

CITY COUNCIL MEETING

MINUTES

November 13, 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 the City Clerk called the roll; the following City Councillors answered present: Wallace, Wright, Zeid, Cameron, Donahue, Khan, Lane, McCauley, Preston, Vogel, and Shand. 11 present, 2 remote (Wallace, Lane).

4. LATE FILE

- COMM00518_11_13_2023 Hanukkah Menorah Market Sq. Congregation Ahavas Achim
- ODNC00157_06_12_2023 Public Art Policy (COTW)

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

5. PUBLIC COMMENT

Kelly Page 6 Bowlen Ave.
Brian Callahan 29 Warren St.
Andrea Weetman 183 High St.
Owen Smith 175 Storey Ave.
Alison Odle 25 Juniper St. Exeter, NH
Mark Audette 12 First St. Salisbury

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

- October 30, 2023 (Approve)

8. COMMUNICATIONS

- COMM00516_11_13_2023 Snow and Ice Plan 2023-2024 (PW&S)
- COMM00517_11_13_2023 AHT Letter to Mayor Reardon re Brown School (R&F)

9. TRANSFERS

- TRAN00175_11_13_2023 Mayor: General Fund Free Cash \$550,527.37 to Fire Boat Purchase \$550,527.37 (B&F)
- TRAN00176_11_13_2023 Mayor: General Fund Free Cash \$280,978 to General Fund Budget Reserve \$280,978 (B&F)

10. APPOINTMENTS

Re-Appointments:

- APPT00438_11_13_2023 Susan Chase 44 Oak St. Emma Andrews Lib. Comm. 12/15/2025 (CS)

- APPT00439_11_13_2023 Aine Greaney Ellrott 43 Purchase St. Emma Andrews Lib. Comm. 12/15/2026 (CS)
- APPT00440_11_13_2023 Elizabeth Valeriani 29 Oak St. Emma Andrews Lib. Comm. 12/15/2026 (CS)
- APPT00441_11_13_2023 Virginia R. Champi 84 Purchase St. Emma Andrews Lib. Comm. 12/15/2025 (CS)
- APPT00442_11_13_2023 Laura Thibault 8 Kent St. Cultural Council 12/15/2026

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

BUDGET & FINANCE

- ORDR00472_06_26_2023 Streets Sidewalks Loan Order \$6,000,000 (COTW) *Amended in Cmte 11/9/23*
- COMM00514_10_30_2023 Retirement Board Expense Budget C/Y 2024
- TRAN00171_10_30_2023 DPS: Water Retained Earnings \$130,000 to
Water 1-Ton Dump truck Purchase \$130,000
- TRAN00172_10_30_2023 Mayor: General Fund Free Cash \$128,485.01 to
Opioid Stabilization Fund \$128,485.01
- TRAN00173_10_30_2023 Mayor: General Fund Free Cash \$21,395.19, Water Retained Earnings
\$19,242.17, Sewer Retained Earnings \$54,588.08, and Harbormaster
Retained Earnings \$1,042.90 to Multiple Accounts (attached) \$96,268.34
- TRAN00174_10_30_2023 Mayor: Police Accreditation Allowance \$102,599, Budget Contingency
\$75,103, and Police Technology Stipend \$24,500 to PO Salaries \$177,906,
PO OT \$19,203, and PO Night Differential \$5,093
- TRAN00170_10_16_2023 Mayor: Paid Parking Fund \$12,5000 to HWY Portable Restrooms \$12,500

COMMUNITY SERVICES

- COMM00513_10_30_2023 Head Librarian Memo Kevin Bourque
- APPT00437_10_30_2023 Mary Louise Gagnon 126 Merrimac St. COA 12/1/2026
- ODNC00157_06_12_2023 Public Art Policy (COTW) *Amended in Cmte 11/13/2023*
- COMM00474_04_10_2023 Newburyport Public Art Policy

GENERAL GOVERNMENT

- ODNC00146_03_13_2023 Amend Ch 2-34 Responsibilities of Committee on Community Services
- COMM00506_09_26_2023 Memo Brown School EOIs (COTW)

LICENSES & PERMITS

- APPL00165_10_30_2023 Non-Profit Pop-Up Park 12/2, 12/3, 12/16, 12/17 10am-4pm
- APPL00164_10_30_2023 Movable sign application Cookie Jar Kitchen at Winter St. & Washington St.
- COMM00510_10_30_2023 Shanties request for an extension in pop-up park
- COMM00512_10_30_2023 Newburyport Horticultural Society fundraising table in Market Sq.
12/9 and 12/10 10am-1pm

APPT00437_10_30_2023 is removed from the Consent Agenda at the request of Councillor McCauley.

