

# **CITY COUNCIL MEETING**

## **MINUTES**

**March 27, 2023 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 Francis Daigle, Jeffrey Alcorn, Byron Matthews

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

**4. LATE FILE**

- APPT00388\_03\_27\_2023 Wayne Amaral 2 Woodwell Circle, Amesbury Director DPS 4/1/2026  
Motion to waive the rules and accept the late file by Councillor Zeid, seconded by Councillor Donahue. So voted.  
Councillor Wallace noted that going forward she will be recusing from all discussion and votes on APPT00388.

**5. PUBLIC COMMENT**

Kristen Farrell 28 Spofford St.  
Ben Iacono 4 Hallisey Dr.  
James Jones 2 Wills Ln.  
Owen Smith 175 Storey Ave.  
Paul Bevilacqua 126 Merrimac 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**

- March 13, 2023 (Approve)

**8. COMMUNICATIONS**

- APPL00127\_03\_27\_2023 Flag Day 5K Saturday, June 10th 4-8pm (L&P)
- APPL00128\_03\_27\_2023 GNOCA 5K Sept. 24th 10am-1pm (L&P)
- APPL00129\_03\_27\_2023 Love Local on Inn St. Thursday, May 18th 6:30-9:30 pm (L&P)
- COMM00472\_03\_27\_2023 Ltr. Kathleen O'Connor Ives (GG)
- COMM00473\_03\_27\_2023 2023 Parklets update (PW&S)

**9. TRANSFERS**

- TRAN00150\_03\_27\_2023 Mayor: General Fund-Free Cash \$30,000 to City Hall Main Floor HVAC \$30,000 (B&F)

**10. APPOINTMENTS**

- APPT00387\_03\_27\_2023 Thomas O'Brien 11 Moseley Ave. Water/Sewer Comm. 3/31/2025 (PW&S)

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

#### **BUDGET & FINANCE**

- TRAN00149\_03\_13\_2023 Mayor: PRK Sal Parks Dir \$32,500 to HR Unemployment Claims \$20K, HR Job Advertising \$3K, PRK Maint-Equip \$7K, PRK Restroom Rentals \$2,500
- ODNC00144\_03\_13\_2023 Amend Ch 2-394 Departmental Revolving Funds
- 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 (*amended*)

#### **COMMUNITY SERVICES**

- APPT00386\_03\_13\_2023 Anita Greenwood 151 High St. Parks Comm. 3/30/2028
- ORDR00431\_03\_13\_2023 Park Comm Bench Policy
- ODNC00145\_03\_13\_2023 Amend Ch 11-5 Rules and Regulations Public Parks & Playgrounds
- ODNC00147\_03\_13\_2023 Amend Municipal Fees 2-J Parks and Recreation
- COMM00471\_03\_13\_2013 Resident letter: Pickleball Atkinson Common
- ORDR00422\_02\_13\_2023 Newburyport Commission on Disabilities Bylaws (*amended*)

#### **LICENSES & PERMITS**

- APPL00123\_03\_13\_2023 RL Currie 2nd Hand Motor Vehicle License
- APPL00125\_03\_13\_2023 Wright Wedding Plum Island 9/30/2023

#### **PUBLIC WORKS & SAFETY**

- APPT00382\_02\_13\_2023 Thomas O'Brien 11 Moseley Ave. Water/Sewer Comm. 3/1/2025
- ODNC00140\_02\_27\_2023 Amend Municipal Fee Schedule Parking Fines
- COMM00466\_03\_13\_2023 NCOD HP Violation Data and Info Sheet
- ORDR00432\_03\_13\_2023 Crosswalk Federal and Water Street
- ORDR00433\_03\_13\_2023 Street Layout cnr of Federal and Water Street

#### **END OF CONSENT AGENDA**

ODNC00129 removed from Consent Agenda at the request of Councillor Zeid.

Motion to approve the Consent agenda as amended by Councillor Zeid, seconded Councillor Vogel. So voted.

#### **REGULAR AGENDA**

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

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

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

- APPT00388\_03\_27\_2023 Wayne Amaral 2 Woodwell Circle, Amesbury Director DPS 4/1/2026 (PW&S)  
Motion to refer to Public Works & Safety by Councillor Zeid, seconded by Councillor Lane. So voted.

