

CITY COUNCIL MEETING AGENDA

REMOTE

March 8, 2021

7:30PM

City Council Meeting

Zoom Meeting Details:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89073174359>

Or iPhone one-tap :

US: +13126266799,,89073174359# or +19292056099,,89073174359#

Or Telephone:

Dial: US: +1 312 626 6799 Webinar ID: 890 7317 4359

1. CALL TO ORDER

2. LATE FILE ITEMS

- APPT235_03_08_2021 LATE Owen Smith 175 Storey Water/Sewer 03/31/2023
FILE Ave
- COMM313_03_08_2021 LATE FILE Ltr to Postmaster from Cllr Connell & J Donahue
- APPL023_03_08_2021 LATE FILE Event App The Moving Wall

3. PUBLIC COMMENT

4. 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.

5. APPROVAL OF MINUTES

- February 22, 2021 (Approve)
- February 25, 2021 (Approve)

6. COMMUNICATIONS

- COMM310_03_08_2021 Annual City Audit, Melanson, FY 2020 Fin Statements (B&F)
- COMM312_03_08_2021 MVPC FY 2022 Assessment (B&F)

7. TRANSFERS

- TRAN088_03_08_2021 WATER Ret/Sick Leave Acc.\$25,533.66 to Comp. Absences Fd \$25,533.66 (B&F)
- TRAN089_03_08_2021 HWY Streetlights \$12,000 to PARK Maint-Trees \$12,000 (B&F)

8. APPOINTMENTS

- *APPT235_03_08_2021 LATE Owen Smith 175 Storey Water/Sewer 03/31/2023
FILE Ave
*Referred to Public Utilities Cmte

ALL ITEMS NOTED BELOW ARE REMOVED FROM THEIR RESPECTIVE COMMITTEES WITH THE

MOTION TO APPROVE THE CONSENT AGENDA:

Budget and Finance

- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)
Project No. 9 held in committee.
- ORDR136_08_19_19 Fuller Track Phase II Loan Order
- COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations
- ODNC063_09_29_2020 Bond and Transfer Limit
- ORDR216_10_13_2020 Supplemental Budget Charter Sec. 2-4 42K
- COMM284_01_27_2021 Ltr. from Susanne Gallagher

Planning and Development

- COMM297_02_08_2021 Land Vest Appraisal Property Off Middle St, W.Newbury & Nbpt
- ORDR238_02_8_2021 Conservation Restriction and Easements, ECGB
- COMM305_02_22_2021 Artichoke River Memo and Aerial Photo
- COMM303_02_22_2021 Ltr from Craig Douglas

Public Utilities

- ORDR230_01_11_2021 Water and Sewer fees

**END OF CONSENT AGENDA
REGULAR AGENDA**

9. MAYOR'S UPDATE

10. COMMUNICATIONS

- COMM306_02_22_2021 LATE FILE UPDATED Memo for Market Landing Appropriation
(Continued to March 8, 2021)
- COMM311_03_08_2021 Cllr Tontar letter re: KP Law Legal Opinion on Council Salaries
- COMM313_3_08_2021 LATE FILE Ltr to Postmaster from Cllr Connell & J Donahue
- APPL022_03_08_2021 Banter Barber & Clothier-Pool Table App.
- APPL023_03_08_2021 LATE FILE Event App The Moving Wall

11. SECOND READING APPOINTMENTS

- APPT233_02_22_2021 Joe Carper 8 Fruit St. Fruit St. Hist. 03/31/2024
Cmte.
- APPT234_02_22_2021 Cheryl H. 24 Milk St. NBPT Housing 03/31/2026
Amey Auth.

12. ORDERS

- ORDR241_02_22_2021 Market Landing Appropriation 150K (Continued to March 8, 2021)

13. ORDINANCES

- ODNC070_02_22_2021 Amend to Home Rule Charter (Continued to March 8, 2021)

14. COMMITTEE ITEMS

Ad Hoc Committee on Economic Development

In Committee:

- COMM262_08_31_2020 Gasbarro Ltr re: Awareness

Ad Hoc Committee on Market Landing Park and COTW

In Committee:

- COMM261_08_31_2020 Proposed Timeline, Waterfront
- ORDR227_12_14_2020 Appropriate NRA funds for RFP award

Budget & Finance

In Committee:

- ORDR132 07 15 19 CPC FY2020 Recommended Appropriations (COTW) Project No. 9 held in committee.
- ORDR136 08 19 19 Fuller Track Phase II Loan Order
- COMM189 09 09 19 CPC Revised Recommendation for FY2020 Appropriations
- ODNC063 09 29 2020 Bond and Transfer Limit
- ORDR216 10 13 2020 Supplemental Budget Charter Sec. 2-4 42K
- COMM284 01 27 2021 Ltr. from Susanne Gallagher

Education

In Committee:

- COMM240_04_27_2020 Memo re: SOI Submission Info
- COMM273_10_13_2020 Ltr of Non-Support from Mayor on Acts of 1987
- COMM293_02_08_2021 Ltr. From Jane Snow

General Government

In Committee:

- COMM289_02_08_2021 Newburyport Litigation Status Report for February, 2021 (CONFIDENTIAL) COTW

License & Permits

In Committee:

- ODNC047_1_27_20 General Ordinance - Short Term Rental Units Rules
- COMM229_02_24_2020 Ltr re: Implementation of Short-Term Rental Ordinance
- ODNC067_1_27_2021 License to Occupy Outdoor Property Ch. 12-1
- APPL021_02_22_2021 Newburyport Sunoco 2nd Hand MV License

Neighborhoods & City Services

In Committee:

- COMM234_03_30_2020 Ltr from Newburyport Livable Streets March 11, 2020
- COMM285_01_27_2021 Memorandum from Councillor Christine Wallace
- COMM299_02_08_2021 LATE FILE Phillips Dr. Neighborhood Committee Ltr.

Planning & Development

In Committee:

- COMM215_01_13_2020 Ltr re: Colby Farm Open Space Beautification

- ODNC046_01_27_20 Zoning Amendment - Short Term Rental Units Definition
- COMM231_03_09_2020 Ltr re: Short-Term Rental Ordinance
- ORDR196_07_13_2020 Open Space and Recreation Plan 2020 (COTW)
- ORDR229_12_14_2020 Disposition and Funding for Rehabilitation former Brown School COTW
- ODNC068_01_27_2021 Late File Zoning Amend Sec VI-C re: the # of residential structures per lot
- APPT231_02_08_2021 *Walter 43 Lime ZBA 03/31/2026
Chagnon Street
- COMM297_02_08_2021 Land Vest Appraisal Property Off Middle St, W.Newbury & Nbpt
- ORDR238_02_8_2021 Conservation Restriction and Easements, ECGB
- COMM305_02_22_2021 Artichoke River Memo and Aerial Photo
- ODNC069_02_22_2021 Chapter 6.5 Barrier Beach Development definitions
- COMM303_02_22_2021 Ltr from Craig Douglas

Public Safety

In Committee:

- COMM216_01_13_2020 Ltr re: Ban the Use of Glyphosate
- COMM243_05_11_2020 Ltr from Jane Rascal re: NMMCD
- APPT165_04_13_2020 Dr. Robin Blair 18 Market St. Board of Health 4/30/2023
- ORDR200_07_30_2020 List of Crosswalks Amended
- COMM282_01_27_2021 Ltr from Jim McCarthy re: Sign Proposal
- COMM283_01_27_2021 Ltr from Jim McCarthy-speed limit

Public Utilities

In Committee:

- ORDR230_01_11_2021 Water and Sewer fees
- COMM290_02_08_2021 Falmouth Broadband Feasibility Study (full text in Clerk's office)
- COMM295_02_08_2021 Best Best & Krieger Small Cells Order Annual Meeting
- COMM296_02_08_2021 Ntoa FCC Small Wireless Facilities Rules Compliance Guide
- COMM292_02_08_2021 Memo - Electricity Aggregation Program

Rules

In Committee:

- COMM220_01_27_2020 Proposed City Council Rule 9F
- ORDR170_02_24_2020 Amendment Council Rules 2020 (COTW)
- ORDR171_02_24_2020 Amendment to Rule 17B (COTW)
- ORDR239_02_8_2021 Council Rule 7 and 10B

15. GOOD OF THE ORDER

16. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEETING-MINUTES

REMOTE

February 22, 2021

7:30PM

City Council Meeting

Zoom Meeting Details:

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US: +19292056099,,82476176911# or +13017158592,,82476176911#

Or Telephone:

US: +1 929 205 6099 7799

Webinar ID: 824 7617 6911

Moment of silence remembering Frank Casey, Robert Cook, Patricia Burke Frey, David McFarlane, and Christopher Laird Snow.

