

CITY COUNCIL “HYBRID”

MEETING MINUTES

May 31, 2022

CIP Hearing 6:45 pm

City Council Meeting 7:00 pm

LOCATION: City Council Chambers, City Hall

60 Pleasant Street, Newburyport

Zoom details for Hearing and Council Meeting:

<https://us02web.zoom.us/j/81299990548>

Or One tap mobile:

US: +19292056099,81299990548#

Or Telephone US: +1 929 205 6099

Webinar ID: 812 9999 0548

CIP Hearing:

The City Council President Heather Shand called the CIP Hearing to order at 6:45 pm and asked the City Clerk, Richard B. Jones, to call the roll. The following City Councillors answered present: Zeid, Cameron, Khan, McCauley, Preston, Vogel, Wright, and Shand. 8 present, 3 absent (JD, BL, CW).

The Clerk read the notice. Council President Shand asked all to speak in favor, there were none. Council President Shand asked all to speak in opposition, there were none. Council President Shand closed the hearing.

City Council Meeting:

1. MOMENT OF SILENCE

Remembering Pamela Donahue, Daniel Hogan, Kim Dow, Harry Xenelis

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

The City Council President Heather Shand called the meeting to order at 7:00 pm and asked the City Clerk, Richard B. Jones, to call the roll. The following City Councillors answered present: Zeid, Cameron, Donahue, Khan, Lane, McCauley, Preston, Vogel, Wallace, Wright, and Shand. 11 present (BL, CW remote).

4. LATE FILE

- COMM00415_05_31_2022 Global Efforts Related/Potential Residential Use Property 5/22 Update **(P&D)**
- APPT00326_05_31_2022 Bonnie Sontag 10 Upland Rd. Planning Board 6/30/2027 **(P&D)**
- APPT00327_05_31_2022 Patricia Peknik 4 Dove St. ZBA 6/30/2023 **(P&D)**
- ORDR00362_05_31_2022 Friends of COA Gift Acceptance \$15,700 **(B&F)**
- COMM00416_05_31_2022 Ltr. Mark Harrington re: Drag Queen/NYS
- COMM00417_05_31_2022 Ltr. Jane Snow re: Coffin St. **(GG)**
- APPL00083_05_31_2022 Riverfest Saturday, July 23rd 12pm-7pm **(PS)**

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

Motion to refer to respective committees listed by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.

5. PUBLIC COMMENT

Andrea Egmont NYS director

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

May 9, 2022

(Approve)

8. COMMUNICATIONS

- APPL00078_05_31_2022 Block Party 14 Dove St. Saturday, August 6th 5:30pm -10pm (PS)
- APPL00079_05_31_2022 Newburyport Lions Bed Race August 4th 5pm-8pm (PS)
- APPL00080_05_31_2022 Movable Sign for Smitten at State St. & Threadneedle Alley (PS)
- APPL00081_05_31_2022 Block Party 31 Howard St. Friday June 17th 12pm-9pm (PS)
- APPL00082_05_31_2022 Ride to end ALZ Saturday, June 4th 8am-11am (PS)
- COMM00410_05_31_2022 Ltr. Lawrence Cavalieri Coffin St. Ext (GG)
- COMM00411_05_31_2022 Waterfront Trust Ltr re: July 4-5th Event property use (PS)
- COMM00412_05_31_2022 Ltr Ann Jaronecyk re: Traffic Safety (PS)
- COMM00413_05_31_2022 Ltr. Bob Keller re: Speed Limits (PS)
- COMM00414_05_31_2022 Ltr. Emily Dunn re: Traffic on Merrimac Street (PS)

9. TRANSFERS

- TRAN00128_05_31_2022 Library Staff Salary \$25,955 to Library Heat/Electricity \$6,000 (B&F)
and Library Maint. Expense \$18,535 and Library Admin Expense \$1,420
- TRAN00129_05_31_2022 Mayor's Office Multiple See Attached \$3,021,480.56 to (B&F)
Multiple See Attached \$3,021,480.56

