

CITY COUNCIL MEETING

MINUTES

April 24, 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 Jean Doyle

2. PLEDGE OF ALLEGIANCE

CALL TO ORDER 7:00 pm City Clerk Richard B. Jones called the roll, the following City Councillors answered present: McCauley, Preston, Vogel, Wright, Zeid, Cameron, Donahue, and Shand. 9 present (1 remote JD), 2 absent (CW, BL).

3. LATE FILE

- ORDR00449_04_24_2023 Approving Shared Streets Grant, High Street Traffic Calming Motion to waive the rules, accept the late file, and refer to Public Works & Safety by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 9 yes, 2 absent (CW, BL). Motion passes.

4. PUBLIC COMMENT

Christopher Silva	25 Water St.
Ben Iocono	4 Hallisey Dr.
Krista Yablin	76 Moseley Ave.
Brittany Verville	77 Moseley Ave.
Jane Snow	9 Coffin St.
Deb Mousley	126 Merrimac St.
Pawel Zakowicz	78 Moseley Ave.
Stephen Kerns	79 Moseley 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

- April 10, 2023 (Approve)

7. COMMUNICATIONS

- | | | |
|------------------------|---|--------|
| • APPL00132_04_24_2023 | Newburyport Pride Parade June 3rd 11:00am-12:45pm | (L&P) |
| • APPL00133_04_24_2023 | Newburyport Lions Club Road Races August 1st 8am-8:30pm | (L&P) |
| • COMM00478_04_24_2023 | FY24 Budget Process | (R&F) |
| • COMM00479_04_24_2023 | Ward 4 Street Sidewalk Traffic Safety Priorities | (PW&S) |
| • COMM00480_04_24_2023 | Merrimac St. Safety Items | (PW&S) |
| • COMM00481_04_24_2023 | Updated Parklet list with sketches | (PW&S) |
| • COMM00482_04_24_2023 | Constructions projects at the Central Waterfront | (PW&S) |

8. TRANSFERS

- TRAN00151_04_24_2023 Mayor: Sewer Retained Earnings \$120,000 to SEW Plant Chemicals \$120,000 (B&F) & Water Retained Earnings \$86,000 to WAT Plant Chemicals \$86,000
- TRAN00152_04_24_2023 Mayor: IT Sal Director \$14,673, AUD Sal Financial/Purchasing Analyst \$15,908, (B&F) and TRS Sal Staff \$16,612.92 to IT Munis License \$14,194.06 and IT Software/Licensing \$32,999.86

9. APPOINTMENTS

- APPT00389_04_24_2023 Tara Cederholm 20 Fruit St. Fruit St. Historical Comm. 4/30/2026
- APPT00390_04_24_2023 Caitlin Haire 43 Prospect St. Board of Registrars 5/1/2026 (GG)
- *Re-Appointments:*
- APPT00391_04_24_2023 Marc Cendron 91 High St. Historical Commission 5/1/2026 (P&D)
- APPT00392_04_24_2023 Marc Cendron 91 High St. Fruit St Historical Comm. 4/30/2026
- APPT00393_04_24_2023 Jeanette Isabella 100 Water St. Emma Andrews Library Comm. 5/1/2024
- APPT00394_04_24_2023 Madeline K. Nash 19 Arlington St. Affordable Housing Trust 5/1/2025 (P&D)
- APPT00395_04_24_2023 Paul J. Harrington 251B High St. Tree Commission 5/1/2026
- APPT00396_04_24_2023 Jane Healey 38 Winter St. Community Preservation Comm. 5/1/2026 (P&D)
- APPT00397_04_24_2023 John A. Green 12 Finnegan Way Council on Aging 5/1/2026

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

BUDGET & FINANCE

- ORDR00434_03_27_2023 FY24 CPC Recommendations (COTW)
- ORDR00441_04_10_2023 CPA Housing Rehab Appropriation
- ORDR00442_04_10_2023 CPC FY24 Plum Island Beach Public Access Dune Preservation (Mobi Mats Sand Fencing)
- TRAN00150_03_27_2023 Mayor: General Fund-Free Cash \$30,000 to City Hall Main Floor HVAC \$30,000
- ORDR00435_03_27_2023 Buildings Up Grant Acceptance

