

CITY COUNCIL MEETING

MINUTES

November 28, 2022

City Council Chambers, City Hall

60 Pleasant Street, Newburyport

Tax Classification Hearing 6:45 pm

City Council Regular Meeting 7:00 pm

LOCATION: City Council Chambers, City Hall

60 Pleasant Street, Newburyport

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

Tax Classification Hearing

1. The City Council President Heather Shand opened the hearing at 6:45 pm and asked Clerk Jones to call the roll. The following City Councillors answered present: McCauley, Preston, Vogel, Wallace, Wright, Zeid, Cameron, Donahue, Khan, Lane, and Shand. 11 present (1 remote CP).
2. Clerk Jones read the notice into the record.
3. PUBLIC COMMENT

Nancy Caswell	3 Jefferson Ct.
Owen Smith	75 Storey Ave.
Rita Mikalik	53 Warren St.
Mary Krajci	232 High St.
Jane Snow	9 Coffin St.
Ginny Eramo	18 Temple Blvd., Newbury
Gabriela Varoudakis	6 Winter St.
Dawn McCandless	8 Bittersweet Ln., Newbury
Kendal Baker	3 Middle St

Motion to close the Public Hearing by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes (1 remote CP). Motion passes.

City Council Regular Meeting

1. **MOMENT OF SILENCE**
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: McCauley, Preston, Vogel, Wallace, Wright, Zeid, Cameron, Donahue, Khan, Lane and Shand. 11 present. (1 remote CP)

4. LATE FILE

- COMM00452_11_28_2022 Boy Scouts Invitation Night 2 Tables 12/2, 12/9, 12/12 Market Sq. & Inn St.
- APPT00359_11_28_2022 Robert Uhlig 174 Merrimac St. Tree Commission 12/15/2025 (N&CS)
- COMM00453_11_28_2022 Councillor Vogel Tax Rate Discussion
- COMM00454_11_28_2022 Ltr from Robert and Susan True re: ORDR00396

5. PUBLIC COMMENT

Owen Smith 75 Storey Ave.

6. MAYOR'S COMMENT

Motion to waive the rules, remove, and approve ORDR00395_11_28_2022EP and ORDR00395_11_28_2022 by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes (1 remote CP). Motion passes.

Motion to waive the rules, remove, and approve collectively ORDR00391_11_14_2022, ORDR00392_11_14_2022, and TRAN00144_11_14_2022 by Councillor Zeid, seconded by Councillor McCauley. Motion to amend ORDR00391_11_14_2022 to 1 with no shift by Councillor Zeid, seconded by Councillor Donahue. Roll call vote. 7 yes (BV, MW, SZ, JD, AK, BL, HS), 4 no (JM, CP, CW, EC). Motion passes.

5-minute recess called at 8:54pm

Motion to amend TRAN00144_11_14_2022 to \$706,177 by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 10 yes, 1 no (BV). Motion passes.

Motion to amend ORDR00392_11_14_2022 to a tax rate \$10.74 by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 10 yes, 1 no (BV). Motion passes.

Motion to approve as amended ORDR00391, ORDR00392, and TRAN00144 by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 10 yes, 1 no (BV). Motion passes.

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

- November 14, 2022 (Approve)

8. COMMUNICATIONS

- COMM00449_11_28_2022 Letter Jim McCarthy re: Conservancy check for a crab apple tree (B&F)
- COMM00450_11_28_2022 Memo: Retirement Board Expense Budget 2023 (R&F)
- APPL00115_11_28_2022 Winter Shanties behind Custom House 12/4/22-3/5/23 (PS)
- APPL00116_11_28_2022 State Automotive Repair, LLC 2nd Hand Vehicle License (L&P)

9. TRANSFERS

10. APPOINTMENTS

- APPT00357_11_28_2022 Jamison Gagnon 17 Daniel Lucy Way Community Pres. Act Cmte. 12/15/2025 (P&D)
- APPT00358_11_28_2022 Paul S. Cardaci 135 Beach Rd., Salisbury Constable for City Business 12/01/2025 (GG)

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

BUDGET & FINANCE

- APPT00356_11_14_2022 Victoria Finnigan 10 Boxford Rd. Rowley Assistant Treasurer/Collector 12/1/2025
- ORDR00390_11_14_2022 Pay Prior Year Bills
- ORDR00391_11_14_2022 Amended - Residential Factor FY23
- ORDR00392_11_14_2022 Amended - Tax Rate FY23
- TRAN00139_11_01_2022 Amended - Mayor: General Fund Free Cash \$655,525 to
Waterfront Culvert Replacement \$655,525
- TRAN00142_11_01_2022 Finance: General Fund Free Cash \$18,647 to Parklet Maintenance Fund \$18,647
- TRAN00143_11_14_2022 DPS: Sewer Vehicle/Equip Replacement \$1,456 to
Heavy Duty Truck Purchase \$1,456
- TRAN00144_11_14_2022 Amended - Mayor: General Fund Free Cash \$401,028 to
General Fund Budget Reserve \$401,028

PUBLIC SAFETY

- ORDR00393_11_14_2022 Holiday Parking 2022
- ODNC00131_11_14_2022 Amended Pleasant Street 15 min parking space

RULES

- ODNC00128_11_01_2022 Amending Ch. 2 Committees (COTW)

END OF CONSENT AGENDA

COMM00450_11_28_2022 removed at the request of Councillor Wright.

