

# **CITY COUNCIL MEETING**

## **MINUTES**

**December 12, 2022 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 Robert “Bubba” Hanson

**2. PLEDGE OF ALLEGIANCE**

**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: Preston, Vogel, Wallace, Wright, Zeid, Cameron, Donahue, Khan, Lane, McCauley and Shand. 11 present.

**3. LATE FILE**

**4. PUBLIC COMMENT**

Rick Taintor	10 Dexter St.
Dawn Brandmark	36 Hale St.
Ronald Dienstmann	36 Hale St.
Owen Smith	175 Storey Ave.

**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 28, 2022

(Approve)

**7. COMMUNICATIONS**

- COMM00455\_12\_12\_2022 Net Zero report West End Fire Station
- COMM00456\_12\_12\_2022 Letters re: Curb Cut 4 Wilkinson Dr. & 34 Hale St.

(P&D)

(PS)

**8. TRANSFERS**

**9. APPOINTMENTS**

- APPT0360\_12\_12\_2022 Jeffrey Mattheson 12 Hart Rd. Electrical Inspector 1/1/2024

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

### **BUDGET & FINANCE**

- COMM00449\_11\_28\_2022 Letter Jim McCarthy re: Conservancy check for a crab apple tree
- COMM00448\_11\_28\_2022 Emails re: bench and plaque updates
- ORDR00336\_03\_28\_2022 ARPA Amesbury 250K (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

## **GENERAL GOVERNMENT**

- APPT00358\_11\_28\_2022 Paul S. Cardaci 135 Beach Rd., Salisbury Constable for City Business

## **LICENSE & PERMITS**

- 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.
- APPL00116\_11\_28\_2022 State Automotive Repair, LLC 2nd Hand Vehicle License

## **NEIGHBORHOOD & CITY SERVICES**

- 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
- APPT00359\_11\_28\_2022 Robert Uhlig 174 Merrimac St. Tree Commission 12/15/2025
- COMM00439\_11\_01\_2022 Owen Smith letter re: Parks Dept
- COMM00446\_11\_14\_2022 Snow and Ice Plan 2022-2023

## **PLANNING & DEVELOPMENT**

- ORDR00394\_11\_28\_2022 Hancock Street Tree Maintenance Access Easement
- ODNC00125\_10\_11\_2022 Amend to Ch 5 Buildings
- COMM00444\_11\_01\_2022 Planning & Development Net Zero Memo
- APPT00353\_11\_14\_2022 Andrew Shapiro 20 Eagle St. Affordable Housing Trust 12/1/2024
- APPT00357\_11\_28\_2022 Jamison Gagnon 17 Daniel Lucy Way Comm. Preservation Act Cmte. 12/15/2025

## **PUBLIC SAFETY**

- APPL00115\_11\_28\_2022 Winter Shanties behind Custom House 12/4/22-3/5/23
- ORDR00396\_11\_28\_2022 Cherry Street Signage
- COMM00454\_11\_28\_2022 Ltr from Robert and Susan True re: ORDR00396
- ORDR00387\_11\_01\_2022 Signage Forrester St.

## **END OF CONSENT AGENDA**

Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Donahue. So voted.

## **REGULAR AGENDA**

### **9. MAYOR'S UPDATE**

### **10. FIRST READING APPOINTMENTS**

### **11. COMMUNICATIONS**

- APPL00117\_12\_12\_2022 Firehouse Ctr for the Arts Singalong Parade Sat. 12/17 12-1pm  
Merrimac, State, High, Green Streets

Motion to waive the rules and declare an emergency by Councillor Zeid, seconded by Councillor Cameron. So voted.

Motion to approve by Councillor Zeid, seconded by Councillor Cameron. So voted.

### **12. TRANSFERS**

### **13. SECOND READING APPOINTMENTS**

ODNC00128\_11\_01\_2022 2<sup>nd</sup> Reading Amending Ch. 2 Committees (COTW)

Motion to waive the rules to take ORDR00128 out of order and move up on the agenda by Councillor Zeid, seconded by Councillor Preston. So voted. Motion to approve on 2<sup>nd</sup> reading by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 10 yes, 1 no (BL). Motion passes.

