

CITY COUNCIL “HYBRID”

MEETING MINUTES

August 9, 2021

Regular Council Meeting 7:00 pm

Executive Session

Resume Regular Council Meeting 8:15 pm

**LOCATION: City Council Chambers, City Hall
60 Pleasant Street, Newburyport**

Zoom Details for Regular Session

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87977934012>

Or One tap mobile :

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Webinar ID: 879 7793 4012

Moment of silence remembering Jeff Stone

1. CALL TO ORDER

The City Council President Jared Eigerman called the City Council meeting to order at 7:02 pm and asked the City Clerk, Richard B. Jones, to call the roll. The following City Councillors answered present Shand, Tontar, Vogel, Wallace, Zeid, Lane, and Eigerman. 8 present, 3 absent (BC,JD,AK).

2. PRESENTATION ON JOHN F. CUTTER, Jr. WEST END FIRE STATION

7:07 Councillor Connell present.

3. EXECUTIVE SESSION

**(A) TO CONSIDER THE PURCHASE OF REAL ESTATE IN CONNECTION WITH THE
RECONSTRUCTION OF THE CUTTER WEST END FIRE STATION**

**(B) TO DISCUSS LITIGATION INVOLVING 93 STATE STREET, NEWBURYPORT AND THE
APPEAL OF THE PLANNING BOARD DECISION PENDING IN LAND COURT.**

Motion to go into Executive Session for the stated purposes by Councillor Zeid, seconded by Councillor Shand. Roll call vote. 9 yes, 2 absent (JD, AK). Motion passes.

Executive Session 7:18 pm.

4. RESUME REGULAR COUNCIL MEETING AT 8:15 PM

Regular City Council meeting resumes at 8:16 pm.

5. LATE FILE

- ORDR272_08_09_2021 Preservation Restriction 64 Purchase St
- ODNC090_08_09_2021 Proposed Electrical Fee Schedule
- APPT264_08_09_2021 Greg Earls Sanborn Rd Conditional Building 09/01/2024
Earls Hampton,NH Commissioner

APPT264_08_09_2021 Greg Earls Conditional Bldg Commission

Motion to waive the rules and accept the Late Files by Councillor Zeid, seconded by Councillor Lane. So voted.

6. PUBLIC COMMENT

Greg Earls	2 Sanborn Road, Hampton Falls, NH
Merianne Vesey	10 Kent Street
Betsy Hazen	30 Oakland Street
Linda Lu Burciaga	18 Hoyts Lane
John Burciaga	18 Hoyts Lane
Rev. Rebecca Byron	26 Pleasant Street
Cindy Schartman	12 ½ Market Street
Elizabeth Goullaud	9 Marquand Lane
Cordelia Casey	9 Marquand Lane
Sunny Douglas	2 Moseley Avenue
Jonnie Lyn Evans	54 Jefferson Street
Kathleen Brittan	21 Phillips Drive
Ahmer Ibrahim	85 Prospect Street
Jean Costello	522 Merrimac Street

Mahtowin Munro for UAINÉ and IndigenousPeoplesDay.org
Statement in Support of Indigenous Peoples Day in Newburyport

7. 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.

8. APPROVAL OF MINUTES

- July 12, 2021 City Council Meeting (Approve)

9. COMMUNICATIONS

- APPL044_08_09_2021 Block Party Atkinson b/w Strong & Boardman 9/25/2021 (PS)
(raindate 9/26/2021)
- APPL045_08_09_2021 Maritime Days 9/10/2021-9/12/2021 (PS)
- APPL046_08_09_2021 9th Annual Coast to the Cure NF bike ride 9/11/2021 (PS)
Chain Bridge to Ocean St
- APPL047_08_09_2021 Block Party 9/18/21 Middle St b/w Center & Fair (PS)
- APPL048_08_09_2021 A-Frame Variance- The Peg Center for Art & Activism, Inc. (LP)
- COMM338_08_09_2021 Blight at State & High, Abandoned Global Oil Service Station (P&D)
- COMM339_08_09_2021 High Street Pavement Marking & Striping Plan (NCS)
Moved referral from NCS to PS at the request of Councillor McCauley.

10. TRANSFERS

- TRAN109_08_09_2021 From Gen. Budget Cont. \$127, 880 to POLSal.Ofcr \$87,030.,POL Offcr.OT \$8,500.POL.Offcr.Pd. Holidays \$8,000., POL Offcr Clothing \$15,000.,POL Accreditation Allw.\$5,600.,POLOfcr Night Differential \$3,750.00

Referred to BF at the request of Councillor Zeid.

