

CITY COUNCIL MEETING

MINUTES

March 11, 2024 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 Remembering Rev. Helen Murgida

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER 7:00pm the City Clerk called the roll; the following City Councillors answered present: McCauley, Preston (remote), Shand, Wright, Zeid, Donahue, Granas, Harman, Lane (remote) and Cameron. 10 present, 1 absent (Khan).

4. LATE FILE

- | | | | | | |
|-------------------------|---|--------------------------------------|--|-----------|------------|
| • APPT00479_03_11_2024 | Karen M. Cullinane | 88 Federal St.
Newburyport | Library Board
of Directors | 4/15/2031 | (CS) |
| • <i>Re-Appointment</i> | Joe Carper | 8 Fruit St.
Newburyport | Fruit St. Local
Historic District
Commission | 4/15/2027 | (P&D) |
| • APPT00480_03_11_2024 | | | | | |
| • APPT00481_03_11_2024 | David J. Vance | 10 Pleasant View
Ave.
Merrimac | Special Police
Officer with the
NPD | | (PW&S) |
| • ORDR00546_03_11_2024 | Harbormaster Dept. | Season Dock Permit Fee | | | (B&F) |
| • COMM00544_03_11_2024 | Email from Laurie O'Donnell re Flooding at 29 Marquand Lane | | | | (PW&S) |
| • COMM00545_03_11_2024 | Memo RE: Zoning Advisory Group (ZAG) & MBTA Communities | | | | (P&D/COTW) |

Motion to waive the rules, accept late files APPT00479, APPT00480, APPT00481, ORDR00546, COMM00544 and refer to their respective committees by Councillor Zeid, seconded by Councillor McCauley. Roll call vote, 10 yes, 1 absent (Khan), motion passes.

5. PUBLIC COMMENT

6. MAYOR'S COMMENT

PRESENTATION – Specialized Energy Code

Councillor Khan present remotely during the presentation.

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

February 26, 2024

(Approve)

8. COMMUNICATIONS

- | | | |
|------------------------|--|-------|
| • COMM00542_03_11_2024 | Municipal Buildings Report | (GG) |
| • APPL00186_03_11_2024 | Love Local Newburyport - Runway for Recovery 5/9/2024 3-9pm Inn Street | (L&P) |
| • APPL00187_03_11_2024 | The Basin Apparel Company Tent on Water Street | (L&P) |
| • APPL00188_03_11_2024 | Newburyport Arts & Culture Shanties Pop-Up Park 1/1/24-12/31/24 12pm-8pm | (L&P) |

9. TRANSFERS

- TRAN00184_03_11_2024 City Clerk: General Fund Free Cash \$15,000 to Elections \$15,000 (B&F)
- TRAN00185_03_11_2024 Mayor: ARPA State & Local Fiscal Recovery Funds \$282,653.87 (B&F/COTW)
and Joppa Park Walkway \$30,487.91 to Lower Atkinson Common Improvements \$313,141.78

10. APPOINTMENTS

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

BUDGET & FINANCE

- TRAN00181_02_26_2024 Mayor: MYR DEI Coordinator \$25,000 to MYR DEI Initiatives \$25,000
- TRAN00182_02_26_2024 DPS: Water Retained Earning \$42,000 to Water OPM Services \$42,000
- TRAN00183_02_26_2024 DPS: Sewer Retained Earnings \$18,000 to Sewer OPM Services \$18,000
- ORDR00540_02_26_2024 Grant Acceptance Form Defibrillator Equipment Program
- ORDR00541_02_26_2024 Gift Acceptance Exchange Club \$600

