

Municipal Council Meeting
Town Hall Auditorium
March 9, 2004 7PM

Meeting Called to order 7:00PM

Pledge of Allegiance lead by Councilor Headley

Roll Call – Ann Connolly King, Esther F. Headley, Anne C. Larnard, Christopher G. Lawrence, Mario J. Pinierio, Robert D. Woodsom, Roger Benson, James D. Chandler and Joseph W. McMilleon

President McMilleon is acting Mayor, under the Charter as Vice President, Councilor Larnard will be conducting the meeting.

Accept Minutes of February 10, 2004 and February 4, 2004 – Motion by Councilor Benson and seconded by Councilor Woodsom. – Voted unanimous

PUBLIC COMMENT

John Lyman, 262 Lions Mouth Road and Donna Collins, 5 Lake Attitash Way.

John Lyman – Update on the Carriage Museum explaining that they have found a home for the Carriage Museum. They have entered into an agreement with the Alliance to purchase 29 Water Street. (Press Release attached).

Councilor King – I was wondering what the anticipated opening would be.

John Lyman – Can't give a date but, the closing of the property will be within the next couple of months.

Councilor Lawrence – Congratulations, the Carriage Museum was one of the first organizations that I joined moving to Amesbury and I spent many weekends moving the carriages to a safer home. I think it is going to be a great to have these works of art to have a place for everyone to enjoy.

Donna Collins – We will be discussing this at the workshop with the Alliance Board of Directors and the Councilors on March 18th with conceptual drawings.

Councilor Woodsom – Memo from the Woodsom Farm Festival Committee looking for volunteers. Contact Sheryl Woodsom at 388-8249 or Kathleen Kelleher at 388-9486 or e-mail Sheryl at Woodsom.org.

LICENSES AND PERMITS

2004-29 Automatic Amusement License – Billy's Roast Beef

Councilor Larnard – reads 2004-29 into the record.

Councilor Pinierio – I spoke with Billy and he said his Uncle put in for the amusement license but, he doesn't really want it. He will have to speak for himself, he won't be here.

Councilor McMilleon – *motion to continue*

Councilor Lawrence – *seconded*

Municipal Council Meeting
March 9, 2004

Voted – Unanimous

2004-30 – A. Bargain Company – Class II Auto License

Councilor Larnard – reads 2004-30 into the record.

Councilor Benson abstains from this agenda item.

Robert Jackson, 136 Pelham St., Methuen, MA came to speak for A. Bargin.

Councilor Larnard – We have notification that you needed to have a bond and that you have come tonight with a bond from California.

Robert Jackson – Yes, this is a new regulation in Massachusetts and very difficult to find bonds.

Councilor Lawrence – Is this new or existing?

Robert Jackson – Existing, the license should have been renewed.

Councilor McMilleon – Are you saying the bonding requirement is new?

Robert Jackson – It wasn't a requirement until this year.

Councilor McMilleon – How do we verify if the bond is a legitimate bond? Do we check?

Bonnijo Kitchin – No, but most have been through a Massachusetts insurance agency.

Councilor McMilleon – Would it not make sense to delay this until we check out the bond? Could we verify it if we had some time?

Bonnijo Kitchin – I have a fax number.

Councilor Woodsom – *I move for approval of 2004-30 subject to the verification of the bond by the Town Clerk.*

Councilor Pinierio – *second*

Voted – Yes 8, 1 abstained (Benson)

MAYOR COMMUNICATIONS AND APPOINTMENTS

2004-37 – Revenue Forecast – Mayor Hildt

Councilor Larnard – reads 2004-37 into the record.

Mike Basque – I believe the Mayor sent you his forecast and in that he stated he would like to meet with the council when ever you can schedule that.

Councilor McMilleon – We can look it over and take it up at the next Finance meeting.

Councilor Lawrence – I have some questions about the FY04 budget. The last few years the State has cut local aid, some during the fiscal year. The state reduced the town's reimbursement for the school project by 1 percent without notice. The Mayor's revenue forecast on page 2 he lists the town's revenue for FY04 at about 44 million and as of 1/31/04 the last report we received we had collected about 24.6 million or 55%. What confidence do you have that the town will receive the estimated revenues?

Mike Basque – Right now our revenues are pretty much on line. You have to realize that some of these monies come in at 100% lump sum. SBA money comes in all at one lump sum. Police career incentive comes in a lump sum in May. You can't just divide it out. Some things come in quarterly some annually. In general our revenues look very good; I am very comfortable about them. The only areas that we are very cautious about are water and sewer.

Councilor Lawrence – In the event that the town doesn't receive all the revenues promised, have you taken any steps, if any, to reduce costs if that happens?

Mike Basque – No, right now we are comfortable with the revenues, we'll monitor them. Obviously the expenses...we have to make sure they are below what their annual requests are. It is early in the year that is one of the reasons it makes it difficult to look for money to transfer. It is still pretty early to be projecting out budgets.

Councilor Lawrence – You mentioned that we have frozen spending.

Mike Basque – The question was how did we recover from the snow and ice deficit? Last year at this time we were already \$150,000 in the hole. That is when we put a freeze on everybody's spending at that time.

Councilor McMilleon – Can you just go back to water and sewer? You mentioned that the revenues are not up to where they should be, what is going on there.

