

Amesbury Municipal Council Meeting Minutes
Tuesday, March 13, 2007
7:00PM Town Hall Auditorium

Call to Order

7:00PM

Pledge of Allegiance

Councilor Lindstrom

Roll Call

Ann Connolly King, Alison Lindstrom, Donna McClure, Mario Pinierio, Michelle Thone, Roger Benson, Christopher Lawrence
Robert Lavoie absent

2007-022 To Fill District Five vacancy

President Lawrence reads Rule 8 Appointments to fill vacancies on elected boards, committees and commissions of the Council Rules and Procedures. He will entertain a motion to suspend the rules to allow all the applicants to speak.

Councilor Pinierio motions to take licenses and permits out of order before 2007-002, no second – motion fails

*Councilor Benson moves to take public comment out of order, Councilor King second
Voted – 3 Yes, 4 No (Lawrence, McClure, Lindstrom, Thone)*

Councilor King asks the 4 councilors who voted against the measure to reconsider, she feels the council should be acting on the behalf of district 5 not for them. She feels the residents of district 5 have a right to address the council. She states the council rules can be suspended in order to give the people a voice and asks the 4 councilors who voted against the measure to state why they feel the public should not be heard.

President Lawrence states the council has a set of rules and he would like to follow the rules.

Councilor Benson moves the council reconsider his motion, Councilor King second.

Councilor McClure states to be clear, this is not an election this is an appointment and should be handled like every other appointment in town. She believes they should follow the council rules.

*Councilor Benson moves the council reconsider his motion, Councilor King second.
3 Yes, 4 No (Lawrence, McClure, Lindstrom, Thone)*

*President Lawrence calls for a motion to allow all the applicants to speak.
Councilor Benson motions, Councilor Thone second – Voted Unanimous*

Thomas Iacobucci, 10 Birchmeadow Road – Mr. Iacobucci states he has lived in district 5 his entire life and has previously served two terms on the council, town meeting representative, selectman, the bylaws committee and currently serves on the ordinance committee. He feels he could take the position and immediately be able to participate because he has served as a councilor and is on the ordinance committee.

Councilor King states that many in the community find Mr. Iacobucci divisive and asks him if it would interfere with the perception of the decisions he would make on the council. Mr. Iacobucci replies that every matter he takes up he acts objectively and with the facts before him.

Councilor Pinierio asks Mr. Iacobucci what his stand is on the split tax rate, he replies he was opposed. Councilor Pinierio asks if he plans to run in November, he states he would give it consideration in August.

Councilor Thone asks Mr. Iacobucci why he did not run again for council in 2001, he responds his daughter was born and took time off.

Donald Meskie, Cross St. – Mr. Meskie states he has never served in municipal government or an elected position.

Councilor Pinierio asks Mr. Meskie what his opinion is on the split tax rate; Mr. Meskie believes it was a grievous error that must be corrected over the next few years. Councilor Pinierio asks if he is planning on running for the seat in November, Mr. Meskie says no.

President Lawrence asks Mr. Meskie how he would work with the members of the council having played a significant roll in the district 1 recall and no confidence petitions. Mr. Meskie states as a teacher he has found he can work well with a lot of people. He feels honesty, decency and the willingness to listen goes a long way.

Dallas Haines, 16 Newton Road – Mr. Haines states his motivation to apply is civic mindedness. He hopes as time goes on the council can regain the public's confidence in what ever they do. He believes healthy debate is critical and should be encouraged as long as it is properly handled. He knows the geography and issues in district 5 and is ready to work with individuals in his district on the issues.

Councilor Pinierio asks Mr. Haines why he came forward now and did not run in the previous elections, Mr. Haines states he was satisfied with Ms. Headley as the District 5 representative. Councilor Pinierio asks Mr. Haines what his position is on the split tax rate, Mr. Haines believes that all things considered the issue should be revisited and serious consideration be given to returning to where the town was, a single tax. Councilor Pinierio asks Mr. Haines if he plans to run in November, he states he has no plans to run.

