

CITY COUNCIL “HYBRID”

MEETING AGENDA

November 29, 2021

107 State Street Hearing 6:00 pm – 8:00 pm

Tax Classification hearing 8:00 pm

Pole Hearing 8:10 pm

City Council Regular Meeting 8:15 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

107 STATE STREET HEARING:

CALL TO ORDER

The City Council President Jared Eigerman called the hearing to order at 6:00 pm and asked the City Clerk, Richard B. Jones, to call the roll. The following City Councillors answered present Lane, McCauley, Shand, Tontar, Vogel, Wallace, Zeid, and Eigerman. 10 present (remote BL, CT, SZ), 2 absent (AK, JD).

6:03 PM Councillor Khan present.

PUBLIC COMMENT

Bronson De Stadler, 19 Walnut St.

Pam Kipp, 11 Tremont St.

Jeff Roelofs, 44 Merrimac St.

Tom Kolterjahn, 64 Federal St.

Marc Cendron, 91 High St.

Pat Fallon, 108 State St.

Mary Murphy, 106 State St.

Stephanie Niketic, 93 State St.

Marge Kaczala, 109 State St.

6:23 PM Councillor Devlin present

DISCUSSION:

Attorney Roelofs gave an update on discussions between Global and Exxon Mobile. Attorney Roelofs expressed his opposition to the declaration of a nuisance order against Global. Council President Eigerman stated that he had had some correspondence with Global, as well as staff, Zoning Administrator Jennifer Blanchette, Councillor-Elect Jennie Donahue, and Mayor Donna Holaday. After further discussion the hearing recessed from 6:50 pm – 7:20 pm for the express purpose of Attorneys Roelofs and Blake to discuss the possibility of a bilateral agreement. After the recess, further discussion ensued. The hearing was continued until 6:00 pm, December 13th. Motion to adjourn the meeting at 7:26 pm by Councillor Vogel, seconded by Councillor Khan. So voted.

TAX CLASSIFICATION HEARING:

CALL TO ORDER

The City Council President Jared Eigerman called the hearing to order at 8:00 pm and asked the City Clerk, Richard B. Jones, to call the roll. The following City Councillors answered present Khan, Lane, McCauley, Shand, Tontar, Vogel, Wallace, Zeid, and Eigerman. 11 present (remote BL, CT, SZ, JD).

HEARING:

Council President Eigerman opened the Tax Classification Hearing asking for anyone that wished to speak on the matter. Hearing none Council President Eigerman closed the hearing.

POLE HEARING:

CALL TO ORDER

The City Council President Jared Eigerman called the hearing to order at 8:00 pm and asked the City Clerk, Richard B. Jones, to call the roll. The following City Councillors answered present Khan, Lane, McCauley, Shand, Tontar, Vogel, Wallace, Zeid, and Eigerman. 11 present (remote BL, CT, SZ, JD).

The Clerk read the notice.

DISCUSSION

John Butler from National Grid described the installation of 120 feet of 3 inch conduit. Abutter Mark Guay, Esq., 14 Shandal Drive, asked who, what, when, where, and how. Mr. Butler stated that it would be a matter of a several days, not weeks, and that they would not be storing equipment. After questioning by Councillor Vogel, Mr. Butler stated that they would notify abutters most likely by mail. Motion to refer to Neighborhood & City Services by Councillor Zeid, seconded by Councillor McCauley. So voted. Council President Eigerman closed the hearing.

City Council Regular Meeting 8:15 pm

1. **MOMENT OF SILENCE**
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 Khan, Lane, McCauley, Shand, Tontar, Vogel, Wallace, Zeid, Devlin, and Eigerman. 11 present (BL, CT, SZ, JD remote)

LATE FILE

- COMM380_11_29_2021 Jillian Bayko Ltr. Ferry Rd. Dog Park Fence
- APPL057_11_29_2021 2nd Hand Motor Vehicle License Plum Autoworks

Motion to waive the rules and accept the late files by Councillor Vogel, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

4. **PUBLIC COMMENT**

Sean Reardon, 5 Lois Street
Jillian Bayko
Nikhil Gehani, 18 Strong Street
Steve Cavanugh, 16 Lafayette Street
Jennie Donahue, 18 Cherry Street

5. **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.

