

CITY COUNCIL “HYBRID”

MEETING MINUTES

April 11, 2022

City Council Meeting 7:00 pm

LOCATION: City Council Chambers, City Hall

60 Pleasant Street, Newburyport

Zoom details:

<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 Hans Erwich

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

The City Council President Heather Shand called the meeting to order at 7:00 pm and asked the City Clerk, Richard B. Jones, to call the roll. The following City Councillors answered present: Preston, Vogel, Wallace, Wright, Zeid, Cameron, Donahue, Khan, Lane, McCauley, and Shand. 11 present.

4. LATE FILE

- ORDR00341_04_11_2022 Blue Wave Solar Pilot Negotiation
- ORDR00342_04_11_2022 CPC-FY22-Supplementary Bartlet Mall-Historic Restoration Walkway Improv.
- COMM00395_03_14_2022 St. & Sidewalk Repair Plan (Neighborhood & City Services/COTW)
- COMM00406_04_11_2022 Pioneer League Letter re: Pickleball

Motion to waive the rules and accept the late files by Councillor Zeid, seconded by Councillor Lane. So voted.

5. PUBLIC COMMENT

Gary Karelis 15, 17, 19-21 Prospect St./La Jolla, CA

Claire Papanastasiou 3 Orange St.

Glenn Richards 6 Kent St.

Nicole Whelan 12 Lafayette St.

Steve Knipmeyer 4 Otis Pl.

Sean Sullivan 9 Prospect St.

Ann Maciejewski 3 Garden St.

Paula Renda 16 Otis St.

Jared Hubbard 49 Boardman St.

Sarah Hall 8 Arthur Welch Dr.

Rick Taintor 10 Dexter St.

Peter Mackin 13 Prospect St.

Jarred Mercer 125 Low St.

Peter McNamee 9 Otis Pl.

Mark Griffin 3 Orange St.

Anne Clausen 3 Otis Pl.

Adam Costa Institution for Savings

Nicholas Metcalf 27 Fair St.

Richard Mallozzi 16 Prospect 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

- March 28, 2022 (Approve)

8. COMMUNICATIONS

- COMM00402_04_11_2022 12 Cushing Ave Paper St. Inquiry (GG)
- APPL00068_04_11_2022 Flag Day 5K June 11th 4-8 pm (PS)
- APPL00069_04_11_2022 Newburyport Pioneer League Tag Day May 7th 9am-1pm (PS)
- COMM00403_04_11_2022 Annual Audit of City's FY2021 Financial Statements (B&F)
- APPL00070_04_11_2022 Spring Fest Chamber of Commerce May 14th-15th 10am-8pm (PS)
- COMM00404_04_11_2022 KP Law Opinion RE: Property Disposition & Votes (GG)
- COMM00405_04_11_2022 Mayor's Strategic Plan (GG&COTW)

9. TRANSFERS

- TRAN00123_04_11_2022 Fire-Foam & Equip \$2000, Fire-New Hose Fit \$3,000, and Fire-Protective Clothing \$3,100 to Fire-Software \$8,100 (B&F)
- TRAN00124_04_11_2022 RRFA Sale of Municipal Buildings \$30K to NYS Center Schematic Design \$30K (B&F)

10. APPOINTMENTS

- APPT00308_04_11_2022 Marci Neville 16 Morin Rd. Council on Aging 4/29/2027
- APPT00309_04_11_2022 Jeanette Isabella 100 Water St. Emma Andrews Lib. Comm. 4/29/2023
- APPT00310_04_11_2022 Rebecca Regnet 25 Barton St. Trust Fund Comm. 4/15/2025
- APPT00311_04_11_2022 Nicole Whalen 12 Lafayette St. Parks Comm. 4/29/2027
- APPT00312_04_11_2022 George Aranea 19 Essex St. Cultural Council 4/29/2025

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

Ad Hoc Committee on Market Landing Park and COTW

- ORDR00326_03_14_2022 To Approve Sasaki Design Progress

BUDGET & FINANCE

- ORDR00333_03_28_2022 CPC FY22 Supplementary Nock Tennis Restoration
- ORDR00335_03_28_2022 ARPA 2.4M Streets Sidewalks

GENERAL GOVERNMENT

- ORDR00324_03_14_2022 Ad Hoc on Adaptive Reuse of Brown School
- COMM00401_03_28_2022 Ltrs. IFS Settlement
- ORDR00332_03_28_2022 Authorizing the Settlement - IFS and Planning Board Appeal (COTW)
- ORDR00337_03_28_2022 Settlement High Street Paving 150K (COTW)

