

CITY COUNCIL MEETING

MINUTES

June 12, 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

2. PLEDGE OF ALLEGIANCE

CALL TO ORDER 7:00 pm City Clerk Richard B. Jones called the roll, the following City Councillors answered present: Wallace, Wright, Zeid, Cameron, Donahue, Lane, McCauley, Preston, Vogel, and Shand. 10 present (3 remote: BL, JM, BV), 1 absent (AK). Councillor Khan present at 7:05 pm.

3. LATE FILE

- COMM00492_06_12_2023 Letter from Ashley Morton Comtois & Zach Comtois-Port Vida
- ORDR00470_06_12_2023 Market Landing Park Gap Funding for Construction

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

4. PUBLIC COMMENT

Rick Taintor	10 Dexter St.
Owen Smith	175 Storey Ave.
Zach Comtois	32 Water St.
Nicholas Metcalf	27 Fair St.
Bonnie Sontag	21 Smith St.
Ben Iacono	4 Hallisey Dr.

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

- May 22, 2023 (Approve)

7. COMMUNICATIONS

- APPL00142_06_12_2023 Port Vida Outdoor Dining Application
- APPL00143_06_12_2023 Block Party 10 Tyng St. June 16th 5:00pm
- APPL00144_06_12_2023 Greek Church Food Festival July 28th-30th 11am-9pm (L&P)
- COMM00487_06_12_2023 Firefighters of Local 827 "Fill the Boot Drive" August 3, 4, & 5 10am-4pm
- COMM00488_06_12_2023 Memo Annual City Audit FY2022 Financial Statements (B&F)
- COMM00489_06_12_2023 Acting Head Librarian Jessica Atherton (CS)
- COMM00490_06_12_2023 Bike Feasibility: Locations, Estimate, (CS)
March's Hill Bike Park Concept Plan, & Study
- COMM00491_06_12_2023 Letter from Owen Smith re: Tree Warden

8. TRANSFERS

- TRAN00159_06_12_2023 Harbormaster: Harbormaster Retained Earnings \$15K to HBR Assistant (B&F)
Harbormasters \$12,5000, HBR Cashman Park Attendants \$2K, &
HBR PI Parking Lot Attendants \$500
- TRAN00160_06_12_2023 Police: POL Fuel/Oil Vehicle(s) \$2,500, POL Office Supplies \$2,500, (B&F)
& POL Ammunition/Weapons \$5,300 to POL Maint-Building \$10,300
- TRAN00161_06_12_2023 Mayor: ASR Appraisal System \$7K and HLH Sal Public Health (B&F)
Nurse \$10,758.24 Multiple (see attached) \$17,758.24

9. APPOINTMENTS

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

BUDGET & FINANCE

- TRAN00154_05_22_2023 DPS: General Fund-Free Cash \$253,294.14 & Snow & Ice-Labor \$17,840.72 to
Snow & Ice-Expenses \$271,134.86
- TRAN00155_05_22_2023 Health Insurance: General Fund-Free Cash \$61,195 to
Health Insurance Premiums \$61,195
- TRAN00156_05_22_2023 Fire Dept: FIR Dues & Memberships \$1,291.54 to Emergency Mgmt.
Coordinator \$922.58 & Emergency Mgmt. Deputy Coordinator \$368.96
- TRAN00157_05_22_2023 Police: POL Fuel/Oil Vehicle \$8K, POL Misc. Supplies \$2K, &
POL MIS/Comm. \$2K to POL Maint-Equipment \$12K
- TRAN00158_05_22_2023 Library: LIB Salary Librarian \$7K & LIB Salaries Staff \$13K to LIB
Purchase Books \$3K, LIB Heat/Electricity \$12K, & LIB Maint-Equipment \$5K
- ORDR00451_05_08_2023 PEG Center Gift Acceptance
- ORDR00457_05_22_2023 FY24 Revolving Funds Spending Limits

