

Municipal Council Minutes

April 12, 2005

Town Hall Auditorium

Pledge of Allegiance – Councilor Benson

Roll Call – Christopher Lawrence, Mario Pinierio, Robert Woodsom, Roger Benson, James Chandler, Ann Connolly King, Esther Headley, Anne Larnard and Joseph McMilleon

Accept Minutes: March 10, 2005 and March 8, 2005 Councilor Benson motioned to accept, Councilor Lawrence seconded – Voted unanimous

PUBLIC COMMENT

Jim Thivierge, 11 ½ Sanborn Ter. – Mr. Thivierge comments on the DPW union contract agreement and asks the council knows the budget implications for the duration of the contract. Mr. Thivierge thanks Councilor Woodsom and Councilor Headley for their years of service.

Deborah Provost, 8 Feeley Terrace – Ms. Provost says she had her “NO” library sign stolen from her deck. She is voting no because she thinks the town can not afford it and because of the stack wing demolition.

Michelle Thone – Ms. Thone is hopeful that the Mayor is going to put a substantial amount of our free cash into the stabilization fund. She feels it is shameful to have spent \$36,000 in legal fees to fight the vote of the people because of bad legal advice. Ms. Thone mentions an existing law, Article 25, it requires 90% of new growth over \$300,000 to be put into a CIP fund which the town has not been following. She feels that if we had we could have put it towards the library or another CIP.

Marc Deschenes – Mr. Deschenes comments on the amount of boat excise tax collected over the past 4 years. He feels that the town should address the amount of tax collected before we add another fee.

LICENSES AND PERMITS

2005-43 Common Victualler transfer – NoMo Ventures Inc. d/b/a Subway Sandwich Shop

President McMilleon – reads 2005-43 into the record.

Councilor Lawrence – I make a motion to approve 2005-43 as submitted.

Councilor Chandler – seconded

Voted – Unanimous

MAYOR APPOINTMENTS

2005-33 Re-appointment of Charles LaBella – Whittier School Comm. term April 1, 05-March 21, 08

President McMilleon – reads 2005-33 into the record.

Councilor Benson – I move for approval of 2005-33 as submitted.

Councilor Pinierio – second

Voted – Unanimous

2005-34 Re-appointment of Normand Pare – Board of Registrars term April 1, 05-March 31, 08

President McMilleon – reads 2005-34 into the record

Councilor Benson – I move for approval of 2005-34 as submitted.

Councilor Pinierio – second

Voted – Unanimous

2005-39 Appointment of Carol Doherty – Council on Aging unexpired term to expire June 30, 07

President McMilleon – reads 2005-39 into the record.

Carol Doherty is unable to attend tonight's meeting.

Councilor Benson – I move for approval of 2005-39

Councilor King – second

Voted – Unanimous

2005-40 Appointment of Michael Abt – Cultural Council unexpired term to expire June 30, 05

President McMilleon – reads 2005-40 into the record.

Michael Abt – Mr. Abt was involved with the Open Studio Tour in Amesbury last fall and was asked by several members of the Cultural Council to join and he agreed to follow up on it.

Councilor Benson – I move for approval of 2005-40 as submitted.

Councilor Headley – second

Voted – Unanimous

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 Lawrence – This is continued to the next Finance Committee meeting. I am in receipt of Councilor King's questions. I did not have a chance to complete my presentation so I would like to continue this one more time.

Councilor Benson – I move we continue this to our next Finance Committee meeting April 27th and to our next Council meeting on May 10.

Councilor Pinierio – second

Voted – Unanimous

2005-26 A Resolution to authorize the Municipal Council to enter into an Inquiry and Investigation into the status of the Town of Amesbury Cemetery Funds and Maintenance – President McMilleon sponsor cont.

President McMilleon – reads 2005-26 into the record

Brian Gilbert – I have provided a number of memo's to the Council answering questions that you may have had and I am open for questions.

President McMilleon – In the first part of your report you talk about the interest from the trust funds. The interest goes into the general fund and then is appropriated from the general fund. Does that interest have to be used on the cemeteries or can it be used for any kind of general fund purpose?

Brian Gilbert – It has to be used for the cemeteries.

President McMilleon – In your report you have listed for FY04 labor costs of \$28,280.00. Do you have a breakdown on each cemetery?

