

Amesbury Municipal Council Meeting
January 11, 2005 7:00PM
Town Hall Auditorium

Pledge of Allegiance – Joe McMilleon

Bonnijo Kitchen – I would like to ask for nominations for President of the Municipal Council.

Anne Larnard – I would like to nominate Joe McMilleon for President.

Bob Woodsom – second

Bonnijo Kitchin – Any other nominations. Not seeing any; all in favor raise your hands, any opposed?

Voted – Unanimous

President McMilleon – I will entertain nominations for Vice President.

Councilor King – I would like to nominate Anne Larnard

Councilor Benson – second

Councilor Lawrence – I would like to nominate Councilor Pinierio.

Councilor Chandler – second

Roll Call – Vote

Anne Larnard – Larnard, Woodsom, Benson, Chandler, King, Headley, McMilleon

Mario Pinierio – Lawrence, Pinierio

Accept Minutes – December 14, 2004

Councilor Pinierio – motion to accept minutes

Councilor Benson – second

Councilor Chandler – On page 9, I would like to make a correction. Half way down page change residential to industrial under Councilor Chandler's comments.

Voted – Unanimous

President McMilleon – Moving on to the High School Building Update. Just as a reminder, the purpose of this is to provide a brief presentation and up date by the Building Committee and for the Council to ask questions. If there is further need for discussion we may want to set up another meeting with more public comment allowed.

Mike Corcoran – Vice Chair High School Building Committee – I would like to put the project in chronological order. After I will take questions and if I can not answer them we have representatives from Mount Vernon our architects Frank Tadesco, Greg MacIntosh – project manager and Mark Schweitzer the on site architect at the project. I would like to point out that they are doing a very good job on the project. I am also glad that the general contractor Alexander and one of the principals Greg Clark along with the project manager Steve Cantelli. The total cost of this project is \$29,085,000. The contract on the project is for 28 months with an end date of July 06. The project is to be done in 2 phases. First phase is the construction of the new library along with the renovation of B and C which is in the hand out that you have. Down here is the new addition and B and C is up in here. This is what we are referring to as phase I. The kids are in the other side and as we all know the 8th grade remained in the grammar school as the 9th grade. Phase II brings them up and keeps another grade down and we move into a new building and renovated classrooms. First phase is scheduled to be

done in August of 05 which is the date we had after the contracts were signed. The High School project was approved by the State Building Assistance for a 75% reimbursement. When we started moving ahead with this project, I think it was almost three years ago now; the rules regarding reimbursement were changing. We had learned that they were going to lower the reimbursement rate and all the guidelines were going to change. It was undergoing a total change and make over. We didn't know how far it was going to go as we saw with the issues regarding reimbursement. I was asked repeatedly, Mike will we ever see it. It is nice to know now that we will see it and hopefully we are going to see it early. What we were able to do as a committee at that time was file paper work to allow us to be grandfathered to allow us to get the 75% reimbursement. At the time that we did this the estimate on the High School Project was \$23,515,000 with a contingency fund of \$900,000. We discussed with the City Council at that time about moving ahead with the project for a number of reasons. We had the vote of approval to move ahead. The City council said we would like to get a city wide vote to make sure that everybody in town wants to move ahead with the project. This resulted with us going out to bid on the project in October of 03. Obviously for people to vote on a project of this size we had to give them a price. The bid for construction came in higher than our estimate and as a result the overall cost of the project went from \$23,515,000 to \$29,089,000. Despite the increase, the town voted to move ahead with the project. There were several things that took place when this bid came in. We knew the bids were only good for 30 days. We knew we had to go back to city council to get an additional \$5.2 million to cover the additional cost. We also had to go back to the State Building Assistance program to make sure the increase was going to be allowed in the reimbursement from the State because we now had a higher bid. We anticipated that it would take longer than 30 days to get the approval for the \$5.2 million simply because of due process that you have to follow on the council. By January of 04 we finally had authority for the additional money. During this time we had gone to the General Contractor and to the sub file bidders asking them to sign an extension allowing us to hold the bids. One of the bidders, miscellaneous metal, would not sign an extension. This forces us to put part of the project out to bid later. We were however able to get confirmation from the SBA in a letter from them in a letter dated October 29, 03 that despite the increase it still fell under the cap that they had set for the project and we were entitled for reimbursement for up to 75% on the project. There were questions why there were not more penalties included in the overall project. Currently there is a \$2,000 a day penalty if the contractor does not finish the project on time. Every day it goes over the deadline in July it is \$2,000 a day. Within the terms and conditions there is also a clear set of guidelines that if they are not followed can result in the termination of the general contractor. We knew we were going to hire a good Clerk of the Works to put on this project and we have, Lee LeBlanc who lives in Amesbury and is doing a good job. We also agreed to put an architect on site for over sight of the project which is something that is not normally done. This was an additional cost but what it allowed us to do is watch the job. The architect has the right to shut down the job but the architect also can interpret the plans, answer questions that arise on the job, so rather than waiting for decisions to be made we can make them on the spot. Our main goal has always been to keep the project moving. Also, there was a question regarding the Clerk of the Works as to whether or not he was licensed or bonded. We required the Clerk of the Works to have a million dollar liability policy, which is file with the contracts. That was part of the stipulation when he was hired. When we went out to bid the state laws were that the low bid had to be accepted. The contractor we confirmed was bonded for more than what the project cost was going to be. We had no prior dealings with this contractor, there were no litigations with this contractor and there were no indications that we couldn't take this contractor on base on the bid. We had what we thought was very good project over sight at the time. We were going to hire a clerk; we had an architect we were going to bring on board. We needed to get the project moving. We had had problems at the High School. We had problems with the roof, we had problems with the boilers, and

