

Municipal Council Meeting
Town Hall Auditorium
April 13, 2004

Meeting called to order 7:05PM

Pledge of Allegiance lead by Councilor Anne Larnard

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

Councilor Woodsom motioned to accept minutes of February 19, 2004, March 9, 2004 and March 18, 2004, Councilor Benson seconded

Voted – Unanimous

President McMilleon – If there are no objections I would like to move the appointment of Robin Wilmont 2004-48 and take it first on the agenda before we get into the public comment.

2004-48 Appoint Robin “Sam” Wilmont Associate member of the Parks & Recreation Commission for a term to expire June 30, 2006

Mr. Wilmont – I have been involved with the youth for 28 years, I started coaching kids when I was a junior in High School. I now have my own kids that I am coaching. I have been involved in town with a lot of things. I am a past president of the Alliance. I volunteer at the Amesbury Elementary.

President McMilleon – Are there any questions from the Council? Thank you for being willing to serve.

Councilor Pinierio – I make a motion that we accept Sam Wilmont as member of the Parks and Recreation Commission.

Councilor Benson – second

Voted – Unanimous

PUBLIC COMMENT

Lawrence Quinn – 97 Fern Street – I am on the Board of the Housing Committee. I was told you could only hold one position on one board. Why can the Council hold two positions one on the Council and on the Finance Committee. You should only be allowed on one committee.

Councilor Benson – The finance committee is found in the Rules and Procedures of the Council, it is a Council subcommittee like the Ordinance Committee. It is different, this council can change the makeup but that is why we serve on both; it is a sub-committee of the Council.

President McMilleon – Mr. Quinn we have a lot of people that want to make comments and this is not really a time for discussion back and forth. I want to make sure that every one has an opportunity.

Councilor King – I want to make it clear for the public, how we came to pass that all the Council members serve on the Finance Committee; it came from a recommendation from the Department of Revenue. That is what prompted the change. I am up for looking to see if we want to rework the committee, I'm not hard fast in that. It was a choice of the Council to do that but it came as a recommendation of the DOR.

Jim Thevierge - Reads section 9.9 of the Town Charter – periodic review of the charter and the need for appointed boards, committees and commissions. Five years from the adoption of this charter and at 10 year intervals there after, the Mayor and subject to the approval of the Municipal Council, shall appoint a committee to review this charter and make any recommendations deemed necessary. During the course of any such charter review the committee shall review the purpose and the need for each appointed board, committee and commission of the town and shall report any findings and recommendations. Is there a charter commission currently in place and are they active?

President McMilleon – Not that I am aware of.

Jim Thevierge – Thank you. Is there any thought of establishing a commission?

Councilor Benson – I believe the Mayor is in the process of setting up the charter review.

Mayor Hildt – It is something that is on my plate. I had hoped to do it last year but I have not yet. I plan to convene a committee to study the charter. I have been in touch with the Atty Generals Office and they have a municipal specialist who will assist us in forming that committee.

Mike Greaney – The DOR recommended but; their recommendation is not a mandate that we have to have the finance and the council jointly.

Jim Thevierge – On the issue of 2004-35, basically in favor of its authorization. Concerned about the lack of the pitched roof, flat roofs do not work in New England and are very expensive to maintain. If the council knows where every dollar is being spent now and in the next five years so we are protected from any unforeseen deficiency that would take away from schools, water, sewer, health and sanitation then authorize. If there are any substantial structural problems occurring right now the council should be hesitant until there is a Master Plan for the next five years.