Brian Gilbert – At this present time and part of the goals for last years budget was to purchase a data based software that can track what we do. We have purchased that and are implementing that project. If you go back historically, this information is put into the foreman's daily diary. In order to get this information we have to comb this out of the diary to come up with an accounting of their production. We do have that based on the days and hours that were put into all the cemeteries. I took each hour and applied an average pay for the foreman, summer help and prisoners. It is broken out by the category of labor, the month that they did the work and hours per day. Full time staff came to \$21,000, part time \$4,500.

President McMilleon – The reason I am asking questions about equipment expense and labor is that I have no idea what that is. You know that one on the complaints have been is that the cemeteries have not been kept up as they should be. \$28,000 sounds like a lot to me. I go to the last page of your report and it talks about the hours that were spent each month. I see that there have been a lot hours being spent and a lot of money being spent and yet it doesn't seem as though we are adequately taking care of the cemeteries. I don't know how to get to that clarity.

Brian Gilbert – The last sheet I gave you is a proposed plan. It isn't the plan that we execute. This is calling for just care and maintenance, just a basic service; a watermark which you have to meet to provide a basic service. On top of that you can provide special improvements. We do hope to address the maintenance of the stones by looking more closely at this annual plan. That plan is calling for 2,624 hours of labor. What you have paid for in that \$28,000 is basically 1800 hours. There is more needed to provide the basic service of cemetery that what we are providing. The next level in terms of trying to figure this out is what is the cost of this basic service? We are trying to take a look at what fair market value would be. If we ask other contractors what it would take to maintain these cemeteries at that point we would have a comparison because we don't have a good historical prospective of our own work. They could say it will take \$60,000 to maintain these cemeteries and at least at that point we would have a place to start to work from.

President McMilleon – The bottom line is that even to do the bare necessities to maintain we need more hours. The other thing is; didn't we put in the budget where we were allocating \$10,000 per year for the roads?

Brian Gilbert – We had that in last year but that was taken out.

Mike Basque – Two years ago when it was first submitted we had a snow deficit and at the end of the year we transferred that money to apply to the snow deficit.

Councilor Lawrence – Thank you Brian, I know you came into this in the middle. Ms. Snow does have a question. I was wondering if we could give her a minute or two to respond.

Councilor Benson – motion to suspend rule 5H

Councilor Piniero – second

Voted – unanimous

Jane Snow – All I could find between the annual budgets and things is an expenditure of \$13,000 then how does the rest of that money get spent toward the care of the cemetery. The other question that bothers me is; I know the monies that are generated for the burials and cremations are considered service fees and it is felt that they should go into the general fund and according to Ch. 21 Act of 1958 that goes against that. All of the cemetery money should be kept for the cemetery. If we are saying \$28,000 in labor, I just said at \$15 an hour that is 47, 40 hour weeks. That is a lot of time and so ... I will back this gentleman a 1000% if he says we need more money for the cemetery but I am really confused as to how the rest of this money then gets taken out of these accounts if it doesn't come before the council. I know that at one point we were paying a gentleman \$7,000 for 3 years in a row to sit at the leaf dump. The leaf dump shouldn't be in the cemetery it violates Ch. 21 Act of 1958. We all know what that looks like; we all need a place to drop the leaves but it is not pleasant for those people that have sites in the cemetery. The cost is about \$480 per hour to have all of that chipped up. Where does that come from? Does that come from the cemetery money? Does that gentleman's salary to sit there and watch the leaf dump; does that come from cemetery money? When you talk about equipment it was \$18,000. If you look at the operating budget under line item 524260, it was only \$39,000. That \$18,000 is only 46% of that. I really think these monies should be separate and when work is done they come to the council and present the bill and it comes out. You will have a clear understanding as to whether the cemetery is holding its head above water and maintaining it self or if in fact the DPW needs extra support.

Brian Gilbert - Mr. Gilbert and Ms. Snow discuss a hand out passed out by Ms. Snow. Mr. Gilbert states that the sale of the lots goes into a treasury account as 114 require and the money from perpetual care or the trust funds only the interest is spent. It is spent as it passes through the general fund, which is where the DPW effort is now reimbursed.

President McMilleon – What you are saying Jane is that you would like to have a special account that all of the interest income and money from the sales of lots would go into rather than going into the general fund?