GENERAL GOVERNMENT

- APPT00390_04_24_2023 Caitlin Haire 43 Prospect St. Board of Registrars 5/1/2026
- APPT00406_05_22_2023 Murphy Hesse Toomey & Lehan LLP City Solicitor 7/1/2023-1/31/2024
50 Braintree Hill Office Park Suite 410 Braintree MA 02184

LICENSES & PERMITS

- APPL00140_05_22_2023 Block Party 51 Prospect St. August 3rd 6:30pm
- APPL00141_05_22_2023 Block Party 14 Dove St. August 5th 5:30pm-10pm

PUBLIC WORKS & SAFETY

- APPT00399_05_08_2023 Brett Carrier 231 Middle Rd. Byfield Asst Hrbrmstr/Shlfsh Cnstbl/SpPO 6/1/2026
- APPT00400_05_08_2023 Robert Dow 185 Storey Ave Harbor Comm. 6/1/2026
- APPT00404_05_08_2023 *Re-appointment* James Knapp 24 Cutting Dr. Harbor Comm. 6/1/2026
- APPT00405_05_22_2023 Ronald Thurlow 28 Hancock St. Harbor Comm. 6/1/2026
- COMM00456_12_12_2022 Letters re: Curb Cut 4 Wilkinson Dr. & 34 Hale St.
- ORDR00454_05_08_2023 Storey Avenue bicycle lane
- ORDR00458_05_22_2023 Hale Street Resolution
- COMM00483_05_08_2023 Residential HP App 12 Merrill St.

END OF CONSENT AGENDA

- APPL00143_06_12_2023 Block Party 10 Tyng St. June 16th 5:00pm
Removed from the Consent Agenda at the request of Councillor.
- APPL00143_06_12_2023 Block Party 10 Tyng St. June 16th 5:00pm

- COMM00487_06_12_2023 Firefighters of Local 827 "Fill the Boot Drive" August 3, 4, & 5 10am-4pm
 - COMM00491_06_12_2023 Letter from Owen Smith re: Tree Warden
- Removed from the Consent Agenda by Councillor Wallace.

Motion to accept the Consent Agenda as amended by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.

REGULAR AGENDA

9. MAYOR'S UPDATE

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

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

- APPL00142_06_12_2023 Port Vida Outdoor Dining Application
Motion to refer to License & Permits by Councillor Wallace, seconded by Councillor McCauley. Roll call vote. 10 yes, 1 recused (BV). Motion passes.
- APPL00143_06_12_2023 Block Party 10 Tyng St. June 16th 5:00pm
Motion to waive the rules, declare an emergency, and approve by Councillor Donahue, seconded by Councillor Zeid. Roll call vote. Motion passes.
- COMM00487_06_12_2023 Firefighters of Local 827 "Fill the Boot Drive" August 3, 4, & 5 10am-4pm
Motion to refer to License & Permits by Councillor Wallace, seconded by Councillor McCauley. Roll call vote. 10 yes, 1 recused (BV). Motion passes.
- COMM00491_06_12_2023 Letter from Owen Smith re: Tree Warden
Motion to refer to General Government by Councillor Wallace, seconded by Councillor Wright. Roll call vote. 10 yes, 1 no (SZ). Motion passes
- COMM00492_06_12_2023 Letter from Ashley Morton Comtois & Zach Comtois-Port Vida
Motion to refer to License & Permits by Councillor Wallace, seconded by Councillor McCauley. Roll call vote. 10 yes, 1 recused (BV). Motion passes.