#### **11. COMMUNICATIONS**

#### **12. TRANSFERS**

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

- APPT00385\_03\_13\_2023 Ilene Harnch-Grady 10 Cushing Ave. Human Rights Comm. 4/30/2026  
Motion to approve on 2nd reading by Councillor Zeid, seconded by Councillor Cameron. Roll call vote 11 yes. Motion passes.

#### 14. ORDERS

- ORDR00434\_03\_27\_2023 FY24 CPC Recommendations
  - ORDR00435\_03\_27\_2023 Buildings Up Grant Acceptance
  - ORDR00436\_03\_27\_2023 Katherine Day Gift Acceptance
  - ORDR00437\_03\_27\_2023 Morrill Foundation Gift Acceptance
- Motion to refer collectively ORDR0044 to Budget & Finance and COTW, and ORDR00435, ORDR00436, ORDR00437 to Budget & Finance by Councillor Zeid, seconded by Councillor Donahue. So voted.
- ORDR00438\_03\_27\_2023 Election Cal 2023 EVIP
- Motion to refer to General Government by Councillor Khan, seconded by Councillor Lane. So voted.

#### 15. ORDINANCES

- ODNC00139\_02\_27\_2023 2<sup>nd</sup> Reading Amend Municipal Fee Schedule Food Truck  
Motion to approve on 2<sup>nd</sup> reading by Councillor McCauley, seconded by Councillor Cameron. Roll call vote. 10 yes, 1 no (SZ). Motion passes.
- ODNC00136\_01\_30\_2023 2<sup>nd</sup> Reading General Code Amendment Planning Board Membership
- ODNC00137\_01\_30\_2023 2<sup>nd</sup> Reading Zoning Amendment Planning Board Membership  
Motion to approve collectively ODNC00136 and ODNC00137 on 2<sup>nd</sup> reading by Councillor Vogel, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.
- ODNC00138\_02\_27\_2023 2<sup>nd</sup> Reading Amend Municipal Fee Schedule - Inn Permit  
Motion to approve on 2<sup>nd</sup> reading by Councillor McCauley, seconded by Councillor Wright. Roll call vote. 10 yes, 1 no (SZ). Motion passes.

#### 16. COMMITTEE ITEMS

##### Budget & Finance

###### *In Committee:*

- TRAN00149 03 13 2023 Mayor: PRK Sal Parks Dir \$32,500 to HR Unemployment Claims \$20K, HR Job Advertising \$3K, PRK Maint-Equip \$7K, PRK Restroom Rentals \$2,500  
Motion to approve by Councillor Zeid, seconded by Councillor Cameron. So voted.
- ODNC00144 03 13 2023 Amend Ch 2-394 Departmental Revolving Funds  
Motion to approve on 1<sup>st</sup> reading by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.
- ODNC00130 11 01 2022 Grants, Gifts, and Fees (COTW)  
Motion to receive and file by Councillor Zeid, seconded by Councillor Preston. So voted.
- ODNC00132 11 14 2022 Mandated Reporting (amended)  
Motion to approve on 1<sup>st</sup> reading by Councillor Zeid, seconded by Councillor Preston. Friendly amendment by Councillor Zeid to strike the language “either alleged or confirmed. Motion to move the question by Councillor Wright, seconded by Councillor Khan. Roll call vote 10 yes, 1 no (BV). Motion passes. Motion to approve on 1<sup>st</sup> reading as amended by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 7 yes, 3 no (AK, BV, JD). Motion passes.
- ODNC00129\_11\_01\_2022 Defining Conflict Rule for Dept. Heads (COTW)
- ORDR00336\_03\_28\_2022 ARPA Amesbury 250K (COTW)

##### Community Services

###### *In Committee:*

- APPT00386 03 13 2023 Anita Greenwood 151 High St. Parks Comm. 3/30/2028  
Motion to approve by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.
- ORDR00431 03 13 2023 Park Comm Bench Policy  
Motion to approve by Councilor McCauley, seconded by Councillor Wright. So voted.
- ODNC00145 03 13 2023 Amend Ch 11-5 Rules and Regulations Public Parks & Playgrounds

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

- **ODNC00147 03 13 2023**                      **Amend Municipal Fees 2-J Parks and Recreation**

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

- **COMM00471 03 13 2013**                      **Resident letter: Pickleball Atkinson Common**