Councilor Lindstrom is troubled with his involvement in the no confidence petitions and wonders how that fits into the future of having diplomacy, she feels that adds to the divisive nature of the town. Mr. Haines believed that Hank Brennick was out of step with the district and felt that the no confidence petitions were warranted. He hoped that the message would be appreciated and would help change the direction of the council enough to regain the public confidence.

Councilor McClure asks Mr. Haines how he feels about eminent domain. Mr. Haines feels the concept of eminent domain is vital to certain public projects. As long as the process is followed appropriately and in a diplomatic manner it is essential.

President Lawrence states that Mr. Haines ran for Mayor in 1999 and asks him if he won that election, Mr. Haines states no.

Joseph McMillion, 60 Lake Attitash Rd. – Mr. McMillion served on the council, finance and charter committees in Leominster, MA. He served 2 terms at large in the Town of Amesbury, 2 years as president. His background is in banking, education and social work. His efforts have always been to work with diverging groups and opinions and try to bring those thoughts and ideas together to have a positive result in terms of government.

Councilor Pinierio asks Mr. McMillion why he did not run for reelection in 2005. Mr. McMillion states his primary occupation was demanding a lot of his time. Councilor Pinierio asks Mr. McMillion if he plans to run in November, he responds he has not thought that far ahead. Councilor Pinierio asks his opinion on the split tax rate; he does not believe in a split tax and would not support it.

Robert Martin, 11 Tuxbury Lane – Mr. Martin did not attend.

Allen Neal, 4 Ashley Drive – Mr. Neal believes he offers the residents of District 5 the opportunity to have a representative on the council that will deal with the issues in a fair and knowledge based manner. He feels his easy going manner allows people to approach him and discuss what is on their mind.

Councilor Pinierio asks Mr. Neal if he plans to run in November; he states he will run.

Alfred Motsis, 27 Allenclair Drive - Mr. Motsis states he would truly like to serve as a city councilor, he has the background, knowledge temperament and time.

Councilor Pinierio asks Mr. Motsis his opinion on the proposed 13.2% increase in the school budget and the 3 million the Mayor wants in the CIP and if he knew where he would find the money to pay for all of that. Mr. Motsis states no. He feels it is the superintendent's job to submit a budget he feels he needs to run the schools. It is then the school committee and the council to give it a reality check. Councilor Pinierio asks Mr. Motsis if he plans of running in November; he states yes.

Russell Davenport, 31 Second St. – Mr. Davenport states he moved to Amesbury from Maine where he was county commissioner 2 terms and one term as selectman in Kennebunkport. Councilor Pinierio asks his opinion on the split tax rate. Mr. Davenport does not have an opinion on a split tax rate because he has never heard of one up in Maine. Councilor Pinierio asks Mr. Davenport if he plans on running in November; he states he is.

Councilor Thone asks Mr. Davenport what his ties are to Amesbury and what brought him to town. Mr. Davenport states he moved in a year ago after meeting a woman after his wife died.

Councilor Benson nominates Joseph McMilleon, Councilor King second.

Councilor McClure nominates Allen Neal, no second

Councilor Pinierio nominates Tom Iacobucci, Councilor Thone second.

Roll Call Vote: 4 Iacobucci, 2 McMilleon, 1 Abstain

Councilor King – Mr. McMilleon

Councilor Lindstrom – Mr. Iacobucci

Councilor McClure – abstain

Councilor Pinierio – Mr. Iacobucci

Councilor Thone – Mr. Iacobucci

Councilor Benson – Mr. McMilleon

President Lawrence – Mr. Iacobucci

Town Clerk Bonnijo Kitchin gives the oath of office to Mr. Iacobucci

Christopher Hyde calls point of order – Rule 8 of the Council Rules and Procedures – applications accepted until 10:00am on the Friday prior to the council meeting. Mr. Iacobucci submitted his application at 11:29 and he does not feel this follows the council rules.

President Lawrence states Mr. Iacobucci's appointment has been made.