11. APPOINTMENTS

- APPT262_08_09_2021 Peter 50 Temple St. Cultural Council 8/31/2024

Kimmins

- APPT263_08_09_2021 Donna Drelick 8 Chadwick Methuen,MA Human Resources Dir. 7/01/2024
- APPT264_08_09_2021 Greg Earls Sanborn Rd Hampton,NH Conditional Building Commissioner 09/01/2024
- APPT265_08_09_2021 Kathleen Brittan 21 Phillips Dr Cultural Council 08/31/2024
- APPT266_08_09_2021 Cynthia Schartman 12 1/2 Market Cultural Council 08/31/2024

APPT263_08_09_2021 Moved to the regular agenda at the request of Councillor Zeid.

APPT264_08_09_2021 Moved to the regular agenda at the request of Councillor Shand.

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

Budget and Finance

- TRAN108_07_12_2021 Multiple Accts \$99,921 to Multiple Accts \$99,921 (see attached)

Neighborhood & City Services

- ORDR256_06_07_2021 Intent to Lease 50 Parker St

Planning & Development

- ODNC076_05_10_2021 Proposed Zoning Amendment Mini-Reform (COTW)

Public Safety

- APPT256_06_28_2021 Mark Murray Marshal Newburyport Police Dept. 6/30/2026

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

END OF CONSENT AGENDA

REGULAR AGENDA

9. MAYOR'S UPDATE

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

10. COMMUNICATIONS

- COMM339_08_09_2021 High Street Pavement Marking & Striping Plan
Motion to refer to Public Safety by Councillor McCauley, seconded by Councillor Wallace. So voted.
- COMM340_08_09_2021 Police Marshal Murray Contract
Motion to refer to Public Safety by Councillor McCauley, seconded by Councillor Vogel. So Voted.

11. TRANSFERS

12. FIRST READING APPOINTMENTS

- APPT263_08_09_2021 Donna 8 Chadwick Human Resources Dir. 7/01/2024
Drelick Methuen,MA

Motion to refer to General Government by Councillor Zeid, seconded by Councillor McCauley. So voted.

- APPT264_08_09_2021 Greg Sanborn Rd Conditional Building 09/01/2024
Earls Hampton,NH Commissioner

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

13. SECOND READING APPOINTMENTS

- APPT259_07_12_2021 Susan Chase 44 Oak St. Emma Andrews Library 10/29/2022
- APPT261_07_12_2021 Willem E. 55 Highland Asst. Harbormaster Shellfish 8/1/2024
Van de Stadt St. Const./Sp. Police Officer

Motion to approve collectively by Councillor Zeid, seconded by Councillor Lane. Roll call vote. 9 yes, 2 absent (JD, AK). Motion passes.

14. ORDERS

- ORDR265_08_09_2021 CPC-FY22 Recommendations
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted.
- ORDR266_08_09_2021 Veteran's Parking Space Painting
Motion to refer to Neighborhood & City Services by Councillor Tontar, seconded by Councillor Zeid. Motion to declare an emergency by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 9 yes, 2 absent (JD, AK). Motion passes. Motion to waive the Council rules and not refer to committee by Councillor Zeid, seconded by Councillor Lane. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- ORDR267_08_09_2021 EP Emergency Preamble Early Voting 2021
- ORDR267_08_09_2021 Early Voting 2021
Motion to approve the emergency, motion to waive the rules, motion to approve by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 9 yes, 2 absent (JD, AK). Motion passes.
- ORDR268_08_09_2021 Accepting Safe Boat Grant
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Tontar. So voted.
- ORDR269_08_09_2021 Friends of COA Gift Acceptance
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Tontar. So voted.
- ORDR270_08_09_2021 Indigenous Peoples Day
Motion to refer to General Government by Councillor Shand, seconded by Councillor Tontar. 8 yes, 1 present (SZ), 2 absent (JD, AK). Motion passes.
- ORDR271_08_09_2021 Merrimac Street Striping Plan
Motion to refer to Public Safety by Councillor Wallace, seconded by Councillor McCauley. So voted.
- ORDR272_08_09_2021 Preservation Restriction 64 Purchase Street
Motion to refer to Planning & Development by Councillor Shand, seconded by Councillor Tontar. So voted.