we had an agreed phasing in plan which we thought was going to work. So based on all the circumstances presented at the time the information available and based on current laws that we had in front of us we went to bid with the architect, we accepted the bid and we signed the contract and moved forward. As of December 7, 04 we have paid out \$5,931,599.71. We have paid the general contractor \$4,008,762. There is a difference of \$1,922,837. This money is in payment for indirect costs associated with the project. We have on going architectural fees; we have salaries with the clerk and the onsite architect. We have money set aside for furniture, fixtures and equipment. We have consultant costs for on going testing, geological, hazmat. We also have legal fees. In mentioning the legal fees I should point out that one of the abutters has obtained council and filed a claim for damages as a result of the project. This is now going to town council. The council is preparing a letter to send to the attorney representing the abutter, a Mr. Rosiu who lives to the left of the school. What we did do early in the project is put monitors in the abutters home which are being read on a monthly basis. Any reports dealing with that go to him and now they go to his Attorney and we have records on our own. That is open to public inspection if anybody wants to take a look at it. There was a question on the payment schedule. The second week of each month we receive what is referred to what is a pencil requisition from the general contractor. This is a listing of work performed along with the associated costs. The document is reviewed by the architect, George French, Chair of the High School Building committee and Greg MacIntosh of Mount Vernon. After the review it is sent back to the general contractor for his agreement. The fourth Tuesday of every month the building committee meets to go over all the bills for approval. You have a copy with the agenda that we put out at every meeting. It lists what the contractor was looking for as well as all the other bills and minutes of the meeting. In this meeting which I believe is November the payment request was for \$764,864 but, after the review the actual payment made was \$639,718. Every payment except for the very first payment back in March of 03 has been reduced by some percentage as it has come for review by our committee and then gone back to the general contractor for his approval. It doesn't mean that they never see this money it just means that based on what we saw on the work performed, based on what they were charging we had to come to an agreement as to what was or was not done and what percentage we agreed to and then we made the payment based on that. By contract we are obligated to make payment for work performed. If we are not happy with what is going on we simply can not stop paying. We would be in violation of the contract and we would be liable for damages. We do look at every bill that comes across the building committee's desk and we won't pay it unless we are obligated to do it and I don't care if it is a general contractor's bill; and I have sent back bills from our town council because they weren't itemized. We simply pay only what we know we should pay based on the itemization of the bill. The contingency fund, there has been some speculation. As indicated when we first had the initial project cost we had a \$900,000 contingency fund. The contingency fund at present is at \$1,265,000. When this thing came up and there were questions about the fund there was a school of thought based on prior projects that this is a number that should not be divulged. Maybe this is old school; maybe this is an old way of thinking. It was never an issue on similar projects. The feeling was that general contractors as a rule look at this as a slush fund. They look at it and figure how can we get more money out of a project. We can do it with change orders. We know that they have a contingency fund, we know what they have got and we can do more change orders. At the request of the building committee I spoke with Town Council about this item and simply said to him is there anything about this project that we shouldn't talk about or can't talk about. He said no there isn't, it is all open to public record which is why the information is coming to you first rather than any place else along with all the other figures that we are now presenting. I felt that since you asked for this you should hear it here first rather than any place else. In the future if you make a request the same thing will happen. You represent the town and the tax payers and this is where it belongs. To date we have had four change orders totaling \$440,391.