COMMUNITY SERVICES

- ODNC00148_04_10_2023 Amend Municipal Fees 2-O Recycling and solid waste
- ODNC00149_04_10_2023 Rules for Charitable Donations

GENERAL GOVERNMENT

- ORDR00438_03_27_2023 Election Cal 2023 EVIP
- COMM00472_03_27_2023 Ltr. Kathleen O'Connor Ives
- COMM00476_04_10_2023 Ad Hoc Market Landing Park Operations Phase

LICENSES & PERMITS

- APPL00130_04_10_2023 The Basin Apparel Co. pop-up tents
- COMM00475_04_10_2023 Shanty moving plan

PUBLIC WORKS & SAFETY

- COMM00473_03_27_2023 2023 Parklets update

END OF CONSENT AGENDA

Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 9 yes , 2 absent (CW, BL). Motion passes.

REGULAR AGENDA

9. MAYOR'S UPDATE

Motion to receive and file by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 9 yes, 2 absent (CW, BL). Motion passes.

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

12. TRANSFERS

13. SECOND READING APPOINTMENTS

14. ORDERS

- ORDR00443_04_24_2023 EP Port Parks Alliance Gift Acceptance EP
- ORDR00443_04_24_2023 Port Parks Alliance Gift Acceptance
Motion to collectively waive the rules, declare an emergency, and approve by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 9 yes, 2 absent (CW, BL). Motion passes.
- ORDR00444_04_24_2023 Central Congregational Church Gift Acceptance
- ORDR00445_04_24_2023 Friends of NYS Gift Acceptance
- ORDR00446_04_24_2023 Friends of Newburyport Trees Gift Acceptance
- ORDR00447_04_24_2023 FY23 Revolving Fund Spending Limit Increase
- ORDR00448_04_24_2023 PCB Class Action Settlement Payment Acceptance
Motion to collective refer ORDR00444, ORDR00445, ORDR00446, ORDR00447, and ORDR00448 to Budget & Finance by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 9 yes, 2 absent (CW, BL). Motion passes.

15. ORDINANCES

- ODNC00143_03_13_2023 **1st reading** Municipal Fee Schedule Amend Water Sewer Fees
In City Council April 10, 2023:
Motion to approve on first reading by Councillor Wallace, seconded by Councillor McCauley.
Motion to move to a date certain April 24, 2023 by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.
Motion to approve on 1st reading by Councillor McCauley, seconded by Councillor Zeid. Motion to amend to waive Rule 12D changing the sponsor from Councillor Wallace to Councillor McCauley by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 9 yes, 2 absent (CW, BL). Motion passes. Motion to approve on 1st reading as amended by Councillor McCauley, seconded by Councillor Zeid. Roll call vote. 9 yes, 2 absent (CW, BL). Motion passes.

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR00434 03 27 2023** **FY24 CPC Recommendations (COTW)**
PROJECT 1: Councillor Cameron recused. Motion to approve by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 8 yes, 2 absent (CW, BL), 1 recused (EC). Motion passes.
PROJECT 2: Motion to approve by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 9 yes, 2 absent (CW, BL). Motion passes.
PROJECT 3: Motion to approve by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 9 yes, 2 absent (CW, BL). Motion passes.

PROJECT 4: Motion to approve by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 8 yes, 1 no (SZ), 2 absent (CW, BL). Motion passes.

PROJECT 5: Motion to approve by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 9 yes, 2 absent (CW, BL). Motion passes.

PROJECT 6 & 7: Motion to approve collectively by Councillor Zeid, seconded by Councillor McCauley. Project 7: Contingent upon confirmation of property lines, all work to be done on public property. Roll call vote. 9 yes, 2 absent (CW, BL). Motion passes.

PROJECT 8 & 9: Motion to approve collectively by Councillor Zeid, seconded by Councillor Preston. Project 9: Contingent upon applicant identifying the 3 specific sites and providing that list. Roll call vote. 9 yes, 2 absent (CW, BL). Motion passes.

PROJECT 10, 11, & 12: Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 9 yes, 2 absent (CW, BL). Motion passes.

DEBT: Motion to approve by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 9 yes, 2 absent (CW, BL). Motion passes.

