

CITY COUNCIL “HYBRID”

MEETING MINUTES

October 25, 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 Geraldine Dorr and David Sheppard.

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 Connell, Khan, Lane, McCauley, Shand, Tontar, Vogel, Wallace, Zeid, and Eigerman. 10 present (1 remote BL), 1 absent (JD).

4. LATE FILE

- | | |
|----------------------|---|
| • COMM373_10_25_2021 | IFS Ltr. From Pamela Kipp |
| • COMM374_10_25_2021 | IFS Ltr. From Steve and Sharon Knipmeyer |
| • COMM375_10_25_2021 | IFS Ltr. From Mary Lyon |
| • COMM376_10_25_2021 | IFS Ltr. From Barbara Oswald |
| • COMM377_10_25_2021 | IFS Ltr. From Sean Sullivan |
| • ODNC097_09_13_2021 | Proposed Zoning Clarifications re Public Purpose Takings |
| • APPT283_10_12_2021 | Robert Currier 3 Summit Pl. Affordable Housing Trust 10/29/2023 |
| • COMM359_10_12_2021 | City Solicitor Opinion on Residency Requirements |
| • ORDR294_10_25_2021 | Legal Boundary Descriptions (Ward & Precincts) |
| • ORDR295_10_25_2021 | Order re Toppans Lane Pavement Markings |
| • ORDR296_10_25_2021 | Additional funding the market landing park restroom facility |

Motion to waive the rules and accept the late files by Councillor Zeid, seconded by Councillor Shand. Roll call vote. 10 yes, 1 absent (JD). Motion passes.

5. PUBLIC COMMENT

Mary Young 11 Jefferson Court
Ted Boretti 67 Marlboro Street

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

- October 12, 2021 (Approve)

8. COMMUNICATIONS

- COMM360_10_25_2021 Memo Conf. Water Main Replacement Phillips Dr. (PU)
Removed from the Consent Agenda at the request of Councillor Khan.
- APPL054_10_25_2021 11/28/21-12/19/21 Pop Park Merrimac St. & Market Sq. (PS)

9. TRANSFERS

10. APPOINTMENTS

- APPT285_10_25_2021 Mary E. Young 11 Jefferson Ct. Aff. Housing Trust 11/10/2023
Removed from the Consent 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

- ORDR265_08_09_2021 CPC-FY22 Recommendations
#11 Restoration of Nock Middle School Tennis Courts
- COMM353_09_27_2021 Newburyport Public Library Annual Report
- TRAN111_09_27_2021 Transfer Multiple \$42,327.42 to Multiple \$42,327.42
Collective Bargaining Agreement Teamsters Union Local 170
- ORDR287_10_12_2021 Approval to Pay Prior Year Bills
- ORDR289_10_12_2021 FY22 Supplemental Budget Request #1
- ORDR290_10_12_2021 Anna Jaques Hospital Gift Acceptance

General Government

- COMM359_10_12_2021 City Solicitor Opinion on Residency Requirements

Neighborhoods & City Services

- 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

Planning & Development

- ODNC097_09_13_2021 Proposed Zoning Clarifications re Public Purpose Takings
- APPT283_10_12_2021 Robert Carrier 3 Summit Pl. Affordable Housing Trust 10/29/2023

Public Safety

- COMM243_05_11_2020 Ltr from Jane Rascal re: NMMCD
- COMM216_01_13_2020 Ltr re: Ban the Use of Glyphosate
- APPL052_10_12_2021 Youth Hockey League Tag Day 11/20/2021 8am-2pm
- APPL053_10_12_2021 Greater Newburyport Children's Chorus Candy Shop Sing

END OF CONSENT AGENDA

Motion to approve as amended by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 10 yes, 1 absent (JD). Motion passes.

REGULAR AGENDA

9. MAYOR'S UPDATE

Motion to receive and file by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 10 yes, 1 absent (JD). Motion passes.

10. FIRST READING APPOINTMENTS

APPT285_10_25_2021 Mary E. Young 11 Jefferson Ct. Aff. Housing Trust 11/10/2023

Motion to refer to Planning & Development by Councillor Shand, seconded by Councillor Zeid. Roll call vote. 10 yes, 1 absent (JD). Motion passes.

11. COMMUNICATIONS

- COMM360_10_25_2021 Memo Conf. Water Main Replacement Phillips Dr.

Motion to refer to Budget & Finance by Councillor Khan, seconded by Councillor Vogel with Chair of Budget & Finance Councillor Zeid inviting Ward 6 Councillor Lane to participate in the discussion at the committee meeting. Roll call vote. 10 yes, 1 absent (JD). Motion passes.

- COMM373_10_25_2021 IFS Ltr. From Pamela Kipp
- COMM374_10_25_2021 IFS Ltr. From Steve and Sharon Knipmeyer
- COMM375_10_25_2021 IFS Ltr. From Mary Lyon
- COMM376_10_25_2021 IFS Ltr. From Barbara Oswald
- COMM377_10_25_2021 IFS Ltr. From Sean Sullivan

Motion to collectively receive and file COMM373, COMM374, COMM375, COMM376, COMM377 by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 10 yes, 1 absent (JD). Motion passes.

