

**CITY COUNCIL EXECUTIVE SESSION**  
**MINUTES**  
**April 25, 2022**  
**Following 7:00 pm City Council Meeting**  
**City Hall, City Council Chambers**  
**60 Pleasant Street**  
**Newburyport, MA 01950**

**EXECUTIVE SESSION** – Pursuant to G.L.c.30A, s.21 et al Exemption #6 of the Open Meeting Law this discussion will relate to the purchase, exchange, lease of value of real property if the chair declared that an open meeting may have a detrimental effect on the negotiating position of the public body. The locus is Coffin Street.

After the stating that Council would not be coming back into public session, the President entertained a motion at 9:17 pm to go into the executive session for the aforementioned purpose made by Councillor Khan and seconded by Councillor Donahue. Councillor Wright was recused, Councillor Lane was absent. Eight yes, One no (Councillor Vogel). Motion passes.

Present in the executive session were Andrew Levine Chief Administrative Officer, Andrew Port, Director of Planning, Jonathan Eichman Esq. from KP law, and Councillors Shand, Preston, Vogel, Cameron, Wallace, McCauley, Khan, Donahue, and Zeid.

Attorney Eichman described three options available to the Council. (1) the Council does not act, (2) the Council could vote to discontinue a public way, and (3) the Council could vote to make it a public way.

He also referenced Attorney Rainen's title opinion and stated that there are only three possibilities in the Commonwealth by which a way may become public: 1) by layout and acceptance by appropriate authority; 2) by adverse use of the public as a matter of right for no less than 20 continuous years; and 3) by dedication of the relevant landowner(s) prior to 1846.

Attorney Eichman stated that it is highly unlikely that there would be a successful assertion of adverse possession. Also, he stated that based on the 1996 vote by the Council, his opinion on the status of the entirety of Coffin Street and the unnamed way is uncertain.

Attorney Eichman further stated that it would take a simple majority to discontinue a public way and it would take a super-majority to establish a public way. Obviously, it would have to be done according to statutory guidelines.

Councillor Zeid asked questions with respect to the city's liability. Attorney Eichman thought that there was no exposure for the City at present. Councillor Donahue asked if there were any other examples around the city similar to Coffin Street. Andrew Port mentioned that there were 46 streets on the 1996 list and he was concerned that an action by the Council on Coffin Street may affect others on this list. Attorney Eichman stated that we did not really have an example on point at this time.

Councillor McCauley mentioned that by doing nothing, we haven't solved the situation. Councillor Vogel asked why are we here? Why would we mess with the situation? Councillor Wallace stated she felt

bullied by the comments of certain residents during public comment. Councillor Preston asked what were we actually talking about. Is this the concern of only the resident at 9 Coffin Street or are other residents concerned? Councillor Cameron stated that he was the Ward 4 Councillor for two terms a number of years ago and only remembers that the complaint came from one resident, Jane Snow.

There was a motion to come out of executive session by Councillor Zeid seconded by Councillor Vogel. Roll call was Nine yes, One recused (MW), One absent (BL)