

CITY COUNCIL MEETING

MINUTES

August 28, 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 7:00pm City Clerk Richard B. Jones called the roll; the following City Councillors answered present: Khan (remote), Lane, McCauley, Preston, Vogel, Wallace, Wright, Zeid, Cameron, Donahue (remote), and Shand. 11 present.

4. LATE FILE

- TRAN00167_08_28_2023 Mayor's Office: from ARPA-State & Local Fiscal Recovery Funds \$125K to Hale St. Safety Improvements \$125K (B&F)
- APPL00157_08_28_2023 St. Vincent de Paul Walk for the Poor 9/23 10am-12pm Green St.-Broad St. (L&P)
- COMM00500_08_28_2023 STRU Planning Board Final Report (P&D/COTW)
- COMM00501_08_28_2023 Ltr from Vladimir Novotny on Restoration of Frog Pond (CS)
- COMM00502_08_28_2023 Global Update (GG)

Motion to move TRAN00167 to the Regular Agenda, waive the rules, and accept the remaining late files by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.

5. PUBLIC COMMENT

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

- August 14, 2023 (Approve)

8. COMMUNICATIONS

- COMM00497_08_28_2023 Ltr. Jim McCarthy Banner Locations (PW&S)
- COMM00498_08_28_2023 Ltr. Jim McCarthy Banner on High St. (PW&S)
- COMM00499_08_28_2023 FY2023 Year End Financial Report (B&F)

9. TRANSFERS

- TRAN00166_08_28_2023 Police Station Locker Rooms \$59,079.38 to SRT Body-Worn Camera Grant \$29,539.69 and Body-Worn Cameras \$29,539.69 (B&F)

10. APPOINTMENTS

- APPT00431_08_28_2023 Michael Hennessey PO Box 1636 Hampton, NH Tree Warden 10/1/2026 (PW&S)
- APPT00432_08_28_2023 Brian Balcom 44 Purchase St. Planning Board Assoc. Mem. 10/1/2026 (P&D)
- APPT00433_08_28_2023 Charles Palmisano 3 Jefferson Ct. Planning Board 10/1/2026 (P&D)
- APPT00434_08_28_2023 Jalen Howard 229 River Rd. West Newbury Asst. Harbor/Shellfish Const/SP PO 10/1/2026 (PW&S)

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

BUDGET & FINANCE

- TRAN00164_08_14_2023 DPS: Cemetery Receipts Reserved for Approp. \$26,076.62 to Vehicle/Equipment Replacement \$26,076.62
- ORDR00481_08_14_2023 Milliman Gift Acceptance
- ORDR00483_08_14_2023 Approval to Pay Prior Year Bills
- TRAN00165_08_14_2023 ARPA State and Local Recovery Funds \$25,000 to Hale St Safety Imp.25K

LICENSES & PERMITS

- APPL00153_08_14_2023 Block Party Olive St. 9/9 2pm
- APPL00154_08_14_2023 Block Party Bricher St. 9/16 3-10pm
- APPL00155_08_14_2023 Newburyport Half Marathon 10/29 9:15am-12:45pm Cashman Park
- APPL00156_08_14_2023 Chamber Fall Fest Oct. 14-15 10am-6pm

PLANNING & DEVELOPMENT

- APPT00422_08_14_2023 Allen Marquis 3 Boardman St. Historical Comm-Alt. 9/1/2026
- APPT00427_08_14_2023 Gregory Benik 15 Woodland St. ZBA 3/31/2026
- APPT00428_08_14_2023 Walter Chagnon 43 Lime St. ZBA 2/28/2026

PUBLIC WORKS & SAFETY

- ODNC00158_08_14_2023 Low Street at Perry Way Parking Restrictions
- COMM00496_08_14_2023 Resident Petition re: Safety Concerns on Colby Farm Lane, Low St., and North Atkinson St.
- ORDR00484_08_14_2023 Resolution Colby Farm Lane
- COMM00480_04_24_2023 Merrimac St. Safety Items
- COMM00414_05_31_2022 Ltr. Emily Dunn re: Traffic on Merrimac Street

END OF CONSENT AGENDA

Motion to approve Consent Agenda and collectively receive and file Mayor's Update by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.

Motion to waive the rules, take out of order, and declare an emergency to discuss TRAN00165_08_14_2023 by Councillor Zeid, seconded by Councillor McCauley. Roll call vote, 11 yes, motion passes.

Motion to amend to increase amount to 125K by Councillor McCauley, seconded by Councillor Zeid. Roll call vote, 11 yes, motion passes. Motion to approve as amended by Councillor Zeid, seconded by Councillor McCauley. Roll call vote, 11 yes, motion passes.

REGULAR AGENDA

9. MAYOR'S UPDATE

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

12. TRANSFERS

- TRAN00167_08_28_2023 Mayor's Office: from ARPA-State & Local Fiscal Recovery Funds \$125K to Hale St. Safety Improvements \$125K

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

13. SECOND READING APPOINTMENTS

- APPT00423_08_14_2023 Sean Devendorf 50 Prospect St. Open Space Cmte 9/1/2026
- APPT00426_08_14_2023 Richard Eaton 4 Horton St. Trust Fund Comm. 9/1/2025
- APPT00429_08_14_2023 Sara Welch 209 Merrimac St. Human Rights Comm. 9/15/2026
- APPT00430_08_14_2023 Nancy Kreusser 11 Bowlen Ave. Human Rights Comm. 9/15/2026

Motion to approve collectively APPT00423, APPT00426, APPT00429, and APPT00430 by Councillor Zeid, seconded by Councillor Cameron. Roll call vote, 11 yes, motion passes.