12. TRANSFERS

13. SECOND READING APPOINTMENTS

14. ORDERS

- ORDR00459_06_12_2023 Opioid Stabilization Fund
- ORDR00460_06_12_2023 Water Sewer Rate
- ORDR00461_06_12_2023 Port Parks Alliance Gift Acceptance \$1,013.65
- ORDR00462_06_12_2023 Anna Jaques Newburyport Pride Gift Acceptance \$2,000
- ORDR00463_06_12_2023 Belleville Improvement Society Gift Acceptance \$4,700
- ORDR00464_06_12_2023 Friends of Newburyport Youth Services Gift Acceptance \$23,200
- ORDR00465_06_12_2023 Inclusive Playground Gift Acceptance \$8,867.86
- ORDR00466_06_12_2023 Children's Health Care Gift Acceptance \$12,500
- ORDR00467_06_12_2023 Parking Enforcement Officers Teamster's Union Local 170 Contract
Motion to collectively refer ORDR00459, ORDR00461, ORDR00462, ORDR00463, ORDR00464, ORDR00465, ORDR00466, and ORDR00467 to Budget & Finance, and ORDR00460 to Budget & Finance & COTW by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.
- ORDR00468_06_12_2023 Wheelabrator North Andover Contract
Motion to refer to Community Services by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 11yes. Motion passes.
- ORDR00469_06_12_2023 Handicapped Space - 12 Merrill Street

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

- **ORDR00470_06_12_2023** Market Landing Park Gap Funding for Construction

Motion to refer to Ad Hoc on Market Landing Park and COTW by Councillor Shand, seconded by Councillor Preston. Roll call vote 11 yes. Motion passes.

15. ORDINANCES

- **ODNC00150_05_08_2023** 2nd reading Amend Municipal Fees Street Permits and Employee Permits (COTW)
Motion to approve on 2nd reading by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 8yes, 3 no (SZ, JD, BL). Motion passes.

- **ODNC00151_05_08_2023** 2nd reading Amend Ch 13-180 Residential Permits (COTW)
Motion to approve on 2nd reading by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.

- **ODNC00153_05_08_2023** 2nd reading Amend Ch 13-166 Anti-Shuffling (COTW)
Motion to approve on 2nd reading by Councillor Cameron, seconded by Councillor Khan. Roll call vote. 6 yes, 5 no (SZ, JD, BL, CP, BV). Motion passes.

- **ODNC00156_06_12_2023** Amend Ch 13-168 Parking Restriction Fair St.
Motion to refer to Public Work & Safety by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.

- **ODNC00157_06_12_2023** Public Art Policy
Motion to refer to Community Services and COTW by Councillor Preston, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **TRAN00154 05 22 2023** **DPS: General Fund-Free Cash \$253,294.14 & Snow & Ice-Labor \$17,840.72 to Snow & Ice-Expenses \$271,134.86**

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

- **TRAN00155 05 22 2023** **Health Insurance: General Fund-Free Cash \$61,195 to Health Insurance Premiums \$61,195**

Motion to approve collectively TRAN00155, TRAN00156, TRAN00157, and TRAN00158 by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.

- **TRAN00156 05 22 2023** **Fire Dept: FIR Dues & Memberships \$1,291.54 to Emergency Mgmt. Coordinator \$922.58 & Emergency Mgmt. Deputy Coordinator \$368.96**

Motion to approve collectively TRAN00155, TRAN00156, TRAN00157, and TRAN00158 by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.

- **TRAN00157 05 22 2023** **Police: POL Fuel/Oil Vehicle \$8K, POL Misc. Supplies \$2K, & POL MIS/Comm. \$2K to POL Maint-Equipment \$12K**

Motion to approve collectively TRAN00155, TRAN00156, TRAN00157, and TRAN00158 by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.

- **TRAN00158 05 22 2023** **Library: LIB Salary Librarian \$7K & LIB Salaries Staff \$13K to LIB Purchase Books \$3K, LIB Heat/Electricity \$12K, & LIB Maint-Equipment \$5K**

Motion to approve collectively TRAN00155, TRAN00156, TRAN00157, and TRAN00158 by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.