1. **CALL TO ORDER** The City Council President, Jared J. Eigerman called the meeting to order at 7:30 pm and asked the City Clerk, Richard B. Jones to call the roll. The following Councillors answered present, Khan, Lane, McCauley, Connell, Shand, Tontar, Vogel, Wallace, Zeid, Devlin, and Eigerman. Eleven present using Zoom as a platform.

2. **LATE FILE ITEMS**

- COMM306_02_22_2021 LATE FILE Memo for Market Landing Appropriation
- COMM307_02_22_2021 LATE FILE Ltr. from Jane Snow 57 Low St.
- COMM308_02_22_2021 LATE FILE Ltr. From Patricia Temple 57 Low St.
- COMM309_02_22_2021 LATE FILE Ltrs. Plum Island Ordinances

Motion to waive the rules and accept the Late Files by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

3. **PUBLIC COMMENT** *see attached list*

4. **MAYOR'S COMMENT**

**CONSENT
AGENDA**

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5. **APPROVAL OF MINUTES**

- February 8, 2021

(Approve)

6. **COMMUNICATIONS**

- COMM300_02_22_2021 Ltr from Bette Lischke re: Plum Island (R&F)
- COMM301_02_22_2021 NBPT Ret. Board FY2022 Appropriation Ltr. (R&F)
- COMM303_02_22_2021 Ltr. From Craig Douglas (P&D)
- COMM305_02_22_2021 Artichoke River Memo and Aerial Photo (P&D)
- APPL021_02_22_2021 Newburyport Sunoco 2nd Hand MV License (L&P)

7. **TRANSFERS**

8. **APPOINTMENTS**

- APPT233_02_22_2021 Joe Carper 8 Fruit St. Fruit St. Hist. Cmte. 03/31/2024
- APPT234_02_22_2021 Cheryl H. Amey 24 Milk St. NBPT Housing Auth. 03/31/2026

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

Budget and Finance

- ORDR214_10_13_2020 Low Street Purchase w/ P&D & COTW
- ORDR229_12_14_2020 Disposition and Funding for Rehabilitation former Brown School COTW
- COMM281_12_14_2020 Information Request for 57 Low Street COTW
- ORDR235_01_27_2021 Gift from Saltbox Financial \$1K for Trees
- COMM291_02_08_2021 FY2021 Mid-Year Budget Report
- COMM298_02_08_2021 Plum Is Fiscal Implications of Sea Level Rise

General Government

- COMM241_05_11_2020 Charter Review Final Report
- COMM242_05_11_2020 Confirmatory Legal Opinion from KP Law re: Charter Changes
- ORDR240_02_08_2021 Late File COVID-19 Victims and Survivors Memorial Day Resolution
- APPT229_02_08_2021 KP Law 101 Arch St. City Solicitor 02/01/2022
Boston

Planning and Development

- APPT226_02_08_2021 Andrew R. 61 Water Street Dir. Planning & Dev. 01/31/2022
- APPT230_02_08_2021 *Joseph C. 44 Hale Street Conservation Comm. 02/28/2024
- APPT231_02_08_2021 *Walter Chagnon 43 Lime Street ZBA 03/31/2026

Councillor Shand requested removal of APPT231_02_08_2021 from Consent Agenda.

- COMM214_01_13_2020 Ltr from Central Cong Church re: CPA Funding, Historic Pres
- COMM270_10_13_2020 Ltr To DCAM _J. Eigerman

Motion to approve the Consent Agenda as amended by Councillor Zeid, seconded by Councillor Connell. Roll call vote. 11 yes. Motion passes.

**END OF CONSENT AGENDA
REGULAR AGENDA**

9. MAYOR'S UPDATE

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

10. COMMUNICATIONS

- COMM302_02_22_2021 KP LAW Engagement Ltr

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

- COMM306_02_22_2021 LATE FILE UPDATED Memo for Market Landing Appropriation
Motion to postpone to a date certain, March 8, 2021 meeting, by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.

- COMM304_2_22_2021 57 Low St. Site Assessment

- COMM307_02_22_2021 LATE FILE Ltr. from Jane Snow 57 Low St.

- COMM308_02_22_2021 LATE FILE Ltr. From Patricia Temple 57 Low St.

- COMM309_02_22_2021 LATE FILE Ltrs. Plum Island Ordinances

Motion to receive and file collectively, COMM304_02_22_2021, COMM307_02_22_2021, COMM308_02_22_2021, and COMM309_02_22_2021 by Councillor Khan, seconded by Councillor Shand. Roll call vote. 11 yes. Motion passes.

11. SECOND READING APPOINTMENTS

- APPT232_03_01_2024 Keith Hogan 3 Bartlett Trust Fund 03/01/2024
Drive Comm.

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

12. ORDERS

- ORDR241_02_22_2021 Market Landing Appropriation 150K

Councillor Devlin recused. Motion to postpone to a date certain, March 8, 2021 meeting, by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 10 yes, 1 recused (JD). Motion passes. Councillor Devlin returns to meeting.

13. ORDINANCES

- ODNC069_02_22_2021 Chapter 6.5 Barrier Beach Development definitions

Motion to refer to Planning & Development by Councillor Khan, seconded by Councillor Shand. Motion to move the question by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes. Roll call vote on standing question. 6 yes, 5 no (BL, JM, CW, SZ, JD). Motion passes.

- ODNC070_02_22_2021 Amend to Home Rule Charter

Motion to postpone to a date certain, March 8, 2021 meeting, by Councillor Khan, seconded by Councillor Connell. Roll call vote. 11 yes. Motion passes.

- ODNC071_02_22_2021 Zoning-Amendment-PIOD-2021-2-16 ***Withdrawn**

14. COMMITTEE ITEMS

Ad Hoc Committee on Economic Development

In Committee:

- COMM262_08_31_2020 Gasbarro Ltr re: Awareness

Ad Hoc Committee on Market Landing Park and COTW

In Committee:

- COMM261_08_31_2020 Proposed Timeline, Waterfront
- ORDR227_12_14_2020 Appropriate NRA funds for RFP award

Budget & Finance

In Committee:

- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)
Project No. 9 held in committee.
- ORDR136_08_19_19 Fuller Track Phase II Loan Order
- COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations
- ODNC063_09_29_2020 Bond and Transfer Limit
- **ORDR214 10 13 2020 Low Street Purchase w/ P&D & COTW**

Motion to approve by Councillor Tontar, seconded by Councillor Khan. Motion to postpone to a date certain, February 25, 2021 at 7:30 pm by Councillor Tontar, seconded by Councillor Vogel. At 10:20 pm Council President Eigerman steps down, Councillor Connell becomes Council President Pro Tempore. Roll call vote. 8 yes, 3 no (BL, SZ, JD). Motion to postpone passes. Motion to approve pending.

- ORDR216_10_13_2020 Supplemental Budget Charter Sec. 2-4 42K
- **ORDR229 12 14 2020 Disposition and Funding for Rehabilitation former Brown School COTW**

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

- **COMM281 12 14 2020 Information Request for 57 Low Street COTW**

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

- COMM284_01_27_2021 Ltr. from Susanne Gallagher

- **ORDR235 01 27 2021 Gift from Saltbox Financial \$1K for Trees**

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

- **COMM291 02 08 2021 FY2021 Mid-Year Budget Report**

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

- **COMM298 02 08 2021 Plum Is Fiscal Implications of Sea Level Rise**

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

Education

In Committee:

- COMM240_04_27_2020 Memo re: SOI Submission Info
- COMM273_10_13_2020 Ltr of Non-Support from Mayor on Acts of 1987
- COMM293_02_08_2021 Ltr. From Jane Snow

General Government

In Committee:

- **APPT229 02 08 2021** **KP Law** **101 Arch St.** **City Solicitor** **02/01/2022**
Boston

Motion to approve by Councillor Connell, seconded by Councillor Khan. Roll call vote. 9 yes, 2 no (CT, BV). Motion passes.

- **ORDR240 02 08 2021** **Late File COVID-19 Victims and Survivors Memorial Day Resolution**

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

- **COMM241 05 11 2020** **Charter Review Final Report**

- **COMM242 05 11 2020** **Confirmatory Legal Opinion from KP Law re: Charter Changes**

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

- **COMM289 02 08 2021** **Newburyport Litigation Status Report for February, 2021 (CONFIDENTIAL)**
COTW

License & Permits

In Committee:

- **ODNC047 01 27 2020** **General Ordinance - Short Term Rental Units Rules**

- **COMM229 02 24 2020** **Ltr re: Implementation of Short-Term Rental Ordinance**

Motion to waive the rules to remove **ODNC047 01 27 2020** and **COMM229 02 24 2020** from Committee by Councillor Devlin, seconded by Councillor Lane. Roll call vote. 11 yes. Motion passes. Motion to refer to COTW and License & Permits by Councillor Devlin, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes.