COMMUNITY SERVICES

- APPT00463_02_12_2024 Andrea Weetman 183 High St. Newburyport Community Preservation Act Committee 3/15/2027
- APPT00464_02_12_2024 Kristen Donahue 16 Olive St. Newburyport Library Board of Directors 3/15/2027
- APPT00465_02_12_2024 Caroline McCarthy 4 Coombs Cir. Newburyport Library Board of Directors 3/15/2027
- APPT00467_02_12_2024 Kim Turner 27 High St. Newburyport Public Arts Committee 03/15/2025
- APPT00468_02_12_2024 Nicole Whelan 12 Lafayette St. Newburyport Public Arts Committee 3/15/2025
- APPT00469_02_12_2024 Shanna Sartori 2 Garden St. Newburyport Public Arts Committee 3/15/2025
- APPT00470_02_12_2024 Katherine Moran 9 Garden St. Newburyport Public Arts Committee 3/15/2025
- APPT00471_02_12_2024 Peter Carzasty 35 Temple St. Newburyport Public Arts Committee 3/15/2025
- APPT00473_02_12_2024 Paula Estey 3 Pine St. Newburyport Cultural Council Liaison on Public Arts Committee 3/1/2027
- *Confirmatory* APPT00472_02_12_2024 Cynthia Schartman 12 Market St. Newburyport Cultural Council Liaison on Public Arts Committee 3/1/2027
- ORDR00515_11_27_2023 Gift Acceptance Morrill Foundation \$110,000

PLANNING & DEVELOPMENT

- APPT00466_02_12_2024 Larry Giunta 139 Crow Lane Newburyport Associate Member Zoning Board of Appeals 7/31/2027
- *Confirmatory* APPT00474_02_12_2024 Dennis Morel 83 Bow Ridge Rd. Lynn Building Inspector 2/15/2027
- *Re-Appointment* APPT00475_02_12_2024 Kevin Wallace 40 Oak St. Newburyport Fruit Street Local Historic District Commission 3/15/2027

- | | | | | |
|--------------------------------|----------------|--------------|-----------------------|-----------|
| • <i>Re-Appointment</i> | Robert Currier | 3 Summit Pl. | Affordable Housing | 3/15/2026 |
| • APPT00476_02_12_2024 | | Newburyport | Trust | |
| • <i>Re-Appointment</i> | Andrew Port | 61 Water St. | Director of Planning | 3/15/2026 |
| • APPT00477_02_12_2024 | | Newburyport | & Development | |
| • APPT00478_02_12_2024 | Edward Noymer | 8 Lucey Dr. | Historical Commission | 3/15/2027 |

END OF CONSENT AGENDA

- APPL00188_03_11_2024 to be removed from the consent agenda at the request of Councillor Zeid.
Motion to approve the consent agenda as amended and to receive and file the mayor's update by Councillor Zeid, seconded by Councillor Harman. Roll call vote. 10 yes, 1 absent (Khan)

REGULAR AGENDA

9. MAYOR'S UPDATE

10. FIRST READING APPOINTMENTS

- | | | | | |
|--------------------------------|-----------------|------------------|-------------|-----------|
| • APPT00468_02_12_2024 | Nicole Whelan | 12 Lafayette St. | Public Arts | 3/15/2027 |
| <i>Confirmatory_03_11_2024</i> | | Newburyport | Committee | |
| • APPT00469_02_12_2024 | Shanna Sartori | 2 Garden St. | Public Arts | 3/15/2027 |
| <i>Confirmatory_03_11_2024</i> | | Newburyport | Committee | |
| • APPT00470_02_12_2024 | Katherine Moran | 9 Garden St. | Public Arts | 3/15/2027 |
| <i>Confirmatory_03_11_2024</i> | | Newburyport | Committee | |
| • APPT00471_02_12_2024 | Peter Carzasty | 35 Temple St. | Public Arts | 3/15/2027 |
| <i>Confirmatory_03_11_2024</i> | | Newburyport | Committee | |

Motion to waive the rules and approve in one reading to replace the incorrect dates of the same appointments in Community Services by Councillor Zeid, seconded by Councillor McCauley. Roll call vote, 10 yes, 1 absent (Khan), motion passes.

