

CITY COUNCIL MEETING

MINUTES

October 30, 2023 7:00 pm
City Council Chambers, City Hall
60 Pleasant Street, Newburyport

Executive Session

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 Jeremiah Doyle
2. **PLEDGE OF ALLEGIANCE**
3. **CALL TO ORDER** 7:00 pm the City Clerk called the roll; the following City Councillors answered present: Vogel, Wallace, Wright, Zeid, Cameron, Donahue, Khan, Lane, McCauley, Preston, and Shand. 11 present.
4. **LATE FILE**
 - COMM00515_10_30_2023 Ltr from Jean Costello re ORDR00501 Resolution on Israeli-Hamas Conflict (GG)
 - APPL00165_10_30_2023 Non-Profit Pop-Up Park 12/2, 12/3, 12/16, 12/17 10am-4pm (L&P)
 - ODNC00164_10_30_2023 Zoning-Amendment-Global-R3-Multi-Family (P&D/COTW)Motion to waive the rules and accept the late files by Councillor Zeid, seconded by Councillor Lane. So voted.
5. **PUBLIC COMMENT**

Susan Moseley	53 Warren St. #209
Judy Tymon	39 Lime St.
Reg Bacon	21 Strong St.
James Jones	2 Wills Ln.
Judy Mouradian	5 Beck St.
Diana Kerry	33 Temple St.
Ahmer Ibrahim	85 Prospect St
Alex Matthews	53.5 Washington St.
Rita Mihalek	53 Warren St.
Barbara Feldman	53 Warren St.
Leslie Eckholdt	36 Warren St.
Brett Murphy	2 Marsh St.
Sue Benveniste	51 Milk St.
Ben Harman	298 High St.
Mary Krajci	232 High St.
Nancy Caswell	3 Jefferson Ct.
Joan Dangelmaier	2 Savory St.
Ryan Burke	26 Eagle St.
Stephanie Niketic	93 High St.
Joyce Cantileno	20 Oakland St.
Jane Snow	9 Coffin St.
6. **MAYOR'S COMMENT**

Motion to waive the rules to go out of order to bring Planning & Development committee items out first by Councillor Zeid, seconded by Councillor Vogel. So voted.

- ODNC00141_02_27_2023 Zoning Amendment STRU (COTW)

Motion to approve ODNC00141_02_27_2023 on 1st reading by Councillor Zeid, seconded by Councillor Preston.

Motion to amend by striking 111B and all language related to 111B as noted in draft amendment by Councillor Cameron, seconded by Councillor Donahue.

10-minute recess to review the draft amendment.

Motion to amend the amendment to remove the removal of 111B and all language related to it, and to change V-G 5b from June 30th, 2030 to June 30th, 2027 by Councillor Zeid, seconded by Councillor Lane. Roll call vote. 9 yes, 2 no (Donahue, Preston). Motion passes.

Motion to move the question by Councillor Zeid, seconded by Councillor Lane. Roll call vote. 7 yes, 4 no (Wallace, Cameron, Donahue, Shand). Motion fails.

Motion to approve as amended on 1st reading by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 10 yes, 1 no (Donahue). Motion passes.

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

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

Friendly amendment to change the fee in Sec. 9-305 C to \$250 by Councillor McCauley.

Motion to amend to language in Sec. 9-303 by Councillor Vogel, seconded by Councillor Lane. So voted.

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

- ODNC00160_08_28_2023 Zoning Amendment Business Park Indoor Outdoor Rec (COTW)

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

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 16, 2023 (Approve)

8. COMMUNICATIONS

- APPL00164_10_30_2023 Movable sign application Cookie Jar Kitchen at Winter St. & Washington St. (L&P)
- COMM00511_10_30_2023 Streets and Sidewalks Plan FY23-FY28 Update (PW&S)
- COMM00512_10_30_2023 Newburyport Horticultural Society fundraising table in Market Sq. (L&P)
12/9 and 12/10 10am-1pm
- COMM00513_10_30_2023 Head Librarian Memo Kevin Bourque (CS)
- COMM00514_10_30_2023 Retirement Board Expense Budget C/Y 2024 (B&F)