Mike Basque – Water and Sewer is interesting because one of the things that always prove to be true is that whatever kind of summer you have has a big effect on water usage. When you have cool damp summers you don't use as much water. We are watching it closely, last year we held off on any capital expenditures. That is an area where we are making sure that we slow down because in the end we don't want to have the deficits like we use to. We will control the budgets.

2004-33 Robert L. Brennan, Jr. to the position of Associate member of the Zoning Board of Appeals for an unexpired term to expire 6/30/2006

Councilor Larnard – reads 2004-33 into the record and asks Mr. Brennan to speak.

Robert Brennan – Would like to thank the Mayor and Councilor Pinierio for their time. New resident of Amesbury and looking for opportunities to become involved. The ZBA was a natural draw based his background in Municipal and Congressional Government and practicing land use law.

Councilor Pinierio – *motion to accept appointment*

Councilor Chandler – *seconded*

Municipal Council Meeting
March 9, 2004

Voted – Unanimous

2004-34 Anita Freeman to the position of member of the Cultural Council for a term to expire 6/30/2006

Councilor Larnard – reads 2004-34 into the record and asks Ms. Freeman to speak.

Anita Freeman – Pleased to be appointed by Mayor Hildt. Anita is a new resident to town and looking for a way to contribute to the quality of life in Amesbury.

Councilor Larnard – When I was looking over your application I really liked that you did a lot of work with the elderly, I thought that was wonderful.

Councilor Woodsom – *move to accept 2004-34.*

Councilor Pinierio – *seconded*

Voted – Unanimous

SECOND READINGS

2004-8 – An Order to request the Municipal Council accept a \$4,000.00 grant from the RAMSLEG Foundation for the Town's Theatre Arts Program

Councilor Larnard – reads 2004-8 into the record.

Councilor Woodsom – the recommendation from the Finance Committee was to adopt.

Councilor Benson – *I move the recommendation of the Finance Committee.*

Councilor McMilleon – *seconded*

Voted – Unanimous

2004-10 Request a vote to file a Home Rule Petition with the State Legislature for the formation of the Amesbury Economic Development Corp. To *set up a workshop only* – Mayor Hildt sponsor

Councilor Larnard – reads 2004-10 into the record. After a discussion to set a date for the workshop, April 15th at 7:00PM in the Town Hall Auditorium was chosen subject to availability.

2004-11 An Order to request that the Municipal Council accepts a grant in the amount of \$1,260.00 from MIIA – Mayor Hildt sponsor

Councilor Larnard – reads 2004-11 into the record

Councilor Woodsom – the recommendation from the Finance Committee was to unanimously approve to accept.

Councilor Pinierio – *motion to accept the recommendation from the Finance Committee*

Councilor Woodsom – *seconded*.

Roll Call – Voted unanimous

2004-12 Request the Municipal Council authorize the Town of Amesbury to overspend the Snow & Ice FY04 Budget – Mayor Hildt sponsor

Councilor Larnard – reads 2004-12 into the record

Councilor Woodsom – the Finance Committee recommends adoption

Councilor Chandler – *motion to accept 2004-12*

Councilor McMilleon – *second*

Councilor Pinierio – Overspend? How much do they intend to overspend?

Orlando Pacheco – We are currently about \$10,000 over right now. That is not including any money that we are expecting from the Federal Government from a previous storm, about \$30,000.

Councilor Pinierio – How much are they projecting to spend, a ballpark figure. I don't want to give them a blank check. Everyone is saying don't spend.

Councilor Larnard – I think this is something that we do every year. By law we have to authorize that we can overspend that amount.

Orlando Pacheco – If things stay the way they are today we won't even over spend. So it is difficult for me to tell you what we are going to spend from this point on and since we haven't our reimbursement from FEMA it is difficult for me to answer.

Councilor Pinierio – Mike, my question to you is, can we set an amount? We are going to authorize you to spend not any more that \$25,000.

Orlando Pacheco – I suppose you could but, that would force us to come back.

Councilor Benson – Mario, this is something that we do every year. It is sort of a housekeeping measure. We kind of under budget this line item every year hoping we will have a light year but, it is really not a realistic number.

Councilor Headley – I don't think you can call it a blank check. If you don't do this you might not get your street plowed. You're saying that you don't want them to have the money to go out and do it. Are they going to call you up and ask you, we need to plow some more.

Roll Call Vote – 9 Yes
Unanimous

2004-14 An Order to authorize the transfer of \$15,000.00 from Reserve for Unforeseen to the Master Plan – Mayor Hildt sponsor

Councilor Larnard – reads 2004-14 into the record.

Councilor Woodsom - Finance Committee made no recommendation.

Councilor Larnard – Reads memo from Mike Basque. If it is the Council wishes not to take from Reserve for Unforeseen he suggests taking it from Building Maintenance.

Councilor Woodsom – I would just like to point the irony that the Master Plan focuses on building Maintenance and now we are going to use building maintenance money to pay for the Master Plan.

Councilor Chandler – I believe that the Master Plan is very important but, we have so many volunteers working on this I don't know why we have to pay a outside consultant to do this last part of the job. I think we could maybe have it written up by the volunteers.

Councilor Benson – The additional monies are for additional site visits from the Consultants. It is not writing the plan, it is to do public outreach meetings. To date they have been very successful but we ran over in the number of times that we have used them. It is very important to have them because they have experience in running these meetings, gathering the information, taking the information and processing it and giving it back to us in a form that is usable. We don't have the hours to go through the recommendations.

Councilor McMilleon – Aren't they also putting this into a database?

