

City Council Minutes  
April 12, 2016  
City Hall Auditorium  
7:00 pm

1. **Call to Order** at 7:03 p.m.
2. **Pledge of Allegiance** was led by Councilor McMilleon
3. **Roll Call:** Councilor McMilleon, Councilor Sherwood, Councilor Sickorez, Councilor Stanganelli, Councilor Bartley, Councilor Lavoie, Councilor McClure and Councilor Scorzoni. Councilor Einson had an excused absence.
4. **Act on minutes** –Councilor McMilleon moved to approve the minutes of February 9, 2016, February 23, 2016 and March 8, 2016 as submitted. Councilor McClure seconded and it was voted Unanimous.

5. **Correspondence**

a. President/Vice President Communications

Councilor McClure stated that the budget will be received as a late file at the May 10, 2016 City Council meeting and she reviewed the draft budget hearing schedule that was supplied by the City Clerk, Bonnijo Kitchin.

b. Communication from Elected Officials, Boards and Commissions

c. Council Communications, Announcements and Committee Reports

1.) Zoning Enforcement on signs in public ways

Denis Nadeau spoke regarding temporary signs on some of the major roadways. He stated that it is a zoning issue and legally to regulate that he has to write up and send by certified mail a notice of violation and give an amount of time for them to remove the violation and tell them what their rights are to appeal. He stated he has to follow the zoning bylaws and he also has to abide by the Amesbury Code section 306 on billboards and signs and it is also under section 360 of the code which spells out types of signs that you can't have. Another issue is he has to cite only the owner of any pole that may have signs hung on it not the person hanging the sign and also code does not give anybody jurisdiction for enforcement. He stated that he has no jurisdiction on state property and that they can probably get permission from the state to parole their property but have never done that. He also mentioned that he does not have any staff to help with enforcement.

Councilor Scorzoni asked the council if they would take item 2016-041 out of order.

There were no objections.

**2016-041** A Resolution relative to the naming of the southbound span of the newly completed 1-95 bridge connecting the city of Newburyport and the City of Amesbury. – Councilor Scorzoni sponsor

Summary: This resolution would request that the Commonwealth of Massachusetts name the southbound portion of the newly completed Interstate 95 Bridge in honor of William Lloyd Garrison.

Councilor Sherwood read the Resolution

Councilor Scorzoni asked that they have each of the three schools come up separately to give their presentations, and he introduced State Representative James Kelcourse who was also in attendance and in support.

Mr. Kelcourse stated that he is privileged to be here with members of the River Valley Charter School, the Amesbury Innovation High School and Pentucket High School. This started with Bill Plante, the former Editor of the Newburyport Daily News who wrote an article about how nice it would be to have the South span of the I-95 bridge named after William Lloyd Garrison; friend and fellow abolitionist of John Greenleaf Whittier. He feels the best people to make this argument are the students present tonight who took this on as a project at school and reached out to some of our Councilors both here and in Newburyport who contacted his office and agreed it was a great idea.

With that said he invited the kids to come up and presents.

River Valley Charter School presenters were 8<sup>th</sup> Grade students, Emma Speck Wayne from Newburyport and Bea Jordan of Amesbury.

Amesbury Innovation High School presenters were Cassandra and Charles.

Pentucket High School presenters were Tiffany Keegan and Matt Licap.

**Councilor McMilleon moved to approve 2016-041.  
Councilor Sickorez seconded and it was voted Unanimous**

6. **Appointments – None at this time**
7. **Licenses & Permits – FYI-attached list**

**Councilor Stanganelli moved to accept the list of new and renewed licenses.  
Councilor McClure seconded and it was voted Unanimous.**

8. **Pole Hearings – None at this time**
9. **Public Comment**

Mary Chatigny, President of the Board of Directors of the Amesbury Carriage Museum announced that they are hosting their Inaugural Talk in the Baily Family Foundation Speaker Series on Thursday evening, April 14. The speaker will be Jeff Speck who is a city planner and urban designer and he will present on his book The Walkable City; How

downtown can save America one step at a time. She asked the Councilors and everyone in the viewing audience to attend and the lecture is free and open to everyone.

## **10. Council Response to Public Comment**

### **11. Public Hearings:**

**2016-024** An Order to authorize the Mayor to accept and expend a Massachusetts Working on Wellness grant in the amount of \$10,000 from Health Resources in Action Inc. for the purpose of promoting employee wellness in the City and in the Amesbury Public School District. – Mayor Gray Sponsor

*Summary:* Mayor Gray is requesting authorization to accept and expend a Massachusetts Working on Wellness (WOW) grant in the amount of \$10,000 from Health Resources in Action, Inc. (HRA). HRA is awarding the grant on behalf of the Massachusetts Department of Public Health pursuant to Chapter 224 of the Acts of 2012. The grant requires a 50% local match, which will be provided entirely by the Massachusetts Inter-local Insurance Association (MIIA) through in-kind services.