Accept Minutes – February 22, 2007

Councilor Pinierio motions to accept, Councilor McClure second – Voted 7 Yes

Public Comment

High School Building Project – Barbara Bode

Ms. Bode states that on September 14, 2006 Alexandra Construction was terminated, on February 3, 2007 the completion agreement was signed. The completion agreement deals with phase 2 of the construction. The items outside of Castagna Constructions agreement are the electrical punch list and the HVAC work; they will be overseen by Trauner, the investigative company and by Hartford, the bonding company. In the event of a termination it was the responsibility of Hartford, who held the performance bond to present to the building committee a successful bid and company they would agree to. It was also their obligation to pay for any difference in the cost to go forward and complete the project that comes to \$6,000,000. That will cover the increase contract price and the compensation for the additional town costs that were negotiated. The town is under the monthly reimbursement plan that it is drawing from. The \$6,000,000 check has been put aside and the town should be okay for the next 13 months to draw down and pay the bills and the interest earnings will go into the total contract price to pay the bills. The council will have before them in 2008 the request to appropriate the interest earnings back to the project. They anticipate the interest earnings to be between three hundred seventy five and four hundred thousand dollars. Ms. Bode thanks David Doneski, the counsel through Kopleman and Paige on the project. The elevator inspection approval was done today. At this point she does not know the flip date but the goal is by the end of the school year.

Councilor Iacobucci believes that DOR advises that the interest earnings from bond proceeds go back to the taxpayer. Ms. Bode states it comes back to the project.

Councilor Pinierio asks who is paying for the clerk of works and the architect. Ms. Bode states it is Castagna Construction.

Councilor Pinierio asks if they have enough money to buy the infrastructure. Ms. Bode states the general construction costs were the responsibility of the bidders.

Public Comment

Rory McCarron, 17 Pleasant Valley Rd. – Mr. McCarron states he has been following Amesbury politics while away at school. He fully supports the recall of Michelle Thone for her reckless and nonsensical voting record. He believes the Council should use the Roberts Rules of Order a standard used nation wide.

Maura Lynch, 12 Unicorn Circle – Ms. Lynch states she wrote to all the councilors asking for public comment to be moved up on the agenda to allow residents from district 5 to speak on their representative. She states she was quoted what the rules were. Then she states Mr. Hyde brought to the attention of the council that they broke their own rule by accepting Mr. Iacobucci's application after the deadline only to be told the appointment was made. She urges the council to start listening to the residents of the community and don't shut them down with the gavel.

James Thivierge, Friend St. – Mr. Thivierge states the tax base only grew 4% last year and as of 2007 he believes the tax base has declined in value. He believes the council is going to have some tough decisions to make in the future with the declining tax base and increased expenses in the schools.

Mike Greaney, Orchard St. – Mr. Greaney thanks Michelle Thone for the work she has done for the community.

Larry Kelcourse, Kimball Rd. – Mr. Kelcourse asks for clarification on the Appointment Rule as to the time applications can be accepted. Bonnijo Kitchin states at the last meeting President Lawrence did say applications would be accepted until 12:00PM on Friday, March 9th. President Lawrence states the rules do say 10:00AM however the council did take a vote to suspend Rule 8, Mr. Kelcourse asks if everyone voted on that and President Lawrence says yes. Mr. Kelcourse is asking on behalf of the residents of District 5 for a clear explanation as to what took place with the filed applications and were all the applicants timely filed.

Councilor King calls point of order. She is seeking clarification to Rule 8. Councilor King asks Bonnijo Kitchin if the council voted to suspend Rule 8 at the time the seat was declared vacant and it was announced that applications were being accepted. Bonnijo Kitchin stated they did not.

Councilor Iacobucci asks Bonnijo Kitchin to clarify that vacancies are addressed in the charter by section 3-4 yet Rule 8 keeps referring to section 4-7 of the charter and addendum H. He is not sure if Rule 8 applies to filling vacancies on the council.

Councilor Thone responds to Mr. McCarron and states welcome to politics you are really going to get your feet wet in Amesbury. She believes from listening to his comments that he is getting his information from the newspaper. She states there is not a newspaper around that is not politically motivated or does not have a political agenda and the Daily News is absolutely one of them. The editor of the Daily News lives in Amesbury and he has his personal agenda.