APPT00359_11_28_2022 to be referred to N&CS

APPT00358_11_28_2022 to be referred to GG

Motion to approve the Consent Agenda as amended by Councillor Zeid, seconded by Councillor Lane. Roll call vote. 11 yes (remote CP). Motion passes.

REGULAR AGENDA

9. MAYOR'S UPDATE

Motion to receive and file by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 11 yes (1 remote CP). Motion passes.

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

- COMM00451_11_28_2022 PTO hot cocoa table at tree lighting
Motion to receive and file by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes (1 remote CP). Motion passes.
- COMM00450_11_28_2022 Memo: Retirement Board Expense Budget 2023
Motion to receive and file by Councillor Zeid, seconded by Councillor Cameron. Roll call vote, 10 yes (1 remote CP), 1 no (MW). Motion passes,
- COMM00448_11_28_2022 Emails re: bench and plaque updates
Motion to receive and file by Councillor Lane, seconded by Councillor Cameron. Roll call vote. 4 yes (CP, MW, EC, AK) 7 no (JM, BV, CW, SZ, JD, BL, HS). Motion fails.
Motion to refer Budget & Finance by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 10 yes (1 remote CP), 1 no (BL). Motion passes.
- COMM00452_11_28_2022 Boy Scouts Invitation Night 2 Tables 12/2, 12/9, 12/12 Market Sq. & Inn St.
Motion to approve by Councillor McCauley, seconded by Councillor Wright. Roll call vote. 11 yes (1 remote CP). Motion passes.
- COMM00453_11_28_2022 Councillor Vogel Tax Rate Discussion
Motion to receive and file by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes (1 remote CP). Motion passes
- COMM00454_11_28_2022 Ltr from Robert and Susan True re: ORDR00396
Motion to refer to collectively COMM00454 and ORDR ORDR00396 to Public Safety, to refer ORDR00394 to Planning & Development, and approve on 2nd reading APPT00354 and APPT00355 by Councillor Zeid, seconded by Councillor Wright. Councillor Cameron recused. Roll call vote. 9 yes (1 remote CP), 1 no (JM), 1 recused (EC). Motion passes.

12. TRANSFERS

13. SECOND READING APPOINTMENTS

- APPT00354_11_14_2022 Monica Welsh 1 Market St. Cultural Council 12/1/2025

Re-Appointment:

- APPT00355_11_14_2022 Adrienne Silversmith 4 Willow Ave. Cultural Council 11/30/2025
Motion to refer to collectively COMM00454 and ORDR ORDR00396 to Public Safety, and refer ORDR00394 to Planning & Development, and approve on 2nd reading APPT00354 and APPT00355 by Councillor Zeid, seconded by Councillor Wright. Councillor Cameron recused. Roll call vote. 9 yes (1 remote CP), 1 no (JM), 1 recused (EC). Motion passes.

14. ORDERS

- ORDR00394_11_28_2022 Hancock Street Tree Maintenance Access Easement
Motion to refer to collectively COMM00454 and ORDR ORDR00396 to Public Safety, and refer ORDR00394 to Planning & Development, and approve on 2nd reading APPT00354 and APPT00355 by Councillor Zeid, seconded by Councillor Wright. Councillor Cameron recused. Roll call vote. 9 yes (1 remote CP), 1 no (JM), 1 recused (EC). Motion passes.
- ORDR00395_11_28_2022EP Emergency Preamble Resolution Soccer Team
- ORDR00395_11_28_2022 Resolution Soccer Team
- ORDR00396_11_28_2022 Cherry Street Signage
Motion to refer to collectively COMM00454 and ORDR ORDR00396 to Public Safety, and refer ORDR00394 to Planning & Development, and approve on 2nd reading APPT00354 and APPT00355 by Councillor Zeid, seconded by Councillor Wright. Councillor Cameron recused. Roll call vote. 9 yes (1 remote CP), 1 no (JM), 1 recused (EC). Motion passes.