That leaves us a balance of \$824,609 in the contingency fund. The largest change order was #3 for misc. metals. The initial was for \$327,000. As I pointed out earlier this bidder would not sign an extension and got out of the project forcing us to go out and get other bids, which was not an easy task. We had problems getting people to bid on this. Two companies in NH put in a bid in September in terms of accepting it but the price went up by \$370,000 resulting in that change order. The total bid price now on the misc. metals was \$697,000. Other than this we have had three other change orders to date. We had a change order relating to tile, flooring and plumbing totaling \$51,481. We had a change order for relocation of a fiber optics line and a temporary window protection for \$10,191 and for additional bonding costs relating to the misc. metal bid and revised bus loop \$8,719. I don't think that is too bad for a project of this size. What is the current status of this project? Every Tuesday morning there is a construction meeting to go over the project in detail. The general contractor rep is there along with George French, Barbara Labella, Ann King, Greg MacIntosh and Matt Schweitzer from Mt. Vernon, Bill LeBlanc, Gerry Monteldo, Les Murray, Charles Chauret and I. In regards to the first phase of the project the general contractor in the meeting this morning gave us his revised schedule which indicated that phase I is still on target to be done in August of 05. The hand out indicates that phase one, which is the new addition is buildings C and B. Although we have the revised schedule the building committee has felt that the project should be further along. Are we behind on phase I? The general contractor says no and they will hit the August 05 date. We as a committee felt that we should be 4 or 5 months ahead of where we are right now. When will we really have a good idea? By May we need to know because we have to talk to the schools committee about second phase; where are the kids going to go, are they going to move into the new building are we going to be moving teachers? So the commitment level on the part of the general contractor who says this will be done we will know for sure if it is going to happen by then. Building E, the new addition; 73% of the steel is on site. By mid February all the steel will be up and that indicates a 25% completion rate on that particular phase of the building. The renovation which is B and C, 35% of this work is done. We have not run into any hidden problems which one would expect on a renovation. What does this say; good drawings. We had access to the original building plans and that made a big difference. As indicated we thought that the project would be further along than it is. This is something that we have discussed with the general contractor on a regular basis. It is important to know that the means and methods of this construction is up to the contractor, we have no control over that. I have verified this in my discussions with town council. They decide how they are going to get from point A to point B. They agreed to do a phase in project and they agreed to give us a schedule. They indicated that they would live by that schedule and when changes get made they are required to submit a revised schedule which they do and have done as of today. We are not however, with out options and we are very much aware of issues that have arisen in other jobs involving this contractor. Is this a cause of concern? Very much so and again, we have expressed this concern to the contractor. As much as I feel for the other schools that have their problems, I am concerned about Amesbury. That is where our interests lie. There are several options open to us which I am going to discuss. I want you to understand they are options. I have discussed these with legal council. Our main concern is to get this project built and to work with the general contractor, to bring it in on time and on budget. Setting up adversarial relationships is not the thing you want to do with someone that is building you a \$29 million school. Our objective is to work with them as best we can to get the job done. We have a letter being drafted by council to go to the contractor expressing our concerns about where we think the project should be. The fact that they have come in with a revised schedule is a good thing. The fact that they are going to hit the mark in August is a good thing but, obviously we need to see evidence of that with man power on the job and direction of steel and the closing in of the building. Depending upon how that tracks and the response to our letter the next option is to ask for a meeting with the owner, their council, our council and the building committee to talk further about the

project. Depending upon the results produced at that type of meeting we have a right to contact the bonding company to put pressure through them on the general contractor to move the project along. The last resort is basically to remove the contractor for cause as stipulated in the contract. That is the last resort and no one wants to go there. We do have options open to us but again we are looking to get this school built and in a way that we can work with them to get it done. All of the information presented can be found in the minutes of our meetings which are open to the public. At the beginning of each meeting we are willing to take questions from the public about the project. The only thing you won't find discussed is the contingency fund which is now out there and available. I would also like to invite the council to take a tour of the building. I would like you to see what is going on. Put your work boots on and come out to the site. Look at the steel that is going up, look at the renovations and ask all of the questions that you want. I would be happy to work with you on that. In closing I want to say to the Council and the people of Amesbury we are not simply sitting back at watching this project from afar, we are and always have been completely committed to bringing this project in on time and on budget. We don't expect it to be a cake walk, no project of this size could ever be. There will be problems and issues; we will meet them head on as we have been doing all along and we will resolve them. We are also taxpayers in town like everyone else and we are concerned about the cost of the project; it affects our pocketbook just like it affects everybody else. I am glad that the owner of Alexander is here. I would like to think it shows a commitment on their part to this project. They have been taking a beating in the press and could have stayed away but chose not to. The revised schedule shows that the August date is on. Steel is going up almost daily. We have a large portion of the renovation done. These are good things. I am not however naive about the issues we face. If we have problems we will solve them. We will build a school that the town can be proud of and meets the needs of our student for now and in the future.

