

CITY COUNCIL “HYBRID”

MEETING MINUTES

August 30, 2021

City Council Meeting 7:30 pm

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

Zoom Details:

Please click the link below to join the webinar:

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

Or One tap mobile :

US: +13017158592

Or Telephone:

US: +1 301 715

Webinar ID: 879 7793 4012

Moment of silence remembering Sandy Dodge

1. CALL TO ORDER

The City Council President Jared Eigerman called the City Council meeting to order at 7:30 pm and asked the City Clerk, Richard B. Jones, to call the roll. The following City Councillors answered present Tontar, Vogel, Wallace, Zeid, Connell, Devlin, Khan, Lane, McCauley and Eigerman. 10 present (AK remote), 1 absent (HS).

2. LATE FILE

- COMM347_08_30_2021 Late File Ltr. David Ouellette 25 MPH citywide speed limit
 - ODNC093_08_30_2021 Late File Restricting residential permits on campers
 - ODNC094_08_30_2021 Late File Municipal Fee Schedule
 - ORDR277_08_30_2021 Late File Municipal Fee Schedule Fiscal Year 2022
- Motion to accept the files COMM347_08_30_2021, ODNC093_08_30_2021, ODNC094_08_30_2021, and ORDR277_08_2021 collectively by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 10 yes, 1 absent (HS). Motion passes.
- Councillor Tontar recused.
- COMM346_08_30_2021 Late File Ltr. Jane Snow Coffin St. safety concerns
- Motion to accept the late file COMM346_08_30_2021 by Councillor Zeid, seconded by Councillor Connell. Roll call vote. 9 yes, 1 recused (CT), 1 absent (HS). Motion passes.
- Motion to refer to Public Safety and Planning & Development by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 9 yes, 1 recused (CT), 1 absent (HS). Motion passes.

Councillor Shand present (remote) 7:50 pm

3. PUBLIC COMMENT

Linda Lu Burciaga	18 Hoyt's Lane
John Burciaga	18 Hoyt's Lane
Richard Goulet	25 Philips Drive
Monica Bartley	58 Temple Street
Richard Zambroski	23 Pleasant 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

- August 9, 2021 (Approve)

6. COMMUNICATIONS

- COMM341_08_30_2021 Ltr. From Rosemary Turgeon (R&F)
- COMM342_08_30_2021 Ltr. Anders Jahn Tennis courts Nock Middle School (R&F)
- COMM343_08_30_2021 Congregation Ahavas Achim sign at High & Olive Sts. (N&CS)
- COMM344_08_30_2021 Hanukkah menorah Market Sq. 11/22-12/10 (GG)
- COMM345_08_30_2021 Public Safety Concern, Parker Street (PS)
- APPL049_08_30_2021 Harborside Half Marathon & 5K - 11/21/2021 (PS)

7. TRANSFERS

8. APPOINTMENTS

- APPT267_08_30_2021 Monica Bartley 58 Temple St. Cultural Council 9/13/2024
- APPT268_08_30_2021 Bruce Menin 148 High St. Human Rights Commission 9/15/2024
- **Refer to Planning & Development Reappointment*
- *APPT269_08_30_2021 Elisabeth M. DeLisle 50 Woodland St. Planning Board 9/1/2026
- *APPT270_08_30_2021 Heather Rogers 15 Strong St. Planning Board 9/15/2026
- *APPT271_08_30_2021 Brian Raiche 223 Low St Affordable Housing Trust 9/15/2023

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

Budget and Finance

- ORDR252_05_24_2021 Phillips Drive Loan Order (COTW)
- COMM332_06_28_2021 Phillips Drive Neighborhood Committee Letter
- ORDR268_08_09_2021 Accepting Safe Boat Grant
- 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

Planning & Development

- APPT260_07_12_2021 Patricia Peknik 4 Dove St. Historical Comm. 7/31/2024
- APPT264_08_09_2021 Greg Earls Sanborn Rd Hampton,NH Conditional Building Commissioner 09/01/2024
- ORDR272_08_09_2021 Preservation Restriction 64 Purchase Street
- ODNC085_08_09_2021 AHT increasing membership-codify as Municipal Board

Public Safety

- APPL044_08_09_2021 Block Party: Atkinson b/w Strong & Boardman on 9/25
- APPL045_08_09_2021 Maritime Days (TCHMM) 9/10-9/12
- APPL046_08_09_2021 9th Annual Coast to the Cure NF bike ride 9/11/2021
Chain Bridge to Ocean St
- APPL047_08_09_2021 Block Party 9/18/21 Middle St b/w Center & Fair
- COMM340_08_09_2021 Police Marshal Murray Contract
- ORDR271_08_09_2021 Merrimac Street Striping Plan

Minutes' removed at the request of Councillor Khan. Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Connell. Roll call vote. 11 yes. Motion passes.