Councilor Pinierio – Why are they taking this from the building maintenance fund?

Mike Basque – I would prefer that you take it from the Reserve for Unforeseen like we asked for initially. What the Finance Committee asked me to do is go back into the budget and try to find some areas where we thought if we transferred the money we could basically survive the year. Right now that is one of the areas that is not spoken for right now. This is a difficult thing to do especially this time of the year; I just don't have a lot of places to look. This is an area, hopefully if you do this we will get by. It is just a judgment call.

Councilor Pinierio – If we take the \$15,000 out of maintenance and two months down the road we need money is there money in that fund.

Mike Basque – There will be about \$4,000 left. If something like a furnace were to happen we would have to come back to you.

Councilor Larnard – So basically we are saying if we want to fund the Master Plan the original plan was to take it from Reserve for Unforeseen but the Finance Committee wanted Mike to go back and look in the budget to try to save that money in Reserve.

Councilor McMilleon – *motion to accept the transfer as it is described in the memo from the CFO to take from Building Maintenance.*

Councilor Benson – *second*

Roll Call Vote – 9 Yes

Unanimous

2004-15 An Order to authorize the transfer of \$11,700.00 from Reserve for Unforeseen to Mayor Personnel Services – Mayor Hildt sponsor

Councilor Larnard – reads into the record.

Councilor Woodsom – The Finance Committee made no recommendation and requested the Mayor find the money within the operating budget.

Councilor Larnard – In the memo from Mike Basque he is taking from Street Lighting \$9,000 and from Recycling \$2,700 to fund the Mayor Personnel Services.

Councilor Pinerio – Is there anything left in Recycling?

Mike Basque – The Recycling line item started off with \$125,000 and presently have \$55,000 but if we project it out there should be about \$3,000 left in there.

Councilor Pinerio – I was wondering why you didn't take more from recycling and less from Street Lighting?

Mike Basque – Once again we are trying to estimate where we are going to be at the end of the year. I am trying to leave a little bit of a buffer. Our lighting budget is \$150,000 and it is so early in the year, this is all your bills for street lights. Those bills are much larger in the winter than in the spring so it is hard to predict.

Councilor Benson – *I move that we fund this transfer as per the memo from Mike Basque. Take the money from Street Lighting and Recycling and put it into Mayor and Aide to the Mayor.*

Councilor Lawrence – *second*

Roll Call Vote – 9 Yes
Unanimous

2004-16 An Order to vote to appropriate Free Cash to replace three (3) police cruisers – Mayor Hildt sponsor

Councilor Larnard – reads 2004-16 into the record

Councilor Woodsom – I will be recusing from 2004-16

Councilor Larnard – The recommendation was to take no action from the Finance Committee. I will follow up with the recommendation from Mike Basque. He recommends the money come from free cash.

Councilor Benson – I would like the Council to reject this request tonight. I think we need the cruisers and I support the purchase of the cruisers however; not from free cash. We currently have a stabilization fund with about \$22,000 in it and our operating budget annually is over \$40,000,000 that is not a safe buffer. We are putting our selves at serious risk by not having a legitimate stabilization

fund. When I voted last summer to use half of the money from free cash to offset the tax rate I made it very clear that I thought we should take the rest of free cash and put it into the stabilization fund instead of using it for expenses for the rest of the year. I hope the Council will consider denying this request and ask the Mayor to look harder.

Councilor King – I would ask the Council to approve this request. I feel this is a public safety issue right now, Lt. Ingham went through and addressed the hazards the cruisers are in right now. I would also ask Councilor Benson, especially since you have been through 4 budgets, if he might be able to assist in finding the money. I have reviewed the budget and in my limited experience I can not see where the town can pull \$70,000. I was wondering if you had any recommendations.

Councilor Benson – Sure, I will help Mr. Basque anytime he wants.

Councilor King – Mr. Basque has already gone and looked for the money. We get a copy of the budget every month and just by looking at the balances in the budget I don't know where you feel they can come up with \$70,000.

Councilor Benson – I say look harder. If you want something you have to live without something else mid year, which is the way I feel about it. I do support the purchase of these cruisers, I think we need them. We need to live without something because with not having a stabilization fund is putting us at a grave risk.

Councilor Headley – I spoke with the Police Department today because I was concerned about this. I had hoped that we might talk about this. They lost another cruiser today. They also had major repairs on another cruiser last week. They need them now. We are going to complain because we don't get the police to come to our house. Well, if they don't have the cruisers how are they going to get there? I think we owe it to them, they didn't get any cruisers last year and they really are a mess.

Councilor Lawrence – I would just like to thank Mike Basque and the Mayor for making an attempt to find some money the way you did with the first two items, I appreciate that. I have said to Lt. Ingham that I appreciate what they did the last year in postponing the raises, albeit just a year but at least they made an attempt to help out with the Town finances. I am in support of the 3 cruisers. I am sure in the future that the Mayor and Mike Basque will do their best to reduce some spending, if not this year certainly next year. Just getting back to Councilor King, sometimes when we cut a budget and we ask where they are going to find it they usually end up finding it. We can't necessarily know where that money is going to come from but it eventually happens. I do support this.

Councilor Pinierio – I am supporting the three cruisers because I physically went down to the station two weeks ago and went over everything with Lt. Ingham. I drove in the cars and I have 17 grandchildren and I wouldn't let my grandchildren ride in those vehicles. We need those vehicles. I don't want to spend it out of the reserve fund either but I think we need this for the safety of the Town.