Councilor King – Mike I want to thank you and the building committee.

Councilor Chandler – If Phase 1 is not completed on time are there penalties for that?

Mike Corcoran – As it was explained to me by council, any costs incurred that we can substantiate that we would not have paid if the project was finished on time; if this goes into litigation we can go after recovery of damages. We have to be able to prove that and that's why the scenario in terms of laying out what we have to do, presenting our case to the contractor indicating what our issues and concerns are.

Councilor Pinierio – How well is the contractor bonded?

Mike Corcoran – He is bonded for the work he is doing for us.

Councilor Pinierio – Is the \$2,000 per day penalty come in after July 2006? And if it doesn't come in on time what are the steps the committee will do to stick to that \$2,000 penalty that is in the agreement?

Mike Corcoran – If it doesn't come in on time we have to see where we are. We have a right to recover that through legal means. We also have a right to go after damages that we have incurred. If our costs are in excess of \$2,000 and we can substantiate that then we have a right to go and ask for that money back.

Councilor Pinierio – At the Middle School the contractor never finished the project and there was a penalty clause in there. I was under the understanding that the school building committee did not go after that penalty clause. Are we going to go after that?

Mike Corcoran – I talked to Brad Ford and they have actually gone to court and are waiting a decision from the judge regarding the issues on that project. You would have to ask them.

Councilor Pinierio – What I am concerned about; are you going to really force the contractor on this penalty per day? You say you are going to do it and then don't end up doing it. It's in there, you have a legal right to do it and if they don't come through with the project and finish the school then we should go after it.

Mike Corcoran – All I can tell you is that we are going to do it.

Councilor Pinierio – Well I heard that before and nobody does anything. I would like to see something done because it is tax payer's money that is being wasted.

Councilor Larnard – Could you go over the steel delivery again?

Mike Corcoran – 73% of the steel is on site and the rest has been coming over the past 3 or 4 weeks. I'm not sure how many loads we are getting. They are telling me by mid February it will all be up; I am assuming we are going to see the rest of it over the next couple of weeks. I was there today and the cranes are putting up steel.

Councilor Larnard – So there is enough steel there right now on site to proceed with the work that they need to do.

Mike Corcoran – We have 73%; we need the balance to finish. That should be coming within the next few weeks because they said they would be done by February.

Councilor Larnard – Are the work crews and staffing adequate?

Mike Corcoran – At this point with regards to the steel construction it is adequate. They have had some problems with some sub contractors. I would like to see more people on the job. The real test is going to be when the steel goes up and the building gets closed in. We are going to have to see 80 to 90 people on that job site so we can get it closed in and get the interior work done so we can continue with the phasing project which I'm told is what will happen. There have been issues with people on the job. This is something we are talking to the contractor about.

Councilor Pinierio – You said section B and C are 35% complete. Are they behind schedule?

Mike Corcoran – I think they are doing pretty well. We had one of our contractors go belly up; I believe it was the sheet rocker, so they are looking for a new sheet rocker. We have not found any hidden surprises. No hidden asbestos, no structural problems that we did not anticipate. Now we need to get the sheet rockers in there, finish the electrical and get some steel beams in there.

President McMilleon – I think we may at some point want you to come back in a separate meeting where this is the focus so we can have other comments and questions by the public too.

2004-128 Joint meeting with the School Committee to fill a vacancy term to expire 2005

President McMilleon – reads 2004-128 into the record and opens the joint meeting with the School Committee.

David Hildt – I declare the School Committee meeting open.

Roll Call – Stanley Schwartz, R. Darrel Taylor, Charles LaBella, Deborah Comick, Debra Bibeau and David Hildt

President McMilleon – We have one person that has applied for this vacancy, Teresa Axten.

Teresa Axten – I was on the School Committee for 30 years and when I saw that the position was open again I thought I would really like to be back and be involved. I really enjoy working with the schools. I will have to resign from the COA if I am approved tonight. The schools have always been my love.

Councilor Pinierio – I would like to nominate Teresa Axten for School Committee.

Councilor Benson – second

Roll Call Vote – Unanimous

Teresa Axten is the new member of the School Committee

President McMilleon – I declare the joint meeting closed.

2004-129 – Joint meeting with the Board of Library Trustees

President McMilleon – reads 2004-129 into the record and declares the joint meeting open.