10. APPOINTMENTS

- APPT00322_05_31_2022 Richard B. Jones 283 High St. City Clerk 06/30/2025 (GG)
*Re-appointment
Friendly amendment by Councillor Khan to refer to General Government and COTW
- APPT00323_05_31_2022 George Sass 37 Jefferson St. Asst Harbormaster/Shellfish Constable/ (PS)
*Re-appointment Special Police Officer 5/31/2025
- APPT00324_05_31_2022 Justin Dutcher 7 Morin Rd. St. Asst Harbormaster/Shellfish Constable/ (PS)
*Re-appointment Special Police Officer 5/31/2025
- APPT00325_05_31_2022 Marilyn Cohodas 66 Washington St. Tree Commission 6/30/2025

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

BUDGET & FINANCE

- ORDR00338_04_11_2022 Capital Improvement Program FY2023-2027 (COTW)
- TRAN00125_05_09_2022 Health Ins. Stabilization Fund \$60K to INS Health Ins. Premiums \$60K
- TRAN00126_05_09_2022 SUS Solid Waste \$50,000 to LGL City Solicitor \$50,000
- TRAN00127_05_09_2022 Gen. Fund Free Cash \$222,166.68 to
Snow & Ice-Labor \$29,559.88 and Snow & Ice-Expenses \$192,606.80
- ORDR00349_05_09_2022 FY22 Revolving Fund Spending Limit Increase (COTW)
- ORDR00351_05_09_2022 Loan Order \$750,000 Bulkhead Project (COTW)
- ORDR00354_05_09_2022 FY23 CPC Recommendations (COTW) (PARTIAL only the \$216K for
Bartlett Mall Design)
- ODNC00110_05_09_2022 Updating Departmental Revolving Funds

PUBLIC SAFETY

- APPL00074_05_09_2022 12th Annual GNOCA 5K Sunday, Sept. 25th 10am-1pm
- APPL00075_05_09_2022 Hoedl-Bilinski Dinner Sat. Oct. 8th 6-9pm (Tent on 69th St 10/7-10/9)
- APPL00076_05_09_2022 High St. Mile Sunday, Aug. 7th (YHC) 9-10am
- APPL00077_05_09_2022 Pride in the Port Saturday, June 11th 12-8pm Market St/Bullnose-Inn Street
- ORDR00357_05_09_2022 USACE Merrimack River Dredging Noise Waiver
- APPT00319_05_09_2022 Jeevan Kowalski Asst. Harbormaster/Shellfish Constable/
*Re-appointment Special Police Officer 5/31/2025
- APPT00320_05_09_2022 Brian Cutler Asst Harbormaster/Shellfish Constable/
*Re-appointment Special Police Officer 5/31/2025.

END OF CONSENT AGENDA

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

REGULAR AGENDA

9. MAYOR'S UPDATE

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

10. FIRST READING APPOINTMENTS

- APPT00326_05_31_2022 **Late File** Bonnie Sontag 10 Upland Rd. Planning Board 6/30/2027
*Re-appointment
- APPT00327_05_31_2022 **Late File** Patricia Peknik 4 Dove St. ZBA 6/30/2023

11. COMMUNICATIONS

- COMM00415_05_31_2022 **Late File** Global Efforts Related to Potential
Residential Use of Property 5/22 Update
- COMM00416_05_31_2022 **Late File** Ltr. Mark Harrington re: Drag Queen/NYS
Motion to receive and file by Councillor Preston, seconded by Councillor Khan. Roll call vote. 7 yes, 4 no (SZ, JM, CW, MW). Motion passes.
- COMM00417_05_31_2022 **Late File** Ltr. Jane Snow re: Coffin St.
- APPL00083_05_31_2022 **Late File** Riverfest Saturday, July 23rd 12pm-7pm

12. TRANSFERS

13. SECOND READING APPOINTMENTS

14. ORDERS

- ORDR00358_05_31_2022 Acceptance of Stables - Colby Farm Lane Lot 3
Motion to refer to Planning & Development and COTW by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.
- ORDR00359_05_31_2022 Gift Acceptance FONT \$9,000
Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

- **ORDR00360_05_31_2022** Authorizing City Clerk Contract 2022
Motion to refer to General Government and COTW by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.
- **ORDR00361_05_31_2022** Free Cash Transfer & Grant Acceptance – LWCF Grant for Bartlet Mall
Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.
- **ORDR00362_05_31_2022** **Late File** Friends of COA Gift Acceptance \$15,700

