

# **CITY COUNCIL MEETING**

## **MINUTES**

**November 1, 2022 at 7:00 pm**  
**City Council Chambers, City Hall**  
**60 Pleasant Street, Newburyport**

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Zoom details for City 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

### **1. MOMENT OF SILENCE – Remembering Charlie Davis**

### **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 Clerk Jones to call the roll. The following City Councillors answered present: Khan, Lane, McCauley, Preston, Vogel, Wallace, Wright, Zeid, Cameron, Donahue, and Shand. 11 present.

### **4. LATE FILE**

- ORDR00389\_11\_01\_2022 Naming Rights Market Landing Park
- COMM00443\_11\_01\_2022 59 Low St. FAQs
- COMM00444\_11\_01\_2022 Planning & Development Net Zero Memo

### **5. PUBLIC COMMENT**

### **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 11, 2022 (Approve)

### **8. COMMUNICATIONS**

- APPL00111\_11\_01\_2022 Ladies Night Out (Run, Wine & Chocolate) 12/3 2-5pm Nicholson Hall (PS)
- APPL00112\_11\_01\_2022 DEI Alliance Table at Invitation Night 12/2 & 12/9 6-9pm Market Square (PS)
- APPL00113\_11\_01\_2022 Invitation Nights 12/2, 12/9, 12/16 6-9pm (R&F)
- COMM00438\_11\_01\_2022 Hanukkah Menorah Market Sq. 12/12-12/27 (GG)
- COMM00439\_11\_01\_2022 Owen Smith letter re: Parks Dept (N&CS)
- COMM00440\_11\_01\_2022 IT Director James Pope (GG)
- COMM00441\_11\_01\_2022 Electric Car Charging (PS)
- COMM00442\_11\_01\_2022 A Frame New England Sketch Book 1R Water St. (L&P)

### **9. TRANSFERS**

- TRAN00139\_11\_01\_2022 Mayor: General Fund Free Cash \$655,525 to Waterfront Culvert Replacement \$655,525 (B&F)
- TRAN00140\_11\_01\_2022 P&D: Waterfront Park Paid Parking Fund \$40,000 & Harbormaster Retained Earnings \$20,000 to Market Landing Park Expansion Project \$60,000 (B&F)
- TRAN00141\_11\_01\_2022 Mayor: General Fund Free Cash \$500,000 to Stabilization Trust Fund \$500,000 (B&F)
- TRAN00142\_11\_01\_2022 Finance: General Fund Free Cash \$18,647 to Parklet Maintenance Fund \$18,647 (B&F)

## 10. APPOINTMENTS

- APPT00347\_11\_01\_2022 Susan Chase 44 Oak St. Emma Andrews Library Comm. 11/1/2023
- APPT00348\_11\_01\_2022 Elizabeth Valeriani 29 Oak St. Emma Andrews Library Comm. 11/1/2023
- APPT00349\_11\_01\_2022 Virginia R. Champi 84 Purchase St. Emma Andrews Library Comm. 11/1/2023
- APPT00350\_11\_01\_2022 Aine Greaney Ellrot 43 Purchase St. Emma Andrews Library Comm. 11/1/2023

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

### AD HOC COMMITTEE ON MARKET LANDING PARK

- COMM00437\_10\_11\_2022 MLP Project Update
- ORDR00385\_10\_11\_2022 Sasaki Design Progress

### BUDGET & FINANCE

- ORDR00384\_09\_27\_2022 FY2023 Supplemental Budget with Memo

### EDUCATION

- COMM00434\_09\_27\_2022 Whittier Tech Annual Operational Report

### NEIGHBORHOOD & CITY SERVICES

- APPT00339\_09\_12\_2022 Kevin Hunt 14 10<sup>th</sup> St. Veteran's Agent 10/1/2023

### PUBLIC SAFETY

- APPT00341\_10\_11\_2022 Gregory A. Downs 40 Riverview Dr., Newbury Asst Harbormaster/Shellfish Constable/Special Police Officer
- APPT00342\_10\_11\_2022 Mike Merriman 6 Little Pond Rd., Merrimac Asst Harbormaster/Shellfish Constable/Special Police Officer
- APPT00343\_10\_11\_2022 Andrew C. Malatesta 37 Federal St. Asst Harbormaster/Shellfish Constable/Special Police Officer
- APPT00344\_10\_11\_2022 William Jarman 8 Harvard Rd., Groveland Asst Harbormaster/Shellfish Constable/Special Police Officer
- APPT00345\_10\_11\_2022 Ben Molnar 12B Summerwood Dr., Hampton Asst Harbormaster/Shellfish Constable/Special Police Officer
- APPT00346\_10\_11\_2022 Michael Maillette 7 Summit Dr., Atkinson Asst Harbormaster/Shellfish Constable/Special Police Officer
- ODNC00123\_09\_27\_2022 Handicapped Parking Space – Plummer Ave
- ODNC00124\_10\_11\_2022 Amend to Noise Ordinance
- ODNC00126\_10\_11\_2022 Amend to Ch 13-180 Resident Zone
- ODNC00127\_10\_11\_2022 Handicapped Space - Olive St

### END OF CONSENT AGENDA

TRAN00139, TRAN00141, TRAN00142 removed at the request of Councillor Zeid.