Marie Messner – Declares the Board of Library Trustees open.

Roll Call – Kate Broughton, Marie Messner, Jeannine Bailey, Courtney McLachlan, Christine Johnson, Susan Zielinski, Nancy George.

Jana Parenteau not present

Jazz Brown – My reasons for wanting to be on the Board of Library Trustees are very simple. I am committed to Amesbury to its continued growth and development. I am also an avid reader and frequent patron of the Library. I am interested in providing my skills and background and experiences to help the library any way I can. My background is in marketing and advertising, MBA in business and my being a business owner and resident and parent are all reasons I want to be part of this board. I appreciate you taking a look at my application and considering me for this position.

Ann Iacobucci – I am very interested in the library. When I came to Amesbury in 1963 my husband and I were doing a term paper on F. Scott Fitzgerald and I went to the Amesbury Library and found 15 books on him. I was told I could take out as many books as I want so I took out 15 books. I was impressed that our little town of Amesbury had that kind of research material. The next term paper we did was on John Greenleaf Whittier. Within a few years of that we had 6 library cards in Amesbury and in another 3 or 4 years we had 10 library cards in Amesbury. We moved to the center of town; one reason being so the kids could all walk to the library. The library has been an important part of our life. When we are bringing friends through town and they want to know about the history the first

thing we show them is the library. You have all known of my involvement in the last year in the library, I care very much for it. I want to look forward to a very progressive library and I would like to be on the Board of Trustees. I have been active in town for over 40 years and would like to continue to be so.

Councilor Chandler – I nominate Ann Iacobucci
Councilor Pinierio – second

Kate Broughton – I nominate Jazz Brown
Councilor Headley – second

Roll Call Vote

Jazz Brown – Kate Broughton, Marie Messner, Jeannine Bailey, Courtney MacLachlan, Christine Johnson, Susan Zielinski, Nancy George, Anne Larnard, Robert Woodsom, Roger Benson, Ann King, Esther Headley, Joseph McMilleon

Ann Iacobucci – Christopher Lawrence, Mario Pinierio, James Chandler

Jazz Brown is the new member of the Board of Library Trustees

President McMilleon – I will declare the joint meeting closed.

PUBLIC COMMENT

Michelle Thone - I would like you to carefully consider 2005-9 and 2005-10 which addresses the development of Bailey's Pond and other controversy surrounding Farfard and the TerraSphere project. Aside from the issues with the infrastructure burden we are changing zoning bylaws, ignoring smart growth, giving everything including land and back taxes away for free; creating commercial and industrial development that will never amount to enough to pull its share in taxes. If this isn't enough, many concerns are being raised and rightfully so as to the illegality of this transaction with Farfard and the missing details in our current agreement that could potentially leave Farfard with huge profits and Amesbury nothing more than waste land. I agree with Mr. Chandler that this is the time to take a step back, review the process and start again in a manner that will actually benefit the citizens of this town.

Mike Greaney, 50 Orchard Street – Mr. Greaney states that he is very upset at the way he was treated at a High School Building Committee meeting. He asked for some figures pertaining to temporary classrooms, did not receive any answers and filed a Mass General 66. He was told early on that the Architect was going to be on the job 3 or 4 months and now is being told that he will be there for the length of the project as Project Manager and does not feel he is doing his job.

President McMilleon – Mike, if you will write down all the questions you have I think the council would be interested in seeing those. Whenever you get a chance if you could get that to us, that would be appreciated.

Councilor King – As a member of the School Building Committee, I was not there when you had your experience Mr. Greaney. Right now there is an area set up for people. Please come back and bring your grievances. I apologize if that was your experience. I want to reinforce that if you have questions

you are more than welcome to come to a meeting. I see Mrs. McClour laughing, if she has questions she can come ask us.

Comments from the audience unable to decipher.

Claude Gonthier, 112 Kimball Road – Mr. Gonthier is strongly in favor of 7 independent residents and no council member in the makeup of the Finance Committee.

Councilor Headley – To say that none of us have been on the Finance Committee is wrong. I spent 2 years on the Finance Committee before I took office. I had also worked in the committee for the change of government. At the time that I served there were 6 members of the council and 3 members at large. I found it very interesting and I think it did work. I have been against this form of a Finance Committee since it started. I would like to see it go back to where we had 3 or 4 from the outside. But, we need a portion of each because your council understands some of the issues that are new to the residents. I frankly would like to see the change but I would not like to see it completely one way or the other.