Michelle Thone – 53 S. Hunt Rd. – Against authorization of a \$3.6 million bond for library renovation. I want to know where the evidence is that the taxpayers are willing or able to take on the extra tax burden. The Finance Committee recommended accepting without a budget or a CIP. The Municipal Council should ask the Finance Committee on what knowledge this recommendation was made. What will be the impact of an additional \$3.6 million bond to the short and long term financial health of the town? Also, how the debt from this project and all the other projects and bond debt, approximately 109 million dollars, will affect us now and in the future. What is the bottom line of this project, not just the long term debt but increased operational costs? The Mayor says we can afford this project and at the same time the Schools are facing a budget shortfall, town employees are going to be asked to accept a pay freeze and we are going to have to be creative on our essential services. This contradicts the statement that we can afford this project. Why do we want to add \$3.6 million to the debt and further burden tax payers? Two members of the Library committee have said fund raising has only just begun. Asking tax payers to take on this debt is premature. We should have a final design approved before requesting a specific amount of money. We do not have to spend \$3.6 million now to save the 2.5 million that the state is offering. We have one year before there is a possibility of loosing this grant. Once this project is fully funded we can count on loosing any other grant options that might be available. The effort to raise private funds will end. I am asking the Municipal Council table or rescind this premature request for this bond until there is evidence by the budget and the CIP that this bond will not significantly impact the tax burden of this town and that further private donations have been pursued; that all other grant options have been exhausted and design changes have been resolved. I hope you will stop long enough to find answers to these questions.

David McClure— Here tonight to address this council on their behavior as a Finance Committee which resulted in a vote of approval on the library project that was fiscally irresponsible. I listened in dismay and utter amazement as one councilor flip flapped back and forth like a fish out of water; another used the excuse that he was voting the will of his people. Unfortunately those comments and actions are mild in comparison to statements made by my councilor Ann Connolly King. Her statement of I don't need to see the Fiscal 05 budget or the CIP to make this decision shows her lack of financial understanding and negates her position as a Finance committee member. Her bullying of other Finance Committee members who are just asking for more info on the Town's financial situation before voting on this project was disgraceful. I also feel it was appalling of her that she and her husband would forego a dinner out each month as her contribution to a tax hike resulting to the approval of the Library project. Councilor King, what would you have the majority of families in this town who make an average of \$50,000 per household and can't afford to dine out once a month, what would you have them do? Resort to beans and rice or worse yet social programs that would also add to our tax burden. I have e-mailed my councilor and tried to work with her and requested that she explain how she came about her decision. Her response "In coming to my decision to support the library renovation project I reviewed information regarding the Town's capital projects including projects authorized but not permanently bonded, general long term debt, water & sewer long term debt, I have reviewed the library expansion debt schedule and the operational costs, you were present at the Finance Committee meeting when I spoke to the CIP and Fiscal 2005 budget". Councilor King, you were not in possession of either the FY05 budget or the CIP during that finance meeting. The two most important documents you needed and were required to make a sound financial decision on that capitol project. As my councilor I request you stop the double speak. Read the documents when they become available and then and please only then make your financial decision. In your last district 3 update of April 4th your comment of I believe the town can support this project.

Councilor Larnard – I'm not comfortable with this.

David McClure – No let me finish.

President McMilleon attempted to speak to Mr. McClure, Mr. McClure continued to speak and some of the audience began shouting and talking all at once at this point it is not possible to translate into the minutes.

President McMilleon – Order in the hall or I will have the hall cleared.

David McClure – This is Amesbury; there is a charter in place. These are facts and I can back them up.

President McMilleon – Listen to me. You can make your comments.

David McClure – I am doing so.

President McMilleon - Can I finish what I want to say?

David McClure – But you are interrupting me. Why should I let you talk?

President McMilleon – I know I am interrupting you. This is a public comment period. The purpose of the public comment period is for you to make comments about any item that is on the agenda tonight. Not to personally attack a member of the council.

David McClure – Do you know what the first amendment is?

President McMilleon – Not to attack a member of this council...

David McClure – I am asking you a question, do you know what the first amendment is? This is all stuff that was in the papers. I'm quoting e-mails, this is my councilor I helped get her elected I want answers and I'm going to finish.