Motion to approve the Consent Agenda as amended by Councillor Zeid, seconded by Councillor Cameron. So voted.

### REGULAR AGENDA

## 9. PRESENTATION: 59 Low Street Plan Supporting NYS by Kim Turner

## 10. MAYOR'S UPDATE

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

## 11. FIRST READING APPOINTMENTS

## 12. COMMUNICATIONS

- COMM00443\_11\_01\_2022 59 Low St. FAQs  
Motion to refer to Budget & Finance and COTW by Councillor Zeid, seconded by Councillor Khan. So voted.
- COMM00444\_11\_01\_2022 Planning & Development Net Zero Memo  
Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Cameron. So voted.

## 13. TRANSFERS

- TRAN00139\_11\_01\_2022 Mayor: General Fund Free Cash \$655,525 to  
Waterfront Culvert Replacement \$655,525  
Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Cameron. 7 yes, 4 no (BL, JM, MW, SZ). Motion passes.
- TRAN00141\_11\_01\_2022 Mayor: General Fund Free Cash \$500,000 to Stabilization Trust Fund \$500,000
- TRAN00142\_11\_01\_2022 Finance: General Fund Free Cash \$18,647 to Parklet Maintenance Fund \$18,647
- Motion to refer TRAN00141 and TRAN00142 collectively to Budget & Finance by Councillor Zeid, seconded by Councillor Preston. 8 yes, 3 no (BL, MW, SZ). Motion passes.

## 14. SECOND READING APPOINTMENTS

## 15. ORDERS

- ORDR00386\_11\_01\_2022 2-6 Market St. Sidewalk Easement  
Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Cameron. So voted.
- ORDR00387\_11\_01\_2022 Signage Forrester St.  
Motion to refer to Public Safety by Councillor Zeid, seconded by Councillor Cameron. So voted.
- ORDR00388\_11\_01\_2022 NYS Facility Bond Order  
Motion to refer to Budget & Finance and COTW by Councillor Zeid, seconded by Councillor Cameron. 8 yes, 3 no (JM, MW, SZ). Motion passes.
- ORDR00389\_11\_01\_2022 Naming Rights Market Landing Park  
Motion to refer to Ad Hoc Committee on Market Landing Park by Councillor McCauley, seconded by Councillor Cameron. So voted.

## 16. ORDINANCES

- ODNC00117\_06\_27\_2022 2<sup>nd</sup> Reading Building Inspector Enforcement  
Motion to approve on 2<sup>nd</sup> reading by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 10 yes, 1 no (SZ). Motion passes
- ODNC00118\_07\_11\_2022 2<sup>nd</sup> Reading Amend Municipal Fees  
Motion to approve on 2<sup>nd</sup> reading by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 10 yes, 1 no (SZ). Motion passes.
- ODNC00128\_11\_01\_2022 Amending Ch. 2 Committees  
Motion to refer to Rules and COTW by Councillor Vogel, seconded by Councillor Preston. 10 yes, 1 no (BL). Motion passes.
- ODNC00129\_11\_01\_2022 Defining Conflict Rule for Dept. Heads
- ODNC00130\_11\_01\_2022 Grants, Gifts, and Fees  
Motion to refer collectively ODNC00129 and ODNC00130 to Budget & Finance and COTW by Councillor Zeid, seconded by Councillor Vogel. So voted.

## 17. COMMITTEE ITEMS

### Ad Hoc Committee on Adaptive Reuse of Brown School Property

*In Committee:*

### Ad Hoc Committee on Market Landing Park and COTW

*In Committee:*

- **COMM00437 10 11 2022 MLP Project Update**  
Motion to receive and file by Councillor Shand, seconded by Councillor McCauley. So voted.
- **ORDR00385 10 11 2022 Sasaki Design Progress**  
Motion to approve by Councillor Shand, seconded by Councillor Donahue. Motion to amend with the 10/25/2022 slides by Councillor McCauley, seconded by Councillor Wright. So voted. Motion to approve as amended by Councillor Shand, seconded by Councillor Donahue. Roll call vote. 9 yes, 2 no (BL, SZ). Motion passes.

