

CITY COUNCIL “HYBRID”

MEETING MINUTES

September 27, 2021

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>

Or One tap mobile :

US: +13017158592

Or Telephone:

US: +1 301 715

Webinar ID: 879 7793 4012

1. MOMENT OF SILENCE

Remembering Christine Schmidt

2. PLEDGE OF ALLEGIANCE

3. 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 Wallace, Zeid, Devlin, Khan, Lane, McCauley, Shand, Tontar, Vogel, and Eigerman. 10 present, 1 absent (BC).

4. LATE FILE

- ODNC087_08_09_2021 Municipal Facility Reports
- ODNC088_08_09_2021 Municipal Building Procurement
- ODNC046_01_27_2020 Zoning Amendment - Short Term Rental Units Definition
- ORDR278_09_13_2021 Acceptance of Colby Farm Parcel C (Open Space)
- ORDR286_09_27_2021 Crosswalk Central Cong Church Pleasant & Titcomb
- COMM355_09_27_2021 HR Job description, received 09-27-2021
- COMM356_09_27_2021 Email string of 9/9/2021

Councillor Connell present (remote) 7:40pm

Motion to accept the late files by Councillor Zeid, seconded by Councillor Wallace. Roll call vote. 11 yes.
Motion passes.

5. PUBLIC COMMENT

- | | |
|-----------------------|--------------------|
| 1. Steve Comley | PO Box 646, Rowley |
| 2. Andrew Sidford | 55 Marlboro St. |
| 3. Elizabeth Hazen | 30 Oakland St. |
| 4. Rev. Rebecca Byron | 26 Pleasant St. |
| 5. Marianne Vesey | 10 Kent St. |
| 6. Jane Snow | 9 Coffin St. |
| 7. Sandhya Douglas | 2 Moseley Ave. |
| 8. Ahmer Ibrahim | 85 Prospect St. |
| 9. Jean Costello | 522 Merrimac St. |
| 10. Craig Douglas | 2 Moseley Ave. |

11. Jennie Donahue	18 Cherry St.
12. Christina Schena	8 Broad St.
13. Kristine Malpica	7 Boardman St.
14. Richard Winokur	60 Longfellow St.
15. Mr. Carpenter	106 Kimball Rd.
16. Mr. Porter	210 High St.
17. Lynne Taylor	57 Middle St.

6. 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.

7. APPROVAL OF MINUTES

- September 13, 2021 (Approve)

8. COMMUNICATIONS

- COMM353_09_27_2021 Newburyport Public Library Annual Report (B&F)
- COMM354_09_27_2021 Whittier Regional Annual Operational Report (R&F)
- APPL051_09_27_2021 PGA Hope Launch Party @ Battle Grounds (PS)
- 10/16/21 10am-2pm Tracy Park, Pleasant St.

9. TRANSFERS

- TRAN111_09_27_2021 Transfer Multiple \$42,327.42 to Multiple \$42,327.42 (B&F)
- Collective Bargaining Agreement Teamsters Union Local 170

10. APPOINTMENTS

- *APPT273_09_27_2021 **Referred to Planning & Development* Leslie Eckholdt 36 Warren St. Waterfront Trust 12/31/2023
- Re-Appointments
- APPT274_09_27_2021 Aine Greaney Ellrot 43 Purchase St. Emma Andrews Library 10/28/2022
- APPT275_09_27_2021 Elizabeth Valeriani 29 Oak St. Emma Andrews Library 10/28/2022
- APPT276_09_27_2021 Virginia R. Champi 84 Purchase St. Emma Andrews Library 10/28/2022
- APPT277_09_27_2021 Susan Chase 44 Oak St. Emma Andrews Library 10/28/2022
- APPT278_09_27_2021 Donna Conway 27 Marlboro St. Emma Andrews Library 10/28/2022
- Appointments
- APPT279_09_27_2021 Marcia Edson 11 Salem St. Tree Commission 10/15/2024
- APPT280_09_27_2021 John Moynihan 415 Portland St. Cultural Commission 10/15/2024
- Rochester, NH

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
- #1 YWCA at Hillside
- TRAN110_09_13_2021 Plum Island Utility Trust Fund \$100K to
- Reservation Terrace Shoreline Protection \$100K

General Government

- ORDR270_08_09_2021 Indigenous Peoples Day
- COMM344_08_30_2021 Hanukkah Menorah Market Sq. 11/22-12/10
- COMM349_09_13_2021 KP Law-Review and Amendment of 2020 Middle St. Bridge
- ODNC095_09_13_2021 Abolition of Civic Commission Sec. 12 – 140

Neighborhood & City Services

- 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
- COMM343_08_30_2021 Congregation Ahavas Achim sign at High & Olive Sts

Planning & Development

- ODNC087_08_09_2021 Municipal Facility Reports
- ODNC088_08_09_2021 Municipal Building Procurement
- ORDR278_09_13_2021 Acceptance of Colby Farm Parcel C (Open Space)
- ORDR279_09_13_2021 Authorization for NRA Land Transfer
- ODNC083_06_28_2021 Zoning-Amendment-I-95-Wind-Corridor
- ODNC046_01_27_2020 Zoning Amendment - Short Term Rental Units Definition

Public Safety

- APPL050_09_13_2021 Coronathon Full + 1/2 Marathon 10/9/2021 8 am - 2 pm

Public Utilities

- ORDR275_08_30_2021 Licensed Contractor DiStasio Excavation

Motion to approve the Consent Agenda 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 Vogel. Roll call vote. 11 yes. Motion passes.