President McMilleon – Mr. McClure - Call the Police have him removed. Council is in recess for 10 minutes – 7:30PM

President McMilleon – I want to make a couple of things very clear. I don't have a problem at all with anyone making a comment during public comment. Our rules strictly and clearly state: Persons Addressing the Municipal Council – Any person wishing to speak during the public comment portion of the meeting or on a public hearing item shall notify the presiding officer prior to the public hearing portion of the agenda. No person shall address the municipal council without first being recognized by the officer. Each person addressing the municipal council shall do so in an orderly manner and shall not make repetitious, slanderous or irrelevant remarks or engage in a disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of the council meeting. Any person who so disrupts the meeting may at the discretion of the presiding officer or the majority of the municipal council be subject to ejection from that meeting. Now I want this meeting to be conducted in a fair, open way. We will not have disorder in this meeting and we will not have public comment where individual council members are attacked during the public comment period. That will just not happen and that is how we will proceed.

Mark Deschenes – I stand before you as a member of the ATA. I started to get involved with this association out of deep concern for the future of this community, a community that I was born in and raised and a community that I choose to raise my family in now. We had our first meeting last night and I was totally impressed with the number of people that come. We had a great turnout and I thank each and every one of you for coming last night. I would like to turn the microphone over to Chris York and go over a graph which basically speaks to the tax burden in this town and how it related to our income and how we compare to like communities in terms of population and income.

Christopher York, Warren Avenue – Mr. York goes on to explain the graphs he prepared, copies are attached. We need to stop spending money feverously. There are people out there that have fire hydrants that don't work in front of their house, there is no CIP. It is appalling, god knows we pay for it, these are high taxes we pay; we should have a CIP. Everybody wants to see a Library. I would love to see a Library. This Library project would float through, there would be no opposition at all to 3.6 million dollar appropriation had there been a CIP. This is something that the taxpayers deserve.

Marc Deschenes – There has been a lot of talk about the CIP. We are supposed to have a CIP every year. This administration has yet to file one. That document that Mike Basque prepared for you tonight does not fit the definition of a CIP. I went on to the Div. of Local Services – Department of Revenues website. They have a manual for developing a CIP. I would like to read one little blurb from it. It says a CIP is a blueprint for planning a community's capital expenditures and is one of the most important responsibilities of local government officials. Emphasis on responsibility, we have been flying blind. I am getting tired of it. You folks represent us. This administration has been out of compliance since day one. We are tired of it. This document provided at the 11th hour is not a CIP. If so I would like either Mike Basque or the Mayor if we have a CIP board. There is a step by step recommendation for putting a CIP together. I don't think it could be done in the short period of time that this administration has been working on this and I say short time, although it hasn't been, it has

been over three years late. I think this municipality, this city has only seen 1 CIP. It is supposed to be filed every year. We should be old pros at this and we are not. I would ask in the name of the ATA that given the emotional nature of the past finance committee meeting and the fact that we have not see the FY2005 budget or a CIP, I would ask that the municipal council send back its recommendation as it sat as a finance committee and lets have a finance meeting at the finance committee.

President McMilleon – Please try to keep your comments to 3 minutes. We have under second readings the 3.6 million dollar bond for the library and we will open it up at that time.

Brian McLaughlin, 4 Kimball Road – I appreciate some of the efforts of the Council in particular the 5% budget cut of all departments. I think that is a good idea to see what they can come up with and maybe there will be some positive ideas. I am concerned whether those budget cuts can stick. What seems to end up happening is; we make cuts and then six months or a year later people come back and say guess what? The wheels are falling off the police cruisers, we need those cars. I think rightly so the council approved the new cruisers but, they did approve the cut in the first place. I am worried when you make cuts that the restructuring is done properly so that cuts can stick.