9. TRANSFERS

- TRAN00171_10_30_2023 DPS: Water Retained Earnings \$130,000 to
Water 1-Ton Dump truck Purchase \$130,000 (B&F)
- TRAN00172_10_30_2023 Mayor: General Fund Free Cash \$128,485.01 to
Opioid Stabilization Fund \$128,485.01 (B&F)
- 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 (see attached) \$96,268.34 (B&F)

- TRAN00174_10_30_2023 Mayor: Police Accreditation Allowance \$102,599, Budget Contingency \$75,103, and Police Technology Stipend \$24,500 to Police Officer Salaries \$177,906, Police Officer Overtime \$19,203, and Police officer Night Differential \$5,093 (B&F)

10. APPOINTMENTS

- APPT00437_10_30_2023 Mary Louise Gagnon 126 Merrimac St. COA 12/1/2026 (CS)

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

BUDGET & FINANCE

- ORDR00502_10_16_2023 Grant Acceptance Form Municipal Road Safety Grant
- ORDR00498_10_16_2023 Gift Acceptance Friends of NBPT Trees \$17,000
- ORDR00499_10_16_2023 Grant Acceptance LSTA \$20,000
- ORDR00500_10_16_2023 Approval to Pay Prior Year Bills
- ODNC00129_11_01_2022 Defining Conflict Rule for Dept. Heads (COTW)

COMMUNITY SERVICES

- APPT00436_10_16_2023 Sarah Landry 462 South Main St. Nashua, NH Dir. COA 11/1/2026
- ORDR00497_09_26_2023 Sponsorship of an Administrative Order to create Recreation & Yth Ser. Dept.

PLANNING & DEVELOPMENT

- 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

- APPL00163_10_16_2023 Bar 25 Planters Request
- ODNC00161_10_16_2023 Pleasant Street 15 min parking space
- ODNC00162_10_16_2023 Amended Parking Restrictions on Toppans Lane
- ODNC00163_10_16_2023 Federal St. HP Space

END OF CONSENT AGENDA

Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Lane. So voted.

REGULAR AGENDA

9. MAYOR'S UPDATE

Motion to receive and file by Councillor Zeid, seconded by Councillor Preston. So voted.

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

- COMM00508_10_16_2023 2nd 30 day Extension of Acting Head Librarian Appointment
Moved to a date certain, October 30th

Motion to approve by Councillor McCauley, seconded by Councillor Zeid. So voted.

- COMM00510_10_30_2023 Shanties request for an extension in pop-up park
Motion to refer to Licenses & Permits by Councillor Zeid, seconded by Councillor Khan. So voted.

12. TRANSFERS

13. SECOND READING APPOINTMENTS

14. ORDERS

- ORDR00501_10_16_2023 Resolution on Israeli - Hamas Conflict **Motion to Reconsider by Councillor Vogel*
Motion to waive the rules, declare an emergency, and approve by Councillor McCauley, seconded by Councillor Preston. Motion to amend to remove the 3rd Whereas statement by Councillor Khan, seconded by Councillor Preston. So voted. 7 yes, 1 no (JM), 1 present (SZ), 2 absent (CW, JD). Motion passes. Motion to amend to add “and Muslim” at the end of the And furthermore statement by Councillor Khan, seconded by Councillor Preston. So voted. 8 yes, 1 present (SZ), 2 absent (CW, JD). Motion passes. Motion to approve as amended Councillor McCauley, seconded by Councillor Preston. So voted. 8 yes, 1 present (SZ), 2 absent (CW, JD). Motion passes.
Motion to reconsider by Councillor Vogel, seconded by Councillor Khan. Roll call vote. 10 yes, 1 present (Zeid). Motion passes.
Friendly amendment to add language to resolution by Councillor Khan
Roll call vote. 10 yes, 1 present (Zeid). Motion passes.
- COMM00515_10_30_2023 Ltr from Jean Costello re ORDR00501 Resolution on Israeli-Hamas Conflict
Motion to waive the rules, asking Council President Shand to remove from COMM00515 from General Government, and receive and file by Councillor Zeid, seconded by Councillor Khan. 10 yes, 1 present (Zeid). So voted.
- ORDR00503_10_30_2023EP Authorizing Whittier Vo-Tech Letter
- ORDR00503_10_30_2023 Authorizing Whittier Vo-Tech Letter
Motion to waive the rules, declare an emergency, and approve by Councillor Vogel, seconded by Councillor Zeid.
Motion to amend the language of the letter to edit the City Council’s concerns and to authorize the Council President to sign on behalf of the City Council by Councillor Zeid, seconded by Councillor McCauley. So voted.
Motion to waive the rules, declare an emergency, and approve as amended by Councillor Vogel, seconded by Councillor Zeid. So voted.
- ORDR00504_10_30_2023 Local Acceptance of Community Impact Fee on Short Term Rentals
Motion to refer to Budget & Finance and COTW by Councillor Khan, seconded by Councillor Cameron. So voted.