#### 14. ORDERS

- ORDR00397\_12\_12\_2022 City Council Meetings 2023  
Motion to approve by Councillor Zeid, seconded by Councillor Vogel. So voted.
- ORDR00398\_12\_12\_2022 Snow Emergency Parking Auburn St  
Motion to refer to Public Works & Safety by Councillor Zeid, seconded by Councillor Donahue. So voted.
- ORDR00399\_12\_12\_2022 Asphalt sidewalk waiver request package - West End Fire Station project  
Motion to refer to Public Works & Safety by Councillor Zeid, seconded by Councillor Donahue. So voted.
- ORDR00400\_12\_12\_2022 Morrill Foundation Gift Acceptance  
Motion to refer ORDR00400, ORDR00401, ORDR00403 collectively to Budget & Finance by Councillor Zeid, seconded by Councillor Lane. So voted.
- ORDR00401\_12\_12\_2022 Karen Jones Cashman Multi-Sport Court Gift Acceptance  
Motion to refer ORDR00400, ORDR00401, ORDR00403 collectively to Budget & Finance by Councillor Zeid, seconded by Councillor Lane. So voted.
- ORDR00402\_12\_12\_2022 Belleville Improvement Society Gift Acceptance  
Councillor Wallace recused. Motion to refer collectively to Budget & Finance by Councillor Zeid, seconded by Councillor Preston. 10 yes, 1 recused (CW). So voted.
- ORDR00403\_12\_12\_2022 Central Congregational Church Gift Acceptance  
Motion to refer ORDR00400, ORDR00401, ORDR00403 collectively to Budget & Finance by Councillor Zeid, seconded by Councillor Lane. So voted.

#### 15. ORDINANCES

- ODNC00128\_11\_01\_2022 2<sup>nd</sup> Reading Amending Ch. 2 Committees (COTW)

Motion to refer APPT00360\_12\_12\_2022 to Public Works & Safety by Councillor McCauley, seconded by Councillor Preston. Motion withdrawn.

- ODNC00131\_11\_14\_2022 2<sup>nd</sup> Reading Amended Pleasant Street 15 min parking space  
Motion to approve on 2<sup>nd</sup> reading by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 10 yes, 1 no (SZ). Motion passes.

#### 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:***

- COMM00449 11 28 2022 Letter Jim McCarthy re: Conservancy check for a crab apple tree  
Motion to receive and file COMM00449 and COMM00448 collectively by Councillor Zeid, seconded by Councillor Khan. 10 yes, 1 no (BV). So voted.
- COMM00448 11 28 2022 Emails re: bench and plaque updates  
Motion to receive and file COMM00449 and COMM00448 collectively by Councillor Zeid, seconded by Councillor Khan. 10 yes, 1 no (BV). So voted.
- ORDR00336 03 28 2022 ARPA Amesbury 250K (COTW)  
Motion to refer back to Budget & Finance and COTW by Councillor Zeid, seconded by Councillor Wright. So voted.

- **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**

Motion to approve by Councillor Zeid, seconded by Councillor Vogel. Motion to amend to refund equally among the three contributing funds should the cost be less than \$60,000 by Councillor Zeid, seconded by Councillor Khan. So voted.

Motion to approve as amended by Councillor Zeid, seconded by Councillor Wright. So voted.

- **TRAN00141 11 01 2022 Mayor: General Fund Free Cash \$500,000 to Stabilization Trust Fund \$500,000**

Motion to approve by Councillor Zeid, seconded by Councillor McCauley. So voted.

- 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
- ORDR00388\_11\_01\_2022 NYS Facility Bond Order (COTW)
- COMM00443\_11\_01\_2022 59 Low St. FAQs (COTW)

## Education

### *In Committee:*

## General Government

### *In Committee:*

- **APPT00358 11 28 2022 Paul S. Cardaci 135 Beach Rd., Salisbury Constable for City Business**

Motion to approve on 2<sup>nd</sup> reading by Councillor Shand, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.

## License & Permits

### *In Committee:*

- **COMM00385 01 31 2022 STRU Fire Sprinkler Systems**

Motion to receive and file COMM00385 and COMM00388 collectively by Councillor Lane, seconded by Councillor McCauley. So voted.

- **COMM00388 01 31 2022 UPDATED STRU Fire Sprinkler Systems**

Motion to receive and file COMM00385 and COMM00388 collectively by Councillor Lane, seconded by Councillor McCauley. So voted.

- **COMM00442 11 01 2022 A Frame New England Sketch Book 1R Water St.**

Motion to approve by Councillor Lane, seconded by Councillor Cameron. So. Voted.

- **APPL00116 11 28 2022 State Automotive Repair, LLC 2nd Hand Vehicle License**

Motion to approve by Councillor Lane, seconded by Councillor McCauley. So voted.

- ODNC047\_01\_27\_2020 General Ordinance - Short Term Rental Units Rules

## Neighborhoods & City Services

### *In Committee:*

- **APPT00351 11 14 2022 Jean L. Berger 33 Middle St. Tree Commission 12/1/2025**

Motion to approve on 2<sup>nd</sup> reading by Councillor Wallace, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

- **APPT00352 11 14 2022 Stephanie Pellegrini 11 Lois St. Tree Commission 12/1/2025**

Motion to approve on 2<sup>nd</sup> reading by Councillor Wallace, seconded by Councillor Donahue. Roll call vote. 11 yes. Motion passes.