Councilor McClure read the Finance Committee recommendations.

The public hearing was opened and closed

**Councilor Stanganelli moved to accept as recommended by the Finance Committee.**

**Councilor Bartley seconded.**

**A roll call vote was taken and it was voted Unanimous.**

**2016-025** An Order to authorize the Mayor to accept and expend a Community Compact grant in the amount of \$15,000 from the Massachusetts Executive Office of Administration and Finance. – Mayor Gray Sponsor

*Summary:* The City was accepted into the Baker Administration's Community Compact Cabinet program. EOANF is providing this grant for the purpose of developing a comprehensive multi-year technology roadmap to allow for better technology planning in the City and the Amesbury Public School District.

Councilor McClure read the Finance Committee recommendations.

The public hearing was opened and closed

**Councilor Bartley moved to accept 2016-025 as presented.**

**Councilor Sickorez seconded**

**A roll call vote was taken and it was voted Unanimous.**

**2016-027** An Order to authorize the Mayor to accept and expend a Community Compact grant in the amount of \$40,000 from the Massachusetts Executive Office of Administration and Finance – Mayor Gray Sponsor

*Summary:* The City was accepted into the Baker Administration's Community Compact Cabinet program. EOANF is providing this grant for the purposes of improving the City financial policies, procedures, and budget format, as well as providing resources for improved financial planning and forecasting.

Councilor McClure read the Finance Committee recommendations.

The Public hearing was opened and closed.

**Councilor Stanganelli moved to accept 2016-027 as presented.**

**Councilor McClure seconded.**

**A roll call vote was taken and it was voted Unanimous.**

**2016-028** An Ordinance to Establish an Open Space and Recreation Committee for the City of Amesbury - Councilor Sherwood sponsor

*Summary:* An Ordinance establishing an Open Space and Recreation Committee for the purpose of supporting the maintenance, updating, and implementation of Amesbury Open Space and Recreation Plan.

Councilor Bartley read the Ordinance Committee recommendation which was to continue this to the next Ordinance Committee meeting on April 19, 2016.

**Councilor Sherwood moved that the City Council continue this and schedule a public hearing at our May 10, 2016 meeting.**

**Councilor McMilleon seconded and it was vote Unanimous.**

**2016-030** An Order to appropriate the sum of \$30,000 from the Smart Growth Stabilization Fund (7301) for engineering and survey services related to the City-owned property at 116 Whitehall Road. – Mayor Gray sponsor

*Summary:* Fund #7301, "Smart Growth Stabilization Fund," was established pursuant to City Council Order 2007-075 upon award of a \$350,000 grant provided in accordance with M.G.L. C. 40R. In December of 2015, the City Council authorized an appropriation of \$250,000 from this fund for various public improvements. This order seeks a \$30,000 appropriation from the same fund for the purpose of procuring engineering and survey services in preparation for eventual disposition and development of the City-owned property at 116 Whitehall Road.

Councilor McClure read the Finance Committee recommendations.

Bill Scott, Director of Community and Economic Development gave a brief summary and stated that the amendment to \$5,000 which is before you tonight which is principally survey work and title work associating it with preparing it for sale. It will carve out the property to sell so that we can put out an RFP. In addition to that Councilor Lavoie

mentioned the Disposition Committee and once that is carved out the possibility that committee could set the terms for the RFP in terms of what they would like a developer to submit or some guidance for that.

Councilor McClure asked if there is a requirement from the state that is asking for this to be completed in order to do it.

Mr. Scott stated that in order to put it out through the central register and to procure under the 30B for disposition you need the property. It is easier to have a plan with a deed associated with the property that you are going to sell. You would surplus only the property that we survey and create a deed and put it out as an RFP.

Councilor McClure asked for clarification of what the \$5,000 would cover.

Mr. Scott stated that it would survey out three lots and prepare the deed and other information so that we can have a property to transfer. There is also some possible title work in the scope.

Councilor McClure asked if this is will be the last request on this parcel.

Mr. Scott stated that would be up to the Disposition Committee but it is probably the last request you will need for a minimum set of information to put it out for RFP. The wetlands are not flagged under this scope we would rely on the developer for that.

