

CITY COUNCIL MEETING

MINUTES

June 26, 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

3. CALL TO ORDER 7:00 pm City Clerk Richard B. Jones called the roll, the following City Councillors answered present: Zeid, Cameron, Donahue, Khan, Lane, McCauley, Preston, Vogel, Wright, and Shand. 10 present 1 absent (CW).

4. LATE FILE

- APPT00414_06_26_2023 Charles S. Palmisano 3 Jefferson Ct. Planning Board 7/31/2028 (P&D)
- APPT00415_06_26_2023 Stephen H. Bradbury III 24 Howard St. Emergency Mgt. Dir. 5/31/2028 (PW&S)
- Revised 06_20_2023 Exhibit A Estimated Costs to ORDR00455_05_08_2023 ACO Intermunicipal Agreement
- ORDR00470_06_12_2023 Market Landing Park Gap Funding for Construction (COTW)

Motion to waive the rules and accept the late files by Councillor Cameron, seconded by Councillor Preston. Roll call vote. 7 yes, 3 no (SZ, BL, JM), 1 absent (CW). Motion fails.

5. PUBLIC COMMENT

Nicholas Metcalf 27 Fair St.
Dillon Thompson 25 Temple St.
Ed Noymer 8 Dorothy E. Lucey Dr.
Jane Snow 9 Coffin St.
Charles Smith 31 Fair 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

- June 12, 2023 (Approve)

8. COMMUNICATIONS

- APPL00145_06_26_2023 Walk Against Domestic Violence Sunday, Oct. 1st 8-11 am Waterfront Park (L&P)
- APPL00146_06_26_2023 11th Annual Car Show Aug 10th 5-8pm (L&P)

9. TRANSFERS

10. APPOINTMENTS

Re-Appointments

• APPT00407_06_26_2023	Jean Costello	522 Merrimac St.	Human Rights Comm.	7/1/2026	
• APPT00408_06_26_2023	Paula Estey	3 Pine St.	Cultural Council	7/31/2026	
• APPT00409_06_26_2023	Roger E. Jones	37 Storeybrooke Dr.	Water/Sewer Comm.	7/31/2025	(PW&S)
• APPT00410_06_26_2023	Patricia Peknik	4 Dove St.	ZBA	7/31/2024	(P&D)
• APPT00411_06_26_2023	Lynn Schow	75 High St.	ZBA	7/31/2024	(P&D)
• APPT00412_06_26_2023	Ryan Kelley	24 School St., Byfield	Cultural Council	7/31/2026	
• APPT00413_06_26_2023	Andrew Casson	240 Merrimac St.	Harbor Commission	7/31/2026	(PW&S)

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

BUDGET & FINANCE

• TRAN00153_05_08_2023	Mayor: Multiple \$3,483,773 to Multiple \$3,483,773 (COTW) <i>Revised 6/15/2023</i>
• TRAN00159_06_12_2023	Harbormaster: Harbormaster Retained Earnings \$15K to HBR Assistant 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, & 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 Nurse \$10,758.24 Multiple (see attached) \$17,758.24
• ORDR00467_06_12_2023	Parking Enforcement Officers Teamster's Union Local 170 Contract
• ORDR00459_06_12_2023	Opioid Stabilization Fund
• COMM00488_06_12_2023	Memo Annual City Audit FY2022 Financial Statements
• 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
• ORDR00460_06_12_2023	Water Sewer Rate (COTW)

COMMUNITY SERVICES

• COMM00489_06_12_2023	Acting Head Librarian Jessica Atherton
• COMM00490_06_12_2023	Bike Feasibility: Locations, Estimate, March's Hill Bike Park Concept Plan, & Study
• ORDR00455_05_08_2023	ACO Intermunicipal Agreement
• ORDR00468_06_12_2023	Wheelabrator North Andover Contract

GENERAL GOVERNMENT

• APPT00402_05_08_2023	Steven Wallace 20 Allen St Waterfront Trust 6/1/2026
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LICENSES & PERMITS