- **ODNC067 1 27 2021** **License to Occupy Outdoor Property Ch. 12-1**

Neighborhoods & City Services

In Committee:

- **COMM234 03 30 2020** **Ltr from Newburyport Livable Streets March 11, 2020**

- **COMM285 01 27 2021** **Memorandum from Councillor Christine Wallace**

- **COMM299 02 08 2021** **LATE FILE** **Phillips Dr. Neighborhood Committee Ltr.**

Planning & Development

In Committee:

- **COMM214 01 13 2020** **Ltr from Central Cong Church re: CPA Funding, Historic Pres**

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

- **COMM215 01 13 2020** **Ltr re: Colby Farm Open Space Beautification**

- **ODNC046 01 27 2020** **Zoning Amendment - Short Term Rental Units Definition**

- **COMM231 03 09 2020** **Ltr re: Short-Term Rental Ordinance**

Motion to waive the rules to remove **ODNC046 01 27 2020** and **COMM231 02 24 2020** from Committee by Councillor Shand, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes. Motion to refer to COTW and Planning & Development by Councillor Shand, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes

- **ORDR196 07 13 2020** **Open Space and Recreation Plan 2020 (COTW)**

- **ORDR214 10 13 2020** **Low Street Purchase w/ P&D (COTW)**

- **COMM270 10 13 2020** **Ltr To DCAM Jeigerman**

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

- **ORDR229 12 14 2020** **Disposition and Funding for Rehabilitation former Brown School COTW**

- **COMM281 12 14 2020** **Information Request for 57 Low Street COTW**

- **ODNC068 01 27 2021** **Late File** **Zoning Amend Sec VI-C re: the # of residential structures per lot**

Motion to waive the rules to go past 11:00pm by Councillor Khan, seconded by Councillor Devlin. Roll call vote. 11 yes. Motion passes.

- APPT226 02 08 2021 Andrew R. Port 61 Water Street Dir. Planning & Dev. 01/31/2022
- APPT230 02 08 2021 *Joseph C. Teixeira 44 Hale Street Conservation Comm. 02/28/2024
- APPT231 02 08 2021 *Walter Chagnon 43 Lime Street ZBA 03/31/2026

Motion to approve APPT230_02_08_2021 by Councillor Shand, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes. Councillor Devlin recused. Motion to approve APPT226_02_08_2021 by Councillor Shand, seconded by Councillor Khan. 9 yes, 1 no (SZ), 1 recused (JD). Motion passes. APPT231_02_08_2021 remain in Committee at the request of Councillor Shand.

- COMM297_02_08_2021 Land Vest Appraisal Property Off Middle St, W.Newbury & Nbpt
- ORDR238_02_8_2021 Conservation Restriction and Easements, ECGB

Public Safety

In Committee:

- COMM216_01_13_2020 Ltr re: Ban the Use of Glyphosate
- COMM243_05_11_2020 Ltr from Jane Rascal re: NMMCD
- APPT165_04_13_2020 Dr. Robin Blair 18 Market St. Board of Health 4/30/2023
- ORDR200_07_30_2020 List of Crosswalks Amended
- COMM282_01_27_2021 Ltr from Jim McCarthy re: Sign Proposal
- COMM283_01_27_2021 Ltr from Jim McCarthy-speed limit

Public Utilities

In Committee:

- ORDR230_01_11_2021 Water and Sewer fees
- COMM290_02_08_2021 Falmouth Broadband Feasibility Study (full text in Clerk’s office)
- COMM295_02_08_2021 Best Best & Krieger Small Cells Order Annual Meeting
- COMM296_02_08_2021 Natoa FCC Small Wireless Facilities Rules Compliance Guide
- COMM292_02_08_2021 Memo - Electricity Aggregation Program

Rules

In Committee:

- COMM220_01_27_2020 Proposed City Council Rule 9F
- ORDR170_02_24_2020 Amendment Council Rules 2020 (COTW)
- ORDR171_02_24_2020 Amendment to Rule 17B (COTW)
- ORDR239_02_8_2021 Council Rule 7 and 10B

15. EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING STRATEGY WITH RESPECT TO LITIGATION PUSUANT TO G.L. 30A S. 21 (3)

Motion to go into Executive Session 10:59 PM for the purpose of discussing strategy with respect to litigation pursuant to G.L. 30A S. 21(3) by Councillor Khan, seconded by Councillor Tontar. Roll call vote. 10 yes, 1 recused (JD). Motion passes.

Council President Eigerman announced the meeting would not be returning to a public session.

16. GOOD OF THE ORDER

17. ADJOURNMENT

SPECIAL CITY COUNCIL MEETING
MINUTES
PURSUANT TO CHARTER SECTION 2-6(c)(ii)
REMOTE – MEETING DETAILS BELOW
FEBRUARY 25, 2021

7:30 PM

1. Call to Order the City Council President, Jared J. Eigerman called the meeting to order at 7:30 pm and asked the City Clerk, Richard B. Jones to call the roll. The following Councillors answered present, Lane, McCauley, Connell, Shand, Tontar, Vogel, Wallace, Zeid, Devlin, Khan, and Eigerman. Eleven present using Zoom as a platform.
2. Public Comment
 - Sarah Hall, 8 Arthur Welch Dr.
 - Joe Teixeira, 44 Hale St.
 - Mike Olson, 28 Charles St.
 - Sandhya Douglas, 2 Moseley Ave.
 - Kathryn Basson, 5 Tyng St.
 - Raechel Blinderman, 9 Ashland Ct.
3. ORDR214_10_13_2021 Low Street Purchase (Pending Motion to Approve)
Motion to approve pending from City Council meeting 02_22_2021.
 - a. ORDR214_10_13_2021 with Amended Language
 - b. Including the following documents
 - i. Letter of Intent 7/10/2020
 - ii. Release Deed
 - iii. Restriction and Transfer of Control Document
with Exhibit A entitled ‘Lot-A-1 Plan’ and further depicted on detailed plan as “Area of Conservation Restriction”
 - c. MEPA agreement
Motion to approve with proposed amendments by Councillor Tontar, seconded by Councillor Khan. Discussion held with Mayor Holaday addressing the City Council. Motion to move the question by Councillor Vogel, seconded by Councillor Tontar. Roll call 6 yes, 5 no (BL, CW, JD, SZ, JE). Motion fails. Roll call on pending motion to approve amended. 6 no, 5 yes (BC, HS, CT, BV, AK). Motion fails.
4. Good of the Order
5. Adjournment
Motion to adjourn at 9:18 pm by Councillor Zeid, seconded by Councillor Shand. Roll call vote. 11 yes. Motion passes.

MEETING DETAILS:

Please click the link below to join the webinar:

external e-mail use caution opening

Link to join Webinar

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Webinar ID: 874 4489 6875

COMMUNICATIONS



CITY OF NEWBURYPORT
 FINANCE DEPARTMENT

60 PLEASANT STREET
 NEWBURYPORT, MA 01950
 PHONE: 978-465-4404

WWW.CITYOFNEWBURYPORT.COM/FINANCE

RECEIVED
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA

2021 MAR -2 PM 3:23

DONNA D. HOLADAY
 MAYOR

ETHAN R. MANNING
 FINANCE DIRECTOR/CITY AUDITOR

To: President and Members of the Newburyport City Council

From: Ethan R. Manning, Finance Director/City Auditor

Date: March 1, 2021

Subject: Annual Audit of the City's FY2020 Financial Statements

The certified public accounting firm, Melanson, has completed the annual audit of the City's FY2020 financial statements. This audit must be performed by an independent CPA firm and is required by bond rating agencies, financial institutions, local charter and various state and federal agencies. The City's financial statements, as well as, the Popular Annual Financial Report (PAFR) have been filed with the City Clerk and can be located electronically in the "Financial Reports Center" at: <https://www.cityofnewburyport.com/financials>.

The FY2020 audit was conducted in accordance with auditing standards generally accepted in the United States and standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. These standards require that the audit is planned and performed in order to obtain a reasonable assurance that the City's financial statements are free of material misstatements. In addition, the audit assesses the accounting principles used and significant estimates made by City management.

The scope of the audit is discussed in the independent auditor's report, which prefaces the financial statements. With respect to the FY2020 financial statements, it is the opinion of the independent auditor that they "present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Newburyport, Massachusetts, as of June 30, 2020."

The audit also includes a management report that contains recommendations for strengthening internal controls and operating efficiency. Significant progress has been made by the City in implementing the recommendations of the independent auditors. For FY2020 there were no

new findings, however the City continues to work on fully implementing three recommendations from prior years:

1) Improve Compensated Absences Accounting (Prior Year)

The auditors recommend that the City centralize and automate the accounting for employee compensated absences (i.e. vacation, sick time), which will increase the accuracy, efficiency, and controls over payment of compensated absences.