15. ORDINANCES

- **ODNC00105_02_14_2022 2nd Reading** Zoning Amendment Business Park Uses (COTW)
Councillor Lane recused. Motion to approve on 2nd reading by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 9 yes, 1 no (MW), 1 recused (BL). Motion passes.
- **ODNC00112_05_31_2022** Amendment Brown Sq Way No Parking
Motion to refer collectively ODNC00112, ODNC00113, and ODNC00114 to Public Safety by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.
- **ODNC00113_05_31_2022** Amendment Brown Sq Way Drop Off Zone
Motion to refer collectively ODNC00112, ODNC00113, and ODNC00114 to Public Safety by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.
- **ODNC00114_05_31_2022** Amended Liberty St Resident Parking
Motion to refer collectively ODNC00112, ODNC00113, and ODNC00114 to Public Safety by Councillor Zeid, seconded by Councillor McCauley. 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:

Budget & Finance

In Committee:

- **ORDR00338 04 11 2022 Capital Improvement Program FY2023-2027 (COTW)**
Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- **TRAN00125 05 09 2022 Health Ins. Stabilization Fund \$60K to INS Health Ins. Premiums \$60K**
Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- **TRAN00126 05 09 2022 SUS Solid Waste \$50,000 to LGL City Solicitor \$50,000**
- Motion to approve by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.
- **TRAN00127 05 09 2022 Gen. Fund Free Cash \$222,166.68 to**
Snow & Ice-Labor \$29,559.88 and Snow & Ice-Expenses \$192,606.80
Motion to approve by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.
- **ORDR00349 05 09 2022 FY22 Revolving Fund Spending Limit Increase (COTW)**
Motion to approve by Councillor Zeid, seconded by Councillor Khan. Motion to amend to reduce to 50K by Councillor McCauley, seconded by Councillor Zeid. Motion withdrawn. Roll call vote. 9 yes, 2 no (SZ, JM). Motion passes.

- **ORDR00351 05 09 2022 Loan Order \$750,000 Bulkhead Project (COTW)**
Motion to waive Rule 7J by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
Motion to approve by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.
- **ORDR00354 05 09 2022 FY23 CPC Recommendations (COTW) (PARTIAL only the \$216K for Bartlett Mall Design)**
Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- **ODNC00110 05 09 2022 Updating Departmental Revolving Funds**
Motion to approve on 1st reading by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- ORDR00336_03_28_2022 ARPA Amesbury 250K
- ORDR00355_05_09_2022 Loan Order \$2,574,000 Bartlett Mall Improvements Project
- ORDR00356_05_09_2022 Loan Order \$3,000,000 Market Landing Park Expansion Project
- ORDR00350_05_09_2022 FY2023 Budget Order (COTW)

Education

In Committee:

Councillor Khan noted that Monday, June 6th at 6:30pm there will be a School Committee Community Forum – Culturally Responsive Teaching & Learning – Creating a Culture of Belonging to be held at the Nock Middle School auditorium.

General Government

In Committee:

- COMM00402_04_11_2022 12 Cushing Ave Paper St. Inquiry
- COMM00405_04_11_2022 Mayor's Strategic Plan (COTW)

License & Permits

In Committee:

- ODNC047_01_27_2020 General Ordinance - Short Term Rental Units Rules
- COMM00385_01_31_2022 STRU Fire Sprinkler Systems
- COMM00388_01_31_2022 UPDATED STRU Fire Sprinkler Systems

Neighborhoods & City Services

In Committee:

- COMM299_02_08_2021 Phillips Dr. Neighborhood Committee Ltr
- ODNC00103_01_10_2022 Streets, Sidewalks, and Other Public Places Alterations & Maintenance
- COMM00406_04_11_2022 Pioneer League Letter re: Pickleball

Planning & Development

In Committee:

- ODNC046_01_27_2020 Zoning Amendment Short Term Rental Unit (STRU) (COTW)
- COMM00398_03_28_2022 Memo DHCD MBTA Housing Choice Briefing (COTW)
- APPT00316_04_25_2022 Stephen Moore 10 N. Atkinson St. Conservation Comm. 5/1/2025
- APPT00317_04_25_2022 Lynn Schow 75 High St. ZBA 5/15/2023
- APPT00321_05_09_2022 Charles Aloviseti 60 Bromfield St Conservation Comm. 6/1/2025
- ODNC00111_05_09_2022 Amendment Net Zero Energy Public Projects

Public Safety

In Committee:

- **APPL00074 05 09 2022 12th Annual GNOCA 5K Sunday, Sept. 25th 10am-1pm**
- **APPL00075 05 09 2022 Hoedl-Bilinski Dinner Sat. Oct. 8th 6-9pm (Tent on 69th St 10/7-10/9)**
- **APPL00076 05 09 2022 High St. Mile Sunday, Aug. 7th (YHC) 9-10am**
- **APPL00077 05 09 2022 Pride in the Port Sat., June 11th 12-8pm Market Sq./Bullnose-Inn Street**

Motion to approve collectively APPL00074, APPL00075, APPL00076, and APPL00077 by Councillor McCauley, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.