12. TRANSFERS

13. SECOND READING APPOINTMENTS

- | | | Re-Appointments | |
|----------------------|--------------|-------------------------------|------------|
| • APPT281_10_12_2021 | Scott Hanley | 1 Milk St. Tree Comm. | 11/1/2024 |
| • APPT282_10_12_2021 | Pat Cannon | 185 High St. Cultural Council | 10/15/2024 |

- APPT284_10_12_2021 Ted Boretti 67 Marlboro St. Parks Comm. 10/29/2026

Motion to approve collectively by Councillor Zeid, seconded by Councillor Vogel. Roll call vote 10 yes, 1 absent (JD). Motion passes.

14. ORDERS

- ORDR292_10_25_2021 Supplemental Budget #2 FY2022

Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. Roll call vote. 8 yes, 1 no (SZ), 1 absent (JD). Motion passes.

- ORDR293_10_25_2021 Order re Auburn St Pavement Markings
- ORDR295_10_25_2021 Order re Toppans Lane Pavement Markings

Motion to waive the rules, declare an emergency, and approve collectively by Councillor McCauley, seconded by Councillor Shand. Roll call vote. 10 yes, 1 absent (JD). Motion passes.

- ORDR294_10_25_2021 Legal Boundary Descriptions (Ward & Precincts)

Motion to refer to General Government by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 10 yes, 1 absent (JD). Motion passes.

- ORDR296_10_25_2021 Additional funding the market landing park restroom facility

Motion to move to Ad Hoc Committee on Market Landing Park by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 10 yes, 1 absent. Motion passes.

15. ORDINANCES

- ODNC089_08_09_2021 VII-A-Off-street parking regulations 2nd reading

Motion to approve on second reading by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 10 yes, 1 absent (JD). Motion passes.

- ODNC090_08_09_2021 Proposed Electrical Fee Schedule 2nd reading
Motion to approve on second reading by Councillor Khan, seconded by Councillor Tontar. Roll call vote. 9 yes, 1 no (SZ), 1 absent (JD). Motion passes.
- ODNC100_10_25_2021 Amended Parking Union St
- ODNC101_10_25_2021 Bus Stop Designation Low St
Motion to refer ODNC100 and ODNC101 collectively to Public Safety by Councillor McCauley, seconded by Councillor McCauley. Roll call vote. 10 yes, 1 absent (JD). Motion passes.

16. COMMITTEE ITEMS

Ad Hoc Committee on Economic Development

In Committee:

- ODNC098_10_12_2021 Permanent Parklets Legislation

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
- ORDR284_09_27_2021 Approving Market Landing Park Expansion Conceptual Plan
Motion to waive the rules to remove from committee by Councillor Eigerman, seconded by Councillor Connell. Roll call vote. 10 yes, 1 absent (JD). Motion passes. Motion to waive the rules to accept the late file or proposed floor amendment by Councillor Eigerman, seconded by Councillor Connell. Roll call vote. 9 yes, 1 present (BV), 1 absent (JD). Motion to amend ORDR284 based on the received late file floor amendment by Councillor Eigerman, seconded by Councillor McCauley. Roll call vote. 9 yes, 1 present (BV), 1 absent (JD). Motion passes. Motion to approve amended by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 9 yes, 1 present (BV), 1 absent (JD). Motion passes.
Council President Eigerman acknowledges the hard work put in by the City Council and remembering Bill Harris.

Budget & Finance

In Committee:

- **ORDR265 08 09 2021 CPC-FY22 Recommendations**
#11 Restoration of Nock Middle School Tennis Courts
Motion to approve project # 11 by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 10 yes, 1 absent (JD). Motion passes. Motion to amend to add project #16 by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 9 yes, 1 no (JM), 1 absent (JD). Motion to amend to correct the total amounts to the estimated revenues by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 10 yes, 1 absent (JD). Motion passes.
- **COMM353 09 27 2021 Newburyport Public Library Annual Report**
Motion to receive and file by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 10 yes, 1 absent (JD). Motion passes.
- **TRAN111 09 27 2021 Transfer Multiple \$42,327.42 to Multiple \$42,327.42**
Collective Bargaining Agreement Teamsters Union Local 170
Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 10 yes, 1 absent (JD). Motion passes.
- **ORDR287 10 12 2021 Approval to Pay Prior Year Bills**
Motion to approve by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 10 yes, 1 absent (JD). Motion passes.
- **ORDR289 10 12 2021 FY22 Supplemental Budget Request #1**
Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 10 yes, 1 absent (JD). Motion passes.

8:32 pm Councillor Devlin is present.