Laurie Erwin, 6 Swetts Hill – Ms. Erwin is in support of 2005-9 to rescind the agreement with Farfard Corp. in reference to the proposed TerraSphere project. Ms. Erwin has met with Farfard and feels many issues were not adequately addressed by Farfard or completely ignored. This does not keep in line with smart growth.

Marc Deschenes – Mr. Deschenes wants to correct Mike Corcoran's statement that we had a town vote on whether or not we wanted to do the High School project. It was a vote asking about a financing mechanism; whether to be included in prop 2 1/2 or excluded.

President McMilleon – I will declare the public comment closed.

LICENSES AND PERMITS

2005-5 Papa Gino's – Sunday Juke Box

President McMilleon – reads 2005-5 into the record.

Councilor Benson – I move for approval of 2005-5 as submitted with our usual stipulations.

Councilor Lawrence – second

Voted – Unanimous

2005-11 Papa Gino's – Automatic Amusement

President McMilleon – reads 2005-11 into the record.

Councilor Pinierio – What kind of amusements are you planning to have?

Papa Gino's Representative – Video games and a crane unit.

Councilor Pinierio – Are the video games going to have any violence in them?

Papa Gino's Rep. – No

Councilor Lawrence – Chris, has all the permits been received?

Chris – Yes

Councilor Pinierio – motion to approve 2005-11
Councilor Chandler – second
Voted – 8 Yes, 1 not present (King)

MAYOR APPOINTMENTS

2005-6 Parks & Recreation Comm – Reorganization Mary Schuberth from full time position to Associate position

President McMilleon – reads 2005-6 into the record.

Councilor Lawrence – I move for approval of 2005-6 as submitted.
Councilor Pinierio – second
Voted – 8 Yes, 1 not present (Benson)

2005-7 Parks & Recreation Comm – Appointment of Timothy Creamer term to expire 6/30/2005

President McMilleon – reads 2005-7 into the record.

Timothy Creamer – I have been looking into this position since I moved here 3 years ago. I've been a teacher in Lynnfield for 4 years, a Program Director for Danvers Recreation for 11 years and a High School baseball and soccer coach and have coached T-ball here in Amesbury.

Councilor Pinierio – I make a motion to accept 2005-7 to appoint Timothy Creamer to the Parks & Recreation.
Councilor Chandler – second
Voted – 8 Yes, 1 not present (Benson)

Recess 8:24 – 8:30

SECOND READINGS

2004-83 An Act authorizing the Town of Amesbury to establish a Tourism Promotion Fund – Councilor Lawrence sponsor cont.

President McMilleon – reads 2004-83 into the record.
Councilor Larnard – What is the status of this?

Councilor Lawrence – Delivered some information that Joe Fahey requested and he is currently working on it.

Councilor Lawrence – motion to continue in the Ordinance Committee and continue to the February 8th council meeting.

Councilor Benson – second

2004-95 An Ordinance to Amend the Amesbury Zoning Bylaw Sec. X – Mayor Hildt sponsor cont.

President McMilleon – reads 2004-95 into the record.

Donna McClure, Paige Farm Road – Mrs. McClure wants more information on the zoning changes before they are passed.

Marc Deschenes – Mr. Deschenes feels that because there have been so many zoning there should be an analysis done on the whole picture to see where all these changes are going.

Councilors discuss the need for more information before they pass the zoning changes and request that Nipun Jain, the Town Planner, attend the next Council meeting to answer their questions.

Councilor Benson – I move we continue 2004-95 to the Feb 8th Council meeting and request that Nipun Jain be present with a summary of this zoning change.

Councilor Chandler – second

Voted – Unanimous

2004-96 An Ordinance to Amend the Amesbury Zoning Bylaw Sec. XI.P – Mayor Hildt sponsor cont.

President McMilleon – reads 2004-96 into the record.

Councilor Benson – I move we continue this to our Feb. 8th Council meeting and request that Nipun Jain be present with a summary.

Councilor Pinierio – second

Voted – Unanimous

2004-97 An Ordinance to Amend Zoning Bylaw Sec. XIV – Mayor Hildt sponsor cont.

President McMilleon – reads 2004-97 into the record.

Councilor Benson – I move we continue this to our Feb. 8th Council meeting and request that Nipun Jain be present with a summary.

Councilor Pinierio – second

Voted – Unanimous

2004-126 Amend Article 7 of the Amesbury Town Bylaws – Councilors Lawrence & Woodsom sponsor cont.

President McMilleon – reads 2004-126 into the record.

Councilor Benson – Motion to meet for a workshop on January 19th, Wednesday at 7:00PM

Councilor Lawrence – second

Councilor King – Councilor Larnard and I have a proposal we wanted to bring forward. Councilor McMilleon could you explain the process.