The City continues to review time and attendance platforms that would automate the approval and tracking of employee compensated absences. The City's payroll software has the functionality to interface with third-party vendors that provide time and attendance tracking solutions.

2) Improve Bank Account Reconciliations (Prior Year)

The auditors recommend that the City continue to research and resolve old bank account reconciling items. While the number of reconciling items has decreased, as well as, how far back they go, there are still some accounts with lingering reconciling items that should be reviewed and resolved.

Personnel in the Treasurer's and Auditor's Offices continue to meet regularly to address these older reconciling items and have made significant headway in clearing them off the bank account reconciliation. The City also continues to develop and improve upon its tailings process to allow for the timely return of unclaimed checks back to the General Fund. During fiscal year 2021, the City plans to update the Financial Policies to better document processes related this recommendation, including the bank reconciliation and tailings processes.

3) Consider Improving Segregation of Human Resources and Payroll Duties (Prior Year)

In order to improve upon the design and execution of controls related to payroll processing, the auditors recommended last year that the City consider creating a greater segregation of duties between Human Resources (HR) and Payroll. At the beginning of FY2021, the City relocated the Payroll Specialist from HR to the Finance Department. While much improved, there is still further segregation needed with respect to personnel management, benefits administration and payroll processing, which we continue to implement, including standardizing processes and procedures for both school and municipal employees.

As always, please do not hesitate to contact me with any questions.

*Plan • Innovate • Promote*

160 Main Street, Haverhill, Massachusetts 01830 | P: 978.374.0519 | F: 978.372.4890 | mvpc.org

February 25, 2021

Julie Languirand, Treasurer
City of Newburyport
Pleasant Street
Newburyport, MA 01950

Dear Ms. Languirand:

In accordance with Chapter 40B of the General Statutes and Chapter 849 of the Acts of 1969, the Merrimack Valley Planning Commission has determined the City of Newburyport's share of its Fiscal Year 2022 financial requirements to be \$7,010.45.

This amount is required by law to be paid, under the provisions of Chapter 40B and Chapter 849, on July 1, 2021 or as soon as possible thereafter.

Please send your payment to: Merrimack Valley Planning Commission
160 Main Street
Haverhill, Massachusetts 01830

Very Truly Yours,

A handwritten signature in black ink that reads 'James H. Barnes'.

James H. Barnes
Treasurer

Enclosure

cc: Board of Assessors
City Council



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT
Plan • Innovate • Promote

160 Main Street, Haverhill, Massachusetts 01830 | P: 978.374.0519 | F: 978.372.4896 | mvpdc.org

February 25, 2021

Board of Assessors
City of Newburyport
Pleasant Street
Newburyport, MA 01950

Dear Assessors:

In accordance with Chapter 40B of the General Statutes and Chapter 849 of the Acts of 1969, I hereby certify that the Merrimack Valley Planning Commission has determined the proportion of its expenses for Fiscal Year 2022 to be paid by the City of Newburyport to be \$7,010.45. This figure is based on the following computations:

Community	2010 Population	Per Capita Rate	Assessment Amount
Amesbury	16,283	\$0.40253	\$6,554.39
Andover	33,201	\$0.40253	\$13,364.38
Boxford	7,965	\$0.40253	\$3,206.15
Georgetown	8,183	\$0.40253	\$3,293.90
Groveland	6,459	\$0.40253	\$2,599.94
Haverhill	60,879	\$0.40253	\$24,505.59
Lawrence	76,377	\$0.40253	\$30,743.99
Merrimac	6,338	\$0.40253	\$2,551.23
Methuen	47,255	\$0.40253	\$19,021.53
Newbury	6,666	\$0.40253	\$2,683.26
Newburyport	17,416	\$0.40253	\$7,010.45
North Andover	28,352	\$0.40253	\$11,412.52
Rowley	5,856	\$0.40253	\$2,357.21
Salisbury	8,283	\$0.40253	\$3,334.15
West Newbury	4,235	\$0.40253	\$1,704.71

Please, therefore, include the amount of \$7,010.45 in the Fiscal Year 2022 tax levy of the City of Newburyport as required under Chapter 40B and Chapter 849.

Very Truly Yours,

James H. Barnes
Treasurer

cc: **City Council**
Finance Committee
Planning Board

TRANSFERS



CITY OF NEWBURYPORT FY 2021

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

TRANSFER/APPROPRIATION REQUEST

Department: Department of Public Services

Submitted by: Anthony Furnari, Director

Date Submitted: 3/8/2021

Transfer From:

Account Name:	WAT Retirements/Sick Leave	Balance:	\$ 30,046.91
Account Number:	60450001-51710	Category:	\$ 781,553.65
Amount:	\$25,533.66	Trans I/O:	\$ -

Why Funds Are Available:

The FY2021 budget for the Water Enterprise Fund included a contractual payout of compensated absences (sick leave) for a retired employee. Payment was made from the Compensated Absences Fund, which should now be reimbursed by the Enterprise Fund.

Transfer To:

Account Name:	Compensated Absences Fund	Balance:	\$ 11,840.99
Account Number:	8270-49700	Category:	\$ -
Amount:	\$25,533.66	Trans I/O:	\$ -

Why Funds Are Needed:

To reimburse the Compensated Absences Fund for a retired employee of the Water Enterprise Fund.

Donna D. Holaday, Mayor:

Donna D. Holaday

Date:

3/2/21

Ethan R. Manning, Auditor:

Ethan R. Manning

Date:

3/2/21

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:



CITY OF NEWBURYPORT FY 2021

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

TRANSFER/APPROPRIATION REQUEST

APR 02 2021 PM 3:23

Department: Mayor's Office / Parks Department

Submitted by: Donna D. Holaday, Mayor / Lisè Reid, Parks Director

Date Submitted: 3/8/2021

Transfer From:

Account Name:	<u>HWY Streetlights</u>	Balance:	<u>\$ 106,213.07</u>
Account Number:	<u>01421002-52103</u>	Category:	<u>\$ 386,442.25</u>
Amount:	<u>\$12,000.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Available:

A surplus is anticipated at year-end due to net metering credit billing adjustments that have reduced streetlight electricity costs for FY2021.

Transfer To:

Account Name:	<u>PRK Maint-Trees</u>	Balance:	<u>\$ (6,470.00)</u>
Account Number:	<u>01630002-52404</u>	Category:	<u>\$ 55.93</u>
Amount:	<u>\$12,000.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:

Impacts of the 2016-17 year-long drought coupled with this year's drought and an unusual number of wind events coming from the south have caused an unprecedented number of incidents involving high hazard trees in our parks. All of the work that has been done and still needs to be done is essential to avoid catastrophic consequences or to ameliorate site conditions after damage is caused by a fallen tree. Our crew has dealt with many trees internally, and DPS has assisted when they could, but in many cases we are forced to call in a tree contractor to address the problems sufficiently in a timely manner. This line item is currently running a deficit and additional funding is needed for tree maintenance and emergency removals through the end of the fiscal year.

Donna D. Holaday, Mayor:

Donna D. Holaday

Date:

3/2/21

Ethan R. Manning, Auditor:

Ethan R. Manning

Date:

3/2/21

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:

**APPOINTMENTS
FIRST READING**



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: March 3, 2020
Subject: Appointment

A handwritten signature in cursive script, reading "Donna D. Holaday", written over the "From:" line of the letterhead.

I hereby appoint, subject to your approval, the following named individual as a member of the Water/Sewer Commission. This term will expire March 31, 2023.

Owen Smith
175 Storey Avenue
Newburyport, MA 01950

Owen Smith
175 Storey Avenue
Newburyport, Massachusetts 01950
osmith87@gmail.com

February 22, 2021

Donna Holaday, Mayor
City of Newburyport Mayor's Office
60 Pleasant Street
Newburyport, Massachusetts 01950

Dear Mayor Holaday:

Attached to this letter, please find a copy of my resume. I am sending this letter to express my interest in serving as a Commissioner on the Newburyport Water and Sewer Commission. I believe my experience in the infrastructure field makes me uniquely qualified to serve the city in this capacity.

I received my Bachelor of Engineering degree in Civil Engineering from the University of Delaware in 2009. I have 11 years of progressive experience in the railroad industry. My duties included oversight of railroad infrastructure within railroad company and Federal standards. I worked with contractor and company forces to maintain a safe and efficient transportation system. Other duties included monitoring safety compliance, creating capital program requests, and determining the cause of accidents and other infrastructure failures.

In 2017, I had the opportunity to become a Railroad Safety Inspector with the Federal Railroad Administration. In this role, I am responsible for monitoring compliance with Federal Railroad Safety laws and regulations. These regulations govern railroad workplace safety, bridge safety, and minimum track infrastructure safety standards.