- **ORDR00357 05 09 2022 USACE Merrimack River Dredging Noise Waiver**
Motion to approve collectively ORDR00357, APPT00319, and APPT00320 by Councillor McCauley, seconded by Councillor Cameron. Friendly amendment by Councillor Zeid to add the language on ORDR00357 to include on the last line “hereby supports the waiving of ODNC 8-101 for the USACE Merrimack River Dredging from September 1, 2022-June 30, 2023” Roll call vote. 11 yes. Motion passes.
- **APPT00319 05 09 2022 Jeevan Kowalski Asst. Harbormaster/Shellfish Constable/**
Re-appointment* **Special Police Officer 5/31/2025
- **APPT00320 05 09 2022 Brian Cutler Asst Harbormaster/Shellfish Constable/**
Re-appointment* **Special Police Officer 5/31/2025

Motion to approve collectively ORDR00357, APPT00319, and APPT00320 by Councillor McCauley, seconded by Councillor Cameron. Friendly amendment by Councillor Zeid to add the language on ORDR00357 to include on the last line “hereby supports the waiving of ODNC 8-101 for the USACE Merrimack River Dredging from September 1, 2022-June 30, 2023” Roll call vote. 11 yes. Motion passes.

- **COMM00396_03_14_2022 Ltr. Stephen Comley**
- **COMM00390_02_28_2022 Gregory Caplan Ltr-Low St./Bright Horizons access to Fuller Field**
- **APPL00082 05 31 2022 Ride to end ALZ Saturday, June 4th 8am-11am**
Motion to waive the rules, declare an emergency, vote on one reading, and approve by Councillor McCauley, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.

Public Utilities

In Committee:

- **APPT00314_04_25_2022 Daniel A. Simon 11 Jackson St. Water/Sewer Comm. 4/30/2024**
- **ORDR00352_05_09_2022 Licensed Contractor Robert Pike Construction, Inc.**
- **ORDR00353_05_09_2022 Licensed Contractor Commonwealth and Consulting Co., Inc.**

Rules

In Committee:

- **ORDR239_02_8_2021 Council Rule 7 and 10B**

17. GOOD OF THE ORDER

18. ADJOURNMENT

Motion to go into Executive Session for the purpose of the following two items:

(1) Pursuant to G.L. c. 30A, s 21 et Exemption #6 of the Open Meeting Law this discussion will relate to the purchase, exchange, lease of value of real property if the chair declared that an open meeting may have a detrimental effect on the negotiating position of the public body. Discussion on Releasing Attorney Client Privilege and the Legal Opinion by KP Law on Short Term Rentals.

(2) Pursuant to G.L.c.30A, s.21 et al Exemption #6 of the Open Meeting Law this discussion will relate to the purchase, exchange, lease of value of real property if the chair declared that an open meeting may have a detrimental effect on the negotiating position of the public body and any draft minutes related thereto. The locus is Coffin Street.

by Councillor Zeid, seconded by Councillor Preston. Council President Shand declared that an open meeting may have a detrimental affect on the matter. Council President Shand noted that the City Council meeting would not be adjourning outside of the Executive Session. Roll call vote. 11 yes. Motion passes.

19. EXECUTIVE SESSION

(1) Pursuant to G.L. c. 30A, s 21 et Exemption #6 of the Open Meeting Law this discussion will relate to the purchase, exchange, lease of value of real property if the chair declared that an open meeting may have a detrimental effect on the negotiating position of the public body. Discussion on Releasing Attorney Client Privilege and the Legal Opinion by KP Law on Short Term Rentals.

(2) Pursuant to G.L.c.30A, s.21 et al Exemption #6 of the Open Meeting Law this discussion will relate to the purchase, exchange, lease of value of real property if the chair declared that an open meeting may have a detrimental effect on the negotiating position of the public body and any draft minutes related thereto. The locus is Coffin Street.