• COMM00487_06_12_2023	Firefighters of Local 827 "Fill the Boot Drive" August 3, 4, & 5 10am-4pm
• APPL00144_06_12_2023	Greek Church Food Festival July 28th-30th 11am-9pm

PLANNING & DEVELOPMENT

• APPT00404_05_22_2023	Edward Noymer 8 Lucey Dr. Historical Comm. 6/1/2026
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PUBLIC WORKS & SAFETY

- COMM00483_05_08_2023 Residential HP App 12 Merrill St.
- ORDR00469_06_12_2023 Handicapped Space - 12 Merrill Street
- ODNC00156_06_12_2023 Amend Ch 13-168 Parking Restriction Fair St.

END OF CONSENT AGENDA

APPT00412_06_26_2023 removed at the request of Councillor McCauley.

Motion to approve as amended by Councillor Zeid, seconded by Councillor Preston. So voted.

REGULAR AGENDA

9. MAYOR'S UPDATE

Motion to receive & file by Councillor Wright, seconded by Councillor Khan. 10 yes, 1 absent (CW). Motion passes.

10. FIRST READING APPOINTMENTS

- APPT00412_06_26_2023 Ryan Kelley 24 School St., Byfield Cultural Council 7/31/2026

Motion to receive & file by Councillor McCauley, seconded by Councillor Zeid. 8 yes, 2 no (EC, BV), 1 absent (CW). Motion passes.

11. COMMUNICATIONS

12. TRANSFERS

13. SECOND READING APPOINTMENTS

14. ORDERS

- ORDR00471_06_26_2023 Preservation Restriction 21 Malcolm Hoyt Dr.

Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Cameron. So voted.

- ORDR00472_06_26_2023 Streets Sidewalks Loan Order \$6,000,000

Motion to refer to Budget & Finance and COTW by Councillor Zeid, seconded by Councillor Preston. So voted.

15. ORDINANCES

16. COMMITTEE ITEMS

Ad Hoc Market Landing Park

In Committee:

- **ORDR00470 06 12 2023 Market Landing Park Gap Funding for Construction (COTW)**

Motion to remove from committee (Rule 7F) by Councillor Shand, seconded by Councillor Cameron. Roll call vote. 6 yes, 4 no (SZ, BL, JM, MW), 1 absent (CW). Motion passes.

Motion to approve by Councillor Vogel, seconded by Councillor Cameron.

Motion to amend to strike #3 by Councillor Zeid, seconded by Councillor Lane. Roll call vote. 4 yes (SZ, BL, JM, MW), 6 no, 1 absent (CW). Motion fails.

Motion to amend to strike #4 by Councillor Zeid, seconded by Councillor Lane. Roll call vote. 4 yes (SZ, BL, JM, MW), 6 no, 1 absent (CW). Motion fails.

Motion to amend #3 and #4 to reallocate 1.8M of CPA funding for Bartlett Mall project by Councillor McCauley, seconded by Councillor Wright. Roll call vote. 4 yes (SZ, BL, JM, MW), 6 no, 1 absent (CW). Motion fails.

Motion to amend to add language in #3 stating: *Upon the completion of "Phase I" park construction any unused funds from this appropriation and reallocation shall be returned to said Waterfront Culvert Replacement Project account, including any so-called "value engineering" reductions to the total construction cost achieved through Change Orders with the*

contractor by Councillor Shand, seconded by Councillor Vogel. Roll call vote. 10 yes, 1 absent (CW). Motion passes.

Motion to approve as amended by Councillor Vogel, seconded by Councillor Cameron. Roll call vote 6 yes, 4 no (SZ, BL, JM, MW), 1 absent (CW). Motion passes.