I would be honored to serve the city as Commissioner on the Newburyport Water and Sewer Commission. The services the Water and Sewer Department provide affect the residents and visitors of the city. Many people take this infrastructure for granted with little thought of how its failure could affect them. It is important to have members of the board who recognize the need to represent the interests of all members of the community.

Sincerely,

A handwritten signature in cursive script that reads "Owen Smith".

Owen Smith

Owen D. H. Smith

175 Storey Avenue
Newburyport, MA 01950
(631) 879-7964
osmith87@gmail.com

EDUCATION AND CERTIFICATIONS

University of Delaware, Newark, DE (May 2009)

Bachelor of Engineering, Civil Engineering

Delaware Association of Professional Engineers (October 2008)

Engineer in Training Certificate #2003

EXPERIENCE

Railroad Safety Inspector (Track)– Federal Railroad Administration, Newburyport, MA

December 2017 - Present

Responsible for ensuring compliance with Federal regulations on over 2,500 miles of mainline track:

- Perform field audits of railroads for compliance with Roadway Worker and Track Safety regulations in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut
- Planned inspections based off risk, compliance history, and accident history. Developed a spreadsheet to assist with prioritizing inspection points.
- Initiate enforcement actions against railroads, companies, and individuals based off internal guidance.
- Investigate derailments, close calls, and other incidents to determine if Federal regulations complied with
- Mentor new Railroad Safety Inspectors to assist them with completing the on-the-job training process
- Meet with senior leadership of railroads and FRA to discuss compliance issues.

Assistant Chief Engineer– Keolis Commuter Services, Somerville, MA

March 2016 – December 2017

Responsible for ensuring compliance with MBTA Commuter Rail Contract required maintenance work across the entire system:

- Oversee the daily track maintenance operation for the nation's 5th busiest commuter railroad
- Manage approximately 175 union employees and 12 supervisors
- Plan the annual installation of 50,000 crossties and 10 linear miles of rail
- Develop and hold employees accountable for their safety performance
- Instituted a fair and equitable discipline process
- Conduct frequent inspections to determine asset condition
- Work with multiple departments to improve safety performance
- Investigate safety incidents and document findings

Rail Engineer– HDR Engineering, Boston, MA

January 2014 – March 2016

Worked as a consultant to state agencies focusing on the area of Railroad Track Design and Maintenance:

- Perform preliminary design work for yard and layover facilities for various MassDOT sponsored projects in the Commonwealth of Massachusetts
- Issue bid documents and technical specifications for heavy repair and construction projects sponsored by MassDOT
- Conduct site visits to assess constructability and determine client needs
- Obtain and review field surveys for future design work
- Provide guidance to other staff in regards to industry practice and relevant design standards

- Perform cost estimate work for track construction and maintenance projects

Roadmaster of Production – Massachusetts Bay Commuter Railroad, Somerville, MA

January 2013 – January 2014

Responsible for ensuring compliance with MBTA Commuter Rail Contract required maintenance work across the entire system:

- Supervise 40 union employees on production tie and rail gangs
- Perform pre-trip inspections of project areas to plan for efficient use of labor and material
- Estimate quantities of required material, submit project schedules and project completion dates for various rail and tie projects
- Monitor work processes through various stages of the production sequence to ensure quality standards are met
- Analyze and implement work processes and procedures to improve safety and efficiency
- Oversaw MBCR personnel during the 2013 Cape Flyer upgrade project where 20,000 ties were installed over approximately 20 miles of track. Coordinated with MBTA, Massachusetts Coastal Railroad, project consultants, and contractors to ensure the Middleborough to Buzzards Bay section of track was completed on time

Roadmaster – CSX Transportation, Point of Rocks, MD

January 2011 – January 2013

Responsible for daily maintenance of over 150 miles of mainline track:

- Directly supervised 30 contract employees, ensuring safe work practices, rules compliance, and productivity
- Coordinated manpower to meet the needs of capital projects, outside party requests, and daily maintenance
- Ensured that FRA Part 213 Defects, detected rail defects, and geometry car exceptions were handled with the appropriate remedial actions in a timely manner
- Supervised track inspectors to ensure that defects were being addressed correctly and that the proper frequency was met
- Planned work and allocated resources to ensure necessary maintenance was completed with minimum disruption to operations
- Built rapport with state, county, and municipal governments to address road crossing and storm water management issues affecting CSX Right of Way and local communities
- Worked with industries regarding switch installations and quarterly inspections
- Led the restoration of train service after major snowstorms, hurricanes, and derailments
- Provided input and reviewed design recommendations from CSX's general engineering consultant.

SKILLS

Proficient in MS Office Suite (Word, Excel, PowerPoint, Outlook); Working knowledge in ArcGIS and Microstation; Basic knowledge of AutoCAD

FRA certified track inspector

MEMBERSHIPS AND HONORS

- Full Member – American Railway Engineering and Maintenance of Way Association (2008 – Present)

**END OF CONSENT AGENDA
BEGINNING OF REGULAR AGENDA**

COMMUNICATIONS



CITY OF NEWBURYPORT
OFFICE OF PLANNING AND DEVELOPMENT

60 PLEASANT STREET • P.O. BOX 550
 NEWBURYPORT, MA 01950
 (978) 465-4400

MEMORANDUM

TO: Newburyport City Council

FROM: Andrew R. Port, Director of Planning & Development

CC: Donna D. Holaday, Mayor

RE: Appropriation & Transfer of Funds – Design Contract – Market Landing Park Expansion

DATE: February 16th, 2021

As you know, the former Newburyport Redevelopment Authority (NRA) was dissolved by the state legislature in June 2020. All land and assets of the NRA have since been transferred to the City of Newburyport, including approximately \$570K available for design and construction of improvements associated with Market Landing Park Expansion.

On November 17, 2020 a Request for Proposals (RFP) was issued by the Office of Planning & Development for the purposes of soliciting responses from interested design firms. The Council's Ad Hoc Committee on Market Landing Park Expansion reviewed Price and Non-Price Proposals from fourteen (14) prospective design firms, and ultimately selected Sasaki Associates, Inc. as the preferred bidder. The Ad Hoc Committee, Mayor and Office of Planning & Development now recommend that the City Council appropriate funds in the amount of \$134K, plus \$16K in contingency funding (\$150K total), to implement schematic phase design work and cost estimates for park expansion during 2021. This work is encompassed by Tasks 1-6 in the RFP. The City can, following completion of schematic design later this year, solicit a Fee Proposal from Sasaki to complete RFP Tasks 7-9 (*final design, permitting, bidding and construction administration*). Alternatively, the City can decide to continue work with another design firm at that time if desired.

Price proposals from firms for schematic design (Tasks 1-6) ranged from \$94,800 to \$352,300. Sasaki was the highest ranked firm in review of Non-Price Proposals (*i.e. approach to the project, relevant experience and qualifications, etc.*). As such, the price proposal from Sasaki Associates represents a very reasonable cost for the design work and services required at this time. Based on various factors including project size and scope, known project parameters and constraints, the City's cost to undertake all Tasks 1-9 (*schematic design through to construction administration*) will likely range between \$300-350,000. This includes permitting, additional site testing and DEP reporting on soil conditions, civil engineering work necessary to bring the landscape architect's design plans to a "shovel-ready" status and oversight of bid and construction work by prospective contractors. It is therefore likely that the City will have between \$220-270K remaining in NRA revenues upon final design to apply towards construction activities. This places the fee proposal of \$134K

entirely within the overall project budget available at this time with adequate latitude for additional design/consultant services that will be required after the current schematic design phase.

