

CITY COUNCIL MEETING

MINUTES

May 8, 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 Coach Jim Stehlin, Donna Volpone, Jack O'Keefe

2. PLEDGE OF ALLEGIANCE

CALL TO ORDER 7:00 pm City Clerk Richard B. Jones called the roll, the following City Councillors answered present: Preston, Vogel, Wallace, Wright, Zeid, Cameron, Donahue, Khan, Lane, McCauley, and Shand. 11 present (2 remote JD, AK).

3. LATE FILE

- COMM00484_05_08_2023 Newburyport Pride Parade Information (L&P)
- ORDR00455_05_08_2023 ACO Intermunicipal Agreement (CS)
- ORDR00456_05_08_2023 344 Merrimac St. Preservation Restriction (P&D)
- APPT00403_05_08_2023 Stephen H. Bradbury III 24 Howard St. Fire Chief 6/1/2028 (PW&S)
- APPT00404_05_08_2023 *Re-appointment* James Knapp 24 Cutting Dr. Harbor Comm. 6/1/2026 (PW&S)
- APPL00139_05_08_2023 Block Party 31 Howard St June 14th 12pm-9pm (L&P)

Motion to waive the rules, accept the late files, and refer to the recommended committees by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

4. MAYOR'S COMMENT

5. PUBLIC COMMENT

Tarah MacGregor	City Employee
Timothy Greenwood	151 High St.
James Jones	2 Wills Lane
Andrea Weetman	183 high St.
Eric Fisher	12 Cutting Dr.
Evelyn Kovach	16 Laurel Lane
Drew Shapiro	20 Eagle St.
Darrell Stroope	93 Prospect St.
Mary McDonald	30 Madison St.
Stephanie Niketic	93 High St.
Jane Snow	9 Coffin St.
Jeanette Isabella	100 Water St.

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 24, 2023

(Approve)

7. COMMUNICATIONS

- APPL00134_05_08_2023 9th Annual Harborside Half Marathon & 5K 11/12/2023 9am-1:30pm (L&P)
- APPL00135_05_08_2023 Paws for a Cause 10/14/2023 10am-12pm (L&P)
- APPL00136_05_08_2023 Yankee Homecoming July 29th-August 6th (L&P)
- APPL00137_05_08_2023 Olive's Backyard Makers Market 7/22/2023 9am-2pm (L&P)
- APPL00138_05_08_2023 Lions Bed Race August 3rd 5pm-8pm (L&P)
- COMM00483_05_08_2023 Residential HP App 12 Merrill St. (PW&S)

8. TRANSFERS

- TRAN00153_05_08_2023 Mayor: Multiple \$3,483,773 to Multiple \$3,483,773 (B&F & COTW)

9. APPOINTMENTS

- APPT00398_05_08_2023 Ilene Harnch-Grady 10 Cushing Ave Council on Aging 6/1/2026
- APPT00399_05_08_2023 Brett Carrier 231 Middle Rd. Byfield Asst Hrbrmstr/Shlfsh Cnstbl/Sp PO 6/1/2026 (PW&S)
Re-Appointments:
- APPT00400_05_08_2023 Robert Dow 185 Storey Ave Harbor Commission 6/1/2026 (PW&S)
- APPT00401_05_08_2023 Annie Maurer 17 Otis Pl. Council on Aging 6/1/2026
- APPT00402_05_08_2023 Steven Wallace 20 Allen St Waterfront Trust 6/1/2026 (GG)

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

BUDGET & FINANCE

- ORDR00436_03_27_2023 Katherine Day Gift Acceptance
- ORDR00437_03_27_2023 Morrill Foundation Gift Acceptance
- TRAN00151_04_24_2023 Mayor: Sewer Retained Earnings \$120,000 to SEW Plant Chemicals \$120,000 & 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, and TRS Sal Staff \$16,612.92 to IT Munis License \$14,194.06 and IT Software/Licensing \$32,999.86
- 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

LICENSES & PERMITS

- APPL00131_04_10_2023 GNCCI Spring Fest June 3rd-4th 12-5pm
- APPL00132_04_24_2023 Newburyport Pride Parade June 3rd 11:00am-12:45pm
- APPL00133_04_24_2023 Newburyport Lions Club Road Races August 1st 8am-8:30pm

PLANNING & DEVELOPMENT

- ODNC00135_01_30_2023 Zoning Amendment ITIF Remove Residential Use *Amended*
- COMM00469_03_13_2023 Retail Sale of Marijuana (COTW)
- ORDR00440_04_10_2023 64 Federal St. Plummer House Preservation Restriction

PUBLIC WORKS & SAFETY

- COMM00477a_04_10_2023 Petition for Pole on Briggs Ave

END OF CONSENT AGENDA

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

REGULAR AGENDA

9. MAYOR'S UPDATE

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

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

12. TRANSFERS

13. SECOND READING APPOINTMENTS

- APPT00389_04_24_2023 Tara Cederholm 20 Fruit St. Fruit St. Historical Comm. 4/30/2026
- 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
- APPT00395_04_24_2023 Paul J. Harrington 251B High St. Tree Commission 5/1/2026
- APPT00397_04_24_2023 John A. Green 12 Finnegan Way Council on Aging 5/1/2026

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

14. ORDERS

- ORDR00450_05_08_2023 NBHI Interpretive signs locations

Motion to refer to Planning & Development by Councillor Preston, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.