11. COMMUNICATIONS

- COMM00545_03_11_2024 Memo RE: Zoning Advisory Group (ZAG) & MBTA Communities
Motion to refer to Planning & Development and COTW by Councillor Zeid, seconded by Councillor Wright. Roll call vote, 9 yes, 1 no (Zeid), 1 absent (Khan), motion passes.
- APPL00188_03_11_2024 Newburyport Arts & Culture Shanties Pop-Up Park 1/1/24-12/31/24 12pm-8pm
Motion to refer to Licenses & Permits by Councillor Zeid, seconded by Councillor Wright. Roll call vote, 9 yes, 1 no (Zeid), 1 absent (Khan), motion passes.

12. TRANSFERS

13. SECOND READING APPOINTMENTS

- | | | | | |
|------------------------|-----------------------|-------------------------------|----------------|-----------|
| • APPT00462_01_29_2024 | Murphy | 50 Braintree Hill Office Park | City Solicitor | 1/31/2025 |
| | Hesse Toomey & Lehane | Suite 410 | | |
| | | Braintree, MA 02184 | | |

****APPT00462_01_29_2024 Moved to a date certain March 11,2024***

Motion to approve by Councillor Zeid, seconded by Councillor Harman. Roll call vote, 9 yes, 1 no (McCauley), 1 absent (Khan), motion passes.

14. ORDERS

- ORDR00543_03_11_2024 Gift Acceptance Friends of NBPT Trees \$6500

Motion to collectively refer ORDR00543 Budget & Finance and ORDR00545 to Budget & Finance/COTW by Councillor Zeid, seconded by Councillor McCauley. Roll call vote, 10 yes, 1 absent (Khan), motion passes.

- ORDR00544_03_11_2024 Ward 1P Polling Location Change

Motion to refer General Government by Councillor Zeid, seconded by Councillor Shand. Roll call vote, 10 yes, 1 absent (Khan), motion passes.

- ORDR00545_03_11_2024 School Security Upgrades Lease Order \$731,343.00

Motion to collectively refer ORDR00543 Budget & Finance and ORDR00545 to Budget & Finance/COTW by Councillor Zeid, seconded by Councillor McCauley. Roll call vote, 10 yes, 1 absent (Khan), motion passes.

15. ORDINANCES

- ODNC00166_03_11_2024 Amend Ch 5-65 Specialized Energy Code

Motion to refer Planning & Development and COTW by Councillor McCauley, seconded by Councillor Harman. Roll call vote, 10 yes, 1 absent (Khan), motion passes.

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **TRAN00181 02 26 2024 Mayor: MYR DEI Coordinator \$25,000 to MYR DEI Initiatives \$25,000**

Motion to approve by Councillor Zeid, seconded Councillor Harman. Roll call vote, 9 yes, 1 no (McCauley), 1 absent (Khan), motion passes.

- **TRAN00182 02 26 2024 DPS: Water Retained Earning \$42,000 to Water OPM Services \$42,000**

Motion to collectively approve TRAN00182 and TRAN00183 by Councillor Zeid, seconded Councillor Wright. Roll call vote, 10 yes, 1 absent (Khan), motion passes.

- **TRAN00183 02 26 2024 DPS: Sewer Retained Earnings \$18,000 to Sewer OPM Services \$18,000**

Motion to collectively approve TRAN00182 and TRAN00183 by Councillor Zeid, seconded Councillor Wright. Roll call vote, 10 yes, 1 absent (Khan), motion passes.

- **ORDR00540 02 26 2024 Grant Acceptance Form Defibrillator Equipment Program**

- **ORDR00541 02 26 2024 Gift Acceptance Exchange Club \$600**

Motion to collectively approve ORDR00540 and ORDR00541 by Councillor Zeid, seconded Councillor Wright. Roll call vote, 10 yes, 1 absent (Khan), motion passes.