Carolyn Stevens, 154 Whitehall Rd. – There are two properties one on Elm Street as you come up from Rt 95 on the right hand side just before you get to the center of town there is a big mess. The people that come into town that way don't see all the new buildings and the painting and the cleaning up all they see is the mess. The other one is on Friend Street, the people going up to Whitehall Road they have to look at this. The building is a mess the doors are a mess and no one has been in it for ages. I think the town should take it or by eminent domain or charge the man \$1,000 a day to clean it up so Amesbury will look as pretty as we would like to have it.

Peter Hoyt, Pleasant Valley Rd. – I do appreciate your having us all here tonight. I think we should all express our gratitude to each and everyone of you for your service. Your job is not an enviable job in any stretch of the imagination. I believe each one of you is doing what you think is the best job for Amesbury. I would like to introduce a special guest. We are very fortunate in Amesbury that as part of the Amesbury for Africa project we have been able to develop a partnership with the Ebulako Primary School in Esabalu Kenya. We have been working with the staff and faculty at the Cashman School to ask our government to reconsider a denied visa application that was made by Mr. Tom Amakoye headmaster of the Ebulako Primary School. As the results of our efforts the government reconsidered the visa and it was granted. Mr. Tom Amakoye is introduced. I would also like to speak this evening as a supporter of the library renovation and expansion project as planned and as proposed. I am a former Amesbury Public Library employee. I am a former Amesbury Public Library Trustee and former member of the Amesbury Historic commission. I support the removal of the section of the public library that currently houses the stacks. This has been sanctioned by the Mass Historic Commission. There are many problems inherent in the stack. Given the sub level flooring safety is a huge concern. General accessibility is next to impossible. Handicapped accessibility for the whole library is a huge issue. This is a demonstration of a very inefficient use of space. It is clearly inadequate to house the growing inventory of the Amesbury Public Library. I would also like to applaud the efforts of the Architect and the Building Committee. In your planning you have been able to maintain the integrity of the original building and preserve the main structure while creating a design that really maximizes interior library space. I find that you have been most responsive to community input in modifying the architectural drawings. This project has support from our state. I would implore the municipal councilors to give their serious consideration to approving the library project this evening.

Lorna Condon, 113 Market Street – I serve on the Library Expansion committee and also on the Friends of the Amesbury Public Library. Tonight I am speaking on behalf of the Friends of the Amesbury Public Library. We are in strong support. We have paid for programs that probably would not have been funded. In 2003 and 2004 we have contributed more than \$16,000 to the library. In the future the Friends will continue their financial support for library activities. We believe in the mission of the Amesbury Public Library. We recognize how critically important the library is to the social, intellectual and cultural well being of this community. On a regular basis we see a cramped reading room, inadequate technology and limited storage. This library is in non compliance with ADA regulations. We strongly urge you tonight to vote for the library expansion.

Lars Johannessen, 6 Kendricks Ct. – Chair Amesbury Historic Commission – The AHC and in conjunction with the Mass Historic Commission are the bodies that determine whether the demolition of a historic structure will or will not have an adverse effect of the building or its surrounds. MHC does not grant nor has the right to grant demolition permit. The power lies with the Amesbury Building Inspector and as part of the demolition bylaw in Amesbury the AHC must sign off on the demolition of buildings over 50 years old. MHC did make a determination that they would believe there would be no adverse effect with the removal of the stack wing. The AHC has not received any written notification of this supposed determination. If MHC made this determination it is in contradiction with the process that they have in place. That is that they consult with local historic commissions before any decisions are reached that impact a community. The AHC has not taken an official stand on the demolition of the stack wing because the town has not presented an application for demolition as of yet. However, the AHC has been against the removal of the stack ever since the first design. This position has not changed in at least four years. We believe that the whole municipal campus should be looked at before we go ahead and design a sub optimal building and possibly make major changes to a historically important focus of the downtown. The AHC will be meeting with Library Expansion committee on May 3rd to begin a review of the proposed design. We are disappointed that we are being brought into the process this late at the design phase. No demolition permit can be issued without the approval of the AHC. As a commission we are charged with fully examining the issue and we are hopeful that our role in the process despite our late entry will be affirmed and that our input will assist all parties in a design consensus that all parties can agree to. With the upcoming meeting in mind and knowing the design concerns are many how can the municipal council vote on funding without knowing what the designs or the costs will be yet.

