

CITY COUNCIL MEETING

MINUTES

**February 27, 2023 7:00 pm
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

1. **MOMENT OF SILENCE** Remembering Bruce Warick, Erford Fowler
2. **PLEDGE OF ALLEGIANCE**
3. **CALL TO ORDER** 7:00 pm City Clerk Richard B. Jones called the roll, the following City Councillors answered present: Cameron, Donahue, Khan, Lane, McCauley, Preston, Vogel, Wallace, Wright, Zeid, and Shand. 11 present, (1 remote JD).
4. **LATE FILE**
 - COMM00465_02_27_2023 Street Paving Plan FY23-FY28
 - ODNC00142_02_27_2023 Amend Ch 5-62 Bldg Code Fees
 - ORDR00430_02_27_2023 EP Emergency Preamble: Waiver of Ch 5-62 Bldg Code Fees
 - ORDR00430_02_27_2023 Waiver of Ch 5-62 Bldg Code FeesMotion to waive the rules and accept the Late Files by Councillor Zeid, seconded by Councillor Lane. Roll call vote 11 yes. Motion passes.
5. **PUBLIC COMMENT**

Marianne Vesey	10 Kent St.
Linda Lu Burciaga	18 Hoyt's Lane
John Budzyna	11 Cushing Ave.
Ryan Kelley	24 School St.
James Jones	2 Wills Lane
Jane Snow	9 Coffin St.
Owen Smith	175 Storey Ave.
Mike Leonard	13 Tyng St.
Anna Smulowitz	2 Fairview Ave.
Kim Wilkinson	1 Avon St.
Fontaine Dubois	50 Water St.
Linda Zirin	21 Federal St.
Heidi Newfell	10 Orange St.
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

- February 13, 2023

(Approve)

8. COMMUNICATIONS

- APPL00121_02_27_2023 IPA5K Road Races 4/16/23, 7/16/23, & 10/1/23 (L&P)
- APPL00122_02_27_2023 2nd Hand Vehicle License-Newburyport Sunoco (L&P)
- COMM00461_02_27_2023 Brown School Gymnasium Considerations (GG/COTW)
- COMM00462_02_27_2023 Ltr. From Kathleen O'Connor Ives re: drinking water concerns (PW&S)
- COMM00463_02_27_2023 NYS Facility Funding Discussion (B&F/COTW)
- COMM00464_02_27_2023 Brown School RFI Councillor Zeid Redline (GG/COTW)

9. TRANSFERS

10. APPOINTMENTS

- APPT00384_02_27_2023 Jon-Eric White Temporary DPS Director (PW&S)

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

BUDGET & FINANCE

Re-Appointment:

- APPT00372_01_30_2023 Ethan Manning 31 Howard St. Dir. of Fin./City Auditor 2/1/2026
- ORDR00388_11_01_2022 NYS Facility Bond Order (COTW)
- COMM00443_11_01_2022 59 Low St. FAQs (COTW)
- COMM00458_01_30_2023 FY2023 Mid-Year Budget Report

COMMUNITY SERVICES

- ORDR00419_01_30_2023 Resolution Pete Pollard
- COMM00460_01_30_2023 Letters of Support for Parks Plan
- ORDR00417_01_30_2023 Parks Reorganization Plan (COTW)

PLANNING & DEVELOPMENT

Re-Appointment:

- APPT00378_02_13_2023 Greg Earls 2 Sanborn Rd. Hampton Falls, NH Building Comm. 3/1/2026

PUBLIC WORKS & SAFETY

- APPT00368_01_30_2023 Kim Emmons 9 Doe Run Dr. Water/Sewer Comm. 2/1/2025
- APPT00381_02_13_2023 Wilfred "Paul" Suozzo, Jr. 7 Hunter Dr. Water/Sewer Comm. 3/1/2025
- ORDR00413_01_30_2023 Parking Garage Inn Permit Fee
- ORDR00421_02_13_2023 National Grid Virginia Lane/Storey Ave. Easement

END OF CONSENT AGENDA

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

REGULAR AGENDA

9. MAYOR'S UPDATE

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

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

- COMM00465_02_27_2023 LATE FILE Street Paving Plan FY23-FY28

Motion to refer to Public Works & Safety by Councillor Zeid, seconded by Councillor McCauley. Friendly amendment by Councillor Khan to refer to also COTW. Roll call vote. 11 yes. Motion passes.