Councilor Benson – I am not opposing this on a question of need, I believe we need them. I believe we are putting ourselves seriously at risk by not having a viable stabilization fund. I don't question the need for the cruisers, we need to find the money somewhere else.

Councilor McMilleon – Do you have a figure, from the end of the last fiscal year, the amount of money that went back into the general fund.

Municipal Council Meeting
March 9, 2004

Mike Basque – If you look at the last statement that we gave you for the fiscal year that will show that. I am guessing about \$100,000.

Councilor McMilleon – Would you say it is at least \$50,000 - \$75,000.

Mike Basque – Yes

Councilor McMilleon – I think the Library really came in under budget.

Mike Basque – If you go back and look at how free cash is created, your revenues come in higher than you expect and your budgets come in less.

Councilor McMilleon – This request is to take the money out of free cash and if at the end of the year our line items are not spent then that money is going to come back into free cash the following year. I think given what everyone has said in terms of safety, it would be very irresponsible in terms of safety. No one wants to use free cash under any circumstances. You would like to continue to build it up, probably transfer some to the stabilization fund. Under these circumstances it is a reasonable request, you have gone back to the line items and taken a hard look and I think we need to do this and have confidences that at the end of the year, given a normal year unless there are some unforeseen emergencies that we come into we are going to have additional money to go back into free cash to reimburse it.

Councilor Benson – If at some point we don't take that free cash and put it into the stabilization fund which requires a two third vote of the Council to spend then we will never build up the stabilization fund. If we use it every year as a reserve account instead of taking it and putting it into savings we will never have a stabilization fund more than \$20,000 - \$50,000 in it.

Councilor Pinierio – How much is in the reserve account now?

Mike Basque – Free cash - \$231,000.

Councilor Pinierio – So if we spend \$72,000 we are still going to have money to put into the stabilization fund if we don't have any unforeseen expenditures.

Councilor Lawrence – Lt. Ingham said the maintenance costs have gone up; is there anyway we can get an idea of what those numbers are?

Mike Basque – Yes, I can get those for you.

Councilor Lawrence – We are getting hit with this now, three cruisers. Councilor McMilleon, I don't know if you know this now but they are coming back for two more in July.

Councilor Benson – I don't question the need or financial prudence of sticking to rotation. It is a issue of the source and a financial one.

Councilor Chandler – I spoke with Lt. Ingham today, I think he had a capital item in the budget last year that was rejected. We have put off this expense for six months and we need it. I said to him, I want the Police Officers to be as efficient as they can be and we just have to look out of the box and find ways to cut the budget. When he was here a month ago he told us 94% of the Police Budget is

personnel which I think is way too high. I don't know what is going to happen but I would vote the money for the cruisers because we need them but, next years budget I want to see how they are going to change their organization around and save us some money.

Councilor McMilleon – *I would like to make a motion that we accept 2004-16*

Councilor Pinierio – *second*

Roll Call Vote 8 – Yes, 1 – No (Benson)

Councilor Larnard calls for a five minute recess 8:15PM

Call to Order 8:25PM

2004-28 An Act to require information regarding the performance of Town Departments – Councilor Chandler sponsor

Councilor Larnard – reads 2004-28 into the record.

Councilor Woodsom – The recommendation of the Finance Committee is too approved with the following amendment:

Section One. Prior to, or simultaneous with, his submission of the proposed FY05 operating budget to the Municipal Council, the Mayor shall also provide the following information to the Municipal Council:

- A. for each and every Department budget: the potential effect on services to be delivered by that department, if the budget is funded for FY05 at a level 2.5% less than its FY04 appropriation;
- B. for each and every department budget: the potential effect on services to be delivered by that department, if the budget is funded for FY05 at a level 5% less than its FY04 appropriation;
- C. for each and every department budget, the potential effect on services to be delivered by that department, if the budget is funded for FY05 at a level 10% less than its FY04 appropriation;
- D. the projected effect on the FY05 tax rate if the FY05 operating budget is funded at a total amount equal to the total FY04 operating budget;
- E. the projected effect on the FY05 tax rate if the FY05 operating budget is funded at a total amount 2.5% less than the total FY04 operating budget;
- F. the projected effect on the FY05 tax rate if the FY05 operating budget is funded at a total amount 5% less than the total FY04 operating budget; and
- G. the projected effect on the FY05 tax rate if the FY05 operating budget is funded at a total amount 10% less than the total FY04 operating budget.

For D, E, F and G, above, if more accurate information is not available, the projected effect on the tax rate may be calculated assuming a total assessed valuation of \$1,731,387,015.

Section Two. The Town Clerk shall maintain a copy of this information in her office for public inspection, and shall also provide a copy to the Town Library to be placed on file there.

Councilor King – I totally support the information that Jim is looking for. I would ask in the future if any Councilors are looking for information; that we ask first or we discuss it as a Council and send a letter or we ask Councilor McMilleon when he meets with the Mayor to request that information. I see an official act as the Council requesting information as a tool to be used when we are unable to access information. We all can improve our communication within the Council and between the Council and the Mayors office and I would ask that we communicate first before we send an official act for information.

Councilor Chandler – I see this as a request for information, I don't see this as confrontational at all. We are asking the Mayor to ask the departments to reduce budgets. We know at the last minute we can't effectively have the budgets reduced.