Jane Snow – I think it is easier to keep track of it that way.

President McMilleon – If I understand this correctly, you are spending above what the revenue generation is.

Brian Gilbert – If you were to take the spread sheet I gave you which took all of the revenue from the cemetery. The interests that are coming from the trust funds and approved as part of the budget and the sales of lots that have to be approved as part of the budget process and you would have had the service fees. It is about \$40,000 and I anticipate that in FY04 I have calculated that our costs were \$51,000.

Jane Snow – From what I got from the spread sheets if you count the sales of lots and burials and cremations the amount of money that was generated not including the \$18,000 interest in FY03; so for interest in FY04 you had \$12,875. You had \$14,000 in sale of lots. Burials, \$24,600 and cremations \$2,004. That gives you a total of \$54,765. I think that there is a healthy amount of money there. If people submitted bills we would know exactly where we are and be able to say it is not enough and where is the rest of the money coming from.

Brian Gilbert – The interest is earned but, it is not necessarily transferred through the general fund and it stays in the fund balance. Anyone of the years that you see there where interest is earned it also accounts for the balance the previous year plus the interest earned gives you a new total and then you will see what are transferred out of those accounts.

President McMilleon – So you had it in the trust fund you didn't take it in as income for the general fund.

Jane Snow – But, this year they have already taken out \$8,000 in the sale of lots. They have taken \$8,000 of interest from Mt. Prospect and \$6,000 of interest from Union already this year.

President McMilleon – What about the idea of setting up a separate account where all of the revenue generated from the cemetery goes into that and out of that comes the costs for DPW to go in there.

Mike Basque – You can do that. What that means is you are going to change the DPW budget. You can set up a separate budget for the cemeteries. It will not be in DPW anymore it's going to be under cemeteries and we will have so much for labor and part time help. Where it gets confusing now is it is mixed into the DPW budget. So Brian is estimating how much he is really spending there and then we are estimating what the revenues are. It is the council who votes that; remember that's part of the budget. The only way money comes out is when the council votes. In the past what the town has done is say, what is the balance as of the beginning of the year and that's what we are going to transfer out. You could set up a separate budget and account for it better that way if that is what you wish to do.

President McMilleon – It goes back to my initial question when you had the \$28,000 for labor and you have the chart at the back talking about the number of hours per month that you are going to put in. I too want to see some more detail. I want to see what is being done and where it is being spent. If you had a separate account it allows you to do that.

Mike Basque – Brian could submit his budget in addition to DPW. We do that with the snow and ice budget.

President McMilleon – This needs a lot more work. Mike could we have follow up discussions about the possibility of setting up....how do we do that? Do we have to have a separate proposal to have a separate account?

Mike Basque – Really, it is going to come through the Mayor because it would be part of his budget submittal. I can talk to him and Brian and maybe we could work something out that looks good. The way I would picture it is it would be part of the budget. You would have a DPW budget and a cemetery budget.

President McMilleon – I think we can kind of get a consensus from the council but, I think that is what we probably want to do and we can communicate that to the Mayor and hopefully see it in this budget.

Councilor Headley - Asks about the maintenance of the veteran graves.

Mike Greaney – Mr. Greaney wants to know why the cost of the graves has not gone up to be competitive with the surrounding cemeteries. He wants to know when the compost pile is going to be moved.

President McMilleon – I want to go back into regular secession and entertain a motion on this. It sounds like we need at least a motion to put a correspondence together to the Mayor about having some sort of separate account when we get the budget proposal for FY06. We may also include in that letter a question to Brian about the upkeep of the veteran stones.

Councilor Pinierio – I make a motion that we ask the Mayor to put trust interest and any burials and sale of lots into a separate account just like we do the ambulance fund.

Councilor Lawrence – second

Councilor Chandler - Councilor Pinierio and I are sponsoring a new bill 2005-42 in which we are asking to establish a three member cemetery commission to manage the cemetery funding and expenses using the DPW resources.

Councilor Benson – I'm not sure that this is how...I know that in the past when we set up special funds it was a far more formal process. Is the motion to send a letter to the Mayor saying that we would like to see this...what exactly....or are we moving to put this money into a separate account. I know we can't do that.

Councilor King – I thought this was going to go as a line item in the DPW budget. Not go into a revolving fund like the ambulance fund. It is just going to be a new line item?