Councilor King would like it to go on record that she highly objects to moving on with out this being addressed. She states there was a meeting in November to bring up the rules and procedures and she expects that as the author of the rules and procedures, President Lawrence would understand the document. She states he is the parliamentarian and the person that decides on these issues and she would like an answer. President Lawrence states he had several phone calls before the meeting asking that all the applicants be heard and in the past it was only the nominated applicants allowed to speak. He states he was looking for a rule to recommend suspending to allow all the applicants to speak. He is not sure this rule, as Mr. Iacobucci pointed out, is in it entirety applicable to the council but wanted to make sure everyone could speak. In the past only those nominated were allowed to speak.

Councilor King has great discomfort with how the Council President is managing the council at the time.

District 1 Recall Update

President Lawrence states that they have one opinion and are waiting for a second; it will be continued until the second opinion that was expected arrives. Councilor King asks who the second opinion is coming from. President Lawrence states that at the last council meeting the council authorized him to get a legal opinion. Councilor King asks who it is. President Lawrence states it will be coming from Atty. William McDermott. Councilor King asks if a contract has been signed, President Lawrence states not at this time. Councilor King asks how he is planning on appropriating the funds; President Lawrence states in the past the town was invoiced and it was answered by Mike Basque several months ago in regards to the Bailey's Pond issue. Councilor King does not believe it was ever resolved and she believes the council can not sign contracts. Councilor King asks how he heard of Mr. McDermott; President Lawrence states he asked Mr. Iacobucci for a list of attorney's and he received 9 recommendations. Councilor King believes the recommendation should have come back to the council; President Lawrence states the council authorized him to seek legal opinion.

Licenses and Permits

Councilor Benson recuses himself from 2007-020 and 2007-021

2007-020 Auto Class II – Trust Auto Sales, 39 Hillside Ave.

President Lawrence reads 2007-020 into the record.

Councilor Thone motions to approve 2007-020, Councilor Lindstrom second – Voted 8 Yes

2007-021 Auto Class II – Drew's Tire, 85 Elm Street

President Lawrence reads 2007-021 into the record.

Councilor King abstains from the vote.

Councilor Pinierio motions to accept 2007-021, Councilor Lindstrom second – Voted Yes 8, 1 abstain (King)

2007-027 Common Victualler – Bartlett Museum (Civil War Reenactment)

President Lawrence reads 2007-027 into the record.

Paul Jancewicz asks for the fee to be waived as it was last year.

Councilor Iacobucci motions to approve 2007-027 and waive the fee, Councilor Pinierio second – Voted Unanimous

Mayor Appointments

2007-026 Appoint Cory Riley to Conservation Commission unexpired term to expire 6/30/08

President Lawrence reads 2007-026 into the record.

Cory Riley states she has a background in this area with degrees in biology, coastal ecology and coastal and ocean policy. She applied after she moved here to learn more about the town and to contribute the skills she has acquired professionally to the town.

Councilor Benson motions to approve 2007-026 as submitted, Councilor Pinierio second – Voted Unanimous

Recess 9:00 – 9:15

Second Readings

2007-011 Amend Municipal Council Rule 11A-1 – Councilor King sponsor cont.

President Lawrence reads 2007-011 into the record.

Councilor King states the first two years she was on the council she sat on the Finance Committee and was part of the budget hearings and felt it was an invaluable opportunity to ask questions, to hear first hand from the department heads and to clarify issues. Last year she sat in the audience and found it difficult to hear. She believes the residents of district 3 would appreciate it if she were able to have access to the department heads to do the best job she can with the town budget. She independently did a survey of the 51 other city form of governments and so far 33 of the councils either meet as a committee of the whole to address the budget or they invite the members of their Municipal Council to sit in on their discussions.

Councilor Pinierio agrees with Councilor King he found it difficult to follow the hearing last year being part of the audience.

Councilor Iacobucci recommends Rule 11 be amended so it includes all committees. Councilor King agrees with that change. President Lawrence supports 2007-011.