For any Councilors hesitant to appropriate design funds at this time for the long awaited Market Landing Park Expansion project, please consider the following:

1. The Council’s own Order and Resolution regarding the central waterfront, in conjunction with the Act that dissolved the NRA, call for final design and construction of the envisioned Market Landing Park Expansion. This initial contract with Sasaki Associates will refine the previously agreed upon “Framework” park plan with extensive base mapping, detailed information on park layout and site improvements and most importantly a detailed construction cost estimate for the desired site improvements as a basis for future steps.
2. There appears to be sufficient funding available from NRA dissolution to cover the full cost of design, permitting, bidding and construction oversight, with some funding still remaining for construction.
3. The contract terms with Sasaki will include a target construction budget of \$5M, even in advance of schematic design work and cost estimates generated from Tasks 1-6, to ensure that the final construction project remains financially viable for the City. While there are various sources of funding that can be used to supplement the construction budget, following is an outline of anticipated funding sources and potential amounts as of this time:

a. Remaining NRA Revenues (<i>available after design work</i>):	\$220K +/-
b. CPA Yearly Funding (<i>pending FY’22, FY’23 requests</i>):	\$500K +/-
c. CPA Bonding (FY’23) (<i>flagship central waterfront park project</i>): ++	\$3M +/-
d. State “PARC” Grant (<i>pending schematic design work, detailed cost estimate</i>):	\$400K +/-
e. Herman Roy Trust Fund (<i>“betterment of the Newburyport Waterfront”</i>):	\$750K +/-
f. Parking Revenues from NRA East/West Lots (<i>required by dissolution Act</i>):	\$130K +/-

++ *While the City may need to bond CPA revenues to cover all construction costs (item c. above) it is highly likely that the prominence and overall importance of this project will secure local support for that option, as has already been done for arguably less well known projects or initiatives such as High School Stadium renovations, City Hall Renovations and various Open Space acquisitions. CPA bonding is covered by the CPA surcharge and state matching funds and should not be confused with other bonding sources, options or limitations the Council may be considering for capital projects unrelated to Community Preservation.*

For context, Finance Director Ethan Manning has confirmed that FY’19 parking receipts (pre-pandemic) for the former NRA East and West Lots (collectively) were \$195,499. Receipts for the Waterfront Trust parking lot were \$107,306. At this time, we would assume roughly \$250,000 in annual debt service for a \$3 million CPA bond (as noted above). For park improvements, the maximum borrowing term is 15 years. Assuming our design includes a small building for new public restrooms and visitor information (to replace the existing temporary trailers) that portion could be bonded out 25-30 years.

After decades of debate about the future of our central waterfront, years of negotiations necessary to confirm the “Framework” plan for Market Landing Park Expansion and obtain final dissolution of the NRA, it is time to seamlessly transition into design phase work with a reputable Landscape Architectural firm like Sasaki

Associates. I respectfully request approval of the associated transfer and appropriation at your earliest convenience so that our work with the design team can proceed forthwith. A series of meetings and communications, as well as a project webpage, will keep the Council and other interested parties informed of our progress and next steps in the months ahead.

Thank you for your time and support for this long awaited project!

TO: Richard Jones, City Clerk
From: Charles Tontar, At Large Councillor
Date: March 2, 2021
Re: Legal Opinion on Reducing Council Salaries

Please find attached a memorandum from Lauren F. Goldberg, Esq. of KP Law in response to Council President Eigerman's request for an opinion on whether or not the City Charter allows the Council to reduce its own salary from that set by ordinance. As a communication between a lawyer and client, the memorandum is privileged and confidential.

I am requesting that the Council waive that privilege so that Attorney Goldberg's memorandum can be made public.

Thank you,

Charles Tontar
Councillor At Large

Postmaster Paul Capodilupo
United States Postal Service
12 Malcolm Hoyt Drive
Newburyport, MA 01950

March 2, 2021

Dear Mr. Capodilupo,

The Newburyport Postal Service recently removed the mailbox located on Green Street that was available for drive-up service, and instead placed a mailbox in front of the Post Office on Pleasant Street that is eight feet from the curb.

While we understand that the Green Street mailbox was subjected to occasional vandalism, we are not aware of any complaints filed with the Newburyport Police to help resolve these problems. Nor was the Mayor's office consulted prior to this change. Please note that during reconstruction of the downtown area the City Council and Mayor agreed to remove parking spaces from Green Street, dedicating them instead to drive-up postal service, at the request of the Postal Service because we valued drive-up service.

Denying vehicular access to postal service has created difficulty for several reasons:

1. Drive-up service was very convenient for residents, who must now park their vehicles and walk to the box on Pleasant Street;
2. Downtown Newburyport is densely populated, and traffic flow is limited. Pleasant Street is particularly busy. The glut of cars trying to park, sometimes double-parking, so they can hop from their cars to mail letter creates additional congestion that conflicts with the City's attempts to increase access for residents and visitors;
3. Newburyport is increasingly the home of retirees and young families for whom the convenience of a drive-up mailbox is a desirable amenity;
4. Most importantly, the City has worked diligently over the past three decades to become more accessible to residents and visitors who are not fully mobile. For someone who needs a wheelchair or crutches to mail a letter, the drive-up service may not just an amenity, it may be a necessity. We continue to build ramps to all public facilities that conform to the Americans with Disabilities Act, and eliminate curbs at street corners to give everyone the access to which they are legally entitled. Drive-up postal service was consistent with this effort.

The United States Postal Service has been a good neighbor throughout Newburyport's long history. For more than two hundred years the Postal Service has endured, and the Pleasant Street location has been in use since 1927. We value the service provided by the Postal Service.

We respectfully request that the Postal Service relocate a drive-up mailbox at its former location on Green Street, and we look forward to working with you to resolve problems that led to its removal.

Sincerely,

Barry N. Connell
Councilor at Large (for the Council)

Jennie Donahue
Newburyport Disabilities Commission

February 26, 2021

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2021 MAR -1 AM 8:08

Dear Members of the City Council,

I am writing in request for a license, referencing NBPT Code Sec. 9-41, to operate a pool table in my new business, BANTER Barber & Clothier, located at 80 State Street, Newburyport. I anticipate opening in May/June 2021 with a tentative schedule shown below:

Sundays	11am-4pm, Retail Only
Mondays	CLOSED
Tuesdays	7:30am-4pm
Wednesdays	10am-4pm
Thursdays	10am-8pm
Fridays	10am-8pm
Saturdays	10am-4pm

The 8-foot pool table will act as both a merchandising table and well as for complimentary recreational use.

The interior design of our space meets the defined parameters of Sec. 9-44 with no obstructing view, as can be seen in the attached plans and renderings.



Eric Eramo
Owner & Buyer

BANTER
BARBER & CLOTHIER

80 State Street, Newburyport
eric@banterbarber.com
978-270-8388

DIVISION 1. - GENERALLY

Secs. 9-26—9-40. - Reserved.

DIVISION 2. - POOL AND BILLIARD TABLES AND BOWLING ALLEYS

Sec. 9-41. - Council authority; term of license.

The city council may, under the provisions of M.G.L.A. c. 140, §§ 177—180, grant licenses to keepers of pool and billiard tables and bowling alleys for the term of one (1) year from the first day of May unless sooner revoked.

(Code 1971, § 3-1)

State Law reference— Effective date of license, M.G.L.A. c. 140, § 203.

Sec. 9-42. - License fee.

The fee for each license granted under this article shall be five dollars (\$5.00) payable to the city clerk for the use of the city at such time as the license is granted.

(Code 1971, § 3-2)

Sec. 9-43. - Hours of operation.

No person keeping, owning or operating a pool or billiard table or bowling alley which is licensed under the provisions of this article shall allow or permit the same to be played on or used on Sunday or between the hours of 12:00 midnight and 7:00 a.m. on any other day.

(Code 1971, § 3-3)