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

END OF CONSENT AGENDA

REGULAR AGENDA

9. MAYOR'S UPDATE

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

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

- APPL00166_11_13_2023 Santa Parade 11/26/2023 3pm-4:30pm

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

- COMM00518_11_13_202 3 Hanukkah Menorah Market Sq. Congregation Ahavas Achim

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

12. TRANSFERS

13. SECOND READING APPOINTMENTS

14. ORDERS

- ORDR00505_11_13_2023 Gift Acceptance Nock Tennis Courts \$21,195.00

Motion to collectively refer ORDR00505 and ORDR00508 to Budget & Finance, ORDR00506 and ORDR00507 to Budget & Finance & COTW, and ORDR00510 to Community Services by Councillor Zeid, seconded by Councillor McCauley. Roll call vote 11 yes.

- ORDR00506_11_13_2023 FY2024 Tax Rate Order

Motion to collectively refer ORDR00505 and ORDR00508 to Budget & Finance, ORDR00506 and ORDR00507 to Budget & Finance & COTW, and ORDR00510 to Community Services by Councillor Zeid, seconded by Councillor McCauley. Roll call vote 11 yes.

- ORDR00507_11_13_2023 FY2024 Residential Factor Order

Motion to collectively refer ORDR00505 and ORDR00508 to Budget & Finance, ORDR00506 and ORDR00507 to Budget & Finance & COTW, and ORDR00510 to Community Services by Councillor Zeid, seconded by Councillor McCauley. Roll call vote 11 yes.

- ORDR00508_11_13_2023 Approval to Pay Prior Year Bills

Motion to collectively refer ORDR00505 and ORDR00508 to Budget & Finance, ORDR00506 and ORDR00507 to Budget & Finance & COTW, and ORDR00510 to Community Services by Councillor Zeid, seconded by Councillor McCauley. Roll call vote 11 yes.

- ORDR00509_11_13_2023 Gift Acceptance Form Belleville Improvement Society \$895.00

Councillor Wallace recused. Motion to collectively refer to Budget & Finance by Councillor Zeid, seconded by Councillor McCauley. Roll call vote 10 yes, 1 recused (Wallace).

- ORDR00510_11_13_2023 Public Art Committee Rules and Regulations

Motion to collectively refer ORDR00505 and ORDR00508 to Budget & Finance, ORDR00506 and ORDR00507 to Budget & Finance & COTW, and ORDR00510 to Community Services by Councillor Zeid, seconded by Councillor McCauley. Roll call vote 11 yes.

- ORDR00511_11_13_2023 Pink House Resolution

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

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

15. ORDINANCES

- ODNC00129_11_01_2022 **1st Reading** Defining Conflict Rule for Dept. Heads (COTW)
10/30/2023 Moved to a date certain 11/13/2023

Motion to approve on 1st reading by Councillor Zeid, seconded by Councillor McCauley.

Motion to amend to remove the word “allocation” in section (b) by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 10 yes, 1 present (Vogel). Motion passes.

Motion to amend to strike (b), noting that it is covered by state law, by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 8 yes, 2 no (Wright, McCauley), 1 present (Vogel). Motion passes.

Motion to approve as amended on 1st reading by Councillor Zeid, seconded by Councillor McCauley. 7 yes, 4 no (Cameron, Donahue, Vogel, Shand). Motion passes.