Councilor Benson – It would show as revenue on the cherry sheet, we would have to vote to appropriate from it when we do the budget.

Mike Basque – I think we understand what you are trying to do; I don't know if your wording is exactly right. What I envision is; you have money in the trust funds, they are going to stay there. You have the sale of the lots, these are all segregated and they won't be touched until the council votes to transfer that money. The difference of what we are looking at here is that there would also be now a separate budget for the cemetery maintenance. Instead of having that appropriation in the DPW it would be a separate budget and we could better identify what we are spending.

Councilor Benson – I think what we want to do is get a handle on that one that goes through the general fund and get that put into a separate account.

Mike Basque – They are in separate accounts now, each fund is separate.

President McMilleon – Each trust fund is separate but when it generates...

Mike Basque – It stays in the expendable cemetery interest account and at the end of the year, what we have always done and this is where you might want to change it, at the end of the year when we vote the budget you vote to authorize a dollar amount from the sale of lot and a dollar amount from the trust funds. We then bring that into the general fund and the way you have done it in the past that is supposed to be offsetting the appropriation in the DPW budget.

Councilor Benson – So what we are looking for then is a clearer handle on the appropriation. The motion needs to not be put separate.

Mike Basque – That is what I thought you wanted and I think that is what we were talking about is to separate so you know exactly what you are spending. When you transfer that money from the sale of lots and from trust fund interest that doesn't become available for Brian to then spend it just takes it out of there and brings it in as revenue. His authorization to spend is in his budget. I think that is where the confusion is. How much is he spending and how much is being done at the cemeteries. If you do a separate budget you can see exactly what he spent on the cemeteries. I would imagine that he would have a line item on salaries and maybe mowing and maintenance. Remember when we say we expended money from the sale of lots what that means is the council voted to authorize us to transfer into the general fund. It didn't get spent in addition to the budget it came in to offset the budget.

President McMilleon – Right but, we don't have a clear line right now under that system.

Mike Basque – I think we do but you have a number of accounts. I don't think it would help us to just lump it all into one account. Now you have better oversight and control over what you are bringing in. You are bringing in sale of lots and various interests. We can do it any way you want.

President McMilleon – I just want to have one account where all the revenue generated by the cemeteries goes to that account and then we see line item by line item what comes out of that account.

Mike Basque – How about if you send us a letter or a motion something to the effect that you would like to see us present a plan which segregates both the revenues and the expenditures for cemeteries and give us a chance to put it on paper for you.

Councilor Pinierio – I withdraw my motion

Councilor Benson – second

Councilor Lawrence – I withdraw my second

Councilor Benson – I move that Mike present to the council a plan to address the revenues and expenses of the cemetery in a clearer manner.

Councilor Larnard – second

Voted – Unanimous

2005-27 A Resolution to authorize the Municipal Council to enter into an Inquiry into the purchase of an SUV for the Amesbury Police Chief – President McMilleon sponsor cont.

President McMilleon – reads 2005-27 into the record. Mike, my understanding of this...I was not able to make the last finance meeting and I know you had some discussion over a special revolving accounts and some of the grant accounts. My understand was that the Police Dept. got a grant back in 1997-98 and the way that grant was set up and I don't know what the amount was. Do you happen to know what the initial amount was?

Mike Basque – I don't know the total; it was sizable several hundred thousand dollars.

President McMilleon – The way that grant was set up was that the police dept. would expend the money on items that were legitimate to be spent on through that grant and they would submit a report to the federal government and they would get reimbursed. When that money comes back to the town it was supposed to go into the general fund. The practice was that it did not go back into the general fund it went back into that grant account. When all was said and done at the end of the year some of that money was put back into the general fund but, there was a sizable amount that was left in that account and that got carried forward.

Mike Basque – Approximately \$98,000 from one year to the next was carried over.

President McMilleon – It is not a practice that I agree with and I don't think you agree with that practice. It is not a practice that is in effect anymore. That was money that was sitting there probably about \$98,000 that was sitting there and that is the account which the SUV was funded.

Mike Basque – I said to the Finance Committee at the meeting and I have made the recommendation to the Mayor is that there is still some \$68,000 in that account. My recommendation to the Mayor is that that money is not to be touched with out the approval of the Municipal Council.