END OF CONSENT AGENDA

REGULAR AGENDA

9. MINUTES

August 9, 2021

Motion to approve by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 10 yes, 1 recused (AK). Motion passes.

10. MAYOR'S UPDATE

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

11. COMMUNICATIONS

- COMM346_08_30_2021 Late File Ltr. Jane Snow Coffin Street safety concerns
- COMM347_08_30_2021 Late File Ltr. David Ouellette 25 MPH citywide speed limit

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

12. TRANSFERS

13. SECOND READING APPOINTMENTS

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

Motion to approve collectively by Councillor Zeid, seconded by Councillor Connell. Roll call Vote. Motion passes.

14. ORDERS

- ORDR274_08_30_2021 Loan Order for Police Cruisers
- ORDR277_08_30_2021 Late File Municipal Fee Schedule Fiscal Year 2022

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

- ORDR273_08_30_2021 PR Acceptance for 342 Merrimac St
- ORDR275_08_30_2021 Licensed Contractor DiStasio Excavation
- ORDR276_08_30_2021 Crosswalk at Pleasant St and Inn St

Motion to refer ORDR273_08_30_2021 to Planning & Development, to refer ORDR275_08_30_2021 to Public Utilities, and to refer ORDR276_08_30_2021 to Neighborhood & City Services collectively by Councillor Zeid, seconded by Councillor Wallace. Roll call vote. 11 yes. Motion passes.

15. ORDINANCES

- ODNC091_08_30_2021 Street, way or grounds specifications
- ODNC092_08_30_2021 Zoning Amendment Encouraging Outdoor and Recreational Activities
- ODNC093_08_30_2021 Late File Restricting residential permits on campers
- ODNC094_08_30_2021 Late File Municipal Fee Schedule

Motion to refer ODNC091_08_30_2021 to Neighborhood & City Services, to refer ODNC092_08_30_2021 to Planning & Development, to refer ODNC093_08_30_2021 to Public Safety, and to refer ODNC094 to Budget & Finance collectively by Councillor Zeid, seconded by Councillor Connell. Roll call vote. 11 yes. Motion passes.

- ODNC076_05_10_2021 Proposed Zoning Amendment Mini-Reform 2nd reading
Scrivener's error identified by Councillor Eigerman on page 16 strike the "demolition" insert the words "the moving" as also stated on page 13. Motion to Approve as corrected on 2nd reading by Councillor Zeid, seconded by Councillor Connell Roll call vote. 11 yes. Motion passes.

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:

- **ORDR252_05_24_2021 Phillips Drive Loan Order (COTW)**

Motion to approve by Councillor Zeid, seconded by Councillor Lane. Motion to amend as presented by Councillor Zeid, seconded by Councillor McCauley. Motion to delete the last sentence beginning with the words "The appropriation..." ending with the word "...considered" by Councillor Tontar, seconded by Councillor Lane. A friendly amendment to the standing motion to amend as presented to strike "from the General Fund" and to strike "from" and to insert "with the intend to use" after the words "and related thereto" was accepted by Councillors Zeid and Lane. Friendly amendment by Councillor Khan to strike only the words of the last sentence between "a series...locations" and "determined....inspection" accepted by Councillors Tontar and Lane. Roll call on the Motion to Delete. 11 yes. Motion passes. Roll call on the Motion to Amend. 11 yes. Motion passes. Roll call on the Motion to Approve. 11 Yes. Motion passes.