10. COMMUNICATIONS

- COMM355_09_27_2021 HR Job description, received 09-27-2021
- COMM356_09_27_2021 Email string of 9/9/2021

Motion to table collectively by Councillor Zeid, seconded by Councillor Lane. Roll call vote. 11 yes. Motion passes.

11. TRANSFERS

12. SECOND READING APPOINTMENTS

- APPT272_09_13_2021 Alphonse Montoni 10 Woodman Way Housing Authority 9/1/2026
- APPT263_08_09_2021 Donna Drelick 8 Chadwick Human Resources Dir. 7/1/2024
Methuen

Motion to remove and approve by Councillor Khan, seconded by Councillor Vogel.

Motion to take COMM355_09_27_2021 and COMM356_09_27_2021 collectively off the table by Councillor Khan, seconded by Councillor Vogel.

Motion to change the date to 3/31/2022 and the salary to \$80,462 by Councillor McCauley, seconded by Councillor Zeid.

Friendly amendment by Councillor Khan to change the date to 6/30/2022, accepted by Councillors McCauley and Zeid.

Motion to amend to strike the salary change by Councillor Khan, seconded by Councillor Vogel. Roll call vote. 8 yes, 3 no (SZ, BL, JM). Motion passes.

Motion to approve the date change to 6/30/2022 by Councillor Khan, seconded by Councillor Vogel. Roll call vote. 10 yes, 1 no (BV). Motion passes.

Motion to approve as amended by Councillor Khan, seconded by Councillor Vogel. Roll call vote. 10 yes, 1 no (JM). Motion passes.

Motion to receive and file COMM355_09_27_2021 and COMM356_09_27_2021 collectively by Councillor Zeid, seconded by Councillor Devlin. Roll call vote. 11 yes. Motion passes.

13. ORDERS

- ORDR282_09_27_2021 Equipment Lease Order

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

- ORDR283_09_27_2021 Rectangular Rapid Flash Beacon (RRFB) at High Street

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

- ORDR284_09_27_2021 Approving Market Landing Park Expansion Conceptual Plan

Motion to refer to Ad Hoc Committee on Market Landing by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.

- ORDR285_09_27_2021 Re-precincting Plan 2020

Motion to refer to General Government by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.

- ORDR286_09_27_2021 Crosswalk Central Cong Church Pleasant & Titcomb

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

14. ORDINANCES

- ODNC093_08_30_2021 Restricting residential permits on campers (Moved to Date Certain)

Motion to approve on 1st reading by Councillor McCauley, seconded by Councillor Khan. Roll call vote. 9 yes, 2 no (SZ, BC). Motion passes.

9:15 pm Councillor President called for a 5 minute break.

9:20 pm City Council Meeting resumed.

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

Motion to instruct the Clerk to send a letter to the Waterfront Trust and the Harbor Commission to include the Sasaki Plan and language to request that the Trust and the Commission review the plan and comment thereon. Subsequently return the comments to the Clerk who will in turn send to the Ad Hoc Cmte by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.

Budget & Finance

In Committee:

- **ORDR265 08 09 2021 CPC-FY22 Recommendations**
#1 YWCA at Hillside

Motion to approve as amended in committee adding “and Newburyport Affordable Housing Trust” in section 5 after Newburyport Housing Authority by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 10 yes, 1 no (JM). Motion passes.

- **TRAN110 09 13 2021 Plum Island Utility Trust Fund \$100K to**
Reservation Terrace Shoreline Protection \$100K

Motion to approve by Councillor Zeid, seconded by Councillor Khan. 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
#11 Restoration of Nock Middle School Tennis Courts
- 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
- COMM348_09_13_2021 FY2021 Year End Report
- ORDR280_09_13_2021 Cutter Fire Station Loan Order
- ORDR281_09_13_2021 Authorizing Land Taking w/Waiver of Appraisal & Damages w/Bond

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:

- **ORDR270 08 09 2021 Indigenous Peoples Day**
Motion to approve by Councillor Tontar, seconded by Councillor Vogel. Roll call vote. 7 yes, 4 no (SZ, JD, BL, JM). Motion passes.
- **COMM344 08 30 2021 Hanukkah menorah Market Sq. 11/22-12/10**
Motion to approve by Councillor Devlin, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes.
- **COMM349 09 13 2021 KP Law-Review and Amendment of 2020 Middle St. Bridge**
- Motion to receive and file by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes.
- **ODNC095 09 13 2021 Abolition of Civic Commission Sec. 12 – 140**
Motion to approve on 1st reading by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- COMM325_05_10_2021 Ordinance Review Committee Report
- COMM330_05_24_2021 Code of Ordinances Edited May 2021

Motion to waive the rules and go past 11:00 pm by Councillor Tontar, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.