Len Johnson , Main Street – My wife is a trustee and before that my mother was a trustee. I was on the council before that. My impression is that the decision to build the addition to the library wasn't decided in a vacuum. It didn't start with the council; it started with the people that use the library the most, the citizens. Then it went through all the things we have to do to get state funding. I think it is to the credit of the trustees that the state has decided to give us the money they are going to give us. In addition we have some wonderful benefactors that are going to contribute to this. It is important for the council to understand that from a fund raising point of view that the library needs to know that the addition is going to be funded so that they can bring in the gap between what has already been committed and private funds and additional monies that they want to get. I think it is a wonderful project. I think there are some questions of design and I think they will be hammered out in the design review process. Now we are talking about the funding process. I feel confident you can go forward and vote that tonight.

Dave Costello, 193 Elm St., - I am here to talk about the pets in the cemetery. My wife spoke to the whole council last year and then we had a meeting scheduled with Mr. Pinierio, Mr. Benson, myself, Mrs. Snow as well as a few dog owners. At that time we asked that the meeting was publicized, which it wasn't. Mr. Pinierio said the Town Clerk said you don't have to publicize it because it was a private meeting. At the same time he thought we should tape the meeting so that the minutes are public but

at the same time it was not publicized. At the meeting we gave Mr. Pinierio a proposal and Mr. Benson read it. I wanted more people at the meeting. Mrs. Snow was going to review the proposal plan and respond to my wife and myself and Mr. Pinierio. That never happened. I placed a call nine days ago to Mr. Pinierio and I heard back from him today. He didn't call to tell me that we were going to have this meeting to discuss the dog issue again. The last thing I said to him at our private meeting...

Councilor Larnard – Isn't this the same thing. I have to object, for the same reason as before. I'm finding this not an appropriate kind of public comment signaling out a councilor.

President McMilleon – If you could keep your comments to...you are commenting on 2004-13 which is about the animal control and licensing bylaws. If you could just please keep your comments to that issue, if you want to make a comment whether you are for it or against it or what you would like to see happen, that would be the most helpful way.

Councilor Benson – This is on the agenda as a public hearing so maybe the more appropriate time to speak about this is during the public hearing.

President McMilleon – Yes, he can. I am letting him speak during public comment and if he still wants to come back and make a comment during the public hearing he can.

David Costello – Are you here to vote on this, this evening? I just want you to know all these plans were made and things were said and no one has made us or the opposition aware. I don't find that a very good democracy. I think if Mr. Woodsom, Benson, Ms. Connolly-King were there; which I think they would have been if I had been able to ask them, they would have been entitled to the discussion. I think it would be unfair for all of you to vote this evening not knowing of the great opposition on our part. I don't want anyone to confuse this issue at the Mt. Prospect cemetery with the current issue which some members of the Council have attached themselves to at Woodsom Farm. I happen to think Woodsom Farm would be a great place to bring your dogs but, it is very messy. There is a ton of dog poop and I hate it. Before any of you vote I would hope that you walk through the Mt. Prospect cemetery and see exactly how clean it is. Mr. Pinierio stated he had been at the cemetery everyday and didn't see any dog messes or loose dogs.

Orlando Pacheco – April is Earth Month and hands out calendar of events.

LICENSES AND PERMITS

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

President McMilleon – reads 2004-29 into the record.

Councilor Pinierio – I talked to Bill and it was his uncle that wanted to put a video game on top of the counter. Billy said he does not want it. I told him to send a letter to the Town Clerk so we can take you off our agenda. As far as I am concerned Billy who owns the roast beef place doesn't want it so I think we should just take it off the table.