6. APPROVAL OF MINUTES

- November 8, 2021

(Approve)

7. COMMUNICATIONS

- APPL055_11_29_2021 Cultural Survival Bazaar Inn Street 7/16/22-7/17/22 10am-8pm (PS)
- COMM379_11_29_2021 Appropriations for Fiscal Year 2023 (R&F)
- APPL056_11_29_2021 2nd Hand Motor Vehicle License RL Currie (L&P)

8. TRANSFERS

- TRAN113_11_29_2021 Buc Budget Cont. \$213,963.47 to Fire Sal Deputy Chief \$8,606.69, Fire Sal Firefighters \$180,926.78, Fire Paid Holidays \$24,430 (B&F)
- TRAN114_11_29_2021 Sewer Retained Earnings \$223,000 to Sew Maint-Equipment \$40,000 and CIP Generator Replacement \$183,000 (B&F)

9. APPOINTMENTS

**Referred to Planning & Development*

Re-Appointment

- *APPT287_11_29_2021 Stephen Moore 10 N. Atkinson St. Conservation Comm. 12/15/2024

Appointment

- *APPT288_11_29_2021 Jamie Pennington 8 Buck St. Planning Board 12/15/2026
- APPT289_11_29_2021 Omni Raimo 11 Marquand Ln. Comm. On Disabilities 12/15/2024
- APPT290_11_29_2021 Howard M. Adams Special Police Officer
- APPT291_11_29_2021 Paul Knowlton 37 Milk St. Tree Comm. 12/15/2024
- APPT292_11_29_2021 Debbie Campbell 10 Chestnut St. Comm. On Disabilities 12/15/2024
- APPT293_11_29_2021 Joseph Morgan 55 Hill St. Community Preservation Act Comm. 2/1/2023
- APPT294_11_29_2021 Nikhil Gehani 18 Strong St. Human Rights Comm. 12/30/2024

APPT287_11_29_2021, APPT288_11_29_2021, APPT293_11_29_2021 removed at the request of Councillor Zeid.

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

Budget and Finance

- 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
- COMM360_10_25_2021 Memo Conf. Water Main Replacement Phillips Dr.
- TRAN112_11_08_2021 Gen. Fund Free Cash \$250,000 to Compensated Absences Reserve Fund \$250,000
- ORDR297_11_08_2021 FY22 Residential Factor
- ORDR298_11_08_2021 FY22 Tax Rate

- ORDR299_11_08_2021 Prior Year Bills City Solicitor
- ORDR303_11_08_2021 Late File - Local Acceptance MGL Ch 60, Sec. 23B
- **Planning & Development**
- ODNC092_08_30_2021 Zoning Amendment Encouraging Outdoor and Recreational Activities
- **Public Safety**
- ODNC096_09_13_2021 Late File Codification of Parking Orders

END OF CONSENT AGENDA

Motion to approve the Consent Agenda as amended by Councillor Khan, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.

REGULAR AGENDA

9. MAYOR'S UPDATE

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

10. FIRST READING APPOINTMENTS

**Referred to Planning & Development* Re-Appointment

- *APPT287_11_29_2021 Stephen Moore 10 N. Atkinson St. Conservation Comm. 12/15/2024

Appointment

- *APPT288_11_29_2021 Jamie Pennington 8 Buck St. Planning Board 12/15
- APPT293_11_29_2021 Joseph Morgan 55 Hill St. Community Preservation 2/1/2023

Motion to receive and file collectively by Councillor Zeid, seconded by Councillor Devlin. Roll call vote. 8 yes, 3 no (CT, BV, BC). Motion passes.

11. COMMUNICATIONS

- COMM380_11_29_2021 Jillian Bayko Ltr. Ferry Rd. Dog Park Fence
- Motion to receive and file by Councillor Khan, seconded by Councillor Connell. Motion withdrawn. Motion to refer to Public Safety by Councillor Lane, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes.
- APPL057_11_29_2021 2nd Hand Motor Vehicle License Plum Autoworks
- Motion to refer to License & Permits by Councillor Vogel, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

12. TRANSFERS

13. SECOND READING APPOINTMENTS

- APPT286_11_08_2021 Sarah Holden 34 Toppans Ln. Housing Authority 12/1/2026
- Motion to approve on 2nd reading by Councillor Vogel, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

14. ORDERS

- ORDR310_11_29_2021 Holiday Parking 2021
- Motion to refer to Public Safety by Councillor Vogel, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- ORDR311_11_29_2021 Morrill Foundation Gift Acceptance
- Motion to refer to Budget & Finance by Councillor Khan, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.

- ORDR312_11_29_2021 Adjudging 107 State St. - DRAFT
Discussed at 6:00 PM Public Hearing Meeting

15. ORDINANCES

- ODNC084_07_12_2021 Streets, Sidewalks, & Other Public Places Alterations & Maintenance 1st reading
(Moved to a date certain on 11/8/2021)
Motion to approve on 1st reading on the floor from 11/8/2021 by Councillor Connell, seconded by Councillor McCauley. Motion to strike “approval process” and insert “submittal requirements” in Sec. 12-203 by Councillor Vogel, seconded by Councillor Shand. Roll call vote. 7 yes, 4 no (BL, JM, BC, JD). Motion passes. Motion to approve as amended by Councillor Khan, seconded by Councillor Tontar. Roll call vote. 7 yes, 4 no (AK, CT, HS, BC). Motion passes.
- ODNC086_08_09_2021 Loading Zone - Liberty Street 2nd reading
- ODNC099_10_12_2021 Parking Restriction Carter Street 2nd reading
- ODNC100_10_25_2021 Amended Parking Union St 2nd reading
- ODNC101_10_25_2021 Bus Stop Designation Low St 2nd reading
Motion to approve collectively on 2nd reading by Councillor Vogel, seconded by Councillor Khan. Roll call vote. 11 yes. 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
- ORDR296_10_25_2021 Additional funding the market landing park restroom facility