Councilor McClure stated she wants to be sure we are doing the bare minimum to get this on the market.

Councilor Lavoie stated that what makes this different is MGL Chapter 30B on procurement. We need to first define what we are selling and the \$5,000 is warranted. His concern was to make sure that a Disposition Committee got underway on it. He is comfortable with the decision to acquire the property and is happy with the amendment to reduce it to the \$5,000 and would ask that with the motion they put a condition upon the convening of the Disposition Committee as soon as reasonable.

Councilor Stanganelli asked if at the Finance Committee they voted unanimously for the \$30,000 under the presumption that there would be a broader conceptual plan that might help us if we sell the property at a higher value.

Mr. Scott stated that he was not at that meeting but there are some good points in the sense that you can hand a developer a conceptual plan and they will say that is great but I am not paying the \$30,000 that you paid because I am going to do something different. The conceptual plan is a good idea but at the same time you have a Planning Board that can probably help a developer work through that. The \$5,000 will get you to a point that will satisfy the 30B as a segregation of a property. The \$30,000 made sense if you wanted to go through an exercise and do a design on the property. Either

direction works but at a minimum you really need to articulate what you want to keep and what you want to sell.

Councilor Sherwood stated that his thought was similar to Councilor Stanganelli's point; whichever amount we expend for this he would hope that we would want to see out of it a clear definition of what we are disposing of and a clear understanding of what some of the parameters are under our zoning. He stated he would need to know specifically what property, what the shape is and what the parameters are for the uses before he was able to vote on this.

Councilor Stanganelli stated that he is looking at this in terms of conceptual plan and he agrees that they are trying to find out what they are selling but we are changing the scope of the plan. We are basically changing the scope of the engagement that was presented by Cammett Engineering. He wonders whether or not this new scope of engagement will incorporate how we maximize the value and how we incorporate this with our open space plan at all. It doesn't sound like it does.

Mr. Scott stated that if the Disposition Committee working with the Planning Office decided that there is a specific plan that has a distinctive vantage and there is a market for it, and you really don't know that until you bid it, it is not a problem for them to come back here and say they feel \$10,000 will get them there but it is only if that committee chooses to do that. In reality the difference is that one articulates a plan for a public piece of property that may or may not be realized by the market and another one just says here is what you are going to buy and you figure out what you are going to do with it. In either case you are not going to get your money back for the \$30,000. Doing the concept plan doesn't get them the permits.

Councilor Stanganelli stated that he doesn't want to spend any more money than needed to be but if we wanted to know what the permitting needed to be to change it we would need a plan.

Mr. Scott stated that they can take a square and tell you what can be done with it from just the zoning; you don't need to put it on paper and you don't need an engineer. Most development scenarios are run by spreadsheets and the developer will run the numbers with a calculator. You could do the plan but if you are going to do the plan then you might as well get the permits but you run the risk that nobody wants to buy that.

Councilor Bartley stated that it was her understanding that when that property was purchased it was thought that 3 house lots would be put there because we can't take another apartment in town; does that change?

Mr. Scott stated that it does not. The Disposition Committee writes a performance agenda with bullets that state what they want.

Councilor McClure stated that right now the \$5,000 would be used to carve out the piece that we would like and with the Disposition Committee there can be a recommendation for two or three house lots; end of story.

Councilor Stanganelli stated that the Mayor came up with the plan requesting the scope and we have already given him the authorization to go up to \$30,000, he could just change the scope...

Councilor McClure stated no we have not, that was Finance.

Councilor Lavoie stated no, that is what we are voting on tonight.

Councilor Scorzoni stated that it seems pretty clear what the intentions are for all of us. We look to see if we can shave some of the dollars back and do what is necessary to get this out to market and recoup some money but there is also a very clear interest in making sure the project is done well and that we are doing the best we can to take advantage of our open space. This is fluid and we can come back to this if we find out that \$5,000 is not enough.

Councilor Scorzoni opened and closed the public hearing.

**Councilor Lavoie moved to adopt the amended version which substitutes the amount of \$5,000 wherever the amount of \$30,000 appears with the condition that the Mayor convene a Disposition Committee under the Disposition Committee Bylaws that were adopted by the Council in 2014.**

**Councilor McMilleon seconded. A Roll Call vote was taken and it was 7-IN FAVOR, 1-OPPOSED (Stanganelli)**

**2016-031** An Order to authorize the Mayor to accept and expend a grant in the amount of \$23,250 from the Pre-Disaster Mitigation program for the completion of the All Hazards Plan, further that \$7,000 is appropriated from the balance of 40R funds (\$100,000) to provide the match for said grant. – Mayor Gray sponsor

*Summary:* The All Hazards Plan is a document required by the Massachusetts Emergency Management Agency and the Federal Emergency Management Agency (FEMA) prior to acquiring grant funds through FEMA Programs. The City of Amesbury public Works Department working with Merrimack Valley Planning achieved a plan nearing 70% completion. The funds herein will complete the plan and file the document to receive approval from FEMA. The OCED has already procured services for consulting pending the funding release will work toward completion.