NEIGHBORHOOD & CITY SERVICES

- ODNC00109_03_14_2022 Amendment to Sidewalks Specifying Sidewalk Materials
- COMM00395_03_14_2022 St. & Sidewalk Repair Plan (COTW)

PLANNING & DEVELOPMENT

- COMM00382_01_31_2022 Update from Global re 107 State Street
- ODNC00105_02_14_2022 Zoning Amendment Business Park Uses
- APPT00305_03_14_2022 Dan Mello 2B Fulton St. Waterfront Trust 3/31/2027

PUBLIC SAFETY

- APPL00067_03_28_2022 Newburyport Lions Club Road Race 8/2/2022
- ORDR00331_03_28_2022 Loading Zone Green Street

END OF CONSENT AGENDA

At the request of Councillor Vogel TRAN00124_04_11_2022 was removed from the Consent Agenda.

Motion to approve the Consent Agenda as amended by Councillor Khan, seconded by Councillor Cameron. So voted.

REGULAR AGENDA

Motion to move ORDR00332_03_28_2022 to the beginning of the agenda by Councillor McCauley, seconded by Councillor Preston. So voted.

- **ORDR00332 03 28 2022 Authorizing the Settlement - IFS and Planning Board Appeal (COTW)**

Motion to amend by Councillor Shand, seconded by Councillor Preston. So voted, 1 no (BL). Motion to approve as amended by Councillor Shand, seconded by Councillor Preston. Roll call vote. 7 yes, 4 no (BV, JD, AK, BL). Motion passes.

9. MAYOR'S UPDATE

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

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

- COMM00406_04_11_2022 **LATE FILE** Pioneer League Letter re: Pickleball

Motion to refer to Neighborhood & City Services by Councillor Zeid, seconded by Councillor Lane. So voted.

12. TRANSFERS

- TRAN00124_04_11_2022 RRFA Sale of Municipal Buildings \$30K to
NYS Center Schematic Design \$30K

Motion to refer to Budget & Finance and COTW by Councillor Vogel, seconded by Councillor Cameron. So voted.

13. SECOND READING APPOINTMENTS

14. ORDERS

- ORDR00338_04_11_2022 Capital Improvement Program FY2023-2027

Motion to refer to Budget & Finance and COTW by Councillor Zeid, seconded by Councillor Cameron. So voted.

- ORDR00339_04_11_2022 Authorizing Agreement between City and Daily News re Lot

Motion to refer to Public Safety by Councillor McCauley, seconded by Councillor Cameron. So Voted.

- ORDR00340_04_11_2022 Fair Share Resolution

Motion to refer to General Government and COTW by Councillor Cameron, seconded by Councillor Vogel. Roll call vote. 7 yes, 4 no (MW, SZ, BL, JM). Motion passes.

- ORDR00341_04_11_2022 **LATE FILE** - Blue Wave Solar Pilot Negotiation

Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Cameron. So voted.

- **ORDR00342_04_11_2022 LATE FILE CPC-FY22-Supplementary Bartlet Mall-Historic Restoration Walkway Improvements**

Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Lane. So voted.

15. ORDINANCES

- **ODNC00106_02_14_2022 2nd Reading CH2 COA Ordinance Amendment**
Motion to approve on second reading by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.

16. COMMITTEE ITEMS

Ad Hoc Committee on Economic Development

In Committee:

Ad Hoc Committee on Market Landing Park and COTW

In Committee:

- **ORDR00326 03 14 2022 To Approve Sasaki Design Progress**

Motion to approve by Councillor McCauley, seconded by Councillor Cameron. So voted. 4 no (MW, SZ, JD, BL).

Budget & Finance

In Committee:

- **ORDR00333 03 28 2022 CPC FY22 Supplementary Nock Tennis Restoration**

Motion to approve as amended in committee by Councillor Zeid, seconded by Councillor Cameron. So voted. 1 no (BL).

- **ORDR00335 03 28 2022 ARPA 2.4M Streets Sidewalks**

Motion to approve by Councillor Zeid, seconded by Councillor Khan.

Motion to amend to include the language:

The City's SLFRF allocation, *as well as, the submission to and receipt by the City Council of both the updated 5 year rolling street and sidewalk plan and the prior year's accounting.*

by Councilor McCauley, seconded by Councillor Zeid. So voted. 1 no (BV). Motion to approve amended by Councillor Zeid, seconded by Councillor Khan. So voted.