- **ORDR290 10 12 2021 Anna Jaques Hospital Gift Acceptance**
Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

- ORDR277_08_30_2021 Municipal Fee Schedule Fiscal Year 2022
- ODNC094_08_30_2021 Municipal Fee Schedule
- 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
- COMM358_10_12_2021 School Strategic Plan documents

General Government

In Committee:

- **COMM359 10 12 2021 City Solicitor Opinion on Residency Requirements**

Motion to receive and file by Councillor Devlin, seconded by Councillor Lane. 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

- **ORDR285 09 27 2021 Re-precincting Plan 2020**

Motion to waive the rules to remove ORDR 285 and ORDR294 from committee, and to approve collectively by Councillor Eigerman, seconded by Councillor McCauley. Motion withdrawn.

- ORDR291_10_12_2021 Authorizing Settlement between IFS and City

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:

- **ODNC084 07 12 2021 Streets, Sidewalks, and Other Public Places Alterations and Maintenance**

Motion to approve on 1st reading by Councillor Connell, seconded by Councillor McCauley.

Motion to amend by Councillor Wallace, seconded by Councillor McCauley to modify Sec. 12-202 1c to read: "Changes in signage, signals, pavement markings, or anything that changes traffic flow or on-street parking patterns done in the context of an alteration.", the insertion of 12-202 2c that would add "Emergency work as determined by Department of Public Services.", to add to Sec. 12-202 2d which would read:

"Changes in signage, signals, pavement markings, or anything that changes traffic flow or on-street parking patterns done in the context of a maintenance.", and in Sec. 12-204 2i to replace the word "approval" with the word "review". Motion to continue to November 8th by Councillor Vogel, seconded by Councillor Connell. Motion withdrawn. Motion to refer back to Neighborhood and City Services with the condition to come out on November 8th by Councillor Connell, seconded by Councillor Vogel. Roll call vote 5 yes (BC, AK, HS, CT, BV), 6 no. Motion fails. Motion to postpone to a date certain, November 8th, by Councillor Zeid, seconded by Councillor Shand. Roll call vote 7 yes, 4 no (JD, BL, JM, JE). Motion passes.

- **COMM343 08 30 2021 Congregation Ahavas Achim sign at High & Olive Sts**

Motion to approve by Councillor Connell, seconded by Councillor Zeid. Motion to amend to include that the sign may be no larger than any other comparable house of worship signs by Councillor Zeid, seconded by Councillor Connell. Motion to approve amended by Councillor Connell, seconded by Councillor Connell, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.

- **ORDR276 08 30 2021 Crosswalk at Pleasant St and Inn St**

Motion to approve by Councillor Connell, seconded by Councillor McCauley. Roll call vote. 10 yes, 1 no (SZ). Motion passes.

- ODNC091_08_30_2021 Street, way or grounds specifications
- COMM299_02_08_2021 Phillips Dr. Neighborhood Committee Ltr
- COMM337_07_12_2021 Central Congregational Request crosswalk painting
- ORDR288_10_12_2021 Establishing Pickleball Courts

Planning & Development

In Committee:

- **ODNC097 09 13 2021 Proposed Zoning Clarifications re Public Purpose Takings**
Motion to approve on 1st reading by Councillor Shand, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.
- **APPT283 10 12 2021 Robert Currier 3 Summit Pl. Affordable Housing Trust 10/29/2023**
Motion to approve by Councillor Shand, seconded by Councillor Shand, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes.
- **ODNC046 01 27 2020 Zoning Amendment Short Term Rental Unit” (STRU)**
Councillor Shand noted the scrivener’s error in omitting ODNC046 from Council Agenda. Motion to waive the rules to remove from committee, add COTW, and refer back to Planning & Development by Councillor Shand, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.
- COMM231_03_09_2020 Ltr re: Short-Term Rental Ordinance
- COMM346_08_30_2021 Ltr. Jane Snow Coffin St. safety concerns
- ODNC092_08_30_2021 Zoning Amendment Encouraging Outdoor and Recreational Activities
- 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:

- **COMM243 05 11 2020 Ltr from Jane Rascal re: NMMCD**
- **COMM216 01 13 2020 Ltr re: Ban the Use of Glyphosate**
Motion to receive and file collectively by Councillor McCauley, seconded by Councillor Zeid. Roll call vote. 9 yes, 2 no (BC, CT). Motion passes.
- **APPL052 10 12 2021 Youth Hockey League Tag Day 11/20/2021 8am-2pm**
- **APPL053 10 12 2021 Greater Newburyport Children's Chorus Candy Shop Sing**
Motion to approve collectively by Councillor McCauley, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.
- APPT165_04_13_2020 Dr. Robin Blair 18 Market St. Board of Health 4/30/2023
- ORDR200_07_30_2020 List of Crosswalks Amended
- COMM283_01_27_2021 Ltr from Jim McCarthy-speed limit
- 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
- COMM345_08_30_2021 Public Safety Concern, Parker Street
- COMM346_08_30_2021 Ltr. Jane Snow Coffin St. safety concerns
- ODNC096_09_13_2021 Late File Codification of Parking Orders
- ODNC099_10_12_2021 Parking Restriction Carter 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 mentioned that the race signage over the weekend was excellent.

Councillor Zeid suggested that late files be provided in a separate folder for more convenient access.

Councillor Wallace inquired to the procedure for department head representation at committee meetings.

18. ADJOURNMENT

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