12. TRANSFERS

13. SECOND READING APPOINTMENTS

- APPT00377_02_13_2023 Becky MacKnight 13 Farrell St. Tree Commission 3/1/2026

Re-appointments:

- APPT00379_02_13_2023 Lorraine Ward 7 Sullivan Dr. Human Rights Comm. 3/1/2025
- APPT00380_02_13_2023 Kristen Farrell 28 Spofford St. Comm. On Disabilities 3/1/2026
- APPT00383_02_13_2023 Susanne Gallagher 3 Garnet St. Board of Registrars 3/1/2026

Motion to approve collectively by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.

14. ORDERS

- ORDR00423_02_27_2023 Resolution in Support of Changing the State Flag & Seal of Massachusetts

Motion refer to General Government by Councillor Khan, seconded by Councillor Cameron. Roll call vote. 9 yes, 2 no (JM, SZ). Motion passes.

- ORDR00424_02_27_2023 EP Election Calendar 2023

- ORDR00424_02_27_2023 Election Calendar 2023

Motion collectively waive the rules, declare an emergency, and approve by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.

- ORDR00425_02_27_2023 Exchange Club Gift Acceptance

- ORDR00426_02_27_2023 Police Cruiser Equipment Lease

- ORDR00427_02_27_2023 NYSA Gift Acceptance

Motion refer collectively ORDR00425, ORDR00426, and ORDR00427 to Budget & Finance by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

- ORDR00428_02_27_2023 Request for Expressions of Interest (RFI) for former Brown School Property

Motion refer to General Government and COTW by Councillor Vogel, seconded by Councillor Khan. Roll call vote. 9 yes, 2 no (BL, SZ). Motion passes.

- ORDR00429_02_27_2023 Amended City Council Rules 2023

Motion refer to General Government and COTW by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

- ODNC00142_02_27_2023 LATE FILE Amend Ch 5-62 Bldg Code Fees

Motion waive the rules, declare an emergency, and approve on 1st reading by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

- ORDR00430_02_27_2023 EP LATE FILE Emergency Preamble: Waiver of Ch 5-62 Bldg Code Fees

- ORDR00430_02_27_2023 LATE FILE Waiver of Ch 5-62 Bldg Code Fees

Motion collectively waive the rules, declare an emergency, and approve by Councillor Zeid, seconded by Councillor Cameron. Motion to amend to 2nd sentence of the last paragraph to state “and this deferment expires on June 1, 2024” by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 8 yes, 3 no (JD, AK, BV). Motion passes. Motion to approve as amended by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.

15. ORDINANCES

- ODNC00138_02_27_2023 Amend Municipal Fee Schedule - Inn Permit

Motion refer collectively ODNC00138 and ODNC00140 to Public Works & Safety by Councillor McCauley, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.

- ODNC00139_02_27_2023 Amend Municipal Fee Schedule Food Truck

Motion refer to Community Services by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

- ODNC00140_02_27_2023 Amend Municipal Fee Schedule Parking Fines
Motion refer collectively ODNC00138 and ODNC00140 to Public Works & Safety by Councillor McCauley, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.
- ODNC00141_02_27_2023 Zoning Amendment STRU
Motion refer to Planning & Development COTW by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes. 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:

Re-Appointment:

- APPT00372 01 30 2023 Ethan Manning 31 Howard St. Dir. of Fin./City Auditor 2/1/2026

Motion to approve by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.