Budget & Finance

In Committee:

- **ORDR277_08_30_2021 Municipal Fee Schedule Fiscal Year 2022**
Motion to receive and file by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- **ODNC094_08_30_2021 Municipal Fee Schedule**
Motion to approve on 1st reading by Councillor Zeid, seconded by Councillor Khan. Scrivener’s error in section 2-G Misc. license and application fees seventh line to replace “operation” with “operate”. Roll call vote. 11 yes. Motion passes.
- **ORDR280_09_13_2021 Cutter Fire Station Loan Order**
Motion to approve by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.
- **ORDR281_09_13_2021 Authorizing Land Taking w/Waiver of Appraisal & Damages w/Bond**
Motion to approve by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.
- **COMM360_10_25_2021 Memo Conf. Water Main Replacement Phillips Dr.**
Motion to receive and file by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.
- **TRAN112_11_08_2021 Gen. Fund Free Cash \$250,000 to Compensated Absences Reserve Fund \$250,000**
Motion to approve collectively with ORDR299_11_08_2021 by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.

- **ORDR297 11 08 2021 FY22 Residential Factor**
Motion to approve by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.
- **ORDR298 11 08 2021 FY22 Tax Rate**
Motion to approve by Councillor Zeid, seconded by Councillor Khan. Motion to amend to \$12.13 by Councillor Tontar, seconded by Councillor Vogel. Roll call vote. 8 no, 3 yes (BC, BV, JE). Motion fails. Roll call vote. 10 yes, 1 no (CT). Motion passes.
- **ORDR299 11 08 2021 Prior Year Bills City Solicitor**
Motion to approve collectively with TRAN112_11_08_2021 by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.
- **ORDR303 11 08 2021 Late File - Local Acceptance MGL Ch 60, Sec. 23B**
Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- ORDR300_11_08_2021 Low St and Brown School Gym Order
- ORDR301_11_08_2021 Authorizing-Acquisition-57-Low-St
- ORDR309_11_08_2021 57 Low Street

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:

- COMM325_05_10_2021 Ordinance Review Committee Report
- COMM330_05_24_2021 Code of Ordinances Edited May 2021

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:

- 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
- ODNC102_11_08_2021 Late File - Ch. 17 Stormwater Management Revisions

Planning & Development

In Committee:

- **ODNC092 08 30 2021 Zoning Amendment Encouraging Outdoor and Recreational Activities**
Motion to approve on 1st reading by Councillor Shand, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.
- ODNC046_01_27_2020 Zoning Amendment Short Term Rental Unit (STRU)
- COMM231_03_09_2020 Ltr re: Short-Term Rental Ordinance
- COMM346_08_30_2021 Ltr. Jane Snow Coffin St. safety concerns
- 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

- **ORDR304 11 08 2021 Late File - Evergreen Conservation Restriction**

Motion to waive the rules to remove from committee by Councillor Shand, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes. Motion to approve by Councillor Shand, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.

- ORDR305_11_08_2021 Late File - Evergreen-Parcel-A
- ORDR306_11_08_2021 Late File - Evergreen-Parcel-C
- ORDR307_11_08_2021 Late File - Evergreen Trail Easement
- ORDR308_11_08_2021 Late File - Evergreen Utilities Access Easement

Public Safety

In Committee:

- **ODNC096 09 13 2021 Late File Codification of Parking Orders**

Motion to approve on 1st reading by Councillor McCauley, seconded by Councillor Vogel. Motion to amend Sec. 13-168 Harrison Street to add “south”. Councillor Zeid recused. Roll call vote. 9 yes, 1 recused (SZ), 1 absent (JD). Motion passes. Roll call vote as amended. 9 yes, 1 recused (SZ), 1 absent (JD). 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
- COMM345_08_30_2021 Public Safety Concern, Parker Street
- COMM346_08_30_2021 Ltr. Jane Snow Coffin St. safety concerns
- ORDR302_11_08_2021 Late File - Stop Sign at the Intersection of Rawson and Highland Aves.

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

December 13th 7:15 PM City Council Photo

18. ADJOURNMENT

Motion to adjourn at 10:40 PM by Councillor Vogel, seconded by Councillor Khan. Roll call vote. 9 yes, 2 absent (SZ, JD). Motion passes.