Councilor Benson – *I move the recommendation of the Finance Committee which was to approve 2004-28 with the amendment.*

Councilor Lawrence – *seconded*

Voted – 8 – Yes, 2 – No (Headley, McMilleon)

PUBLIC HEARING

2004-13 Amend Amesbury Town Bylaw, Article 25 – Animal Control & Licensing By-Law, Section 25.7 and 25.8 – Councilor Pinierio sponsor

Councilor Larnard – reads 2004-13 into the record and opens the public hearing.

Councilor Pinierio – At the Ordinance Committee last week they agreed that me and the two parties are to have a meeting to come to an agreement where both parties would be satisfied. I set up a meeting for March 18th at 7:00PM in the Health Center Cafeteria. *I would like to table this until we meet with the two parties and then I will come back with some kind of a decision where I will leave the bill as is or amend it.* The Dog Officer and Veterans Agent will be at that meeting.

Councilor Woodsom – I would like to be present at that meeting if possible and it is also the same night as the Alliance meeting.

Councilor Pinierio – It is the only night the two parties could meet. I would table this until there is a meeting on 3/18.

Councilor McMilleon – *seconded*

Voted – Unanimous

Councilor Larnard – closes the public hearing

2004-18 An Act to reorganize the Amesbury Board of Assessors – Councilor Benson and Councilor Lawrence sponsor

Councilor Larnard – reads 2004-18 into the record and opens the public hearing.

Councilor Benson – This Ordinance would increase the Board of Assessors from 3 to 5. There is a residency requirement on three of the members in this ordinance which is sort of a sticking point. *I would respectfully ask that the Council would continue this public hearing until the issues can be resolved in the Ordinance Committee. I will make this my motion.*

Councilor Pinierio – *second.*

Councilor McMilleon – Can we read this letter since we are in a public hearing from Theresa LeBlanc the interim Chief Assessor? Councilor McMilleon reads the letter.

Councilor King – My concern is the educational piece of it. I did not notice anywhere in the document what the educational expectation is? Is it that the residence will be Mass Accredited Assessors at the end of two years?

Councilor Benson – Yes

Councilor King – So will the Town be responsible for paying for educating these people?

Councilor Benson – The DOR offers free courses.

Councilor King – I checked that today and maybe my information is not the same as yours. It's my information that the State would pay for the first course but, the courses are only offered in one local. So say for instance if the next course that is offered by the State is free but it is every Wednesday night in Braintree and then once you take that first course that just allows you to go through the zoning book and be able to work out and pick out where certain zoning rules are. If you go further there is a cost for the courses. There are a total of 5 courses and the first course is \$150 and the following courses are \$220. In order to attend them they are blocked in sequences so you would have to attend these courses from January thru May every Saturday and Friday evening. They also regionally locate the courses. Right now they are about 30 miles from here, next year they will be offered down on the Cape and western Massachusetts. I feel the public needs to be aware of the commitment they would have to make in order to come into this. It is my understanding we do not pay to bring other members of other committees up to the standard where they need to be to serve. This would be the first time we would be paying for courses to educate people to be working members of a committee. We would be setting precedence in doing that. On top of that the average salary would be \$3,000 for each new Assessor and then the educational expenses and a significant time commitment to educating themselves to do that. It was my understanding also to achieve this Mass Accredited Assessor designation you have to be working as an Assessor in the field. There is an extensive educational piece for anyone that wants to serve.

Councilor Headley - There are many people that work in our Schools and at Town Hall that do not live in Amesbury. I don't think the Assessor job is any different as to where you have to live. Actually, perhaps it would be a good idea if they weren't from Amesbury then we wouldn't have this little area where you can cut this fellow because he said this and you can add to this fellow because he said that. Let's admit it, it has been done and we all know it. If we don't we are somewhere behind. I don't see where we need to say that at all. Furthermore, if members of the Council want to change the

organization and I know the Mayor has been working on this; why don't they work with the Mayor and see what comes out of this. I think that is what we should be doing.

Mike Greaney – Would be willing to pay for education to get people in the Assessors Office to make changes and straighten out the inequities.

Councilor Pinierio – Councilor King, you were talking about the Town spending money to send these people to school. Whether they live in Town or out of Town we still have to spend the money to educate them so we would be better off to have people from Town to be on that board.

Councilor King - I would ask that maybe we could bring someone in from the Assessors Office to discuss the educational opportunities. Right now to fill an Assessor position they only advertise for experienced and certified Assessors. Also to remind the public, we are having a change, there is a new Assessor coming to town so changes are going to be made.

Councilor Pinierio – I feel like Mike Greaney, you get better opinions having five people on the board than having three people on the board. You can say the same thing of the Municipal Council, let's get rid of four Councilors and just have five. The more you have the more opinions you will have.

Orlando Pacheco – The most recent Assessor that we hired Tina Zelano; we don't pay for her education because she is a certified Assessor in another town, that town bears the cost. The same as with our staff if they serve on the board in another town, we bear the cost of educating them. We look for people that already have the designation in that field. They don't necessarily have to be assessors they can work or Vision or one of the other Assessing Companies but, we generally hire the most qualified regardless of where they live. He is adamant that he has the ability to hire the most qualified applicant.