15. ORDINANCES

16. 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:

- ORDR00389_11_01_2022 Naming Rights Market Landing Park

Budget & Finance

In Committee:

- APPT00356 11 14 2022 Victoria Finnigan 10 Boxford Rd. Rowley Assistant Treasurer/Collector 12/1/2025
Motion to approve by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes (1 remote CP). Motion passes.
- ORDR00390 11 14 2022 Pay Prior Year Bills
Motion to approve by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes (1 remote CP). Motion passes.
- ORDR00391 11 14 2022 Amended - Residential Factor FY23
- ORDR00392 11 14 2022 Amended - Tax Rate FY23
- TRAN00139 11 01 2022 Amended - Mayor: General Fund Free Cash \$655,525 to Waterfront Culvert Replacement \$655,525
Motion to approve by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 6 yes (CP, BV, EC, JD, AK, HS), 5 no (JM, CW, MW, SZ, BL). Motion passes.
- TRAN00142 11 01 2022 Finance: General Fund Free Cash \$18,647 to Parklet Maintenance Fund \$18,647
Motion to approve by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes (1 remote CP). Motion passes.

- **TRAN00143 11 14 2022** **DPS: Sewer Vehicle/Equip Replacement \$1,456 to Heavy Duty Truck Purchase \$1,456**

Motion to approve by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes (1 remote CP). Motion passes.

- **TRAN00144 11 14 2022** **Amended - Mayor: General Fund Free Cash \$401,028 to General Fund Budget Reserve \$401,028**

- ORDR00336_03_28_2022 ARPA Amesbury 250K (COTW)
- COMM00443_11_01_2022 59 Low St. FAQs (COTW)
- 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
- TRAN00141_11_01_2022 Mayor: General Fund Free Cash \$500,000 to Stabilization Trust Fund \$500,000
- ORDR00388_11_01_2022 NYS Facility Bond Order (COTW)
- ODNC00129_11_01_2022 Defining Conflict Rule for Dept. Heads (COTW)
- ODNC00130_11_01_2022 Grants, Gifts, and Fees (COTW)
- ODNC00132_11_14_2022 Mandated Reporting

Education

In Committee:

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
- COMM00442_11_01_2022 A Frame New England Sketch Book 1R Water St.

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
- COMM00439_11_01_2022 Owen Smith letter re: Parks Dept
- COMM00446_11_14_2022 Snow and Ice Plan 2022-2023
- APPT00351_11_14_2022 Jean L. Berger 33 Middle St. Tree Commission 12/1/2025
- APPT00352_11_14_2022 Stephanie Pellegrini 11 Lois St. Tree Commission 12/1/2025

Planning & Development

In Committee:

- ODNC00125_10_11_2022 Amend to Ch 5 Buildings
- COMM00444_11_01_2022 Planning & Development Net Zero Memo
- COMM00445_11_14_2022 59 Low Street Plan (COTW)
- APPT00353_11_14_2022 Andrew Shapiro 20 Eagle St. Affordable Housing Trust 12/1/2024

Public Safety

In Committee:

- **ORDR00393 11 14 2022** **Holiday Parking 2022**

Motion to approve by Councillor McCauley, seconded by Councillor Wright. Roll call vote. 11 yes (1 remote CP). Motion passes.

- **ODNC00131_11_14_2022 Amended Pleasant Street 15 min parking space**

Motion to approve on 1st reading by Councillor McCauley, seconded by Councillor Wright. Roll call vote. 10 yes (1 remote CP), 1 no (SZ). Motion passes.

- COMM00412_05_31_2022 Ltr Ann Jaroncyk re: Traffic Safety

- COMM00414_05_31_2022 Ltr. Emily Dunn re: Traffic on Merrimac Street

- ORDR00387_11_01_2022 Signage Forrester St.

- COMM00447_11_14_2022 Girl Scout Troop 67103 to sell cookies 12/9 in Market Sq.-**Withdrawn**

Motion to receive and file by Councillor McCauley, seconded by Councillor Wright. Roll call vote. 11 yes (1 remote CP). Motion passes.

Motion to go past 10:00 PM by Councillor Wright, seconded by Councillor McCauley. Roll call vote. 11 yes (1 remote CP). Motion passes.

Public Utilities

In Committee:

Rules

In Committee:

- **ODNC00128_11_01_2022 Amending Ch. 2 Committees (COTW)**

Motion to approve on 1st reading by Councillor Vogel, seconded by Councillor Zeid. Motion to amend to change the name of the Committee on “City” Services to “Community” Services by Councillor Wallace, seconded by Councillor Donahue. Roll call vote. 11 yes (1 remote CP). Motion passes.

Motion to approve on 1st reading as amended by Councillor Vogel, seconded by Councillor Zeid. Roll call vote. 11 yes (1 remote CP). Motion passes.

- ORDR239_02_8_2021 Council Rule 7 and 10B

17. GOOD OF THE ORDER

18. ADJOURNMENT

Motion to adjourn at 10:03 PM by Councillor Zeid, seconded by Councillor Wright. . Roll call vote. 11 yes (1 remote CP). Motion passes.