15. ORDINANCES

- ODNC080_06_07_2021 Amended Union St Parking Restrictions 2nd Reading
Motion to approve on 2nd reading by Councillor Zeid, seconded by Councillor Lane. Roll call vote. 9 yes, 2 absent (JD, AK). Motion passes.
- ODNC081_06_07_2021 Amended Quorum Historic Comm (UPDATED 7/8/21) 2nd Reading
Motion to approve on 2nd reading by Councillor Shand, seconded by Councillor Tontar. Roll call vote. 9 yes, 2 absent (JD, AK). Motion passes.
- ODNC085_08_09_2021 AHT increasing membership-codify as Municipal Board
Motion to refer to Planning & Development by Councillor Shand, seconded by Councillor Lane. So voted.
- ODNC086_08_09_2021 Loading Zone - Liberty Street
Motion to refer to Public Safety by Councillor Zeid, seconded by Councillor Lane. So voted.
- ODNC087_08_09_2021 Municipal Facility Reports
Motion to refer to Planning & Development by Councillor Tontar, seconded by Councillor Vogel. So voted.
- ODNC088_08_09_2021 Municipal Building Procurement
Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Tontar. So voted.
- ODNC089_08_09_2021 VII-A-Off-street parking regulations
Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Connell. So voted.
- ODNC090_08_09_2021 Proposed Electrical Fee Schedule
Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Tontar. So voted.

16. COMMITTEE ITEMS

Ad Hoc Committee on Economic Development

In Committee:

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
- ORDR252_05_24_2021 Phillips Drive Loan Order (COTW)
- COMM332_06_28_2021 Phillips Drive Neighborhood Committee Letter
- **TRAN108_07_12_2021 Multiple Accts \$99,921 to Multiple Accts \$99,921 (see attached)**
Motion to approve by Councillor Zeid, seconded by Councillor MCCaulley. So voted.

Education

In Committee:

- COMM273_10_13_2020 Ltr of Non-Support from Mayor on Acts of 1987
- COMM329_05_24_2021 Statement of Interest, School Building Authority

General Government

In Committee:

- COMM325_05_10_2021 Ordinance Review Committee Report
- COMM330_05_24_2021 Late File Code of Ordinances Edited May 2021
- COMM331_05_24_2021 Late File Newburyport Fee Schedule

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
- COMM326_05_10_2021 Late File Hale Street bicycle/pedestrian improvements (CIP)
- **ORDR256_06_07_2021 Intent to Lease 50 Parker St**

Motion to approve by Councillor Connell, seconded by Councillor Shand. Roll call vote. 8 no, 1 yes (HS), 2 absent (JD, AK). Motion fails.

- COMM337_07_12_2021 Central Congregational Request crosswalk painting
- ODNC084_07_12_2021 Streets, Sidewalks, and Other Public Places Alterations and Maintenance

Planning & Development

In Committee:

- ODNC046_01_27_2020 Zoning Amendment - Short Term Rental Units Definition
- COMM231_03_09_2020 Ltr re: Short-Term Rental Ordinance
- **ODNC076_05_10_2021 Proposed Zoning Amendment Mini-Reform (COTW)**

Council President Eigerman steps down, Councillor Connell pro tempore. Motion to approve by Councillor Shand, seconded by Councillor Zeid. **Motion to amend** with replacement language by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote. 9 yes, 2 absent (JD, AK). Motion passes. Roll call vote. 9 yes, 2 absent (JD, AK). Motion passes.

Councillor Eigerman returns as Council President.

- COMM282_01_27_2021 Ltr from Jim McCarthy re: Sign Proposal
- ODNC083_06_28_2021 Zoning-Amendment-I-95-Wind-Corridor
- APPT260_07_12_2021 Patricia Peknik 4 Dove St. Historical Comm. 7/31/2024

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
- COMM283_01_27_2021 Ltr from Jim McCarthy-speed limit
- COMM328_05_10_2021 Petition 25 mph Ferry & Laurel Rds.
- COMM334_06_28_2021 Crosswalk Rawson Ave/High St/Highland Ave
- COMM335_06_28_2021 Safety Review Rawson Ave Ltr. Daniel Blest
- **APPT256_06_28_2021 Mark Murray** **Marshal** **6/30/2026**

Newburyport
Police Dept.

Motion to approve by Councillor McCauley, seconded by Councillor Zeid. Roll call vote. 9 yes, 2 absent (JD, AK). Motion passes.

- APPL042_07_12_2021 IPA 5K 40 Parker St. 9/26/21
- APPL043_07_12_2021 Late File Block Party Barton St, 8/14/2021

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

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

17. GOOD OF THE ORDER

18. ADJOURNMENT

Motion to adjourn at 9:44 pm by Councillor Zeid, seconded by Councillor Tontar. So voted.