- ORDR00451_05_08_2023 PEG Center Gift Acceptance

Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

- ORDR00452_05_08_2023 FY2024 Budget Order

- ORDR00453_05_08_2023 FY2024-2028 Capital Improvement Program

Motion to refer to Budget & Finance and COTW by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

- ORDR00454_05_08_2023 Storey Avenue bicycle lane

Motion to refer to Public Works & Safety by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.

15. ORDINANCES

- ODNC00143_03_13_2023 **2nd reading** Municipal Fee Schedule Amend Water Sewer Fees

Motion to approve on 2nd reading by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.

- ODNC00148_04_10_2023 **2nd reading** Amend Municipal Fees 2-O Recycling and solid waste

Motion to approve on 2nd reading by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.

- ODNC00149_04_10_2023 **1st reading** Rules for Charitable Donations

Moved to a date certain May 8, 2023

Motion to approve on 1st reading by Councillor McCauley, seconded by Councillor Zeid. Roll call vote. 5 yes (CW, MW, SZ, BL, JM) 6 no (CP, BV, EC, JD, AK, HS). Motion fails.

- ODNC00150_05_08_2023 Amend Municipal Fees Street Permits and Employee Permits

- ODNC00151_05_08_2023 Amend Ch 13-180 Residential Permits

- ODNC00152_05_08_2023 Amend Ch 13-181 Municipal Parking Facilities

- ODNC00153_05_08_2023 Amend Ch 13-166 Anti-Shuffling
Motion to refer to Public Works & Safety and COTW by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR00436 03 27 2023 Katherine Day Gift Acceptance**
Motion to approve by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.
- **ORDR00437 03 27 2023 Morrill Foundation Gift Acceptance**
Motion to approve by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 9 yes, 3 no (MW, BL, JM). Motion passes.
- **TRAN00151 04 24 2023 Mayor: Sewer Retained Earnings \$120,000 to SEW Plant Chemicals \$120,000 & Water Retained Earnings \$86,000 to WAT Plant Chemicals \$86,000**
Motion to approve by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.
- **TRAN00152 04 24 2023 Mayor: IT Sal Director \$14,673, AUD Sal Financial/Purchasing Analyst \$15,908, and TRS Sal Staff \$16,612.92 to IT Munis License \$14,194.06 and IT Software/Licensing \$32,999.86**
Motion to approve by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.
- **ORDR00444 04 24 2023 Central Congregational Church Gift Acceptance**
Motion to approve by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.
- **ORDR00445 04 24 2023 Friends of NYS Gift Acceptance**
Motion to approve by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.
- **ORDR00446 04 24 2023 Friends of Newburyport Trees Gift Acceptance**
Motion to approve by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.
- **ORDR00447 04 24 2023 FY23 Revolving Fund Spending Limit Increase**
Motion to approve by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 10 yes, 1 no (JD). Motion passes.
- **ORDR00448 04 24 2023 PCB Class Action Settlement Payment Acceptance**
Motion to approve by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes. 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:

- COMM00474_04_10_2023 Newburyport Public Art Policy

General Government

In Committee:

- COMM00464_02_27_2023 Brown School RFI Councillor Zeid Redline (COTW) *amended*
- ORDR239_02_8_2021 *Council Rule 7 and 10B*
- COMM00461_02_27_2023 Brown School Gymnasium Considerations (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
- APPT00390_04_24_2023 Caitlin Haire 43 Prospect St. Board of Registrars 5/1/2026

Licenses & Permits

In Committee:

- **APPL00131 04 10 2023 GNCCI Spring Fest June 3rd-4th 12-5pm**
Motion to approve by Councillor Vogel, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.

- **APPL00132 04 24 2023** **Newburyport Pride Parade June 3rd 11:00am-12:45pm**

Motion to approve by Councillor Vogel, seconded by Councillor McCauley. Subject to applicant being clarified. Roll call vote. 11 yes. Motion passes.

- **APPL00133 04 24 2023** **Newburyport Lions Club Road Races August 1st 8am-8:30pm**

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

- **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 *Amended***

Motion to approve on 1st reading by Councillor Cameron, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.

- **COMM00469 03 13 2023** **Retail Sale of Marijuana (COTW)**

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

- **ORDR00440 04 10 2023** **64 Federal St. Plummer House Preservation Restriction**

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

- **ODNC00141_02_27_2023** **Zoning Amendment STRU (COTW)**
- **APPT00391_04_24_2023** Marc Cendron 91 High St. Historical Commission 5/1/2026
- **APPT00394_04_24_2023** Madeline K. Nash 19 Arlington St. Affordable Housing Trust 5/1/2025
- **APPT00396_04_24_2023** Jane Healey 38 Winter St. Community Preservation Comm. 5/1/2026

Public Works & Safety

In Committee:

- **COMM000477a 04 10 2023** **Petition for Pole on Briggs Ave**

Motion to approve by Councillor Wallace, seconded by Councillor Cameron. Roll call vote. 11 yes. 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
- **ORDR00449_04_24_2023** Approving Shared Streets Grant, High Street Traffic Calming
- **COMM00479_04_24_2023** Ward 4 Street Sidewalk Traffic Safety Priorities
- **COMM00480_04_24_2023** Merrimac St. Safety Items
- **COMM00482_04_24_2023** Constructions projects at the Central Waterfront

17. GOOD OF THE ORDER

18. ADJOURNMENT

Motion to adjourn at 9:11pm by Councillor Zeid, seconded by Councillor Lane. Roll call vote. 11 yes. Motion passes.