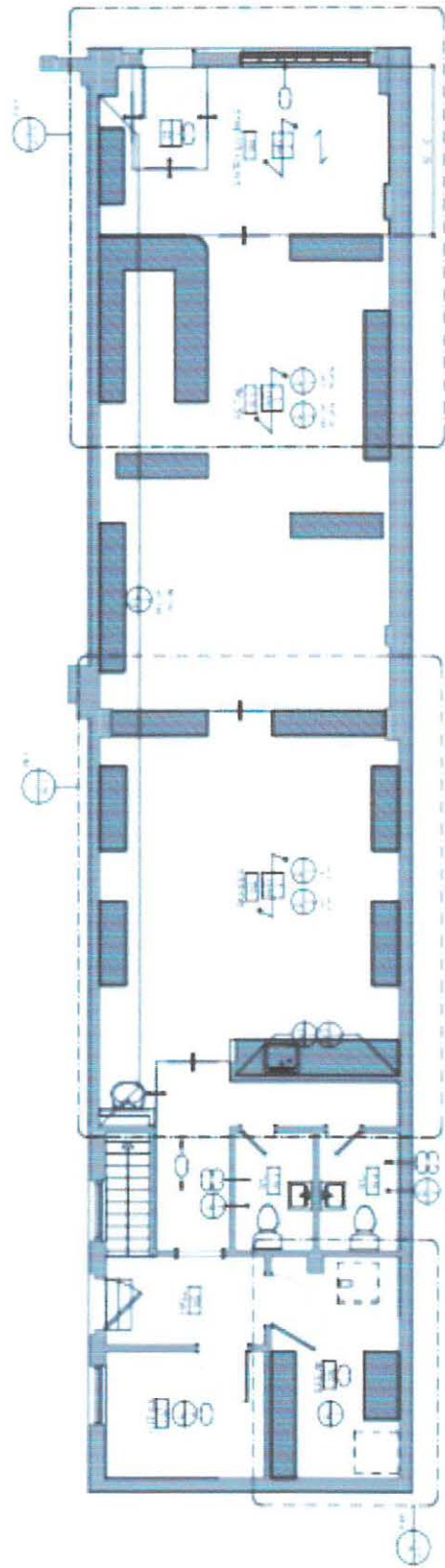
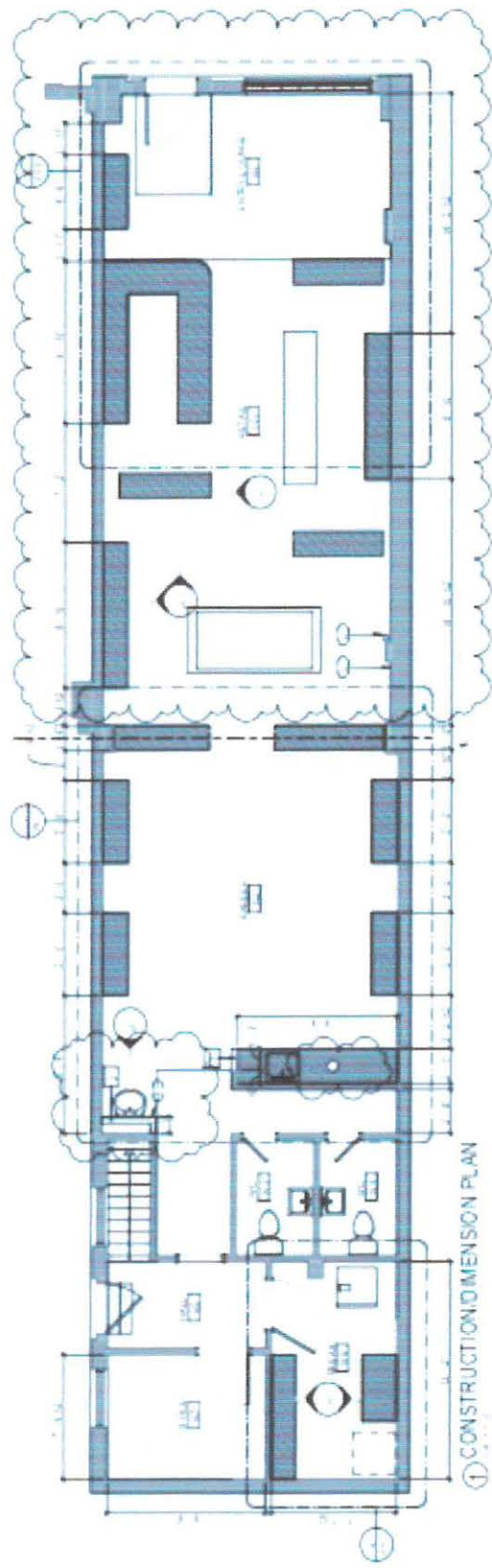
State Law reference— Minors admission to places of business, M.G.L.A. c. 140, § 179.

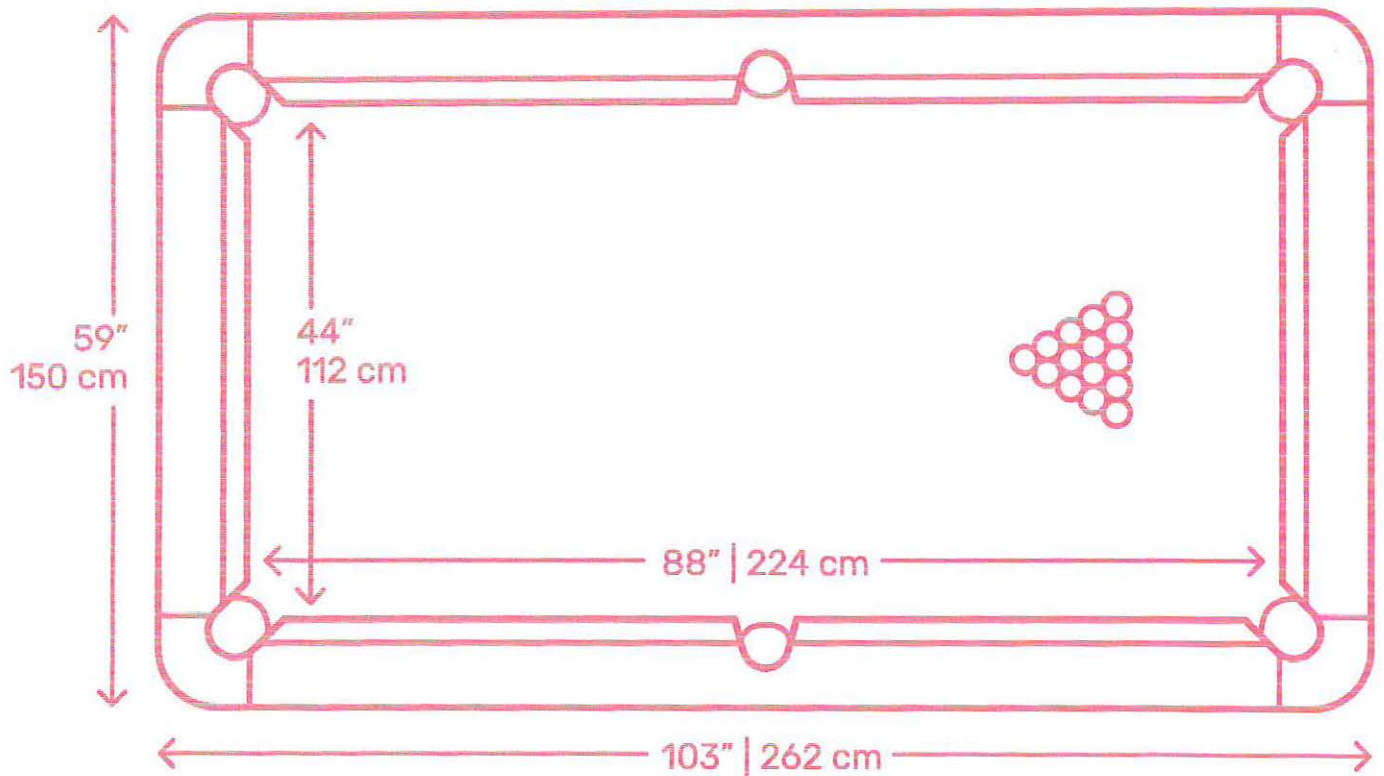
Sec. 9-44. - Obstructing view of interior.

No screen, blind, shutter, curtain, partition or opaque glass window or any obstruction shall be allowed in any pool or billiard room or bowling alley so as to prevent a view of the business carried on inside.

(Code 1971, § 3-4)

Secs. 9-45—9-51. - Reserved.





NEWBURYPORT SPECIAL EVENT APPLICATION

Tel. 978 417-6118 Fax.

(For Street Closure or Any Use of a Public Way - Please complete page 3 of this application)

- NAME OF EVENT:** THE MOVING WALL
- Date: 9-2-21 - 9/6/21 Time: from 7 AM to 9 PM
 Rain Date: _____ Time: from _____ to _____
2. Location*: BARKLEY MALL
 *Please Note: If the location is a public park or the rail trail, please also contact the Parks Department
3. Description of Property: Park Public Private _____
4. Name of Organizer: DENNIS PALAZZO City Sponsored Event: Yes _____ No
 Contact Person
 Address: 67 OLD ROWLEY RD., NEWBURY Telephone: 978 417-6118
 E-Mail: KARATEKIDSTHCA AOL. Com. 978 417-6118 Cell Phone:
 Day of Event Contact & Phone: (Same)
5. Number of Attendees Expected: 500 (over 5 days)
6. MA Tax Number: 04-3265740
7. Is the Event Being Advertised? Yes Where? Local Newspaper
8. What Age Group is the Event Targeted to? ALL
9. Have You Notified Neighborhood Groups or Abutters? Yes _____ No , Who? _____

ACTIVITIES: (Please check where applicable.) Subject to Licenses & Permits from Relevant City Departments

- A. Vending: Food Beverages Alcohol Goods Total # of Vendors _____
- B. Entertainment: (Subject to City's Noise Ordinance.) Live Music _____ DJ _____ Radio/CD _____
 Performers _____ Dancing _____ Amplified Sound _____ Stage _____
- C. Games /Rides: Adult Rides _____ Kiddie Rides _____ Games _____ Raffle _____
 Other _____ Total # _____
 Name of Carnival Operator: _____
 Address: _____
 Telephone: _____
- D. Organizer is responsible for clean-up during and after event. All trash must be collected and removed from event location immediately at the end of the event unless prior written agreement had been made with the Department of Public Services (DPS).