14. ORDERS

- ORDR00485_08_28_2023 Parking Advisory Committee

Motion to waive the rules and declare an emergency by Councillor Zeid, seconded by Councillor Cameron. Roll call vote, 11 yes, motion passes. Motion to approve by Councillor Zeid, seconded by Councillor Cameron. Roll call vote, 11 yes, motion passes.

15. ORDINANCES

- ODNC00159_08_28_2023 Handicapped Space - 42 Market St

Motion to refer to Public Works & Safety by Councillor McCauley, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.

- ODNC00160_08_28_2023 Zoning Amendment Business Park Indoor Outdoor Rec

Motion to refer to Planning & Development and COTW by Councillor McCauley, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **TRAN00164 08 14 2023** **DPS: Cemetery Receipts Reserved for Approp. \$26,076.62 to Vehicle/Equipment Replacement \$26,076.62**

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

- **ORDR00481 08 14 2023** **Milliman Gift Acceptance**

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

- **ORDR00483 08 14 2023** **Approval to Pay Prior Year Bills**

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

- **TRAN00165 08 14 2023** **ARPA State and Local Recovery Funds \$25,000 to Hale St Safety Imp.25K**

- ODNC00129_11_01_2022 Defining Conflict Rule for Dept. Heads (COTW)

- ORDR00336_03_28_2022 ARPA Amesbury 250K (COTW)

- ORDR00472_06_26_2023 Streets Sidewalks Loan Order \$6,000,000 (COTW)

- TRAN00153_05_08_2023 Mayor: Multiple \$3,483,773 to Multiple \$3,483,773 revised 6/15/2023
(Atkinson Common Request only all other matters adjudicated)

Community Services

In Committee:

- COMM00474_04_10_2023 Newburyport Public Art Policy
- ODNC00157_06_12_2023 Public Art Policy (COTW)
- ORDR00474_07_10_2023 Plan Approval Bartlett Mall Improvement Project (COTW)
- COMM00495_08_14_2023 Ltr from Katherine Moore, Betty LaBaugh, and Brendan & Katy Banovic
re: Landscaping noise and air pollution
- APPT00425_08_14_2023 Madeleine Whitten 150 State St. Library Board of Dir. 2/1/2026

General Government

In Committee:

- COMM00502_08_28_2023 Global Update

Motion to waive the rules, remove from committee, declare an emergency, and receive and file by Councillor McCauley, seconded by Councillor Vogel. Roll call vote, 11 yes, motion passes.

- 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:

- APPL00153 08 14 2023 **Block Party Olive St. 9/9 2pm**
- APPL00154 08 14 2023 **Block Party Bricher St. 9/16 3-10pm**

Motion to collectively approve APPL00153 and APPL00154 by Councillor Vogel, seconded by Councillor Cameron. Roll call vote, 11 yes, motion passes.

- APPL00155 08 14 2023 **Newburyport Half Marathon 10/29 9:15am-12:45pm Cashman Park**

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

- APPL00156 08 14 2023 **Chamber Fall Fest Oct. 14-15 10am-6pm *Updated Application L&P 8/23/23***

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

- ODNC047_01_27_2020 General Ordinance - Short Term Rental Units Rules (COTW)

Motion to waive the rules, remove from committee, and refer to Planning & Development and COTW by Councillor Vogel, seconded by Councillor Cameron. Roll call vote, 11 yes, motion passes.

Planning & Development

In Committee:

- APPT00422 08 14 2023 **Allen Marquis 3 Boardman St. Historical Comm-Alt. 9/1/2026**
- APPT00427 08 14 2023 **Gregory Benik 15 Woodland St. ZBA 3/31/2026**
- APPT00428 08 14 2023 **Walter Chagnon 43 Lime St. ZBA 2/28/2026**

Motion to collectively approve APPT00422, APPT00427, and APPT00428 by Councillor Cameron, seconded by Councillor Wright. Roll call vote, 11 yes, motion passes.

- APPT00424_08_14_2023 Jennifer Bluestein 190A High St. Planning Board-Assoc. 9/1/2026
- COMM00494_07_10_2023 Planning Board Advisory Report STRU (COTW)
- ODNC00141_02_27_2023 Zoning Amendment STRU (COTW)

Public Works & Safety

In Committee:

- ODNC00158 08 14 2023 **Low Street at Perry Way Parking Restrictions**

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

- COMM00496 08 14 2023 **Resident Petition re: Safety Concerns on Colby Farm Lane, Low St., and North Atkinson St.**

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

- ORDR00484 08 14 2023 **Resolution Colby Farm Lane**

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

- COMM00480 04 24 2023 **Merrimac St. Safety Items**

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

- COMM00414 05 31 2022 **Ltr. Emily Dunn re: Traffic on Merrimac Street**

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

- COMM00412_05_31_2022 Ltr Ann Jaroneyk re: Traffic Safety
- 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
- 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 8:12pm by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11yes, motion passes.