- **ORDR00451 05 08 2023** **PEG Center Gift Acceptance**

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

- **ORDR00457 05 22 2023** **FY24 Revolving Funds Spending Limits**

Motion to approve as amended in committee to adjust the FY2024 Spending Limit on Recreational Services \$550,00 no change from FY2023 by Councillor Zeid, seconded by Councillor Wright. Councillor Zeid 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)
- ORDR00452_05_08_2023 FY2024 Budget Order (COTW)
- ORDR00453_05_08_2023 FY2024-2028 Capital Improvement Program (COTW)
- TRAN00153_05_08_2023 Mayor: Multiple \$3,483,773 to Multiple \$3,483,773 (COTW)

Community Services

In Committee:

- COMM00474_04_10_2023 Newburyport Public Art Policy
- ORDR00455_05_08_2023 ACO Intermunicipal Agreement

General Government

In Committee:

- APPT00390 04 24 2023 Caitlin Haire 43 Prospect St. Board of Registrars 5/1/2026
Motion to approve by Councillor Shand, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.
- APPT00406 05 22 2023 Murphy Hesse Toomey & Lehane LLP City Solicitor 7/1/2023-1/31/2024
50 Braintree Hill Office Park Suite 410 Braintree MA 02184
Motion to approve by Councillor Shand, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.
- APPT00402_05_08_2023 Steven Wallace 20 Allen St Waterfront Trust 6/1/2026
- COMM00461_02_27_2023 Brown School Gymnasium Considerations (COTW)
- COMM00468_03_13_2023 Brown School Proposal (COTW)
- ODNC00146_03_13_2023 Amend Ch 2-34 Responsibilities of Committee on Community Services
- ORDR239_02_8_2021 Council Rule 7 and 10B

Licenses & Permits

In Committee:

- APPL00140 05 22 2023 Block Party 51 Prospect St. August 3rd 6:30pm
Motion to approve collectively APPL00140 and APPL00141 by Councillor Vogel, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- APPL00141 05 22 2023 Block Party 14 Dove St. August 5th 5:30pm-10pm
Motion to approve collectively APPL00140 and APPL00141 by Councillor Vogel, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- ODNC047_01_27_2020 General Ordinance - Short Term Rental Units Rules

Planning & Development

In Committee:

- APPT00404_05_22_2023 Edward Noymer 8 Lucey Dr. Historical Comm. 6/1/2026
- COMM00486_05_22_2023 Newburyport Comprehensive Economic Development Strategy
- ODNC00141_02_27_2023 Zoning Amendment STRU (COTW)

Public Works & Safety

In Committee:

- APPT00399 05 08 2023 Brett Carrier 231 Middle Rd. Byfield Asst Hbrmstr/ShlfshCnstbl/SpPO 6/1/2026
Motion to approve by Councillor Wallace, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.
- APPT00400 05 08 2023 Robert Dow 185 Storey Ave Harbor Comm. 6/1/2026
Motion to approve by Councillor Wallace, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.
- APPT00404 05 08 2023 Re-appointment James Knapp 24 Cutting Dr. Harbor Comm. 6/1/2026
Motion to approve by Councillor Wallace, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.
- APPT00405 05 22 2023 Ronald Thurlow 28 Hancock St. Harbor Comm. 6/1/2026
Motion to approve by Councillor Wallace, seconded by Councillor Donahue. Roll call vote. 11 yes. Motion passes.
- COMM00456 12 12 2022 Letters re: Curb Cut 4 Wilkinson Dr. & 34 Hale St.
Motion to receive and file by Councillor Wallace, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.
- ORDR00454 05 08 2023 Storey Avenue bicycle lane

Motion to approve by Councillor Wallace, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

- **ORDR00458 05 22 2023** **Hale Street Resolution**

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

- **COMM00483 05 08 2023** **Residential HP App 12 Merrill St.**

Motion to refer back to Public Works & Safety by Councillor Wallace, seconded by Councillor Preston. 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 |
| • 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 |
| • 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 |
| • ODNC00103_01_10_2022 | Streets, Sidewalks, and Other Public Places Alterations & Maintenance |
| • ODNC00152_05_08_2023 | Amend Ch 13-181 Municipal Parking Facilities (COTW) |
| • ORDR00449_04_24_2023 | Approving Shared Streets Grant, High Street Traffic Calming |

17. GOOD OF THE ORDER

18. ADJOURNMENT

Motion to adjourn at 8:41 pm by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.