Councilor Woodsom – I move that we table 2004-29

Councilor Lawrence – second

Voted – Unanimous

2004-38 Pole Hearing – Verizon – Thompson Street

President McMilleon – reads 2004-38 into the record.

Bonnijo Kitchin – You have a letter requesting to continue.

Councilor Chandler – I make a motion that we postpone 2004-38 until May 11, 2004.

Councilor Pinierio – second

Voted – 8 – Yes, 1 Not Present (Benson)

2004-39 Common Victualler License – Pubali Corporation, 65 Friend Street

President McMilleon – reads 2004-39 into the record

Bernard Goldberg – Attorney for Pubali Corp. – We have filed with the health department and they will be inspecting the premises tomorrow. I do trust I will be able to comply with their requests. One of which is that we obtain a binder for insurance in regards to workers comp. I have a copy of that.

Councilor Pinierio – Is Richdale going to stay the way that it is?

Bernard Goldberg – The only changes would be to clean it up and new shelving. The corporation wants to enhance the appearance from the previous owner. We are independently owned.

Councilor Lawrence – I move to recommend that 2004-39 with all the proper approvals in place.

Councilor Pinierio – seconded

Voted – Unanimous

MAYOR COMMUNICATIONS AND APPOINTMENTS

2004-41 Re-appointments Robert E. Gaudet – Board of Registrars term to expire 3/30/07

James W. Humphries – Constable term to expire 3/30/07

President McMilleon – reads 2004-41 into the record

Councilor Benson – Since these are just reappointments rather than appointments I think we should approve.

Councilor Pinierio – second

Voted – Unanimous

2004-43 Appointment of Brian LaGrasse – Health Agent

President McMilleon – reads 2004-43 into the record

Orlando Pacheco – Mr. President, Mr. LaGrasse is not going to be able to make it tonight because he is taking the practice exam for his environmental health technician certification. I did speak to him earlier this week he will be starting on May 3rd assuming that he is approved by the Municipal Council. He does have the unanimous support of the Board of Health. I also interviewed Mr. LaGrasse with the Mayor and the Town Nurse and we concurred with the Board of Health's determination.

Councilor Benson – I move for approval of 2004-43 as submitted.

Councilor Pinierio – second

Voted – Unanimous

2004-47 Appoint John V. Emerson member of the Design Review committee for a term to expire June 20, 2007

President McMilleon – reads 2004-47 into the record

John Emerson – I'm an architect and 38 years ago I started doing design review in Salem, MA for the redevelopment authority. I also have some background as a developer which gives me the other side of the picture sometimes. I've been a resident of Amesbury for 19 years. I am pretty much retired which gives me the time for design review.

Councilor Chandler – I move that we approve Mr. Emerson for the Design Review Board

Councilor Benson – second

Voted – Unanimous

SECOND READINGS

2004-9 An Order to request the Municipal Council to accept an in-kind Municipal recycling grant in the amount of \$10,000 – Mayor Hildt sponsor cont.

President McMilleon – reads 2004-9 into the record

Councilor Woodsom – The Finance Committee motioned not to make a recommendation and return it to the council in April 5 – Yes, 4 No

Councilor King – I motion that we accept 2004-9

Councilor Benson – Second, I would just like to thank Mayor Hildt and Brian Gilbert for working with the DEP to come up with a scope of work that is both agreeable to the City and the department. I hope to work with you guys on this and really make this work for Amesbury.

Voted – Unanimous

2004-17 An Act to provide for services to Christopher Way – Councilor Benson sponsor cont.

President McMilleon – reads 2004-17 into the record.

Councilor Benson – I am going to ask that we refer this to Town Council. We had a meeting with the residents and the Building Inspector to discuss both their issues and the Town's issues in terms of legal issues. I respectfully ask that the Council continue this to our May meeting.

Councilor Chandler – second

Voted – Unanimous

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

President McMilleon – reads 2004-32 into the record.

Councilor Woodsom – That was in Finance Committee and we voted to continue because we did not have a recommendation from the Planning Board yet.