ADMINISTRATIVE COSTS: Motion to approve by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 9 yes, 2 absent (CW, BL). Motion passes.

- **ORDR00441 04 10 2023** **CPA Housing Rehab Appropriation**
- **ORDR00442 04 10 2023** **CPC FY24 Plum Island Beach Public Access Dune Preservation**
(Mobi Mats Sand Fencing)

Motion to approve collectively ORDR00441 and ORDR00442 by Councillor Zeid, seconded by Councillor McCauley. Roll call vote 9 yes, 2 absent (CW, BL). Motion passes.

- **TRAN00150 03 27 2023** **Mayor: General Fund-Free Cash \$30,000 to City Hall Main Floor**
HVAC \$30,000

Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 9 yes, 2 absent (CW, BL). Motion passes.

- **ORDR00435 03 27 2023** **Buildings Up Grant Acceptance**

Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 9 yes, 2 absent (CW, BL). Motion passes.

- ODNC00129_11_01_2022 Defining Conflict Rule for Dept. Heads (COTW)
- ORDR00336_03_28_2022 ARPA Amesbury 250K (COTW)
- ORDR00436_03_27_2023 Katherine Day Gift Acceptance
- ORDR00437_03_27_2023 Morrill Foundation Gift Acceptance

Community Services

In Committee:

- **ODNC00148 04 10 2023** **Amend Municipal Fees 2-O Recycling and solid waste**

Motion to approve on 1st reading by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 9 yes, 2 absent (CW, BL). Motion passes.

- **ODNC00149 04 10 2023** **Rules for Charitable Donations**

Motion to move to a date certain, Monday, May 8, 2023 by Councillor McCauley, seconded by Councillor Zeid. Roll call vote. 7 yes, 2 no (BV, AK), 2 absent (CW, BL). Motion passes.

- **COMM00474_04_10_2023** Newburyport Public Art Policy

General Government

In Committee:

- **ORDR00438 03 27 2023** **Election Cal 2023 EVIP**

Motion to approve by Councillor Shand, seconded by Councillor Vogel. Roll call vote. 9 yes, 2 absent (CW, BL). Motion passes.

- **COMM00472 03 27 2023** **Ltr. Kathleen O'Connor Ives**

Motion to receive and file by Councillor Shand, seconded by Councillor McCauley. Roll call vote. 9 yes, 2 absent (CW, BL). Motion passes.

- **COMM00476 04 10 2023** **Ad Hoc Market Landing Park Operations Phase**

Motion to receive and file by Councillor Shand, seconded by Councillor McCauley. Roll call vote. 9 yes, 2 absent (CW, BL). Motion passes.

- 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)
- 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:

- **APPL00130 04 10 2023** **The Basin Apparel Co. pop-up tents**
Motion to approve by Councillor Vogel, seconded by Councillor Preston. Noted that the application was approved for the 2023 season only. Roll call vote. 8 yes, 1 no (JD), 2 absent (CW, BL). Motion passes.
- **COMM00475 04 10 2023** **Shanty moving plan**
Motion to receive and file by Councillor Vogel, seconded by Councillor Khan. Roll call vote. 8 yes, 1 no (JM) and 2 absent (CW, BL). Motion passes.
- ODNC047_01_27_2020 General Ordinance - Short Term Rental Units Rules
- APPL00131_04_10_2023 GNCCI Spring Fest June 3rd-4th 12-5pm

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 (COTW)
- ORDR00440_04_10_2023 64 Federal St. Plummer House Preservation Restriction

Public Works & Safety

In Committee:

- **COMM00473 03 27 2023** **2023 Parklets update**
Motion to waive the rules, replace COMM00473 with COMM00481, and to receive and file by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 8 yes, 1 no (JD), 2 absent (CW, BL). Motion passes.
- COMM00412_05_31_2022 Ltr Ann Jarocyk 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

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 potential litigation involving roadways, buildings and land use including but not limited to Doyle Drive, Newburyport, MA.

Clerk Jones read into the record the purpose of the Executive Session. Council President Shand stated that the City Council would not be coming out of Executive Session. Motion to go into Executive Session by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 8 yes, 3 absent (JD, CW, BL). Motion passes.

19. ADJOURNMENT