President McMilleon – We have a formal proposal before us right now which is really a bylaw proposal. The recommendation for this particular proposal is that we have a workshop because it is such lengthy piece of legislation; it is about 15 or 16 pages. We will be setting at the end of this meeting another meeting to go over the council rules and make a decision about what our council rules are going to be for this year. We still have to do that, we still have to have council rules until we make this change. In the interim we have to have council rules that are going to be in place. I don't know what we will decide when we set that time to go over our rules. We will make a decision do we want to continue with the current council rules the way they are, do we want to make some adjustment and changes in them for the interim and then when we come back and deal with this and it either passes or is defeated or what ever happens to it then that would have an affect obviously on our council rules so we would go back and change those and it will take affect. We have to have some rules during the interim while this is being worked on.

Councilor King – I just want it to be clear that your proposal and the proposal Councilor Larnard and I are bringing forth will come up because it is not a change to a bylaw or an amendment or an ordinance.

President McMilleon – We have a motion before us for 2004-126 on Wednesday, January 19th at 7:00 at Town Hall we will have a workshop.

Voted – Unanimous

NEW BUSINESS

2004-127 An Order to request the Municipal Council surplus two vehicles from the Amesbury School Dept. – Mayor Hildt sponsor cont.

President McMilleon – reads 2004-127 into the record.

Councilor Larnard – Point of Order, it is on the agenda tonight as a public hearing so if people are here could they speak right now?

President McMilleon – We didn't go into a public hearing because we are not going to vote on this tonight. It is going to come back up before us on a council agenda and there will be a public hearing at that time in addition to the fact that the workshop that we are going to hold on the 19th is going to be open to the public.

Councilor Larnard – So we don't have to open this as a public hearing?

President McMilleon – No I never opened that.

Councilor Larnard – We don't have to do that when it is on the agenda as a public hearing.

Bonnijo Kitchin – As long as you continue it.

Councilor Pinierio – I wish that Brad Ford came in front of us because

President McMilleon – All we do on first readings is we refer them to committee. They are not open for discussion.

Councilor Benson – I move we refer 2004-127 to a Finance Committee meeting to be held on Wednesday, February 2nd at 7:00PM.

Councilor Chandler – second

Voted – Unanimous

2004-130 A Request to accept a grant from the United States Environmental Protection Agency, \$4,936.00 – Mayor Hildt sponsor cont.

President McMilleon – reads 2004-130 into the record.

Councilor Benson – I move we refer 2004-130 to the February 2nd meeting of the Finance Committee.

Councilor Larnard – second

Voted – Unanimous

2004-131 To accept the 2005 Municipal Council meeting schedule cont.

President McMilleon – reads 2004-131 into the record.

Councilor Benson – I move we approve 2004-131 as submitted.

Councilor Chandler – second

Voted – Unanimous

2004-132 Street Acceptance Olde Tavern Lane – Mayor Hildt sponsor cont.

President McMilleon – reads 2004-132 into the record.

Councilor Lawrence – I move we refer this to the Ordinance Committee meeting Feb 3rd and the Planning Board

Councilor Benson – second

Voted – Unanimous

2005-1 An Order that the Municipal Council vote to accept a donation of \$1,000 from Sam's Club as part of their Safe Neighborhood Heroes Program – Mayor Hildt sponsor

President McMilleon – reads 2005-1 into the record.

Councilor Benson – I move we refer 2005-1 to our February 2nd Finance Committee meeting.

Councilor Chandler – second.

Councilor Headley – It bothers me that we receive all this money from these different groups and I never hear that they have been thanked. It seems rude to me that the Council doesn't send a thank you.

Bonnijo Kitchin – The Departments send those.

Voted – Unanimous

2005-2 An Order to request the Municipal Council to accept the first payment of \$1,333.34 from Essex National Heritage Commission – Mayor Hildt sponsor

President McMilleon – reads 2005-2 into the record.

Councilor Benson – I move we refer this to the February 2nd meeting of the Finance Committee.

Councilor Chandler – second

Voted – Unanimous

2005-3 To accept a \$2,000 donation from the RAMSSLEG Foundation for the Town of Amesbury's Theater Arts and After School Program – Mayor Hildt sponsor

President McMilleon reads 2005-3 into the record.

Councilor Benson – I move we refer this to the February 2nd meeting of the Finance Committee meeting.

Councilor Chandler – second

Voted – Unanimous

2005-4 To accept a grant in the amount of \$1,200 from the Mass Emergency Mgt. Agency – Mayor Hildt sponsor

President McMilleon – reads 2005-4 into the record

Councilor Benson – I move we refer 2005-4 to the February 2nd Finance Committee meeting.

