

# **CITY COUNCIL MEETING**

## **MINUTES**

**September 26, 2023 7:00 pm**  
**City Council Chambers, City Hall**  
**60 Pleasant Street, Newburyport**

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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 George Roaf, Pat Marsh, and Peter DeMaranville.

### **2. PLEDGE OF ALLEGIANCE**

### **3. CALL TO ORDER**

7:00 pm the clerk called the roll; the following City Councillors answered present: McCauley, Preston, Vogel, Wright, Zeid, Cameron (remote), Donahue (remote), Khan, Lane, and Shand. 10 present, 1 absent (Wallace).

7:15 pm Councillor Cameron is present.

### **4. LATE FILE**

- APPL00161\_09\_26\_2023 Newburyport Chamber of Commerce Beer Garden  
Multiple Weekends Fri. 2-7pm, Sat. & Sun. 11am-7pm  
10/20-10/22, 10/27-10/29, 11/3-11/5, 11/10-11/12, 11/17-11/19, 11/24-11/26
- APPL00162\_09\_26\_2023 Indigenous People's Day 10/7 10am-5pm Metzy's Food Truck on Merrimac St.  
Motion to waive the rules and accept the late files by Councillor Zeid, seconded by Councillor Lane. Roll call vote. 10 yes, 1 absent. Motion passes.

### **5. PUBLIC COMMENT**

Owen Smith, 175 Storey Ave.  
Kristine Mapica, 7 Boardman St.  
Judy Tymon, 39 Lime St.  
Nancy Peace, 23 Pleasant St.  
Virginia Rizzo 21 Munroe St.  
Jane Snow, 9 Coffin 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**

- September 11, 2023 (Approve)

### **8. COMMUNICATIONS**

- COMM00506\_09\_26\_2023 Memo Brown School EOIs (G&G/COTW)
- APPL00159\_09\_26\_2023 Movable sign application Grand Trunk at Center St. & Water St. (L&P)
- APPL00160\_09\_26\_2023 Movable sign application Grand Trunk at Liberty St. & State St. (L&P)

### **9. TRANSFERS**

- TRAN00169\_09\_26\_2023 Mayor's Office: Parklet Maintenance Fund \$10,000 to  
HWY Downtown Parklets \$10,000 (B&F)

## 10. APPOINTMENTS

- APPT00435\_09\_26\_2023 Janet N. Collett 16 Woodland St. Cultural Council 10/01/2026

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

### BUDGET & FINANCE

- TRAN00168\_09\_11\_2023 North Jetty Side Dredge Proj \$11,319.00 to Boat Waste Pump Replace \$11,319.00
- ORDR00486\_09\_11\_2023 Digital Signage Gift Acceptance \$967
- ORDR00487\_09\_11\_2023 Lead Service Line Grant Acceptance \$207,800

### COMMUNITY SERVICES

- COMM00503\_09\_11\_2023 Extension of Acting Head Librarian Appointment

### LICENSES & PERMITS

- APPL00158\_09\_11\_2023 Block Party - Hancock Street 9/30 2pm

### END OF CONSENT AGENDA

COMM00506\_09\_26\_2023 removed at the request of Councillor Zeid.

Motion to approve by Councillor Zeid, seconded by Councillor Lane. Roll call vote. 10 yes, 1 absent. Motion passes.

### REGULAR AGENDA

## 9. MAYOR'S UPDATE

Motion to receive and file by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 10 yes, 1 absent. Motion passes.

## 10. FIRST READING APPOINTMENTS

## 11. COMMUNICATIONS

- APPL00161\_09\_26\_2023 Newburyport Chamber of Commerce Beer Garden  
Multiple Weekends Fri. 2-7pm, Sat. & Sun. 11am-7pm  
10/20-10/22, 10/27-10/29, 11/3-11/5, 11/10-11/12, 11/17-11/19, 11/24-11/26

Motion to refer to License & Permits by Councillor Zeid, seconded by Councillor Lane. Motion withdrawn. Motion to waive the rules and declare an emergency by Councillor Vogel, seconded by Councillor Preston. Roll call vote. 7 yes, 3 no, 1 absent. Motion fails. Motion to refer to License & Permits by Councillor McCauley, seconded by Councillor Lane. Roll call vote. 10 yes, 1 absent. Motion passes.

- APPL00162\_09\_26\_2023 Indigenous People's Day 10/7 10am-5pm Metzy's Food Truck on Merrimac St.  
Motion to waive the rules, declare an emergency, and approve by Councillor Vogel, seconded by Councillor Preston. Friendly amendment by Councillor McCauley that the applicant furnishes the approval of the Health Dept. and any/all approvals necessary for this event. Roll call vote. 10 yes, 1 absent. Motion passes.

- COMM00506\_09\_26\_2023 Memo Brown School EOIs

Motion to refer to General Government and COTW by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 10 yes, 1 absent. Motion passes.

## 12. TRANSFERS

## 13. SECOND READING APPOINTMENTS

#### 14. ORDERS

- ORDR00489\_09\_11\_2023 Temporary Parking Plan

*Moved to a date certain 9/26/2023*

Motion to approve by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 10 yes, 1 absent. Motion passes.

- ORDR00490\_09\_26\_2023 State Planning Assistance Grant for Storey Ave. & Low St.

Motion to collectively refer ORDR00490 to Planning & Development, ORDR00491, ORDR00493, to Budget & Finance, ORDR00492 Budget & Finance and COTW, ORDR00494, ORDR00495, ORDR00496 to Community Services by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 10 yes, 1 absent. Motion passes.

