

CITY COUNCIL “HYBRID”

MEETING MINUTES

September 13, 2021

Executive Session 7:00 pm

City Council Regular 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>

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Webinar ID: 879 7793 4012

1. CALL TO ORDER FOR EXECUTIVE SESSION COMMENCING AT 7:00 PM TO CONSIDER THE PURCHASE, EXCHANGE, TAKING, LEASE, OR VALUE OF REAL PRPTERY PROXIMATE TO THE WEST END FIRE STATION

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

4. CALL TO ORDER FOR REGULAR COUNCIL MEETING AT 7:30 PM

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 Vogel, Wallace, Zeid, Connell, Devlin, Khan, Lane, McCauley, Shand, Tontar, and Eigerman. 11 present.

5. LATE FILE

- ODNC096_09_13_2021 Late File Codification of Parking Orders
 - COMM351_09_13_2021 Late File Notice of Public Hearing Pursuant 107 State St.
 - COMM352_09_13_2021 Late File ORDER Pursuant to G.L. c.139, §1 on Dangerous Building at 107 State St
 - TRAN110_09_13_2021 Late File Plum Island Utility Trust Fund \$100K to Reservation Terrace Shoreline Protection \$100K
 - ORDR280_09_13_2021 Late File Cutter Fire Station Loan Order
 - ORDR281_09_13_2021 Late File Authorizing Land Taking w/Waiver of Appraisal & Damages w/Bond
 - ODNC097_09_13_2021 Late File Proposed Zoning Clarifications re Public Purpose Takings
- Motion to waive the rules and accept the Late Files by Counillor Zeid, seconded by Councillor Tontar. So voted.

6. PUBLIC COMMENT

1. Steve Comley PO Box 646, Rowley
2. Stacy Harrison 14 Harrison Avenue, Salisbury
3. Ken Itrato 27 High Street
4. John Feehan 13 Market Street
5. Doug Muir 10 Hancock Street
6. Marge Kaczala 109 State Street
7. Lela Wright 55 Reservation Terrace
8. Jennie Donahue 18 Cherry Street
9. Brian Wilson 29 High Street

10. Mary Young 11 Jefferson Street
11. Sheila Trieff 11 Shandal Drive
12. Madeline Nash 19 Arlington Drive
13. Betty Labaugh 6 Walnut Street
14. Jeanette Isabella 100 Water Street
15. Dyan Mazurana 112 State Street
16. Ilene Grady 10 Cushing Street
17. Maureen Adams 9 75th Street
18. Dominick Garibaldi 14 67th Street
19. Michael Laine 11 Jefferson Court
20. Lucinda Robertson 162 Low Street
21. Marianne Vesey 10 Kent Street
22. Stephanie Niketic 93 High Street
23. Brian Belts 14 67th Street

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

- August 30, 2021 (Approve)

9. COMMUNICATIONS

- COMM348_09_13_2021 FY2021 Year End Report (B&F)
- COMM349_09_13_2021 KP Law-Review and Amendment of 2020 Middle St. Bridge (GG)
- COMM350_09_13_2021 Ltr. From Stephen Comley (R&F)
- APPL050_09_13_2021 Coronathon Full + 1/2 Marathon 10/9/2021 8 am - 2 pm (PS)

10. TRANSFERS

11. APPOINTMENTS

- APPT272_09_13_2021 Alphonse Montoni 10 Woodman Way Housing Authority 9/1/2026

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

Budget and Finance

- ORDR265_08_09_2021 CPC-FY22 Recommendations
- ORDR274_08_30_2021 Loan Order for Police Cruisers

Planning & Development

- Public Hearing APPT269_08_30_2021 Elisabeth M. DeLisle, (reappointment) Planning Board
- Public Hearing APPT270_08_30_2021 Heather Rogers, Planning Board
- Public Hearing APPT271_08_30_2021 Brian Raiche, Affordable Housing Trust
- ORDR273_08_30_2021 PR Acceptance for 342 Merrimac St
- COMM338_08_09_2021 Blight at State & High, Abandoned Global Oil Service Station

- ODNC087_08_09_2021 Municipal Facility Reports
- ODNC088_08_09_2021 Municipal Building Procurement

Councillor Shand noted that ODNC087_08_09_2021 and ODNC088_08_09_2021 will not be coming out of committee.

General Government

- COMM331_05_24_2021 Newburyport Fee Schedule
- APPT263_08_09_2021 Donna 8 Chadwick Human Resources Dir. 7/01/2024
Drelick Methuen,MA

Public Safety

- APPL049_08_30_2021 Harborside Half Marathon & 5K - 11/21/2021
- ODNC093_08_30_2021 Restricting residential permits on campers
- COMM339_08_09_2021 High Street Pavement Marking & Striping Plan
- ODNC086_08_09_2021 Loading Zone - Liberty Street

Councillor McCauley noted ODNC086_08_09_2021 will not be coming out of committee.