President McMilleon – It is conceivable that that money can just be transferred to the general fund.

Mike Basque – Yes

President McMilleon – Or that money could be for example transferred to the stabilization fund or for the legal expenses that we have.

Mike Basque – My assumption would be where technically that is town money and tax levy money that it could be appropriated for any use that taxpayers money could be used for. I believe the Mayor would submit it to the council and the council would approve it or not.

President McMilleon – Do we know at this time what is going to be done with the remaining balance?

Mike Basque – I really don't and I don't think the Mayor knows right now. I think he wanted to let you know that this is the process that he is going to follow but between legal and snow he is just kind of monitoring everything right now. I don't think he has made a commitment right now and I think he has notified the police of that.

President McMilleon – The other thing that I would ask is that there are some other items on here for first time readings for grants for us to approve. I think number one I want to see the grant and see the budget for the grant on what that grant is for and what that money is supposed to be expended for. I know enough about grants that you have to write a budget. Grants are for specific items. You have to write a budget when you make a grant proposal of how you are going to spend that money and there has to be mechanism in place that if you get that grant and you said you were going to spend \$50,000 on professional development, for example or if the grant allows for \$50,000 for equipment like computers that is what you have to spend that line item money on. I really want to see the checks and balances that we have in place for that kind of a process to go on. So, when we approve a \$50,000 grant for the Fire Dept. or any department in this town we need to see that proposal. We

need to see the line items that it is going to be spent on and we should have some reporting at the end of the year about how that money was expended just to make sure it was expended on the proper things that are stated in that grant.

Mike Basque – The Finance Committee ask me if we could provide and we said we would, a quarterly update on these funds.

Councilor Chandler – I am very upset about this because the Chief stood before us and pleaded for police cruisers stating that the lives of his officers were being put in jeopardy because they were driving unsafe cars. We said there must be some money in the budget, there must be some money somewhere that he could use and he told us that he had none. It bothers me that there could be \$98,000 hidden away and this money could have been spent for front line cruisers and mean while he is telling us that we are putting his people in jeopardy. It just bothers the heck out of me.

Councilor Pinierio – I have a question for Mike. How come the Finance Committee didn't know about this \$98,000?

Mike Basque – All of these funds are there. That account has been there for a number of years, no one ever asked. It was something that was there and that was the way that the system had been set up.

Councilor Pinierio – How would we know something was there if no one ever showed us?

Mike Basque – It wasn't an issue until this happened obviously with any of us. The only thing I can tell you is that we provided you with a list of everything that we have and we said we would do that on a quarterly basis.

Councilor Pinierio – You still haven't answered the question. How come the council didn't know of all these funds? It came out when I brought out the SUV.

Mike Basque – The only answer I have is that no one had ever asked.

Councilor Pinierio – Isn't it your responsibility as a CFO to tell us where...

Mike Basque – I provide you with much information and many times you ask me about it even after I provide it to you. I provide you with as many numbers as I can at all times. The sale of cemetery lots, you voted that at the last annual budget there was no discussion. It wasn't an issue at that time. A lot of things go on and unless it becomes an issue no one pays too much attention to it and that is the best answer I have. A lot of times it is there and no body picks up on it and in this situation, I never did because it was on the books when I came here and it just hadn't been an issue until this happened. So what we did to try to correct that was to provide you with a list and we will provide that to you quarterly.

Councilor Benson – I think it is pretty clear that this practice has been changed. I think it was a bad practice and I think it was a bad move on the part of the Chief of Police. I don't know how legal it was to spend that money but, it seems to me that we are addressing the situation and we are going to monitor these accounts. Moving forward things will be done in a better way.

President McMilleon - I want to make one thing clear here, I don't agree with what happened, I'm very upset about it. I don't want leave the implication here that there was anything illegal done by the Chief because there wasn't. That was a request that was put in and was signed off, from what I understand, by the Mayor. It was money that was legitimately in an account that had been left there through appropriations through previous administrations. Whether you agree with that or don't agree and I don't agree, the fact of the matter was that that money that was reimbursed from the grant by the federal government was not returned to the general fund it was left in that account because every administration back in 97 & 98, the money was left there for the use of the police department.

Mike Basque – There was a different procedure in place back then and I don't agree with it either. When you are buying vehicles it is one of the most sensitive things you do and I am not defending the purchase however we just want to get you the numbers. Sometimes we present that and unless it is an issue we all look at it and go on to the next.

