Warehousing
(As Amended in Committee 5/5/2021)
 - COMM328_05_10_2021 Late File Petition 25 mph Ferry & Laurel Rds.
 - APPT246_05_10_2021 Late File Gary Calderwood Acting Bldg. Commissioner \Motion to waive the rules and accept the late file items by Councillor Zeid, seconded by Councillor Khan.
Roll call vote. 10 yes, 1 absent (JD). Motion passes.
3. **PUBLIC COMMENT**

Kerri Perry - Head Start
James Knapp, 24 Cutting Drive
Jennie Donahue, 18 Cherry Street
Dan Sawicki, 33 Jefferson Street
Cindy Scally. 143A State Street
4. **MAYOR'S COMMENT**

Councillor Devlin present.

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

- April 26, 2021

(Approve)

6. COMMUNICATIONS

- COMM325_05_10_2021 Ordinance Review Committee Report (GG)
At request of Councillor Khan moved to Regular Agenda

7. TRANSFER

- TRAN096_05_10_2021 Gen. Budget Contingency \$17,815.35 to POL Sal Officers \$14,192, (B&F)
POL Officer OT \$2500, POL Accreditation Allowance \$707, POL Longevity \$416.35

8. APPOINTMENTS

- APPT242_05_10_2021 Katie Nye 8 Russell Terr. Human Rights Comm. 5/31/2024
- APPT243_05_10_2021 Charles Carroll 25 Hill St. Council on Aging 5/31/2026
- APPT244_05_10_2021 Richard A. Eaton 4 Horton St. Council on Aging 5/31/2026
- APPT245_05_10_2021 Barry J. McBride 5 Pine St. Asst. Wiring Inspector 5/31/2022
Salisbury

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

END OF CONSENT AGENDA

Budget & Finance

- COMM314 03 29 2021 FY2022-FY2026 Capital Improvement Program Submission (COTW)
- COMM319 04 12 2021 Memo to Council from Councillor Zeid re: CIP
- TRAN090 04 12 2021 Water Retained Earnings \$155K to Watershed Land Acquisition \$155K
with supporting documents
- TRAN095 04 26 2021 DPS Recpts Res for Approp \$35K to Highway Fuel & Oil \$35K

Public Safety

- ODNC075 04 26 2021 Safety Zone Designation Merrimac St.

Public Utilities

- COMM292 02 08 2021 Memo - Electricity Aggregation Program
- ODNC078 05 10 2021 (redraft of ORDR245 04 26 2021)

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

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. COMMUNICATIONS

- COMM325_05_10_2021 Ordinance Review Committee Report
Motion to refer to General Government by Councillor Khan, seconded by Councillor Connell. Roll call vote. 11 yes. Motion passes.
 - COMM326_05_10_2021 Late File Hale Street bicycle/pedestrian improvements (CIP)
 - COMM327_05_10_2021 Late File Hale Street fence/wall at Squires Glen
- Motion to refer to Neighborhood and City Services collectively by Councillor McCauley, seconded by

Councillor Connell. Roll call vote. 11 yes. Motion passes.

- COMM328_05_10_2021 Late File Petition 25 mph Ferry & Laurel Rds.

Motion to refer to Neighborhood and City Services by Councillor Zeid, seconded by Councillor Devlin. Friendly amendment to refer to Public Safety accepted. Roll call vote. 11 yes. Motion passes.

11. FIRST READING APPOINTMENTS

- APPT246_05_10_2021 Late File Gary Calderwood Acting Bldg. Commissioner

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

12. SECOND READING APPOINTMENTS

- APPT241_04_26_2021 Bonnie Sontag 21 Smith St. Fruit St. Hist. Comm 5/31/2024

Motion to approve on 2nd reading by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes.

13. ORDERS

- ORDR244_04_26_2021 Charter Amendment Home Rule Petition
(Continued from 04/26/2021)

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

- ORDR246_05_10_2021 Updated City Council Meetings 2021

Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.

- ORDR247_05_10_2021 Health Insurance Reserve Fund

Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes.

- ORDR248_05_10_2021 Budget Order 2022 w/memo from the Mayor

Motion to refer to Budget & Finance and COTW by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes.

- ORDR249_05_10_2021 Congratulations Valedictorian Salutatorian

Motion to move to a date certain, May 24, 2021, by Councillor Zeid, seconded by Councillor Devlin. Roll call vote. 11 yes. Motion passes.

- ORDR250_05_10_2021 Merrimac St signs, signals and striping

Motion to refer to Public Safety by Councillor McCauley, seconded by Councillor Wallace. Roll call vote. 11 yes. Motion passes.

14. ORDINANCES

- ODNC076_05_10_2021 Proposed Zoning Amendment Mini-Reform

Motion to refer to Planning & Development and COTW by Councillor Shand, seconded by Councillor Wallace. Roll call vote. 10 yes, 1 no (SZ). Motion passes.

- ODNC077_05_10_2021 Merrimac St. Parking Restrictions

Motion to refer to Public Safety by Councillor Wallace, seconded by Councillor Tontar. 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:

- COMM311_03_08_2021 Cllr Tontar letter re: KP Law Legal Opinion on Council Salaries
- **COMM314 03 29 2021 FY2022-FY2026 Capital Improvement Program Submission (COTW)**

FD004 - Motion to reduce to 2M and move to 2024 by Councillor McCauley, seconded by Councillor Lane. Roll call vote. 9 yes, 2 no (BV, BC). Motion passes.

9:03pm Councillor Connell – Council President Pro Tempore

FD007 - Motion to cut 100K in funding by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote. 5 yes (SZ, JD, BL, JM, JE), 6 no. Motion fails.