- ORDR00388 11 01 2022 NYS Facility Bond Order (COTW)

- COMM00443 11 01 2022 59 Low St. FAQs (COTW)

Motion to collectively receive and file ORDR00388 and COMM00443 by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 9 yes, 2 no (JD, BV). Motion passes.

- COMM00458 01 30 2023 FY2023 Mid-Year Budget Report

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

- ORDR00336_03_28_2022 ARPA Amesbury 250K (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

Community Services

In Committee:

- ORDR00419 01 30 2023 Resolution Pete Pollard

Motion to approve by Councillor McCauley, seconded by Councillor Cameron . Roll call vote. 11 yes. Motion passes.

- COMM00460 01 30 2023 Letters of Support for Parks Plan

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

- ORDR00417 01 30 2023 Parks Reorganization Plan (COTW)

Motion to approve by Councillor McCauley, seconded by Councillor Cameron . Roll call vote. 10 yes, 1 no (BV). Motion passes.

- ORDR00418_01_30_2023 Resolution Purple Heart City
- ORDR00422_02_13_2023 Newburyport Commission on Disabilities Bylaws

General Government

In Committee:

Re-Appointment:

- ORDR00415_01_30_2023 Brown School Ad Hoc Update
- ORDR239_02_8_2021 Council Rule 7 and 10B

Licenses & Permits

In Committee:

- ODNC047_01_27_2020 General Ordinance - Short Term Rental Units Rules

Planning & Development

In Committee:

Re-appointment:

- APPT00378 02 13 2023 Greg Earls 2 Sanborn Rd. Hampton Falls, NH Building Comm. 3/1/2026
Motion to approve by Councillor Cameron, seconded by Councillor Preston . Roll call vote.11 yes. Motion passes.
- COMM00445_11_14_2022 59 Low Street Plan (COTW)
- ODNC00135_01_30_2023 Zoning Amendment ITIF Remove Residential Use
- ODNC00136_01_30_2023 General Code Amendment Planning Board Membership (COTW)
- ODNC00137_01_30_2023 Zoning Amendment Planning Board Membership (COTW)

Public Works & Safety

In Committee:

- APPT00368 01 30 2023 Kim Emmons 9 Doe Run Dr. Water/Sewer Comm. 2/1/2025
Motion to approve by Councillor Wallace, seconded by Councillor McCauley . Roll call vote.11 yes. Motion passes.
- APPT00381 02 13 2023 Wilfred “Paul” Suozzo, Jr. 7 Hunter Dr. Water/Sewer Comm. 3/1/2025
Motion to approve by Councillor Wallace, seconded by Councillor McCauley . Roll call vote.11 yes. Motion passes.
- ORDR00413 01 30 2023 Parking Garage Inn Permit Fee
Motion to receive and file by Councillor Wallace, seconded by Councillor Zeid . Roll call vote.11 yes. Motion passes.
- ORDR00421 02 13 2023 National Grid Virginia Lane/Storey Ave. Easement
Motion to approve by Councillor Wallace, seconded by Councillor McCauley . 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
- COMM00456_12_12_2022 Letters re: Curb Cut 4 Wilkinson Dr. & 34 Hale St.
- ODNC00103_01_10_2022 Streets, Sidewalks, and Other Public Places Alterations & Maintenance
- COMM00459_01_30_2023 Ltr. Residents concerned with speeding on Arlington St.
- APPT00382_02_13_2023 Thomas O’Brien 11 Moseley Ave. Water/Sewer Comm. 3/1/2025

17. GOOD OF THE ORDER

18. EXECUTIVE SESSION: Pursuant to MGL c. 30A s. 21 there will be an executive session for the purpose of discussing strategy with respect to litigation with City Solicitor, KP Law.

Motion to go into Executive Session without returning to the City Council meeting by Councillor Zeid, seconded by Councillor Wright. Roll call vote.11 yes. Motion passes.

19. ADJOURNMENT