Councilor Pinierio – The problem I have with this is the Chief bought this vehicle and two months later he came in front of us for two more new cruisers and he knew he had \$68,000 in that separate account. If he needed two more cruisers and that money was for the Police Dept. then he should have allocated to the Mayor, take the money out of there to buy the cruisers. I spoke with Lt. Ingham and I am the liaison to the Police Dept., he is asking for 5 new cruisers in his budget. I just don't like the way the Chief came in front of this council two months after he bought the SUV for himself and asked for more money and he had it in a separate account.

President McMilleon – We will take a ten minute break and come back and take up 2005-28

2005-28 An Ordinance to approve Amesbury Waterway Management Fees – Councilor James Chandler cont.

President McMilleon – reads 2005-28 into the record. Before I open the hearing we have a revision that was given to us tonight and I understand it is before the Finance Committee, it was continued because Councilor Chandler was not able to be at that meeting. We need to have this before the Finance Committee on April 27th and then continue this public hearing to our May 10th meeting.

Councilor Benson – We can still open the hearing but I would like to make that my motion that we continue this to our May meeting for a public hearing and have it be on the Finance agenda on the 27th.

Councilor Chandler – second

Voted – Unanimous

2005-8 To request the Municipal Council to amend the Zoning Bylaw Table of Dimension and Density Regulations – Mayor Hildt sponsor cont.

President McMilleon – reads 2005-8 into the record and declares the public hearing open.

Dave McClure, Paige Farm Rd – If I remember correctly at the Finance Committee a gentleman from Cammett and Councilor Woodsom basically called this spot zoning and Cammett agreed to that fact. Second, this cluster of homes is going in off of Woodman Rd. and they are going to plug into the sewer and water that runs up Paige Farm Rd. For those of you who don't know the history I moved here in 93 and we dealt with raw sewerage in basements, power outages, the pumping station wasn't

big enough. We finally got this all figured out by badgering the town for 8 or 9 years and I think towards the end of the 90's the problem was finally rectified. I have a problem with this going in and changing the density and bringing problems to the neighborhood again by adding more to the infrastructure. Councilor King, since it is your district maybe you can weigh in on this.

Nipun Jain – I believe the zoning amendment has two sections, one is footnote 7 and one is footnote 9. The zoning amendment was never intended to shape a specific project. The intent was a general provision. What is being asked in regard to the design of that specific sub division and that is something that the planning board will review when we have a final application. In terms of the infrastructure; what improvement will be required, what will be provided? That is a question that can be addressed when the planning board has a formal public hearing.

Councilor Benson – We are not voting on the project. We are voting on an amendment on how projects are laid out. The time for infrastructure concerns would be at the planning board.

Paul Gagliardi – I represent Ron Francour who owns what we believe is the only parcel that this proposed zoning change would affect. I think a couple things need to be clarified. What was proposed by the planning office would not allow a subdivision that would otherwise not be allowed. So, it doesn't increase what could potentially go there, it does prevent you from building house lots on the existing roads and would require a new road to be built. By doing that you are increasing the potential cost to the town to maintain that road. The planning board itself voted not to adopt the change to footnote 7.

Councilor Headley – I want to know if the way that this is planned right now is not to put the extra road in it is to put the houses on the street.

Paul Gagliardi – Mr. Francour would like to put house lots on Woodman Road and South Hampton Road and keep the fields as they are.

President McMilleon – I will close the public hearing.

Councilor Lawrence – Planning Board recommendation: At their duly posted Planning Board meeting of February 15, 2005 the Board voted to recommend adoption of Bill NO. 2005-8 to amend the Amesbury Zoning Bylaw Section VI-Table of Dimensional and Density Regulations as revised:

No change to footnote 7

Add footnote 9 which reads:

9. For Planned Unit Developments (PUD) in the CBD, ICZD and R-8 districts that are only new construction, one dwelling unit per 5000 sq. feet of the total parcel area shall be allowed. Provided 20% of all the dwelling units proposed meet the requirements of Chapter 40B, Section 20, the maximum allowable density determined by the Planning Board shall be increased by 35%. For calculating the density in new construction for PUD, the total area for the parcel shall only include 50% acreage of areas protected by federal, state or local bylaws, including but not limited to wetland resource areas, areas of critical environmental concern, outstanding resource waters, rare species habitat, flood hazard areas, and floodplains. The maximum number of stories and the height of new residential structures shall not exceed those allowed by the underlying zoning district.