FD002 - Motion to shift all funding by two years beginning with 2024 by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote. 4 yes (SZ, JD, BL, JE), 7 no. Motion fails.

PL001 - Motion to identify sources by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes.

PL002 - Motion to meter the spending yearly to 1.2M FY 2023 through 1.2M FY2026 by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote. 10 yes, 1 no (BV). Motion passes.

PL006 - Motion for 400K pay as you go to Brown school renovations and repairs from general fund, and state/federal grants for affordable housing by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote 10 yes, 1 no (BL). Motion passes.

PK031 - Motion to reduce from 2 trucks to 1 truck by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote. 8 yes, 3 no (BV, HS, CT). Motion passes.

HW004 - Motion to expand to additional funding sources including property assessment by Councillor Eigerman, seconded by Councillor Zeid. Friendly amendment by Councillor Tontar to include state and federal grants accepted. Roll call vote. 11 yes. Motion passes.

HW005 - Motion to reduce from 4.2M to 3.5M, and add other funding sources including possible property assessment by Councillor Eigerman, seconded by Councillor Devlin.

9:44pm Councillor Vogel – Council President Pro Tempore

Roll call vote. 1 yes (JE), 10 no. Motion fails.

HW006 - Motion to shift 600K in spending for one year from FY22 to FY23 and FY23 to FY 24 by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote. 6 yes, 5 no (BV, CW, AK, BC, HS). Motion passes.

10:02pm Councillor Eigerman – Council President resumes the Presidency.

PD012 – Motion to add 36K to FY22 Traffic Devices/Signs with the funding mechanism as pay as you go by Councillor McCauley, seconded by Councillor Wallace. Roll call vote. 10 yes, 1 no (BC). Motion passes.

HW – Motion to add 80K from pay as you go, 20K from Disability Commission to FY22 for Merrimac Street accessibility by Councillor Wallace, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.

Motion to approve as amended by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 9 yes, 1 present (JD), 1 no (SZ). Motion passes.

- **COMM319 04 12 2021 Memo to Council from Councillor Zeid re: CIP**

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

- **TRAN090 04 12 2021 Water Retained Earnings \$155K to Watershed Land Acquisition \$155K with supporting documents**

Motion to approve by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 10 yes, 1 no (JD).

Motion passes.

- **TRAN095 04 26 2021 DPS Recpts Res for Approp \$35K to Highway Fuel & Oil \$35K**

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

- ODNC074_04_12_2021 Council Salaries with Supporting Memo

Education

In Committee:

- COMM273_10_13_2020 Ltr of Non-Support from Mayor on Acts of 1987

General Government

In Committee:

License & Permits

In Committee:

- ODNC047_01_27_2020 General Ordinance - Short Term Rental Units Rules
- COMM229_02_24_2020 Ltr re: Implementation of Short-Term Rental Ordinance

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)
- **ODNC073 03 29 2021 Late File Zoning Amendment Storage Warehousing**

(As Amended in Committee 5/5/2021)

Motion to approve by Councillor Shand, seconded by Councillor Tontar. 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
- **ODNC075 04 26 2021 Safety Zone Designation Merrimac St.**

Motion to approve by Councillor McCauley, seconded by Councillor Wallace. Motion to amend to include 125 ft on Plummer Ave. in both directions by Councillor Wallace, seconded by Councillor Vogel Roll call vote. 11 yes. Motion passes. Motion to approve as amended by Councilor McCauley, seconded by Councillor Wallace. Roll call vote. 11 yes. Motion passes.

Public Utilities

In Committee:

- COMM290_02_08_2021 Falmouth Broadband Feasibility Study (full text in Clerk's office)

- **COMM292_02_08_2021 Memo - Electricity Aggregation Program**

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

- COMM295_02_08_2021 Best Best & Krieger Small Cells Order Annual Meeting
- COMM296_02_08_2021 Ntoa FCC Small Wireless Facilities Rules Compliance Guide
- **ODNC078_05_10_202 on Elec Agg (redraft of ORDR245_04_26_2021)**

Motion to waive Rule 2B to go beyond 11:00pm by Councillor Vogel, seconded by Councillor Wallace. Roll call vote. 11 yes. Motion passes.

Motion to approve 1st reading by Councillor Tontar, seconded by Councillor Vogel.

Friendly amendment by Councillor Zeid, seconded by Shand accepted by Councillors Tontar and Vogel:
Sec 14.93

Upon execution of a contract, a list of the offers that were made available to the City including, but not limited to, the cost per kilowatt hour and contract length will be provided to the City Council via a communication. Along with the submission of the annual budget, The City Council shall be provided an annual report indicating the current status of the market including the National Grid's (or other prevailing provider's) standard rate and information related to the savings or excesses paid by consumers in the City of Newburyport.

Friendly amendment by Councillor Zeid, seconded by Devlin accepted by Councillors Tontar and Vogel:
Sec 14.94

Annually, residents of Newburyport shall be notified in writing on the City's website of the City's negotiated rate, National Grid's (or other prevailing provider's) rate, any surcharge being imposed by the City, and their right to opt-in or opt-out of the program.

Motion to amend Sec 14.95 to require two-thirds vote by Councillor Zeid, seconded by Councillor Devlin. Roll call vote. 4 yes (SZ, JD, AK, JM), 7 no. Motion fails.

Motion to approve 1st reading amended by Councillor Tontar, seconded by Councillor Vogel.
Roll call vote. 9 yes, 2 no (JD, JM). 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 – Budget Workshops discussion on type of meeting: in-person/hybrid/remote

17. ADJOURNMENT

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