Community Services

In Committee:

- | | | | | |
|-------------------------------|--------------------------|-------------------------------------|--|-------------------|
| • <u>APPT00463 02 12 2024</u> | <u>Andrea Weetman</u> | <u>183 High St. Newburyport</u> | <u>Community Preservation Act Committee</u> | <u>3/15/2027</u> |
| • <u>APPT00464 02 12 2024</u> | <u>Kristen Donahue</u> | <u>16 Olive St. Newburyport</u> | <u>Library Board of Directors</u> | <u>3/15/2027</u> |
| • <u>APPT00465 02 12 2024</u> | <u>Caroline McCarthy</u> | <u>4 Coombs Cir. Newburyport</u> | <u>Library Board of Directors</u> | <u>3/15/2027</u> |
| • <u>APPT00467 02 12 2024</u> | <u>Kim Turner</u> | <u>27 High St. Newburyport</u> | <u>Public Arts Committee</u> | <u>03/15/2025</u> |
| • <u>APPT00468 02 12 2024</u> | <u>Nicole Whelan</u> | <u>12 Lafayette St. Newburyport</u> | <u>Public Arts Committee</u> | <u>3/15/2025</u> |
| • <u>APPT00469 02 12 2024</u> | <u>Shanna Sartori</u> | <u>2 Garden St. Newburyport</u> | <u>Public Arts Committee</u> | <u>3/15/2025</u> |
| • <u>APPT00470 02 12 2024</u> | <u>Katherine Moran</u> | <u>9 Garden St. Newburyport</u> | <u>Public Arts Committee</u> | <u>3/15/2025</u> |
| • <u>APPT00471 02 12 2024</u> | <u>Peter Carzasty</u> | <u>35 Temple St. Newburyport</u> | <u>Public Arts Committee</u> | <u>3/15/2025</u> |
| • <u>APPT00473 02 12 2024</u> | <u>Paula Estey</u> | <u>3 Pine St. Newburyport</u> | <u>Cultural Council Liaison on Public Arts Committee</u> | <u>3/1/2027</u> |

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|-------------------------------|------------------|----------------------|------------------------------------|-----------------|
| <u>Confirmatory</u> | <u>Cynthia</u> | <u>12 Market St.</u> | <u>Cultural Council Liaison on</u> | <u>3/1/2027</u> |
| • <u>APPT00472 02 12 2024</u> | <u>Schartman</u> | <u>Newburyport</u> | <u>Public Arts Committee</u> | |

Motion to waive the rules and approve in one reading to replace the incorrect dates of the same appointments in Community Services by Councillor Zeid, seconded by Councillor McCauley. Roll call vote, 10 yes, 1 absent (Khan), motion passes.

Motion to approve APPT00463 by Councillor Preston, seconded by Councillor Zeid. Roll call vote, 9 yes, 1 no (McCauley), 1 absent (Khan), motion passes.

Motion to collectively approve APPT00464 and APPT00465 by Councillor Preston, seconded by Councillor Harman. Roll call vote, 10 yes, 1 absent (Khan), motion passes.

Motion to approve APPT00467 by Councillor Preston, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Khan), motion passes.

Motion to collectively approve APPT00473 and APPT00472 by Councillor Preston, seconded by Councillor Harman. Roll call vote, 10 yes, 1 absent (Khan), motion passes.

- ORDR00515 11 27 2023 Gift Acceptance Morrill Foundation \$110,000

Motion to approve by Councillor Preston, seconded by Councillor Zeid. Motion to amend to include the language "The gift is accepted but appropriation is contingent upon the City Council receiving and approving a full funding plan and updated project specifications for the Bartlett Mall Project." by Councillor Zeid, seconded by Councillor Donahue. Roll call vote, 10 yes, 1 absent (Khan). Roll call vote, 7 yes, 3 no (McCauley, Wright, Lane), 1 absent (Khan)