- **COMM332 06 28 2021 Phillips Drive Neighborhood Committee Letter**

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

- **ORDR268 08 09 2021 Accepting Safe Boat Grant**

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

- **TRAN109 08 09 2021 From Gen. Budget Cont. \$127, 880 to POLSal.Ofcr \$87,030.,POL Offer.OT \$8,500.POL.Ofcr.Pd. Holidays \$8,000., POL Offer Clothing \$15,000.,POL Accreditation Allw.\$5,600.,POLOfcr Night Differential \$3,750.00**

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

- COMM311_03_08_2021 Cllr Tontar letter re: KP Law Legal Opinion on Council Salaries
- ORDR265_08_09_2021 CPC-FY22 Recommendations
- ORDR269_08_09_2021 Friends of COA Gift Acceptance
- ODNC090_08_09_2021 Proposed Electrical Fee Schedule

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
- APPT263_08_09_2021 Donna 8 Chadwick Human Resources Dir. 7/01/2024
Drelick Methuen,MA
- ORDR270_08_09_2021 Indigenous Peoples Day

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
 - APPL048_08_09_2021 A-Frame Variance- The Peg Center for Art & Activism, Inc
- Councillor McCauley assumes the Chair as President Pro Tempore. Councillor Eigerman joins the Council on the floor. Motion to remove from committee by Councillor Devlin, seconded by Councillor Tontar. Roll call vote. 9 yes, 1 no (JE), 1 present (AK). Motion passes. Motion waive the rules by Councillor Tontar, seconded by Councillor Lane. Roll call vote. 10 yes, 1 no (JE). Motion passes. Motion to Approve for Tuesday – Saturday, 12:00 pm - 5:00 pm by Councillor Devlin, seconded by Councillor Vogel. Roll call vote. 6 yes, 5 no (SZ, BC, BL, JM, JE). Motion passes.

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)
- 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:

- APPT260 07 12 2021 Patricia Peknik 4 Dove St. Historical Comm. 7/31/2024
- APPT264 08 09 2021 Sanborn Rd Hampton, NH Conditional Building Commissioner 09/01/2024

Motion to approve APPT260_07_12_2021 by Councillor Shand, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.

Motion to approve APPT264_07_12_2021 by Councillor Shand, seconded by Councillor Vogel. Motion to amend the date of the appointment to expire on 3/1/2023 from/2024 by Councillor Zeid, seconded by Councillor Shand. Roll call vote. 11 yes. Motion passes.

- ORDR272 08 09 2021 Preservation Restriction 64 Purchase Street

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

- ODNC085 08 09 2021 AHT increasing membership-codify as Municipal Board

Motion to approve 1 st reading by Councillor Shand, seconded by Councillor Vogel. Roll call vote. 9 yes. 3 no (SZ, JD, BL) Motion passes.

- ODNC046_01_27_2020 Zoning Amendment - Short Term Rental Units Definition
- COMM231_03_09_2020 Ltr re: Short-Term Rental Ordinance
- COMM282_01_27_2021 Ltr from Jim McCarthy re: Sign Proposal
- ODNC083_06_28_2021 Zoning-Amendment-I-95-Wind-Corridor
- ODNC087_08_09_2021 Municipal Facility Reports
- ODNC088_08_09_2021 Municipal Building Procurement
- ODNC089_08_09_2021 VII-A-Off-street parking regulations
- COMM338_08_09_2021 Blight at State & High, Abandoned Global Oil Service Station

Public Safety

In Committee:

- APPL044 08 09 2021 Block Party: Atkinson b/w Strong & Boardman on 9/25
- APPL045 08 09 2021 Maritime Days (TCHMM) 9/10-9/12
- APPL046 08 09 2021 9th Annual Coast to the Cure NF bike ride 9/11/2021
Chain Bridge to Ocean St

- APPL047 08 09 2021 Block Party 9/18/21 Middle St b/w Center & Fair

Motion to approve collectively by Councillor McCauley, seconded by Councillor Devlin. Roll call vote. 11 yes. Motion passes.

- ORDR271 08 09 2021 Merrimac Street Striping Plan

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

- COMM340 08 09 2021 Police Marshal Murray Contract

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

- 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
- ODNC086_08_09_2021 Loading Zone - Liberty Street

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 Ntoa 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

Councillor Connell acknowledged the good work of the residents of Philips Drive.

18. ADJOURNMENT

Motion to adjourn at 10:05 pm by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 11 yes.
Motion passes.