Bonnijo Kitchin – That is also in the Ordinance Committee and it was continued because they did not have a recommendation from the Planning Board.

Councilor Benson – I move that we send this back to the Finance and Ordinance Committees and put it on our May agenda.

Councilor Lawrence – second

Nipun Jain – This bill came to the Planning Board and I believe the recommendation was made that these fees are to be approved. Some of the reasons why include more and more complex developments are in town which require more intense reviews both environmental issues and legal issues. The fees have not been revised for almost 10 years for these critical applications. Looking at the costs of administrative services as well as for normal printing and postage involved in processing these applications in a timely fashion and to provide good customer service we believe we have to get some money for these developments for application fees. You should also note that these applications are usually applied for by big developers for developments that come to town especially commercial or large residential developments. It is not aimed at the ordinary citizens who would come in for single family. It would be in the interest of the town to increase these fees to share the costs.

Voted – Unanimous

President McMilleon – calls for a five minute recess 8:40PM back in session 8:50PM

2004-35 An Order to vote \$3,600,000 to be appropriated for constructing an addition to and remodeling of the Amesbury Library – Mayor Hildt sponsor cont.

President McMilleon – reads 2004-35 into the record. I want to explain a couple of things, items on the second readings we usually don't hold an open forum or a public hearing on those items. We will be doing that tonight. I will ask for a suspension of the rules so that people can make comments about the library renovation and expansion. I know that this is a very controversial issue; I know that people have very strong feelings on both sides of the issue. I want to reiterate that it is really important that these meetings be conducted with proper decorum and that people listen and make their comments and make the comments germane to the issue. Certainly not making any derogatory or negative comments at members of the council, we just can't have that. If you have a comment to make about the issue and about your concern about the finances, whatever it happens to be in regard to the 3.6 million dollar bond that is fine we want to hear that but we have to have some order and we have to have some decorum. Please adhere to those expectations as we go through this. Try to keep your comment to 2 – 3 minutes. There are a lot of people here that I'm sure want to make a lot of comments and we want to give you the opportunity. *I will entertain a motion to suspend the rules.*

Councilor Benson – so moved.

Councilor Lawrence – second

Voted – Unanimous

Karen Solstad, 6 Kendricks Ct., - I have been in town for 19 years. When we moved here we thought we would stay awhile and move on. Amesbury had a lot of problems. It had not invested in the infrastructure for 30 – 40 years. In the 19 years that we have been here there has been a tremendous

change in the town. The Potential of the town is now being realized. The tax part hurts, taxes are a big issue. I think the library expansion is about investing in the infrastructure in the community. I think we have to do it. We have had to play catch us. In the past 10 years we have been catching up with the infrastructure that wasn't taken care of. I encourage the council to vote for the funding.

Kate Broughton – It has been a tough couple of years financially. You don't want to not do this project because you are frustrated about something else. Last week I met with Charles Landry, one of the foremost urban planners and experts on 21 century cities. We talked at length about issues of affordability, gentrification, taxes and maintaining a community at a time where there is a greater polarization between the haves and the have nots. The middle class is disappearing. What is happening is there is a bigger and bigger divide developing. It is creating animosities and such a tug at a time when the only communities that are going to make it are the ones that understand that they have to unify and fight the common enemy. The common enemy is not the taxes; they are a by-product of an enemy that Amesbury failed to fight for many years. We are in an information age now. We are not going to be going back. Small communities like this are not going to be going back to see the same economies we saw before. A public library is not about books. This project is about the information age and being able to provide services to people who need it. Especially people who are falling behind economically and educationally; how are we going to make sure that everyone is going to get that information. The public library is a little bit about books and a lot about people and community. That is why it is more important than ever for us to be focused on what is important. All communities around us are doing this. If we don't do this Amesbury is going to once again go down as a place that stuck its head in the sand and the next generation is going to have to pay the bill.