- ORDR00491\_09\_26\_2023 Port Parks Alliance Gift Acceptance \$2425.00

Motion to collectively refer ORDR00490 to Planning & Development, ORDR00491, ORDR00493, to Budget & Finance, ORDR00492 Budget & Finance and COTW, ORDR00494, ORDR00495, ORDR00496 to Community Services by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 10 yes, 1 absent. Motion passes.

- ORDR00492\_09\_26\_2023 FY2024 Supplemental Budget

Motion to collectively refer ORDR00490 to Planning & Development, ORDR00491, ORDR00493, to Budget & Finance, ORDR00492 Budget & Finance and COTW, ORDR00494, ORDR00495, ORDR00496 to Community Services by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 10 yes, 1 absent. Motion passes.

- ORDR00493\_09\_26\_2023 Local Acceptance of Prudent Investor Rule for Trust Funds

Motion to collectively refer ORDR00490 to Planning & Development, ORDR00491, ORDR00493, to Budget & Finance, ORDR00492 Budget & Finance and COTW, ORDR00494, ORDR00495, ORDR00496 to Community Services by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 10 yes, 1 absent. Motion passes.

- ORDR00494\_09\_26\_2023 'Spring Awakening' Sculpture Gift Acceptance

Motion to collectively refer ORDR00490 to Planning & Development, ORDR00491, ORDR00493, to Budget & Finance, ORDR00492 Budget & Finance and COTW, ORDR00494, ORDR00495, ORDR00496 to Community Services by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 10 yes, 1 absent. Motion passes.

- ORDR00495\_09\_26\_2023 'Rabbit Man' Sculpture Gift Acceptance

Motion to collectively refer ORDR00490 to Planning & Development, ORDR00491, ORDR00493, to Budget & Finance, ORDR00492 Budget & Finance and COTW, ORDR00494, ORDR00495, ORDR00496 to Community Services by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 10 yes, 1 absent. Motion passes.

- ORDR00496\_09\_26\_2023 Constellation NewEnergy Contract

Motion to collectively refer ORDR00490 to Planning & Development, ORDR00491, ORDR00493, to Budget & Finance, ORDR00492 Budget & Finance and COTW, ORDR00494, ORDR00495, ORDR00496 to Community Services by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 10 yes, 1 absent. Motion passes.

- ORDR00497\_09\_26\_2023 Sponsorship of an Administrative Order to create Recreation &

Youth Services Department

Motion to refer to Community Services & COTW by Councillor McCauley, seconded by Councillor Khan. Roll call vote. 10 yes, 1 absent. Motion passes.

#### 15. ORDINANCES

- ODNC00159\_08\_28\_2023 *2<sup>nd</sup> Reading* Handicapped Space - 42 Market St

Motion to approve on second reading by Councillor McCauley, seconded by Councillor Wright. Roll call vote. 10 yes, 1 absent. Motion passes.

#### 16. COMMITTEE ITEMS

##### Budget & Finance

##### *In Committee:*

- TRAN00168 09 11 2023 North Jetty Side Dredge Proj \$11,319.00 to Boat Waste Pump Replace \$11,319.00

Motion to approve by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 10 yes, 1 absent. Motion passes.

- ORDR00486 09 11 2023 Digital Signage Gift Acceptance \$967

Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 10 yes, 1 absent. Motion passes.

- ORDR00487 09 11 2023 Lead Service Line Grant Acceptance \$207,800

Motion to approve by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 10 yes, 1 absent. Motion passes.

- 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:*

- **COMM00503\_09\_11\_2023 Extension of Acting Head Librarian Appointment**  
Motion to approve McCauley, seconded by Councillor Preston. Roll call vote. 10 yes, 1 absent. Motion passes.
- COMM00474\_04\_10\_2023 Newburyport Public Art Policy
- COMM00495\_08\_14\_2023 Ltr from Katherine Moore, Betty LaBaugh, and Brendan & Katy Banovic  
re: Landscaping noise and air pollution
- ODNC00157\_06\_12\_2023 Public Art Policy (COTW)
- ORDR00474\_07\_10\_2023 Plan Approval Bartlett Mall Improvement Project (COTW)

## General Government

### *In Committee:*

- 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:*

- **APPL00158\_09\_11\_2023 Block Party - Hancock Street 9/30 2pm**  
Motion to approve by Councillor Vogel, seconded by Councillor Zeid. Councillor Cameron recused. Roll call vote. 9 yes, 1 recused, 1 absent. Motion passes.

## Planning & Development

### *In Committee:*

- COMM00494\_07\_10\_2023 Planning Board Advisory Report STRU (COTW)
- COMM00500\_08\_28\_2023 STRU Planning Board Final Report (COTW)
- ODNC047\_01\_27\_2020 General Ordinance - Short Term Rental Units Rules (COTW)
- ODNC00141\_02\_27\_2023 Zoning Amendment STRU (COTW)
- ODNC00160\_08\_28\_2023 Zoning Amendment Business Park Indoor Outdoor Rec (COTW)

## Public Works & Safety

### *In Committee:*

- COMM00412\_05\_31\_2022 Ltr Ann Jaroncyk 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
- COMM00505\_09\_11\_2023 Ltr from Kristen Hunter re Merrimac St. traffic safety progress
- 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

Councillor Zeid spoke to upcoming timelines and deadlines required.

## 18. ADJOURNMENT

Motion to adjourn at 8:29 pm by Councillor Wright, seconded by Councillor Shand. Roll call vote. 10 yes, 1 absent. Motion passes.