15. ORDINANCES

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- ORDR00502 10 16 2023 Grant Acceptance Form Municipal Road Safety Grant
Motion to approve by Councillor Zeid, seconded by Councillor Cameron. So voted.
- ORDR00498 10 16 2023 Gift Acceptance Friends of NBPT Trees \$17,000
Motion to approve by Councillor Zeid, seconded by Councillor Khan. So voted.
- ORDR00499 10 16 2023 Grant Acceptance LSTA \$20,000
Motion to approve by Councillor Zeid, seconded by Councillor Wright. So voted.
- ORDR00500 10 16 2023 Approval to Pay Prior Year Bills
Motion to approve by Councillor Zeid, seconded by Councillor Wright. So voted.
- ODNC00129 11 01 2022 Defining Conflict Rule for Dept. Heads (COTW)
Motion to move to a date certain, November 13th, by Councillor Zeid, seconded by Councillor McCauley. So voted.
- 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)
- TRAN00170_10_16_2023 Mayor's Office: Paid Parking Fund \$12,5000 to HWY Portable Restrooms \$12,500

Community Services

In Committee:

- **APPT00436 10 16 2023** **Sarah Landry 462 South Main St. Nashua, NH Dir. COA 11/1/2026**
Motion to approve by Councillor McCauley, seconded by Councillor Donahue. Roll call vote. 11 yes. Motion passes.
- **ORDR00497 09 26 2023** **Sponsorship of an Admin. Order to create Recreation & Yth Ser. Dept.**
Motion to approve by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 11 yes. 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)**
- **COMM00506 09 26 2023** **Memo Brown School EOIs (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:

Planning & Development

In Committee:

- **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)**
- **COMM00494 07 10 2023** **Planning Board Advisory Report STRU (COTW)**
- **COMM00500 08 28 2023** **STRU Planning Board Final Report (COTW)**

Public Works & Safety

In Committee:

- **APPL00163 10 16 2023** **Bar 25 Planters Request**
Motion to approve by Councillor Wallace, seconded by Councillor McCauley. So voted.
- **ODNC00161 10 16 2023** **Pleasant Street 15 min parking space**
Motion to approve on 1st reading by Councillor Wallace, seconded by Councillor Cameron. Roll call vote. 10 yes, 1 no (ZEID). Motion passes.
- **ODNC00162 10 16 2023** **Amended Parking Restrictions on Toppans Lane**
Motion to approve on 1st reading by Councillor Wallace, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.
- **ODNC00163 10 16 2023** **Federal St. HP Space**
- Motion to approve on 1st reading by Councillor Wallace, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.
- **COMM00412 05 31 2022** **Ltr Ann Jaronecyk 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

Motion to waive the rules to go past 10:30pm by Councillor Wright, seconded by Councillor Zeid. 10 yes, 1 present (Lane). So voted.

17. GOOD OF THE ORDER

Motion to go into Executive Session for the below-stated reason by Councillor Zeid, seconded by Councillor McCauley. 11 yes on a roll call vote. The President declare that an open meeting may have a detrimental effect on the litigating position of the City. The President also declared the Council would not be coming out of executive session into a public session.

18. EXECUTIVE SESSION: Pursuant to MGL c. 30A s. 21(a)(3) there will be an executive session for the purpose of discussing strategy with respect to litigation as an open meeting may have a detrimental effect on the litigating position of the City.

19. ADJOURNMENT