Councilor Chandler – second

Voted – Unanimous

2005-8 To Request the Municipal Council to amend the Zoning By-Law Table of Dimension and Density Regulations – Mayor Hildt sponsor

President McMilleon – reads 2005-8 into the record

Councilor Lawrence – I move we refer this to the February 3rd Ordinance Committee meeting and the Planning Board and bring this back to the Council's Feb. 8th meeting for a public hearing.

Councilor Pinierio – second

Voted – Unanimous

President McMilleon – I need a motion to accept a late file.

Councilor Benson – I make a motion that we accept 2005-9 as a late file

Councilor Pinierio – second

Voted – Unanimous

LATE FILE

2005-9 A Resolution to Rescind the Bailey's Pond Project Measure No. 2002-157 – Councilor Chandler sponsor.

President McMilleon – reads 2005-9 into the record.

Councilor Benson – I move that we refer 2005-9 to the Ordinance Committee and the Planning Board.

Councilor Pinierio – I was just thinking the Ordinance Committee and the Planning Board and I think we should get some information from Town Counsel.

Councilor Chandler – I would like to make a brief statement.

President McMilleon – I would prefer that you not do that because it is a first reading on the agenda and we are going to have plenty of time for you to do that.

Councilor Larnard – I am not comfortable referring this to the Planning Board because they are before them right now and this is a resolution to actually rescind the project. I think it should go to Ordinance and Town Counsel first and then if they deem appropriate send it to the Planning Board.

Councilor Benson – That is fine then we will send it to Ordinance and Town Counsel for legal opinion.

Councilor Pinierio – second

Voted – Unanimous

2005-10 A Resolution to review the Bailey's Pond Project – Councilor Chandler sponsor

President McMilleon – reads 2005-10 into the record and asks for a motion on a late file.

Councilor Benson – I move we accept 2005-10 as a late file.

Councilor Lawrence – second

Voted – Unanimous

Councilor Woodsom – I move that we refer 2005-10 to Town Counsel and the Ordinance Committee.

Councilor Pinierio – second

Voted – Unanimous

COUNCIL COMMUNICATIONS, ANNOUNCEMENTS AND COMMITTEE REPORTS

Councilor Pinierio – I want to make the announcement that my granddaughter sent 64 packages over to the troops in Iraq. She is having a tea party on March 20th to raise another \$5,000 so we can send more stuff. If anybody wants to contribute you can bring stuff over to the Senior Center or to Ron Koontz. The troops are looking for long underwear and blankets because it is cold over there.

President McMilleon – Reads a letter from Deb Carey regarding the upper millyard public space (attached). We have to set up a meeting to review the council rules and procedures. We also need to set up a meeting to have a representative from Town Council to come in and have a workshop on the Open Meeting Law.

Discussion continues regarding dates. Rules and Procedures will meet on January 20th and a tentative date for the Open Meeting Law on March 2nd.

President McMilleon – I would like Councilors to put in their 1st, 2nd and 3rd requests for the Committees that they would like to be on.

Councilor Larnard – We also got a letter from Denis Nadeau about the truck stop. I am wondering what the status is because the letter says that the Council is going to be held liable.

President McMilleon – In that letter he asks to have a response from Denis not from us.

Councilor Larnard – Right, then Denis attached a cover sheet to it. The first letter was from the Commonwealth of Massachusetts Dec. 20th. Then Denis sent us this letter on January 5th.

President McMilleon – Right, but in the letter in response to Denis's letter the State Inspector indicates that he wants some sort of a response from Denis within 5 days.

Councilor Larnard – So do we know what is going on with that? Can we get a status update? To me it is a serious thing; we have the truck stop that is a potential liability. There has to be a resolution of it somehow. We are going to be held responsible. We were told that quite clearly. We need to have an update or figure out what the next step is. Can we request that someone from the Mayor's Office come and give an update?

Councilor King – Joe, can you request that from the Mayor because I feel it is our issue that we need to pursue. We are the ones that are being held liable. If something happens tomorrow it is our responsibility.

President McMilleon – I would entertain a motion from someone that we put a request into the Mayor and to Denis Nadeau on what the status is on this and what is needed to be done and what is planned to be done if anything.

Councilor Benson – so moved
Councilor Larnard – second
Voted – Unanimous

Councilor Benson – motion to adjourn
Councilor Lawrence – second
Voted – Unanimous

Adjourn 9:20PM
Respectfully Submitted,
Assistant Town Clerk