Councilor Benson – Although there has been a change in the Assessors Office there has been absolutely no change in the make up of the Board. The change that was made from the Mayors office is to take the Chief Assessor off the Board, which I think was a very good move but, it coincided with the Chief Assessor retiring so the former Chief Assessor is going to stay on the Board. When people go in they are going to see the same three people. It is really to address what I see as a crisis in public confidence in the Assessors Office. If they go in and see the same three people sitting there it is not going to change the way they feel about the process. I want to hold off on the residency argument to let the Ordinance Committee make its decision. I do feel they should be residence but I am flexible on that. I want to wait.

Councilor Chandler – Orlando you say that we have Assessors on the Board that got their education elsewhere. Does that mean that people on our Board may be on Board of other Towns?

Orlando Pacheco – Currently they are not on other boards but they could be, there is nothing stopping them from doing that.

Councilor Lawrence – I would like to point out that we are going to continue this discussion in the Ordinance Committee regarding the residency and the educational requirements. As Theresa LeBlanc says, she does not oppose the five member board and Henry Fournier said the same thing. There are times when there are people missing from the office and when they need to go out to inspect property they don't have the staff. By having a five member board they are guaranteed to have two or three around.

Mark Deschenes – Suggests looking at other communities the size of our Town and seeing how their boards are made up.

Councilor Benson – In a lot of communities the Board of Assessors is elected, that is not the case here. Obviously if the Board of Assessors is elected you have to be a residence.

Councilor King – One point I wanted to bring up because I didn't understand the process and how it operated and I'm sure there are other members of the community that didn't either. I wasn't sure what the difference was between the Board of Assessors and the Assessor themselves. I thought maybe the Board was the ones that went out into the Community and did the property assessment on the homes and they do not. I spoke with the interim assessor and she told me that it is the Assessors responsibility, so it will be the new Assessor who will be actually going out and viewing the homes and making the assessments. The Board is the folks that will be dealing with abatements. The Board does not go out. Henry said the Board goes out with him to help him measure things. Normally the way it operates is that the Assessor goes out, not the Board. Henry told me he brought people with him to help measure homes and hold tapes. The person who comes in who comes in Monday will designate her own system on how she does it. Normally the way it is done; the Chief Assessor goes out and makes the assessment.

Councilor Pinierio – That is not true. When Henry goes he always brings a member of the Board with him because this way he has two people. I went through it a year and a half ago and Henry brought two people out to my house when I filed for abatement. He said he always has one member of the Board with him in case he needs to measure the side of a house.

Councilor King - With the new Assessor coming things will potentially be different.

Councilor Benson – That is another reason I want to hold this off until next month. I want to get some feed back from the new Assessor. I would like to see her come to the Ordinance Committee meeting and talk about this. It is not set in stone but I think that something needs to be done.

Councilor Larnard – I would like to say I support this, I think it is a good idea. I think it is a huge job assessing all the properties in Amesbury. I think it is worth a shot to see if five people would work better than three. I do not support the idea that they have to be Amesbury residents. I think you can think of many scenarios. If someone lived in Amesbury for 15 years and his Uncle died in Salisbury and left him his house and now he moves to Salisbury and can't be on the board of Assessors. I think there would be all sorts of situations that would come up. We want the best possible people we can get to be working in Amesbury. I think it does have to go back to Ordinance.

Mike Greaney - Supports having the Board of Assessors residents of the Town.

Councilor Woodsom – I don't have a problem going to five Assessors but, I would not at all go for doing a residency restriction. We should go for the most qualified people for the job not just the people from Amesbury. I don't know why we think that people from Amesbury are going to be more impartial than people from out of town who have no vested interest in assessing a building any different from any other building. I would not support a residency restriction.

Councilor Larnard – The motion is made by Councilor Benson on 2004-18 to continue the public hearing to the next Council meeting and wait for the recommendation of the Ordinance Committee.

Councilor Pinierio – second

Voted – Unanimous

Councilor Larnard – closes the public hearing

2004-22 Amend Amesbury Zoning Bylaw Section XI.H Planned Unit Development (PUD) by special Permit – Mayor Hildt sponsor

Councilor Larnard – reads 2004-22 into the record and opens the public hearing. We have a letter to the Ordinance Committee from Denis Nadeau.

Denis Nadeau – The whole idea of this is to straighten out and simplify a few conflicting sections of the zoning bylaws between the PUD and several other districts. Something that is allowed in the PUD by special permit which gives the Planning Board the authority to cut down the size of the property needed is conflicting with another section of the zoning bylaws which requires every dwelling to have enough land that is in the underlying district which creates several conflicts. When we did a lot of zoning changes this is one of the things that got over looked and it is a headache between interpretations.

Councilor Larnard – Do we have a recommendation from the Planning Board?

Bonnijo Kitchin – The Planning Board is not meeting until March 16th.

Councilor Chandler – Do we have information that shows these conflicting documents?

Councilor Larnard – After the Planning Board meets we will have more information.

Councilor Lawrence – The Ordinance Committee recommended adoption. With the changes noted by Mr. Nadeau but we are waiting for the Planning Board recommendation. We are waiting for 2004-23 and 24 as well.

Councilor Headley – How do we know which district?

Denis Nadeau – There are two different types of PUD. PUD districts which are mostly around the Central Business District, the Terresphere and the Project by Bailey's Pond that is the PUD district. You also have a PUD special permit which is a Planned Unit Development by special permit in front of the Planning Board. What we are asking to change is basically in the Central Business District.

Councilor Chandler – How does this effect the Bailey Pond development?