Budget & Finance

In Committee:

- **TRAN00153 05 08 2023 Mayor: Multiple \$3,483,773 to Multiple \$3,483,773 (COTW) Revised 6/15/2023**
Motion to approve collectively OPEB and Compensated Absences by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 10 yes, 1 absent (CW). Motion passes.
Motion to approve collectively IT01 and IT02 by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 10 yes, 1 absent (CW). Motion passes.
Motion to approve PL03 by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 10 yes, 1 absent (CW). Motion passes.
Motion to approve collectively PG01 and FD01 by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 10 yes, 1 absent (CW). Motion passes.
Motion to approve collectively HW06 and HW08 by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 10 yes, 1 absent (CW). Motion passes.
Motion to approve PK15 by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 10 yes, 1 absent (CW). Motion passes.
Motion to approve WA07 by Councillor Zeid, seconded by Councillor Vogel. Motion to table by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 9 yes, 1 no (BV), 1 absent (CW). Motion passes.
Motion to approve collectively WA08 and SW01 by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 10 yes, 1 absent (CW). Motion passes.
Motion to approve SC01 by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 8 yes, 2 no (JM, MW), 1 absent (CW). Motion passes.
Motion to take WA07 off the table by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 10 yes, 1 absent (CW). Motion passes. Motion to approve WA07 on floor by Councillor Zeid, seconded by Councillor Vogel. So voted.
- **TRAN00159 06 12 2023 Harbormaster: Harbormaster Retained Earnings \$15K to HBR Assistant Harbormasters \$12,5000, HBR Cashman Park Attendants \$2K, & HBR PI Parking Lot Attendants \$500**
Motion to approve by Councillor Zeid, seconded by Councillor Preston. So voted.
- **TRAN00160 06 12 2023 Police: POL Fuel/Oil Vehicle(s) \$2,500, POL Office Supplies \$2,500, & POL Ammunition/Weapons \$5,300 to POL Maint-Building \$10,300**
Motion to approve by Councillor Zeid, seconded by Councillor Khan. So voted.
- **TRAN00161 06 12 2023 Mayor: ASR Appraisal System \$7K and HLH Sal Public Health Nurse \$10,758.24 Multiple (see attached) \$17,758.24**
Motion to approve by Councillor Zeid, seconded by Councillor Khan. So voted.
- **ORDR00467 06 12 2023 Parking Enforcement Officers Teamster's Union Local 170 Contract**
Motion to approve by Councillor Zeid, seconded by Councillor Lane. So voted.
- **ORDR00459 06 12 2023 Opioid Stabilization Fund**
Motion to approve by Councillor Zeid, seconded by Councillor Khan. So voted.
- **COMM00488 06 12 2023 Memo Annual City Audit FY2022 Financial Statements**
Motion to receive and file by Councillor Zeid, seconded by Councillor Khan. So voted.
- **ORDR00461 06 12 2023 Port Parks Alliance Gift Acceptance \$1,013.65**
Motion to collectively approve ORDR00461, ORDR00462, ORDR00463, ORDR00464, ORDR00465, ORDR00466 by Councillor Zeid, seconded by Councillor Khan. So voted.
- **ORDR00462 06 12 2023 Anna Jaques Newburyport Pride Gift Acceptance \$2,000**
Motion to collectively approve ORDR00461, ORDR00462, ORDR00463, ORDR00464, ORDR00465, ORDR00466 by Councillor Zeid, seconded by Councillor Khan. So voted.
- **ORDR00463 06 12 2023 Belleville Improvement Society Gift Acceptance \$4,700**
Motion to collectively approve ORDR00461, ORDR00462, ORDR00463, ORDR00464, ORDR00465, ORDR00466 by Councillor Zeid, seconded by Councillor Khan. So voted.