- **APPT00359 11 28 2022 Robert Uhlig 174 Merrimac St. Tree Commission 12/15/2025**

Motion to approve on 2<sup>nd</sup> reading by Councillor Wallace, seconded by Councillor Cameron. Motion to amend to require appointment to provide proof of residency to the clerk in the form of vehicle registration and license by Councillor McCauley, seconded by Councillor Donahue. 9 yes, 2 no (EC, BV). Motion passes. Motion to approve on 2<sup>nd</sup> reading amended by Councillor Wallace, seconded by Councillor Cameron. Roll call vote. 9 yes, 2 no (SZ, BV). Motion passes. Roll call vote. 11 yes. Motion passes. Motion to reconsider by Councillor Preston, seconded by Councillor Vogel. Roll call vote. 4 yes (CP, BV, MW, EC), 7 no (CW, SZ, JD, AK, BL, JM, HS). Motion fails.

- **COMM00439 11 01 2022 Owen Smith letter re: Parks Dept**

Motion to receive and file by Councillor Wallace, seconded by Councillor Zeid. 10 yes, 1 no (BV). Motion passes.

- **COMM00446 11 14 2022 Snow and Ice Plan 2022-2023**

Motion to receive and file by Councillor Wallace, seconded by Councillor Zeid. Motion to amend to update the plan to what is posted on city website by Councillor Preston, seconded by Councillor McCauley. So voted. Motion to receive and file as amended by Councillor Wallace, seconded by Councillor Zeid. 10 yes, 1 present (SZ). 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:*

- **ORDR00394 11 28 2022 Hancock Street Tree Maintenance Access Easement**

Councillor Cameron recused. Motion to approve by Councillor Wallace, seconded by Councillor Donahue. Roll call vote. 9 yes, 1 no (SZ), 1 recused (EC). Motion passes.

- **ODNC00125 10 11 2022 Amend to Ch 5 Buildings**

Motion to approve on 1<sup>st</sup> reading by Councillor Cameron, seconded by Councillor Preston. Motion to amend to accept the changes made in committee to include the language **bottom of** and strike **grade**. Motion to amend to strike **OpenGov** by Councillor Zeid, seconded by Councillor Cameron. So voted. Friendly amendment by Councillors Wallace and Khan to add to the second to last line **Civil** to MA Licensed Engineer. Motion to approve on 1<sup>st</sup> reading as amended by Councillor Cameron, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

- **COMM00444 11 01 2022 Planning & Development Net Zero Memo**

Motion to receive and file by Councillor Cameron, seconded by Councillor Vogel. So voted.

- **APPT00353 11 14 2022 Andrew Shapiro 20 Eagle St. Affordable Housing Trust 12/1/2024**

Motion to approve on 2<sup>nd</sup> reading by Councillor Cameron, seconded by Councillor Preston. Roll call vote. 11 yes, Motion passes.

- **APPT00357 11 28 2022 Jamison Gagnon 17 Daniel Lucy Way Comm. Preservation Act Cmte. 12/15/2025**

Motion to approve on 2<sup>nd</sup> reading by Councillor Cameron, seconded by Councillor Lane. Roll call vote. 11 yes, Motion passes.

- COMM00445\_11\_14\_2022 59 Low Street Plan (COTW)

## Public Safety

### *In Committee:*

- **APPL00115 11 28 2022 Winter Shanties behind Custom House 12/4/22-3/5/23**

Motion to receive and file by Councillor McCauley, seconded by Councillor Preston. So voted.

- **ORDR00396 11 28 2022 Cherry Street Signage**

Motion to approve by Councillor McCauley, seconded by Councillor Preston. So voted

- **COMM00454 11 28 2022 Ltr from Robert and Susan True re: ORDR00396**

Motion to receive and file collectively COMM00454 and ORDR00387 by Councillor McCauley, seconded by Councillor Wright. So voted.

- **ORDR00387 11 01 2022 Signage Forrester St.**

Motion to receive and file collectively COMM00454 and ORDR00387 by Councillor McCauley, seconded by Councillor Wright. So voted.

- COMM00412\_05\_31\_2022 Ltr Ann Jaronecyk 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

Motion to move to General Government by Councillor Vogel, seconded by Councillor Khan. So voted.

**17. GOOD OF THE ORDER**

Councillor Donahue thanked her colleagues for their assistance in a rewarding first year on the Council.

Councillor McCauley requested the consideration of an Executive Session on January 9<sup>th</sup>. Council President Shand noted that the Council should be prepared to do so.

**18. ADJOURNMENT**

Motion to adjourn at 8:45pm by Councillor Preston, seconded by Councillor Donahue. So voted.