I will make that my motion.

*Councilor Benson – second
Roll Call Vote – unanimous*

2005-12 To amend Municipal Council Rules 5B and 11A – Councilor Connolly King & Larnard sponsor cont.

President McMilleon – 2005-12 was supposed to be taken up under second readings, it is not really a public hearing.

Councilor Woodsom – This was taken up this evening at a brief Rules and Procedures meeting, we did run out of time. We scheduled this for April 21st, Thursday night at 7:00 at town hall for a Rules and Procedures meeting and I move that it be continued to our next council meeting.

*Councilor Benson – second
Voted – Unanimous*

2005-22 An Order to request the Municipal Council to accept a grant in the amount of \$4,532.15 – Mayor Hildt sponsor cont.

President McMilleon – reads 2005-22 into the record and opens the public hearing.

Deputy Brickett, Amesbury Fire – This grant that we are requesting is a safety awareness fire education grant that we go through every year. It is for the education of the pre-school and elementary school students. It is a non matching grant.

President McMilleon – Can we get a copy of the grant with the budget on it.

Councilor Benson – I move the recommendation of the Finance Committee which was for approval.

Marc Deschenes – I would ask that you postpone the vote until you see the actual grant and find out what it is for and why it costs \$4,500. We have had historical problems with grant monies. I would just humbly ask that you see the grant.

Councilor Benson – I understand what Marc is saying but if we wait to see the grant before we approve this will it hold you up in any way.

Deputy Brickett – This grant was applied for and awarded to the Town of Amesbury already. The money has been transferred to the safe grant account. We can't touch it until the Finance Committee votes and the council approves us to spend the money.

President McMilleon – Is this going to be a problem if we were to approve this on May 10th?

Deputy Brickett – I don't know how much of a detriment that would have as it relates to the program right now. This is the fourth year that we have received this grant. It is a grant that is followed pretty closely by the state.

Councilor King – I agree with requiring back up with all the grants but, both of these grants are worthy of passing tonight and sending them through. I think to hold these up because we are starting a new process....these grants are well known to the town. They have been approved in finance.

Councilor Headley – I agree with Councilor King.

Councilor Lawrence – I think we should just move forward and approve these.

President McMilleon – The grant processes are very strict. You have to comply with very strict line items within the grants. You have to make specific proposals about expenditures and that is monitored by the agency that is providing the grant. When you start getting up to grants that are \$50,000 and \$100,000 it is very closely monitored. The comment that I made earlier is that we would at least see the grant and would see what it is for and see the budget and then on a quarterly basis or at the end of the year get some sort of report and have some sort of check mechanism to make sure that the grant was expended the way it was supposed to be expended. I don't have a problem with this going through tonight because we will get a copy of the grant.

Councilor Benson – My motion was to approve 2005-22 as submitted which was the recommendation of the Finance Committee.

*Councilor Pinierio – second
Roll Call Vote - Unanimous*

2005-23 An Order to request the Municipal Council to accept a grant in the amount of \$31,000 – Mayor Hildt sponsor cont.

President McMilleon – reads 2005-23 into the record and opens the public hearing.

Deputy Brickett – Once again this is a \$31,000 equipment grant that is a non matching grant issued by the state, Homeland Security. It will be used for the purchase of structural firefighting gear as well as breathing apparatus.

Councilor Benson – I move the recommendation of the Finance Committee to approve as submitted.

*Councilor Pinierio – second
Roll Call Vote – Unanimous*

2005-24 An Ordinance to Ensure Access to Public Documents – Councilor Lawrence sponsor cont.

President McMilleon – reads 2005-24 into the record.

Councilor Lawrence – I would like to request that 2005-24 be continued. It was sent to the Ordinance Committee but we were not able to meet on this due to the time of the meeting, it was after 10:00PM. I would like to continue this to our next Ordinance and Finance meeting and our next Council meeting for a public hearing.

Councilor Benson – second
Voted – unanimous

NEW BUSINESS

2005-44 An Act requesting that the Municipal Council vote to accept MGL Ch. 31, section 60A, a Civil Service provision – Mayor Hildt sponsor

President McMilleon – reads 2005-44 into the record.