END OF CONSENT AGENDA

Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Connell. So voted.

Council President called for a 5 minute break at 8:34 pm

Meeting resumed at 8:40 pm

REGULAR AGENDA

9. MAYOR'S UPDATE

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

10. COMMUNICATIONS

- COMM351_09_13_2021 Late File Notice of Public Hearing Pursuant 107 State St.
- COMM352_09_13_2021 Late File ORDER Pursuant to G.L. c.139, §1 on Dangerous Building at 107 State St

Motion to refer collectively to Planning & Development by Councillor Zeid, seconded by Councillor Devlin.
Roll call vote. 11 yes. Motion passes..

11. TRANSFERS

- TRAN110_09_13_2021 Late File Plum Island Utility Trust Fund \$100K to Reservation Terrace Shoreline Protection \$100K

Motion to refer Budget & Finance by Councillor Zeid, seconded by Councillor Tontar. So voted.

12. SECOND READING APPOINTMENTS

- APPT267_08_30_2021 Monica 58 Temple St. Cultural Council 9/13/2024
Bartley
- APPT268_08_30_2021 Bruce Menin 148 High St. Human Rights 9/15/2024
Commission

Motion to approve collectively on 2nd reading by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 10 yes, 1 no (JM)

13. ORDERS

- ORDR278_09_13_2021 Acceptance of Colby Farm Parcel C (Open Space)
Motion to refer to Planning & Development by Councillor Shand, seconded by Councillor Connell. So voted.
- ORDR279_09_13_2021 Authorization for NRA Land Transfer
Motion to refer to Planning and Development by Councillor Zeid, seconded by Councillor Tontar. So voted.
- ORDR280_09_13_2021 Late File Cutter Fire Station Loan Order
Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Khan. So voted.
- ORDR281_09_13_2021 Late File Authorizing Land Taking w/Waiver of Appraisal & Damages w/Bond
Motion to refer to Budget & Finance and Planning & Development by Councillor Zeid, seconded by Councillor Devlin. So voted.

14. ORDINANCES

- ODNC085_08_09_2021 AHT increasing membership-codify as Municipal Board 2nd reading
Motion to approve by Councillor Shand, seconded by Councillor Tontar. Roll call vote. 10 yes, 1 no (SZ). Motion passes.
- ODNC095_09_13_2021 Abolition of Civic Commission Sec. 12 – 140
Motion to refer to General Government by Councillor Zeid, seconded by Councillor Khan. So voted.
- ODNC096_09_13_2021 Late File Codification of Parking Orders
Motion to refer to Public Safety by Councillor Khan, seconded by Councillor McCauley. So voted.
- ODNC097_09_13_2021 Late File Proposed Zoning Clarifications re Public Purpose Takings
Motion to Planning & Development by Councillor Zeid, seconded by Councillor Connell. So voted.

15. 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:

- ORDR265 08 09 2021 CPC-FY22 Recommendations

Councillor Connell assumes the Chair as President Pro Tempore. Councillor Eigerman joins the Council on the floor.

#1 Motion to approve by Councillor Zeid, seconded Councillor Khan. Motion withdrawn. Motion to refer back to Budget & Finance (6:30 pm 9/16/21 meeting) by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

Councillor Eigerman returns as City Council President.

#2 Motion to approve by Councillor Zeid, seconded Councillor Khan. So voted.

#3 Motion to approve by Councillor Zeid, seconded Councillor Khan. Roll call vote, 7 yes, 4 no (SZ, BC, JD, JE). Motion passes.

#4 Motion to approve Councillor Zeid, seconded Councillor Khan. So voted.

#5 Councillor Connell assumes the Chair as President Pro Tempore. Councillor Eigerman recused. Motion to approve by Councillor Zeid, seconded Councillor Khan. 10 yes, 1 recused (JE). Motion passes.

Councillor Eigerman returns as Council President.

#6 Motion to approve by Councillor Zeid, seconded Councillor Khan. So voted.

#7 Motion to approve by Councillor Zeid, seconded Councillor Khan. So voted.

#8 Motion to approve by Councillor Zeid, seconded Councillor Khan. Roll call vote. 11 no. Motion fails.

#9, #10 Motion to approve collectively by Councillor Zeid, seconded Councillor Khan. So voted.

#11 Councillor Zeid noted this will not be coming out of committee at this meeting.

#12 Motion to approve by Councillor Zeid, seconded by Councillor Khan. 10 yes, 1 no (JM). Motion passes.