Denis Nadeau – That is one of the conflicts. This was not done for that situation, it was actually done for a situation down of Mill Street. I would have to look into the bylaw and see exactly what they have there but it would probably conflict that too.

Councilor Lawrence – This is really brought to us for downtown behind the Post Office?

Denis Nadeau – Yes. It is basically two conflicting laws one says that in Industrial/Commercial and CBD if you want to put more than one structure on a lot each structure has to meet the square footage of lot size for the underlying district. If you are in Industrial you need 40,000 sq ft per structure so to build two structures in the same area and keep the open space you would be required to have 80,000 sq. ft. In the CBD if you want to build two connected units with 4 units in each so with 8 units with 5,000 sq. ft. a piece you would need 40,000 sq. ft. Which comes under the conflict with the PUD special permit which allows the planning board to cut the size required down to keep open space and to meet the requirements and to keep it a proper project. Those two conflict each other and the whole idea is to give the planning board, if it thinks it is a good decision, the power to cut the lot size down. Now if they went in front of the Planning Board and got the special permit; when they came to me for a building permit I would have to deny them and send them to the ZBA because the Planning Board can not override that section of the ZBA. The Planning Board has a special permit granting authority for any special permit in the PUB. They can only supercede the zoning of anything that is in the PUD under their requirements of special permit granting authority.

Councilor Chandler – I have people in my district that think that this is a guise to increase the density at Bailey Pond.

Denis Nadeau – I don't think that you can increase the density at Bailey Pond.

Councilor Chandler – No what they showed but, as I understand it what they showed is really not allowed under zoning and maybe this will shove it through so it will be allowed.

Denis Nadeau – I have only seen a quick plan, I have no idea what is going on down there. The idea of this does not have anything to do with that. This would conflict with that section of zoning.

Councilor Woodsom – Where this hasn't gone to the Planning Board we probably should just continue to our April meeting. Historically when these come back from the Planning Board they are entirely reworded and we are going through something that is going to be out dated when it comes back to us.

Dana Hathaway, 9 Swetts Hill – I am here to question this proposed ordinance change. Especially in regards to the Terresphere Project. The Original proposed project is now much larger. This would be an abandonment of the traditional zoning rules and regulations.

Barbara Hathaway, 9 Swetts Hill – Specifically addresses #16.b and the reduction from 30% open space in trade for over-riding public benefit such as shared parking preservation restrictions or affordable housing; who would decide this. She questions #17 and the reduction of the number of feet in setback requirements.

Roger Deschenes – Lives in CBD does not believe the set back requirements allowed in CBD should be allowed anywhere else.

Councilor Woodsom - *The motion is to continue the public hearing at the April Municipal Council meeting.*

Councilor Lawrence – *seconded*

Voted – Unanimous

2004-23 Amend Amesbury Zoning Bylaw Section V.E.6.D.1 – Obtaining permits for single unit/lot housing developments – Mayor Hildt sponsor

Councilor Larnard – reads 2003-23 into the record and opens the public hearing.

Councilor Lawrence – *I move the recommendation of the Ordinance Committee to take no action pending recommendation of the Planning Board and continue the public hearing to the next Municipal Council meeting.*

Councilor Benson – *second*

Voted – Unanimous

Councilor Headley – The way it is worded if you are smart enough to know exactly what they are saying it is fine. To me, are they going to build single units and build housing developments on single units?

Denis Nadeau – Under the smart growth bylaw there are two sections, single lot subdivision or Form A or a grandfathered lot or a ANR (a single lot subdivision, you take a piece of property and divide it into two lots on already has a house and you are going to build a new one) the other section of the bylaw is for multi lot subdivisions. We want to take the point system out of the single lot sub-divisions. I want to go by a first come first serve basis.

Councilor Lawrence – When a developer comes in and guarantees all underground utilities, granite curbing and so forth that moves him up the list?

Denis Nadeau – That doesn't have anything to do with the point system. If you are in an urban district you get 20 points, wetlands and flood plans you loose points to name a couple. This is not to affect the multi family units.

2004-24 Amend Amesbury Zoning Bylaw Section V.E.6.A – Mayor Hildt sponsor

Councilor Larnard – reads 2004-24 into the record and opens the public hearing.

Denis Nadeau – This is just taking out single lot subdivisions out and not changing anything else in the law.

Councilor Lawrence – *I move the recommendation of the Ordinance Committee to refer to the Planning Board and bring it back to the April meeting and continue the public hearing.*

Councilor Woodsom – *second*

Voted – Unanimous

2004-25 Request the Municipal Council approve plans for constructing a deck at 33 Main Street – Mayor Hildt sponsor

Councilor Larnard – reads 2004-25 into the record and opens the public hearing.

Municipal Council Meeting
March 9, 2004

Councilor Pinierio – I thought the Ordinance Committee sent it back to the Council so that it would go back to the Building Inspector because he did not follow the rules and regulations that the Commissioner wanted, from last July.

Councilor Lawrence – The Ordinance Committee recommends that 2004-25 not be adopted and the owner of the property be referred back to the Building Inspector.

Roger Deschenes – Why is this with the Municipal Council?

Councilor Lawrence – We sent it back to Denis because it is his jurisdiction.

Mark Deschenes – I would like an explanation. The Mayor sponsored this with no explanation. This is so outside the normal realm for permitting to build a deck.