**Budget & Finance**

*In Committee:*

- **ORDR00384 09 27 2022 FY2023 Supplemental Budget with Memo**  
Motion to approve collectively 151 IT Director, IT Support Staff, and IT Travel by Councillor Zeid, seconded by Councillor Cameron. So voted.  
Motion to approve 191 Legal by Councillor Zeid, seconded by Councillor Wright. So voted.  
Motion to approve 210 Police Training by Councillor Zeid, seconded by Councillor Cameron. So voted.  
Motion to approve 220 Fire Overtime by Councillor Zeid, seconded by Councillor Cameron. 10 yes, 1 no (SZ). So voted.  
Motion to approve 421 DPS Highway by Councillor Zeid, seconded by Councillor Wright. So voted.  
Motion to approve 542 Youth Services Rental Space by Councillor Cameron, seconded by Wright. 8 yes, 3 no (MW, BL, SZ). Motion passes.  
Motion to approve 543 Veterans Services P/T Office Assistant by Councillor Zeid, seconded by Councillor Cameron. 10 yes, 1 no (SZ). Motion passes.  
Motion to approve 630 Parks Landscape Supplies by Councillor Zeid, seconded by Councillor Cameron. 8 yes, 3 no (BL, JM, SZ). Motion passes.
- ORDR00336\_03\_28\_2022 ARPA Amesbury 250K (COTW)
- COMM00436\_10\_11\_2022 Ann Marie Monziona Letter re: park bench

**Education**

*In Committee:*

- **COMM00434 09 27 2022 Whittier Tech Annual Operational Report**  
Motion to receive and file by Councillor Khan, seconded by Councillor Lane. So voted.

**General Government**

*In Committee:*

**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:*

- **APPT00339 09 12 2022 Kevin Hunt 14 10<sup>th</sup> St. Veteran's Agent 10/1/2023**  
Motion to approve by Councillor Wallace, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.
- 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:*

- ODNC00125\_10\_11\_2022 Amend to Ch 5 Buildings

## Public Safety

### *In Committee:*

- APPT00341 10 11 2022 Gregory A. Downs 40 Riverview Dr., Newbury Asst Harbormaster/Shellfish Constable/Special Police Officer
- APPT00342 10 11 2022 Mike Merriman 6 Little Pond Rd., Merrimac Asst Harbormaster/Shellfish Constable/Special Police Officer
- APPT00343 10 11 2022 Andrew C. Malatesta 37 Federal St. Asst Harbormaster/Shellfish Constable/Special Police Officer
- APPT00344 10 11 2022 William Jarman 8 Harvard Rd., Groveland Asst Harbormaster/Shellfish Constable/Special Police Officer
- APPT00345 10 11 2022 Ben Molnar 12B Summerwood Dr., Hampton Asst Harbormaster/Shellfish Constable/Special Police Officer
- APPT00346 10 11 2022 Michael Maillette 7 Summit Dr., Atkinson Asst Harbormaster/Shellfish Constable/Special Police Officer

Motion to approve APPT00341, APPT00342, APPT00343, APPT00344, APPT00345, APPT00346 collectively by Councillor McCauley, seconded by Councillor Donahue. Roll call vote 11 yes.

- ODNC00123 09 27 2022 Handicapped Parking Space – Plummer Ave

Motion to approve on 1<sup>st</sup> reading by Councillor McCauley, seconded by Councillor Wright. Motion to amend to expire in ten (10) years by Councillor McCauley, seconded by Councillor Preston. 9 yes, 2 no (BL, CP). Motion to approve amended by Councillor McCauley, seconded by Councillor Wallace. Roll call vote. 10 yes, 1 no (CP). Motion passes.

- ODNC00124 10 11 2022 Amend to Noise Ordinance

Motion to approve on 1<sup>st</sup> reading by Councillor McCauley, seconded by Councillor Donahue. Roll call vote. 11 yes. Motion passes.

- ODNC00126 10 11 2022 Amend to Ch 13-180 Resident Zone

Motion to approve on 1<sup>st</sup> reading by Councillor McCauley, seconded by Councillor Cameron. Roll call vote. 10 yes, 1 no (SZ). Motion passes.

- ODNC00127 10 11 2022 Handicapped Space - Olive St

Motion to approve on 1<sup>st</sup> reading by Councillor McCauley, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.

- COMM00412\_05\_31\_2022 Ltr Ann Jaroncyk re: Traffic Safety
- COMM00414\_05\_31\_2022 Ltr. Emily Dunn re: Traffic on Merrimac Street

## Public Utilities

### *In Committee:*

## Rules

### *In Committee:*

- ORDR239\_02\_8\_2021 Council Rule 7 and 10B

## 18. GOOD OF THE ORDER

## 19. ADJOURNMENT

Motion to adjourn at 9:17 pm by Councillor Zeid, seconded by Councillor Preston. So voted.