#13, #14, #15 Motion to approve collectively by Councillor Zeid, seconded Councillor Khan. So voted.

- **ORDR274 08 30 2021 Loan Order for Police Cruisers**

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

- COMM311_03_08_2021 Cllr Tontar letter re: KP Law Legal Opinion on Council Salaries
- ORDR269_08_09_2021 Friends of COA Gift Acceptance
- ODNC090_08_09_2021 Proposed Electrical Fee Schedule
- ORDR277_08_30_2021 Municipal Fee Schedule Fiscal Year 2022
- ODNC094_08_30_2021 Municipal 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:

Councillor Connell assumes the Chair as President Pro Tempore. Councillor Eigerman joins the Council on the floor.

- **COMM331 05 24 2021 Newburyport Fee Schedule**

Motion to receive and file by Councillor Eigerman, seconded by Councillor Khan. So voted.

- **APPT263 08 09 2021 Donna 8 Chadwick Human Resources Dir. 7/01/2024**
Drelick Methuen,MA

Motion to approve by Councillor Eigerman, seconded by Councillor Tontar. Motion to continue to a date certain by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.

- ORDR270_08_09_2021 Indigenous Peoples Day
- COMM325_05_10_2021 Ordinance Review Committee Report
- COMM330_05_24_2021 Code of Ordinances Edited May 2021
- COMM344_08_30_2021 Hanukkah menorah Market Sq. 11/22-12/10

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 Phillips Dr. Neighborhood Committee Ltr
- COMM326_05_10_2021 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
- COMM343_08_30_2021 Congregation Ahavas Achim sign at High & Olive Sts
- ORDR276_08_30_2021 Crosswalk at Pleasant St and Inn St
- ODNC091_08_30_2021 Street, way or grounds specifications

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
- 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**
No Action
- COMM346_08_30_2021 Ltr. Jane Snow Coffin St. safety concerns
- **APPT269 08 30 2021 Elisabeth 50 Woodland St. Planning Board 9/1/2026**
M. DeLisle

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

- **APPT270 08 30 2021 Heather 15 Strong St. Planning Board 9/15/2026**
Rogers

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

- **ORDR273 08 30 2021 PR Acceptance for 342 Merrimac St**

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

- ODNC092_08_30_2021 Zoning Amendment Encouraging Outdoor and Recreational Activities
- **APPT271 08 30 2021 Brian Raiche, Affordable Housing Trust**

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

- COMM351_09_13_2021 Late File Notice of Public Hearing Pursuant 107 State St.
- COMM352_09_13_2021 Late File ORDER Pursuant to G.L. c.139, §1 on Dangerous Building
at 107 State St.

Motion to waive the rules to discuss, motion to declare an emergency due to potential public nuisance, and motion to authorize the city solicitor to send notice of a hearing to be held at 7:00 pm, October 12, 2021 by Councillor Zeid, seconded by Councillor Devlin. Roll call vote. 11 yes. Motion passes

Motion to waive the rules to go past 11:00 pm by Councillor Vogel, seconded by Councillor Tontar. So voted

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
- **ODNC086 08 09 2021 Loading Zone - Liberty Street**
Motion to return to committee by Councillor Devlin, seconded by Councillor Tontar. So voted.
- COMM346_08_30_2021 Ltr. Jane Snow Coffin St. safety concerns
- COMM345_08_30_2021 Public Safety Concern, Parker Street
- **APPL049 08 30 2021 Harborside Half Marathon & 5K - 11/21/2021**
Motion to approve by Councillor McCauley, seconded by Councillor Zeid. So voted.
- **ODNC093 08 30 2021 Restricting residential permits on campers**

Motion to approve with amended language by Councillor McCauley, seconded by Councillor Vogel.
Motion to move to a date certain by Councillor McCauley, seconded by Councillor Devlin. So voted.

- **COMM339 08 09 2021 High Street Pavement Marking & Striping Plan**

Motion to approve by Councillor McCauley, seconded by Councillor Zeid. Motion to amend to cobblestone by Councillor McCauley , seconded by Councillor Connell . 9 yes, 2 no (BL,JM). Motion passes. Motion to amend to epoxy by Councillor Zeid , seconded by Councillor Vogel. 11 yes. Motion passes. Motion to approve amended by Councillor McCauley, seconded by Councillor Zeid. 11 yes. Motion passes.

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
- ORDR275_08_30_2021 Licensed Contractor DiStasio Excavation

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

17. ADJOURNMENT

Motion to adjourn at 11:14 pm by Councillor Tontar, seconded by Councillor Vogel. Roll call vote. 11 yes.
Motion passes.