Councilor Iacobucci motions to amend 2007-011 to read, all municipal councilors are free to sit with committees as non voting participants and to ask questions, courtesy will dictate that the committee members precede other councilors in order of preference for asking questions. Insert it at the end of Rule 11 before the description of all the committees. Councilor Benson second. Voted – Unanimous

Public Hearings

2007-017 Appropriate from Free Cash \$75,400, General Permit for Stormwater Discharges from Small Municipal Storm Sewer Systems in Urban Areas – Mayor Kezer sponsor cont.

President Lawrence reads 2007-017 into the record.

Councilor McClure read the recommendation of the Finance Committee for approval.

Councilor Thone states this is not really an option for Amesbury it has to be done. Mr. Desmarais states the \$39,600 that is going to be due in July is in his FY08 budget under the capital.

*Councilor Pinierio motions to accept 2007-017 as submitted. Councilor Thone second
Roll Call Vote - Unanimous*

2007-018 To Appropriate \$305,000 to cover the Police & Fire FY07 Budget – Mayor Kezer sponsor cont.

President Lawrence reads 2007-018 into the record.

Councilor Benson recuses from 2007-018 because of a direct financial interest.

Councilor McClure states the bill was split in the Finance Committee and only a recommendation for Fire Department was released to the council. The recommendation was to approve \$120,000 from the ambulance fund for the Fire Department.

Councilor King states she is abstaining from voting to split 2007-018 because she does not know what the consequences are if the Police budget is not dealt with in a timely manner.

*Councilor Iacobucci motions to divide 2007-018 to be two measures 2007-018 to address the Fire Department and 2007-018A to address the Police Department. Councilor McClure second
Voted – 6 Yes, 1 Abstain (King), 1 Recuse (Benson)*

2007-018 To appropriate \$120,000 to cover expenditures for the Fire Department FY07 budget.
Councilor McClure moves for approval of 2007-018 to appropriate \$120,000 to the Fire Department to be taken from the ambulance fund. Councilor Pinierio second.
Roll Call Vote – 7 Yes, 1 Recuse (Benson)

2007-018A To appropriate \$185,000 to cover expenditures for the Police Dept. FY07 Budget
Councilor Iacobucci moves to send 2007-018A to the Finance Committee, Councilor Pinierio second
Voted – 6 Yes, 1 Abstain (King)

New Business:

2007-023 Authorization to overspend FY07 Snow & Ice Budget – Mayor Kezer sponsor
President Lawrence reads 2007-023 into the record.
Councilor Thone motions to refer 2007-023 to the Finance Committee, Councilor Benson second
Voted – Unanimous

2007-024 An Order to appropriate \$7,418.85 for repairs to the Harbormaster boat – Mayor Kezer sponsor
President Lawrence reads 2007-024 into the record.
Councilor Benson moves to refer 2007-024 to the Finance Committee, Councilor McClure second.
Councilor Iacobucci wants to get a recommendation from the Lakes and Waterways.
Councilor Benson accepts the amendment – Voted Unanimous

2007-025 Schedule a workshop - Rule 11D of the Municipal Council Rules and Procedures – Councilor King sponsor
President Lawrence reads 2007-025 into the record.
Councilor Benson moves for approval of 2007-025, Councilor Pinierio second – Voted Unanimous
A workshop is scheduled for March 27, 2007, 7:00PM

Councilor Benson motions to accept a late file, Councilor Pinierio second – Voted Unanimous

Late File:

2007-028 An Order to Provide for Salary Increases – Councilor Lavoie sponsor
President Lawrence reads 2007-028 into the record.
Councilor Pinierio motions to refer 2007-028 to the Finance Committee and Ordinance Committee,
Councilor Benson second – Voted Unanimous

Correspondence:

Massachusetts Motorcycle Association – Safety and Awareness Period

Councilor King asks to be appointed to the Finance Committee.
President Lawrence states he has received requests by several councilors to be appointed to the Finance Committee.

President/Vice President Communications

Communication from Elected Officials, Boards and Commissions

Council Communications, Announcements and Committee Reports

Councilor Benson motions to adjourn, Councilor McClure second. Voted - Unanimous

Adjourn

Respectfully Submitted,
Assistant Town Clerk