- ODNC047_01_27_2020 **2nd Reading** General Ordinance - Short Term Rental Units Rules (COTW)
Motion to approve on 2nd Reading by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.
- ODNC00141_02_27_2023 **2nd Reading** Zoning Amendment STRU (COTW)
Motion to approve on 2nd Reading by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.
- ODNC00160_08_28_2023 **2nd Reading** Zoning Amendment Business Park Indoor Outdoor Rec (COTW)
Motion to approve on 2nd Reading by Councillor Wright, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.
- ODNC00161_10_16_2023 **2nd Reading** Pleasant Street 15 min parking space
Motion to collectively approve ODNC00161, ODNC00162, and ODNC00163 on 2nd Reading by Councillor McCauley, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.
- ODNC00162_10_16_2023 **2nd Reading** Amended Parking Restrictions on Toppans Lane
Motion to collectively approve ODNC00161, ODNC00162, and ODNC00163 on 2nd Reading by Councillor McCauley, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.
- ODNC00163_10_16_2023 **2nd Reading** Federal St. HP Space
Motion to collectively approve ODNC00161, ODNC00162, and ODNC00163 on 2nd Reading by Councillor McCauley, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR00472 06 26 2023 Streets Sidewalks Loan Order \$6,000,000(COTW)Amended in CMTE 11/9/23**
Motion to approve by Councillor Zeid, seconded by Councillor Wright.
Motion to amend by removing the amendment by Councillor Khan, seconded by Councillor Cameron.
Motion to strike “approved” by Councillor McCauley, seconded by Councillor Zeid. Roll call vote. 9 yes, 2 no (Khan, Vogel). Motion passes.
Motion to amend by removing the amendment which no longer contains the word “approved” by Councillor Khan, seconded by Councillor Cameron. Roll call vote. 9 no, 2 yes (Cameron, Khan). Motion fails.
Motion to approve as amended with the word “approved” stricken by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.
- **COMM00514 10 30 2023 Retirement Board Expense Budget C/Y 2024**
Motion to receive and file by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.
- **TRAN00171 10 30 2023 DPS: Water Retained Earnings \$130,000 to**
Water 1-Ton Dump truck Purchase \$130,000
Motion to collectively approve TRAN00171 and TRAN00172 by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.
- **TRAN00172 10 30 2023 Mayor: General Fund Free Cash \$128,485.01 to**
Opioid Stabilization Fund \$128,485.01
Motion to collectively approve TRAN00171 and TRAN00172 by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.
- **TRAN00173 10 30 2023 Mayor: General Fund Free Cash \$21,395.19, Water Retained Earnings**
\$19,242.17, Sewer Retained Earnings \$54,588.08, and Harbormaster
Retained Earnings \$1,042.90 to Multiple Accounts (attached)
\$96,268.34
Motion to approve by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.
- **TRAN00174 10 30 2023 Mayor: Police Accreditation Allowance \$102,599, Budget Contingency**
\$75,103, and Police Technology Stipend \$24,500 to PO Salaries
\$177,906, PO OT \$19,203, and PO Night Differential \$5,093
Motion to approve by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.

- **TRAN00170 10 16 2023** **Mayor: Paid Parking Fund \$12,5000 to HWY Portable Restrooms \$12,500**

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

- ORDR00336_03_28_2022 ARPA Amesbury 250K (COTW)
- ORDR00504_10_30_2023 Local Acceptance of Community Impact Fee on Short Term Rentals
- 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:

- **COMM00513 10 30 2023** **Head Librarian Memo Kevin Bourque**

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

- APPT00437_10_30_2023 Mary Louise Gagnon 126 Merrimac St. COA 12/1/2026
- **ODNC00157 06 12 2023** **Public Art Policy (COTW) Amended in Cmte 11/9/23**

Motion to approve on 1st reading by Councillor McCauley, seconded by Councillor Preston.

Motion to amend to change (2) from “1 member of the Newburyport Art Association” to 2 residents, and to strike (6) by Councillor McCauley, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.

Motion to approve on 1st reading as amended by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

- **COMM00474 04 10 2023** **Newburyport Public Art Policy**

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

- COMM00495_08_14_2023 Ltr from Katherine Moore, Betty LaBaugh, and Brendan & Katy Banovic
re: Landscaping noise and air pollution
- ORDR00474_07_10_2023 Plan Approval Bartlett Mall Improvement Project (COTW)

General Government

In Committee:

- **ODNC00146 03 13 2023** **Amend Ch 2-34 Responsibilities of Committee on Community Services**

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

- **COMM00506 09 26 2023** **Memo Brown School EOIs (COTW)**

Motion to receive and file by Councilor Shand, 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)
- ORDR239_02_8_2021 Council Rule 7 and 10B

Licenses & Permits

In Committee:

- **APPL00165 10 30 2023** **Non-Profit Pop-Up Park 12/2, 12/3, 12/16, 12/17 10am-4pm**

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

- **APPL00164 10 30 2023** **Movable sign application Cookie Jar Kitchen at Winter St. & Washington St.**

Motion to approve by Councilor Vogel, seconded by Councillor Preston. Roll call vote. 10 yes, 1 no (Donahue). Motion passes.

- **COMM00510 10 30 2023** **Shanties request for an extension in pop-up park**

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

- **COMM00512 10 30 2023** **Newburyport Horticultural Society fundraising table in Market Sq.
12/9 and 12/10 10am-1pm**

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

Planning & Development

In Committee:

- COMM00494_07_10_2023 Planning Board Advisory Report STRU (COTW)

- COMM00500_08_28_2023
- ODNC00164_10_30_2023

STRU Planning Board Final Report (COTW)
Zoning-Amendment-Global-R3-Multi-Family(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
- COMM00511_10_30_2023 Streets and Sidewalks Plan FY23-FY28 Update
- 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 9:17pm by Councilor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.