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|------------------------|--|
| • COMM00525_01_08_2024 | Letter from Joe Morgan re: Frog Pond Restoration Project |
| • ORDR00474_07_10_2023 | Plan Approval Bartlett Mall Improvement Project (COTW) |
| • ORDR00537_02_12_2024 | Youth and Recreation Center Design Approval (COTW) |
| • COMM00541_02_26_2024 | Kim Turner letter including supporting documents COTW) |

General Government

In Committee:

- ORDR00527_01_08_2024 Council Rules 2024

Licenses & Permits

In Committee:

Planning & Development

In Committee:

- | | | | | |
|-------------------------------|---------------------|----------------------|---------------------------|------------------|
| • <u>APPT00466 02 12 2024</u> | <u>Larry Giunta</u> | <u>139 Crow Lane</u> | <u>Associate Member</u> | <u>7/31/2027</u> |
| | | <u>Newburyport</u> | <u>Zoning Board of</u> | |
| | | | <u>Appeals</u> | |
| • <u>APPT00474 02 12 2024</u> | <u>Dennis Morel</u> | <u>83 Bow Ridge</u> | <u>Building Inspector</u> | <u>2/15/2027</u> |
| | | <u>Rd.</u> | | |
| | | <u>Lynn</u> | | |
| • <u>APPT00475 02 12 2024</u> | <u>Kevin</u> | <u>40 Oak St.</u> | <u>Fruit Street Local</u> | <u>3/15/2027</u> |
| | <u>Wallace</u> | <u>Newburyport</u> | <u>Historic District</u> | |
| | | | <u>Commission</u> | |
| • <u>APPT00476 02 12 2024</u> | <u>Robert</u> | <u>3 Summit Pl.</u> | <u>Affordable Housing</u> | <u>3/15/2026</u> |
| | <u>Currier</u> | <u>Newburyport</u> | <u>Trust</u> | |
| • <u>APPT00477 02 12 2024</u> | <u>Andrew Port</u> | <u>61 Water St.</u> | <u>Director of</u> | <u>3/15/2026</u> |
| | | <u>Newburyport</u> | <u>Planning &</u> | |
| | | | <u>Development</u> | |
| • <u>APPT00478 02 12 2024</u> | <u>Edward</u> | <u>8 Lucey Dr.</u> | <u>Historical</u> | <u>3/15/2027</u> |
| | <u>Noymer</u> | <u>Newburyport</u> | <u>Commission</u> | |

Motion to collectively approve APPT00477 by Councillor Shand, seconded by Councillor Donahue. Roll call vote, 10 yes, 1 absent (Khan), motion passes.

- COMM00529_01_29-2024 Letter from Jim McCarthy re: Request to update codified sign ordinances

- COMM00530_01_29_2024 Update Regarding Zoning Studies & Amendments (COTW)
Related to Storey Ave & “MBTA Communities”(COTW)
- COMM00534_02_12_2024 Administration Memo re: COMM00529_01_29_2024
(Jim McCarthy letter to request an update codified sign ordinances)
- COMM00535_02_12_2024 Development Agreements Documents re:
Zoning Amendment Global R3 Multi-Family
- COMM00540_02_26_2024 Newburyport-MBTA-Communities-Storey-Ave-Slides

Public Works & Safety

In Committee:

- COMM00527_01_08_2024 Letter from Philip Cootey
- COMM00533_02_12_2024 Middle Street Plummer Spring Bridge - Proposed next steps
- ORDR00449_04_24_2023 Approving Shared Streets Grant, High Street Traffic Calming
- ORDR00542_02_26_2024 Crosswalk on Turkey Hill at Hale St
- COMM00538_02_26_2024 Plummer Spring Bridge Memo
- COMM00539_02_26_2024 Merrimack Valley Regional Transit Authority Route Changes Memo &Map

17. GOOD OF THE ORDER

18. ADJOURNMENT

Motion to adjourn at 9:10 PM by Councillor Zeid, seconded by Councillor Wright. Roll call vote, 10 yes, 1 absent (Khan), motion passes.