- **ORDR00464 06 12 2023 Friends of Newburyport Youth Services Gift Acceptance \$23,200**
Motion to collectively approve ORDR00461, ORDR00462, ORDR00463, ORDR00464, ORDR00465, ORDR00466 by Councillor Zeid, seconded by Councillor Khan. So voted.
- **ORDR00465 06 12 2023 Inclusive Playground Gift Acceptance \$8,867.86**
Motion to collectively approve ORDR00461, ORDR00462, ORDR00463, ORDR00464, ORDR00465, ORDR00466 by Councillor Zeid, seconded by Councillor Khan. So voted.
- **ORDR00466 06 12 2023 Children's Health Care Gift Acceptance \$12,500**
Motion to collectively approve ORDR00461, ORDR00462, ORDR00463, ORDR00464, ORDR00465, ORDR00466 by Councillor Zeid, seconded by Councillor Khan. So voted.
- **ORDR00460 06 12 2023 Water Sewer Rate (COTW)**
Motion to approve by Councillor Zeid, seconded by Councillor Khan. So voted.
- ODNC00129_11_01_2022 Defining Conflict Rule for Dept. Heads (COTW)
- ORDR00336_03_28_2022 ARPA Amesbury 250K (COTW)

Community Services

In Committee:

- **COMM00489 06 12 2023 Acting Head Librarian Jessica Atherton**
Motion to approve by Councillor McCauley, seconded by Councillor Preston. So voted.
- **COMM00490 06 12 2023 Bike Feasibility: Locations, Estimate, March's Hill Bike Park Concept Plan, & Study**
Motion to receive and file by Councillor McCauley, seconded by Councillor Preston. So voted.
- **ORDR00455 05 08 2023 ACO Intermunicipal Agreement**
Motion to approve as amended with revised Exhibit A by Councillor McCauley, seconded by Councillor Zeid. Roll call vote 10 yes, 1 absent (CW). Motion passes.
- **ORDR00468 06 12 2023 Wheelabrator North Andover Contract**
Motion to approve by Councillor McCauley, seconded by Councillor Cameron. So voted.
- COMM00474_04_10_2023 Newburyport Public Art Policy
- ODNC00157_06_12_2023 Public Art Policy (COTW)

General Government

In Committee:

- **APPT00402 05 08 2023 Steven Wallace 20 Allen St Waterfront Trust 6/1/2026**
Motion to approve by Councillor Shand, seconded by Councillor Cameron. Roll call vote 8 yes, 2 present (JM, BV) 1 absent (CW). Motion passes.
- COMM00461_02_27_2023 Brown School Gymnasium Considerations (COTW)
- COMM00468_03_13_2023 Brown School Proposal (COTW)
- COMM00491_06_12_2023 Letter from Owen Smith re: Tree Warden
- 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:

- **COMM00487 06 12 2023 Firefighters of Local 827 "Fill the Boot Drive" August 3, 4, & 5 10am-4pm**
- **APPL00144 06 12 2023 Greek Church Food Festival July 28th-30th 11am-9pm**
Motion to collectively approve COMM00487 and APPL00144 by Councillor Vogel, seconded by Councillor Khan. So voted.
- APPL00142_06_12_2023 Port Vida Outdoor Dining Application
- COMM00492_06_12_2023 Letter from Ashley Morton Comtois & Zach Comtois-Port Vida
- 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**
Motion to approve by Councillor Cameron, seconded by Councilor Wright. Roll call vote. 10 yes, 1 absent (CW). Motion passes.
- COMM00486_05_22_2023 Newburyport Comprehensive Economic Development Strategy
- ODNC00141_02_27_2023 Zoning Amendment STRU (COTW)

Public Works & Safety

In Committee:

- **COMM00483 05 08 2023** **Residential HP App 12 Merrill St.**
- **ORDR00469 06 12 2023** **Handicapped Space - 12 Merrill Street**
Motion to collectively approve COMM00483 and ORDR00469 by Councillor Donahue, seconded by Councillor McCauley. So voted.
- **ODNC00156 06 12 2023** **Amend Ch 13-168 Parking Restriction Fair St.**
Motion to approve on 1st reading by Councillor Donahue, seconded by Councillor McCauley. Scribner's error noted direction should state "in a southerly". Motion to continue to a date certain, next City Council meeting July 10th by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 9 yes, 1 no (JD), 1 absent(CW). Motion passes.
- COMM00412_05_31_2022 Ltr Ann Jaronyk 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 10:21 pm by Councillor Zeid, seconded by Councillor Donahue. So voted.