Councilor McClure read the Finance Committee recommendations.

Councilor Lavoie stated that the Finance Committee recommendation is as amended but they didn't hear any reminder about what the amendment was.

Mr. Scott stated that it went to \$7,750. It was the city funds from 40R and the \$31,000 was the total project cost and the \$23,250 was the federal funds. That is in a document that was handed out at the Finance Committee meeting which outlines each of the amended lines in the document.

Councilor Scorzoni opened and closed the public hearing.

**Councilor Stanganelli moved to accept 2016-031 An order to authorize the Mayor to accept and expend a grant in the amount of \$23,250 from the Pre-disaster Mitigation Program for the Completion of the All Hazards Plan, and the additional \$7,750 appropriated from the balance of the 40R funds to match the grant.**

**Councilor Sickorez seconded. A Roll Call vote was taken and it was voted Unanimous.**

## **12. First Readings**

### **a.) Resolutions**

**2016-042** A Resolution to Amend City Council Rules and Procedures: Rule 11B – Council Representation on City Committees and a Joint Education Subcommittee. – Councilors McMilleon, Sherwood and Lavoie Sponsor

Councilor McMilleon stated that this is simply a temporary way to continue an Adhoc committee that was set up 2015 for a joint Educational Committee. There were three Councilors appointed and three School Committee members that were selected on their side of the joint committee. The three Councilors appointed were Councilors Sherwood, McClure and Bezanson at the time. Since then Councilor Bezanson was not re-elected and the committee has not met. This is simply an effort while we are waiting for the final changes in the rules which will be coming up at our next meeting in May it would be important that at least the Adhoc committee continue to work with the School Committee group and that this joint committee be able to function until that time because we are going into budget season.

Councilor Scorzoni stated that he has consulted with most of the Council and he appointed Councilors Einson, Stanganelli and McMilleon to take part in this new Education Committee. He stated that he had been notified by the School Committee that they have passed a similar resolution on their side and they intend to appoint Tom McGee, Rob Chamberlain and Deb LaValley. We are hopeful that the six can convene fairly soon. There is a scope spelled out in this resolution. He thanked Councilor McMilleon for pulling this together.

**Councilor Sherwood moved to approve 2016-042.  
Councilor Sickorez seconded and it was voted Unanimous.**

### **b.) Orders**

**2016-039** An Order to Amend City Council Rules and Procedures – Councilors Einson, Sherwood and Lavoie Sponsor

Summary: Per section 3-5 (c) of the Amesbury Charter, the City Council has caused its Tenth Session Rules and Procedures to be reviewed by its Committee on Rules and Procedures, who present these Recommendations to the Council for its consideration and action.

**Councilor Sherwood moved to refer 2016-039 to the Rules Committee inviting all members of the Council to the meeting of April 26, 2016 and then hold a public hearing at the City Council May 10, 2016.  
Councilor McClure Seconded.**

There was discussion about Charter section 3-5 (c) about a 30 day public notice that was needed before any rules could be adopted and it was determined that a public notice of the proposed rules (bill 2016-039) that was received by the City Clerk on April 4, is the date in which they should use and the public hearing and vote could be taken at the May 10, 2016 meeting.

**A vote was taken and it was voted Unanimous.**

**2016-040** An Order to Amend Amesbury Code Section 20-5; the deadline date of the Capital Improvements Program and Section 20-6; the deadline date of the Financial Forecast which are to be filed with the City Council be changed from February 28 of each year to May 15 of each year. - Councilor Lavoie Sponsor

**Councilor Lavoie moved to send this to the Finance Committee on April 26, 2016 and hold a public hearing at the City Council meeting on May 10, 2016.  
Councilor Bartley seconded and it was voted Unanimous.**

\*\*\*Discussion of topics not reasonably anticipated by the chair 48 hours before the meeting.

**13. Councilor McClure moved to adjourn at 8:36 pm. Councilor McMilleon seconded and it was voted Unanimous.**

Respectfully submitted,

Sharon Dunning  
Assistant City Clerk