- **ORDR00334_03_28_2022 ARPA Sea Wall Joppa Park 100K**
- **ORDR00336_03_28_2022 ARPA Amesbury 250K**

Education

In Committee:

General Government

In Committee:

- **ORDR00324 03 14 2022 Ad Hoc on Adaptive Reuse of Brown School**

Motion to approve by Councillor Shand, seconded by Councillor Cameron. Motion to amend to strike NYS from #2 and #3 by Councillor Zeid, seconded by Councillor Vogel. So voted. 2 no (HS, CP). Motion amend to strike all parenthesized examples in #2 and #3 by Councillor Khan, seconded by Councillor Preston. Roll call vote 7 yes, 4 no (BV, SZ, EC, JD). Motion passes. Motion to amend to add the language and/or sale to the end of #4 after "reuse (s)" by Councillor Lane, seconded by Councillor Wallace. So voted. Motion to amend to strike #4a "Preservation of the Main Building and Playground Area", 4b "appropriate unit/parking count, target population" and "%/level of affordability/affordability mix" by Councillor Zied, seconded by Councillor Donahue. Councillor Donahue withdrew second. Seconded by Councillor Lane. Roll call vote. 5 yes (CW, MW, SZ, AK, JM) 5 no (CP, BV, EC, JD, HS) 1 present (BL). Motion fails. Motion to approve as amended by Councillor Shand, seconded by Councillor Cameron. So voted. 2 no (SZ, BL).

- **COMM00401 03 28 2022 Ltrs. IFS Settlement**

Motion to receive and file by Councillor Shand, seconded by Councillor Cameron. So voted.

- **ORDR00337 03 28 2022 Settlement High Street Paving 150K (COTW)**

Motion to approve with the amended language "Said funds shall be placed into a receipts reserved for appropriation and be subject to future appropriation by the Mayor and subject to approval by the City Council" by Councillor Shand, seconded by Councillor Zeid. So voted.

- **ORDR00319_02_14_2022 Kelley School Funds Order**

License & Permits

In Committee:

- **ODNC047_01_27_2020** General Ordinance - Short Term Rental Units Rules
- **COMM00385_01_31_2022** STRU Fire Sprinkler Systems
- **COMM00388_01_31_2022** UPDATED STRU Fire Sprinkler Systems

Neighborhoods & City Services

In Committee:

- **ODNC00109 03 14 2022 Amendment to Sidewalks Specifying Sidewalk Materials**

Motion to approve on first reading by Councillor Wallace, seconded by Councillor Zeid. Roll call vote. 9 yes, 2 no (CP, AK). Motion passes.

- **COMM00395 03 14 2022 St. & Sidewalk Repair Plan (COTW)**

Motion to receive and file by Councillor Wallace, seconded by Councillor Khan. So voted.

- **COMM299_02_08_2021** Phillips Dr. Neighborhood Committee Ltr
- **ODNC102_11_08_2021** Ch. 17 Stormwater Management Revisions
- **ODNC00103_01_10_2022** Streets, Sidewalks, and Other Public Places Alterations & Maintenance

Planning & Development

In Committee:

- **COMM00382 01 31 2022 Update from Global re 107 State Street**

Motion to collectively refer COMM00382 and APPT00305 back to committee by Councillor Cameron, seconded by Councillor Vogel. So voted.

- **ODNC00105 02 14 2022 Zoning Amendment Business Park Uses**

Motion to refer to Planning & Development and COTW by Councillor Cameron, seconded by Councillor Vogel. Councillor Lane recused. So voted. 1 no (JM), 1 recused (BL).

- **APPT00305 03 14 2022 Dan Mello 2 B Fulton St. Waterfront Trust 3/31/2027**

Motion to collectively refer COMM00382 and APPT00305 back to committee by Councillor Cameron, seconded by Councillor Vogel. So voted.

- **ODNC046_01_27_2020** Zoning Amendment Short Term Rental Unit (STRU) (COTW)
- **COMM00398_03_28_2022** Memo DHCD MBTA Housing Choice Briefing (COTW)
- **ORDR00330_03_28_2022** License Agreement between City and Friends of Plum Island Light

Motion to waive Rule 2B to extend the meeting past 10:30 pm. So voted. 1 no (BL)

Public Safety

In Committee:

- **APPL00067 03 28 2022 Newburyport Lions Club Road Race 8/2/2022**

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

- **ORDR00331 03 28 2022 Loading Zone Green Street**

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

- **COMM00396_03_14_2022** Ltr. Stephen Comley
- **COMM00390_02_28_2022** Gregory Caplan Ltr-Low St./Bright Horizons access to Fuller Field

Public Utilities

In Committee:

Rules

In Committee:

- ORDR239_02_8_2021 Council Rule 7 and 10B

17. GOOD OF THE ORDER

Councillor Lane expressed his dissatisfaction with the meeting.

Councillor Cameron spoke of the upcoming Special City Council Meeting.

18. ADJOURNMENT

Motion to adjourn at 10:36 pm by Councillor Lane, seconded by Councillor McCauley. So voted.