Councilor Benson – I move we refer 2005-44 to the Finance and Ordinance.

Councilor Chandler – second
Voted – Unanimous

2005-31 An Order to request the Municipal Council to accept a grant from the Exec. Office of Public Safety in the amount of \$49,875.00 – Mayor Hildt sponsor

President McMilleon – reads 2005-31 into the record.

Councilor Benson – I move we refer 2005-31 to the April 27th meeting of the Finance Committee and have a public hearing at our May 10th council meeting.

Councilor Chandler – second
Voted – Unanimous

2005-35 An Order to request the Municipal Council to approve an increase in the Board of Health fees effective 7/1/05 – Mayor Hildt sponsor

President McMilleon – reads 2005-35 into the record.

Councilor Benson – I move we refer 2005-35 to the April 27th meeting of Finance and hold a public hearing at the May 10th council meeting.

Councilor Pinierio – second
Voted – Unanimous

2005-36 An Order to authorize the transfer of \$3,097.00 from Insurance Receipts to Veterans – Mayor Hildt sponsor

President McMilleon – reads 2005-36 into the record.

Councilor Benson – I move we refer 2005-36 to our April 27th Finance meeting and our May 10th council meeting for a public hearing.

Councilor Pinierio – second
Voted – Unanimous

2005-37 An Order to vote to issue refunding bonds pursuant to GL.C.44, S21A – Mayor Hildt sponsor

President McMilleon – reads 2005-37 into the record.

Councilor Benson – I move we refer 2005-37 to the April 27th Finance meeting and to the May 10th council meeting for a public hearing. Councilor Headley would also like to have the Mayor present at the Finance meeting.

Councilor Pinierio – second
Voted – Unanimous

2005-38 An Order to request the Municipal Council to accept a grant award in the amount of \$50,000 from the Mass Cultural Council – Mayor Hildt sponsor

President McMilleon – reads 2005-38 into the record

Councilor Benson – I move we refer 2005-38 to our April 27th Finance meeting and our May 10th Council meeting for a public hearing and we get a copy of the grant.

Councilor King – second

Voted – Unanimous

2005-41 A Resolution that the Council accepts the development study for the Lower Millyard as presented by the Office of Comm. and Economic Development and Alliance for Amesbury – Mayor Hildt sponsor

President McMilleon – reads 2005-41 into the record. Why don't we refer it to the beginning of our next council meeting on May 10th and find out if they can just give us a brief overview and we can ask some questions.

2005-42 An Ordinance to establish a three member Cemetery Committee – Councilor Pinierio & Councilor Chandler sponsor

President McMilleon – reads 2005-42 into the record.

Councilor Lawrence – I would like to refer this to the Ordinance Committee and the Finance Committee and the May 10th council meeting for a public hearing.

Councilor Benson – second

Voted – Unanimous

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

2005-32 Dumpster Regulations – Board of Health

MAYOR COMMUNICATIONS

President McMilleon – We received the management report I really think at some point we should have them in.

Councilor Benson – Yes, Councilor King asked me to do that and I am going to do that for the April 27th Finance meeting.

Councilor Lawrence – I have a question regarding the stabilization fund, union contract and legal. Is the Mayor or Mike going to speak to us at any point instead of just dropping these documents off to us? I would like to request that the Mayor and Mike Basque come to our next Finance meeting so we can go over these with them.

COUNCIL COMMUNICATIONS, ANNOUNCEMENTS AND COMMITTEE REPORTS

Councilor King – I will be giving the High School Building committee update. The project is on going; the man count is 25-30 on site at all trades. All the structural steel is in and a few remaining pieces will be up by Friday. They are pouring the concrete slabs on the first and second floor of Building E and they are expecting a spike in the man count at that point because they will then start enclosing the building and will really be able to start moving. The roof is anticipated to be on in Mid May. Lee

LeBlanc is now Project Manager because he fulfilled all the requirements. The work is on going in B&D. There will be a full update at the May council meeting.

President McMilleon – Councilor Larnard is on the search committee for Asst. Superintendent.

Councilor Benson – Motion to adjourn

Councilor Pinierio – second

Voted – Unanimous

9:50PM

Respectfully Submitted

Assistant Town Clerk