Will you be conducting the clean-up for this event? Yes No _____

If yes:

- a) How many trash receptacles will you be providing? 6
- b) How many recycling receptacles will you be providing? _____
- c) Will you be contracting for disposal of: **Trash** Yes _____ No _____ **Recycling** Yes _____ No _____
- i. If yes, size of dumpster(s): **Trash** _____ **Recycling** _____
- ii. Name of disposal company: **Trash** _____ **Recycling** _____
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes No _____
- iv. If no, where will the trash & recycling be disposed? _____

If no:

- a) # of trash container(s) to be provided by DPS _____
- b) # of recycling container(s) to be provided by Recycling Office _____
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City

of Newburyport. E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)

2 Standard # 1 ADA accessible

Name of company providing the portable toilets: DAVE'S SEPTIC

(NO STREET CLOSURES)

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

PARADE _____

ROAD RACE _____

WALKATHON _____

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon:

2. Name, Address & Daytime Phone Number of Organizer: _____

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up _____

4. Date of Event: _____ Expected Number of Participants: _____

5. Start Time: _____ Expected End Time: _____

6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**): _____

7. Locations of Water Stops (if any): _____

8. Will Detours for Motor Vehicles Be Required? _____ If so, where? _____

9. Formation Location & Time for Participants: _____

10. Dismissal Location & Time for Participants: _____

11. Additional Parade Information:

• Number of Floats: _____

• Locations of Viewing Stations: _____

• Are Weapons Being Carried: Yes _____ No _____

• Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No _____

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY.

CITY MARSHAL _____ 4 Green St. FIRE CHIEF _____ 0 Greenleaf St.

DEPUTY DIRECTOR _____ 16A Perry Way CITY CLERK _____ 60 Pleasant St.

DEPARTMENT APPROVAL (for Committee Member use only):

It will be necessary for you to obtain permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event, and others may require advance payment.

Approval Required	Date: _____	Signature _____
___	1. Special Events: _____	
___	2. Police: _____	
	Is Police Detail Required: _____	# of Details Assigned: _____
___	3. Traffic, Parking & Transportation: _____	
___	4. ISD/Health: _____	
___	5. Recycling: _____	
___	6. ISD/Building: _____	
___	7. Electrical: _____	
___	8. Fire: _____	
	Is Fire Detail Required: <u> No </u>	# of Details Assigned: _____
___	9. Public Works: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	
	Yes: \$ _____ due on _____	No Fee for Special Events applies
	Other requirements/instructions per DPS _____	
___	10. Parks Department: _____	
___	11. License Commission _____	

The departments listed above have their own application process.
Applicants are responsible for applying for and obtaining all required
permits & certificates from the various individual departments

**APPOINTMENTS
SECOND READING**

SECOND READING APPOINTMENTS

APPT233_02_22_2021	Joe Carper	8 Fruit St.	Fruit St. Hist. Cmte.	03/31/2024
APPT234_02_22_2021	Cheryl H. Amey	24 Milk St.	NBPT Housing Auth.	03/31/2026

In City Council February 22, 2021:

Motion to approve the Consent Agenda as amended by Councillor Zeid, seconded by Councillor Connell.
Roll call vote. 11 yes. Motion passes.

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

December 14, 2020

ORDERED:

Be it ordained by the City Council of the City of Newburyport as follows:

THAT the City Council of the City of Newburyport hereby appropriates and transfers from the *Waterfront Park Paid Parking Fund* by majority vote the sum of One Hundred Fifty Thousand Dollars (\$150,000) to be used toward compensation of Sasaki Associates, Inc., the qualified consultant design team selected by the *Ad Hoc Committee on Market Landing Park Expansion* through the *Request for Proposals: Market Landing Park Expansion* (the "RFP") issued by the City's Office of Planning and Development on November 17, 2020, pursuant to City Council Order 197_07_13_2020 entitled "An Order Implementing Chapter 96 of the Acts of 2020 Dissolving the Newburyport Redevelopment Authority" ("Order 197"); and

FURTHER, THAT, the Mayor is hereby authorized to execute and enter into any contracts or agreements with the Selected Consultant Team (Sasaki Associates, Inc.), pursuant to Order 197, for the contract sum of \$134,000 consistent with the Price/Fee Proposal submitted by Sasaki Associates, Inc. The remaining \$16,000 included in the aforementioned appropriation shall be available to the Mayor and Director of Planning & Development as contingency funding should the Sasaki Associates, Inc. contract scope need to be modified for additional services, including but not limited to attendance at additional public meetings, obtaining additional deliverables, or undertaking additional soil testing at the project site to confirm existing conditions and site constraints for design and construction of the project. The signed contract with Sasaki Associates, Inc. for schematic design phase work (Tasks 1-6 of said RFP) approved and authorized herein shall include a target construction budget for *Market Landing Park Expansion* not to exceed \$5M.

Councillor Jared J. Eigerman

In City Council February 22, 2021:

Councillor Devlin recused. Motion to postpone to a date certain, March 8, 2021 meeting, by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 10 yes, 1 recused (JD). Motion passes. Councillor Devlin returns to meeting.

ORDINANCES

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 22, 2021

AN ORDINANCE TO PROPOSE TO VOTERS CERTAIN MINOR AMENDMENTS THE CITY OF NEWBURYPORT HOME RULE CHARTER

Be it ordained by the City Council of the City of Newburyport as follows:

The City Council of the City of Newburyport hereby approves the following question to be submitted to the voters of the city at the biennial municipal election scheduled to occur on November 2, 2021:

“Shall the City of Newburyport Home Rule Charter be amended as follows, with ~~deletions italicized and double-stricken-through~~, and additions italicized and double-underlined?:

Sec. 1-7. – Definitions.

Unless another meaning is clearly apparent from the manner in which the word or phrase is used, the following words and phrases as used in this charter shall have the following meanings:

...

- (4) “City office,” a position having charge of a city department, including, without limitation, the position of city solicitor.
- (5) “City officer,” when used without further qualification or description, shall mean a person having charge of an office or department of the city who in the exercise of the powers or duties of that position exercises some independent statutory authority, including, without limitation, the city solicitor.

...

Sec. 2-6. – Exercise of powers; quorum; rules.

...

- (c) *Rules of procedure.* The city council shall from time to time adopt rules regulating its procedures which shall be in addition to the following:

...

- (2) Special meetings of the city council shall be held at the call of the president or at the call of any six or more members, for any purpose, by causing a notice of the meeting to be delivered (i) in hand or to the place of business or residence of each member of the city council; or (ii) by email to each member of the city council with electronic confirmation of receipt...

...

Sec. 2-9. – Ordinances and other measures.

- (a) *Measures.* No measure that is an ordinance or an order shall be passed finally on the date on which it is introduced, except in the case of an emergency....
- ..
- (c) *Charter objection.* On the first occasion that the question on adoption of a measure that is an ordinance or an order is put to the city council, if a single member present objects to the taking of the vote, the vote shall be postponed until the next meeting of the city council whether regular or special....

Sec. 3-1. – Mayor: Qualifications; term of office; compensation; prohibitions.

- ...
- (d) *Prohibitions.* The mayor shall hold no other city office or city employment for which a salary or other emolument is payable from the city treasury. No former mayor shall hold any compensated appointed city office or city employment, nor shall they appear personally before any city agency as agent or attorney for anyone other than themselves, their spouse, their parents, their children, or their siblings, until one year following the date on which the former mayor's city service has terminated. This provision shall not prevent a city officer or other city employee who has vacated a position in order to serve as mayor from returning to the same office or other position of city employment held at the time the position was vacated, if such position exists, but no such person shall be eligible for any other municipal position until at least one year after the termination of service as mayor. This prohibition shall not apply to persons covered under the leave of absence provisions under the civil service law. Except as state law may otherwise expressly permit, a lawyer who has formerly served as mayor shall at no time represent a client in connection with a matter in which the lawyer participated personally and substantially while serving as mayor, unless the city council gives its informed consent, confirmed in writing, to the representation.

...

Sec. 6-5. – Capital improvement budget.

- (a) *Submission.* No later than ~~April~~ May 15 of each year, the mayor shall submit a capital improvement program to the city council....
- ...
- (c) *Adoption.* At any time after the public hearing but before ~~June~~ July 1 of each year, the city council shall by resolution adopt the capital improvements program with or without amendment, provided that each amendment must be voted separately and that any increase in the capital

improvements program as submitted must specifically identify the method of financing proposed to accomplish such increase....

...

Sec. 9-7. – Uniform procedures governing multiple-member bodies.

...

(b) *Meeting documents and submissions.* Each appointed multiple member body shall determine its own rules and order of business and shall provide for the keeping agendas, minutes and related submissions of its proceedings. All such documents shall be a public record, and certified copies shall be placed on file in the office of the city clerk and ~~in the city public library~~ on the website within fifteen days of their approval....

...

Councillor Jared J. Eigerman

Date: _____

Concurrence of the Mayor:

Mayor Donna D. Holaday

Date: _____

In City Council February 22, 2021:

Motion to postpone to a date certain, March 8, 2021 meeting by Councillor Khan, seconded by Councillor Connell. Roll call vote. 11 yes. Motion passes.