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**
- **COMM326 05 10 2021 Hale Street bicycle/pedestrian improvements (CIP)**
- Motion to receive and file collectively by Councillor Connell, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.
- **COMM285 01 27 2021 Memorandum from Councillor Christine Wallace**
- Motion to receive and file by Councillor Connell, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.
- **COMM299 02 08 2021 Phillips Dr. Neighborhood Committee Ltr**
- Motion to refer back to Neighborhood & City Services by Councillor Zeid, seconded by Councillor Connell. Roll call vote. 10 yes, 1 no (JM). Motion passes.

Motion to instruct the Clerk to send the memo from Councillor McCauley to the DPS and the Mayor by Councillor Zeid, seconded Vogel. Roll call vote. 11 yes. Motion passes.

- **COMM337 07 12 2021 Central Congregational Request crosswalk painting**
- Motion to refer back to Neighborhood & City Services by Councillor Connell, seconded by Councillor Vogel. Roll call vote. 11 yes, Motion passes.
- **COMM343 08 30 2021 Congregation Ahavas Achim sign at High & Olive Sts**
- Motion to refer back to Neighborhood & City Services by Councillor Connell, seconded by Councillor Zeid. Roll call vote. 11 yes, Motion passes.
- ODNC084_07_12_2021 Streets, Sidewalks, and Other Public Places Alterations and Maintenance
- ORDR276_08_30_2021 Crosswalk at Pleasant St and Inn St
- ODNC091_08_30_2021 Street, way or grounds specifications

Planning & Development

In Committee:

- **ODNC087 08 09 2021 Municipal Facility Reports**
- Motion to approve 1st reading by Councillor Shand, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.
- **ODNC088 08 09 2021 Municipal Building Procurement**
- Motion to approve 1st reading by Councillor Shand, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.
- **ORDR278 09 13 2021 Acceptance of Colby Farm Parcel C (Open Space)**
- Motion to approve by Councillor Shand, seconded by Councillor Zeid. Motion to amend to add “and with the approval of the City Council” after the word Mayor in the 2nd paragraph by Councillor Zeid, seconded by Councillor Devlin. Motion to approve amended by Councillor Shand, seconded by Councillor Zeid. Roll call vote. 9 yes, 2 no (BL, CT). Motion passes.
- **ORDR279 09 13 2021 Authorization for NRA Land Transfer**
- Motion approve by Councillor Shand, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.
- **ODNC083 06 28 2021 Zoning-Amendment-I-95-Wind-Corridor**
- Motion to receive and file by Councillor Shand, seconded by Councillor Vogel. Roll call vote. 7 no, 2 yes (BC, AK). Motion fails. Motion to approve by Councillor Shand, seconded by Councillor McCauley. Roll call vote. 11 no. Motion fails.
- **ODNC046 01 27 2020 Zoning Amendment - Short Term Rental Units Definition**
- Motion to refer back to Planning & Development by Councillor Shand, seconded by Councillor Zeid. Roll call vote. 11 yes, Motion passes.
- Note: The Clerk will need to re-notice the Chair of the Planning Board
- COMM231_03_09_2020 Ltr re: Short-Term Rental Ordinance
- COMM282_01_27_2021 Ltr from Jim McCarthy re: Sign Proposal
- ODNC089_08_09_2021 VII-A-Off-street parking regulations

- COMM346_08_30_2021 Ltr. Jane Snow Coffin St. safety concerns
- ODNC092_08_30_2021 Zoning Amendment Encouraging Outdoor and Recreational Activities
- ODNC097_09_13_2021 Proposed Zoning Clarifications re Public Purpose Takings
- COMM338_08_09_2021 Blight at State & High, Abandoned Global Oil Service Station
- COMM351_09_13_2021 Notice of Public Hearing Pursuant 107 State St. (Oct 12, 2021 7 pm)
- COMM352_09_13_2021 ORDER Pursuant to G.L. c.139, §1 on Dangerous Building at 107 State St.
- ORDR281_09_13_2021 Authorizing Land Taking w/Waiver of Appraisal & Damages w/Bond

Public Safety

In Committee:

- **APPL050 09 13 2021 Coronathon Full + 1/2 Marathon 10/9/2021 8 am - 2 pm**
Motion to approve 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.**
Motion to waive the rules and remove from committee by Councillor McCauley, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes. Motion to receive and file by Councillor McCauley, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.
- 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
- COMM346_08_30_2021 Ltr. Jane Snow Coffin St. safety concerns
- COMM345_08_30_2021 Public Safety Concern, Parker Street
- ODNC096_09_13_2021 Late File Codification of Parking Orders

Public Utilities

In Committee:

- **ORDR275 08 30 2021 Licensed Contractor DiStasio Excavation**
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.
- 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 Notoa 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

16. GOOD OF THE ORDER

17. ADJOURNMENT

Motion to adjourn at 11:23 pm by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.