Denis Nadeau – They came in front of the Mayor and asked to get an easement over the water to build a deck. We told them that they had to get it surveyed and everything that they needed to do. They have been in front of the Board a couple of times and have done none of the paper work. They wanted to Council to approve the easement to build the deck over town property. Then they came to us and said they already had the easement. I and the Town Engineer explained; give us a plan showing the easement and get it located on the site. Then get a lawyer and write up the easement we'll get it in front of the Council if needed. They are supposed to bring in a plan and showing the easement. It is not the Town's responsibility to show the easement. They need to get it surveyed.

Councilor Pinierio – Denis has requested this information since last July and now we are into March and he hasn't done anything, he wants the Town to do it all. If he wants to put a deck there then he should do what the Building Inspector requested.

Councilor Chandler – I don't want to continue these things again and again. I think we would get more action by denying it and turning it down. Let him come back to this from the beginning.

John Maynard – Shouldn't this go before the Con Com because it is going over the water ways.

Councilor Lawrence – We will find out.

Larry Quinn – Wants to know why the Mayor is getting involved.

Councilor King – Why did it go through the Mayor's office?

Dennis Nadeau – A year ago the original request was for a license or easement, how the council gives a license I don't know but Town Council said it could. We recommended that they get an easement and show us the paper work. We determined that the only way it could be done is the Council to give them an easement. Once they got an easement they could come to me for a building permit.

Councilor McMilleon – So they have to get an easement through us.

Denis Nadeau – I guess what they did is come up with this and said they have an easement. I then said well if you have the easement, show it to us on a map.

Councilor McMilleon – We don't know if they need an easement. Give them an opportunity for them to come before us and ask for an easement or to show us that they have an easement. Then it goes to you.

Denis Nadeau – I guess the wording was off. This was supposed to be, you give them permission to build the easement and then they to me with the plans. This was supposed to be a plan showing the easement. We would come and explain how it works and then if you wanted to allow them to build over town property, you would do it. I don't have the jurisdiction to tell them they can build over town property.

Mark Deschenes – This is trash, call them up and tell them to come back with the proper information.

Councilor Lawrence – *I motion to accept the recommendation of the Ordinance Committee which is: 2004-25 not be adopted and that the owner of the property be referred back to the Building Inspector. Mr. Flanagan second.*

Councilor Woodsom – *second*

Voted – Unanimous

Councilor Larnard – closes the public hearing

NEW BUSINESS

2004-31 A Request that the Municipal Council vote to file legislation to authorize the Town to issue three (3) additional all alcohol beverages licenses – Mayor Hildt sponsor

Councilor Larnard –reads 2004-31 into the record.

Councilor Benson – *I move that we refer this to the Ordinance Committee and Town Council and schedule it for a public hearing 4/13/04.*

Councilor McMilleon – *second*

Voted – Unanimous

2004-32 An Order to request the Municipal Council vote to increase the Planning Board Filing Fee schedule – Mayor Hildt sponsor

Councilor Larnard – reads 2004-32 into the record.

Councilor McMilleon – *I move that this be referred to Ordinance and Finance for a public hearing.*

Councilor Lawrence – *second*

Voted – Unanimous

2004-35 An Order to vote \$3,600,000.00 to be appropriated for constructing an addition to and remodeling of the Amesbury Library – Mayor Hildt sponsor

Municipal Council Meeting
March 9, 2004

Councilor Larnard – reads 2004-35 into the record.

Councilor Benson – *I move we refer this to our Finance Committee for a public hearing 3/24/04.*

Councilor Woodsom – *second*

Voted – Unanimous

2004-36 A Resolution to authorize the Mayor and/or his designee to enter into a Mutual Cooperation Agreement with North Shore HOME Consortium – Mayor Hildt sponsor

Councilor Larnard – reads 2004-36 into the record.

Bonnijo Kitchin - This is a resolution to renew a contract that they do every year.

Councilor Pinierio – Is there any dollar amount?

Councilor Benson – *There should be someone from the Mayor's office here, I move that we continue it to our April meeting.*

Councilor Pinierio – *second*

Voted – Unanimous

COUNCIL COMMUNICATIONS, ANNOUNCEMENTS AND COMMITTEE REPORTS

Councilor Larnard – reads a letter from Normand Sanborn, School Business Administrator inviting the Council Members to the Finance Budget Sub-committee of the Amesbury School Committee to a budget workshop on Saturday, March 20, 2004 at 9:00AM.

Councilor King – I was talking to Sharon about the repeat of photo copies of packets of information that I already had. She mentioned that one Councilor was coming unprepared and she had to go and recopy information the night of the meeting. Ultimately, she found it easier to provide copies for every meeting. I do not believe that anybody in the Clerks office should re-copying because people are coming to the meeting unprepared or that we should keep getting packets over and over again. I believe it is the responsibility of the Councilor to keep the initial packet and bring it with them to the various meetings. It is a waste of money and certainly the Clerks office has much better things to do than to continuously be coping thick reams of paper which is what it comes do to be. I would ask the Councilors if we could free them from that task. If you do come to a meeting and forgot your packet you just borrow your neighbors and go and copy it yourself.

Councilor Larnard – I actually found it confusing because now I have doubles of everything and I have too much paper in my house, I support that.

Councilor Benson – I really like that Sharon does that because.

Councilor Pinierio – I move to adjourn

Councilor McMilleon – *second*

Municipal Council Meeting
March 9, 2004

Respectfully submitted,
Christine Reed
Assistant Town Clerk