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

- **ORDR00422 02 13 2023**                      **Newburyport Commission on Disabilities Bylaws (amended)**

Motion to approve by Councillor McCauley, seconded by Councillor . Motion to amend Article 3, sec 2 to strike it is recommended by Councillor Preston, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes. Motion to amend Article 3, Sec. 1 to strike “up to” 13 by Councillor Preston, seconded by Councillor Zeid. Roll call vote. 4 yes (CP, MW, SZ, HS), 7 no. Motion fails. Motion to approve as amended by Councillor McCauley, seconded by Councillor Cameron. Roll call vote. 10 yes, 1 no (SZ). Motion passes.

## **General Government**

### ***In Committee:***

- ORDR239\_02\_8\_2021                      Council Rule 7 and 10B
- COMM00461\_02\_27\_2023                      Brown School Gymnasium Considerations (COTW)
- COMM00464\_02\_27\_2023                      Brown School RFI Councillor Zeid Redline (COTW)
- ORDR00428\_02\_27\_2023                      Request for Expressions of Interest (RFI) for Brown School Property (COTW)
- COMM00467\_03\_13\_2023                      Municipal Bldgs Report Sec 5 – 47
- COMM00468\_03\_13\_2023                      Brown School Proposal (COTW)
- ODNC00146\_03\_13\_2023                      Amend Ch 2-34 Responsibilities of Committee on Community Services

## **Licenses & Permits**

### ***In Committee:***

- **APPL00123 03 13 2023**                      **RL Currie 2nd Hand Motor Vehicle License**  
Motion to approve by Councillor Vogel, seconded by Councillor Cameron. So voted.
- **APPL00125 03 13 2023**                      **Wright Wedding Plum Island 9/30/2023**  
Councillor Wright recused.  
Motion to approve by Councillor Vogel, seconded by Councillor Cameron. So voted.
- APPL00124\_03\_13\_2023                      Town & Country Half Marathon 6/11/2023
- APPL00126\_03\_13\_2023                      Artist Shanties in Pop Up Park 5/1-10/22
- ODNC047\_01\_27\_2020                      General Ordinance - Short Term Rental Units Rules

## **Planning & Development**

### ***In Committee:***

- ODNC00135\_01\_30\_2023                      Zoning Amendment ITIF Remove Residential Use
- ODNC00141\_02\_27\_2023                      Zoning Amendment STRU (COTW)
- COMM00469\_03\_13\_2023                      Retail Sale of Marijuana

## **Public Works & Safety**

### ***In Committee:***

- **APPT00382 02 13 2023**                      **Thomas O'Brien      11 Moseley Ave.      Water/Sewer Comm.      3/1/2025**  
Motion to receive and file by Councillor Wallace, seconded by Councillor Lane. So voted.
- **ODNC00140 02 27 2023**                      **Amend Municipal Fee Schedule Parking Fines**  
Motion to approve as amended in committee to increase the HP fee to \$300 on 1<sup>st</sup> reading by Councillor Wallace, seconded by Councillor McCauley. Scrivener’s error to correct “1 inch” to “1 foot” from the curb. Roll call vote. 10 yes, 1 no (JM). Motion passes.
- **COMM00466 03 13 2023**                      **NCOD HP Violation Data and Info Sheet**  
Motion to receive and file by Councillor Wallace, seconded by Councillor Zeid. So voted.
- **ORDR00432 03 13 2023**                      **Crosswalk Federal and Water Street**

- **ORDR00433 03 13 2023**      **Street Layout cnr of Federal and Water Street**  
 Motion to approve ORDR00432 and ORDR00433 collectively by Councillor Wallace, seconded by Councillor McCauley. So voted
- COMM00412\_05\_31\_2022      Ltr Ann Jaronyk 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.
- COMM00462\_02\_27\_2023      Ltr. From Kathleen O'Connor Ives re: drinking water concerns
- COMM00465\_02\_27\_2023      Street Paving Plan FY23-FY28 (COTW)
- ODNC00143\_03\_13\_2023      Municipal Fee Schedule Amend Water Sewer Fees

## **17. GOOD OF THE ORDER**

## **18. ADJOURNMENT**

Motion to adjourn at 9:30 pm by Councilor Zeid, seconded by Councillor Lane. So voted.