Annette Denietolis, 21 Orchard St. – Mark Lankin at the finance committee did say we have time on this issue. I would like to support what Marc Deschenes recommended that we give this back to the finance committee. I would like the discussion to include the numbers and part of that I would like to hear some forecast numbers from our CFO with regard to our levy limit, our levy capacity and what those numbers look like for 2007 and 2008. I have done some very armature forecasting on my own and I am very concerned about the potential for overrides or exclusion or layoffs if we vote the library. I am not sure that is what is gong to happen. As far as I can see there is no evidence to the contrary. Everything that I look at shows us at capacity, we are at our limit. The state will only let us grow at a fixed number which is 2.5 in new growth. I don't see the numbers falling if we can afford it if FY07 is going to eat up 20% of what the state will allow us to collect in levy over 2006. The numbers are there, they are reasonable. I talked to Mike Basque about what I used and I don't see that we can afford this without an override. I want to make sure that we don't have to get overrides for salaries and health insurance costs.

Janet Higgins, 19 Elizabeth Street – The library is supposed to be for everyone, right now it isn't. If you go into the stack wing the stairs are so narrow I get a little scared going down them. It isn't accessible to most people in the community. It is very dim there is no light, you can't sit anywhere, and you can't browse. I end up going to a book store. This would save me money. I was fortunate enough to grow up in a community with a modern library and it truly was a meeting place. I hope you approve the funding.

Katherine Rutter, 45 Arlington St., - I am for the library, I use it a lot I see the benefits of it. I know it needs to be updated. What really hurts me is that a few years ago when this whole thing about the school came up everyone was asking what else was coming up. There was a big article in the newspaper about the library renovation. One of the things I thought I heard was that the library was not going to be funded through the taxpayers, that is was going to be paid for through private donations. It was part of what I made my decision on when I voted for the school or some of the other things. What I heard from the library group was that there was going to be fund raisers done, that they

were going to try to stir up to community to pay for this library. Obviously there is a lot of emotion out here. There are a lot of people for the library. I am for it but, I feel here it is and there have been no efforts except for a few major contributions. I have been looking for the fund raiser to donate to the library but there hasn't been any. Here the library group is coming and crying and doing stuff. I feel like if they had come and said look we have done these fund raisers and we think we can commit to raising this amount of money and we only need 2 million. Show the effort to drum up the support to put their money where their mouth is and to make a donation. I think this needs to go back to the finance committee. You do need to look at this from a money point of view and how it fits in with the town. I think you can push back and say well we will only appropriate X amount of money and we want you to raise it through private fund raising. I don't see anything wrong with that.

Laura Buckley, 287 Lions Mouth Rd., - I was the director of the Amesbury Public Library from 1991 – 1998 so it is clear to all of you that I am a major supporter of this project. First, when I came to the library in 1991 we were doing some minor renovations in the basement which included installing handicapped accessible bathrooms which no one can get to because you can't get to the basement if you are handicapped. That is the first thing that I saw. It was clear in 1991 that we had major problems to address in the library. We began this process of talking about a library renovation in the mid 1990's so to address the second issue of trying to rush something through; I began this process in 1994 or 1995 so this is not a new topic. Another item that addressed that issue is that we have had in the library for years now models, drawings and plans. The topic has been out there for a long time. We are not trying to rush anything through. I feel like I need to address the fund raising issue. We began fund raising decades ago. There is a charitable trust where people have been donating money for decades for the future renovation of the library. We are in a fund raising process now. We haven't gotten to the level of asking open wide to the community but we have had fund raising event. We have been going directly to donors. We have raised money. We have never anticipated coming to the council and asking the town to pay all of that. I hope you will approve this process. The library should be a central place for the community. It can't be now; it is not big enough and not accessible. I hope you will support this project.

Christopher Hyde, Kimball Rd. – I would support an increase in my property taxes for the expansion and renovation of the library. I support it because since I have been in town I have never seen a capital project that has the level of outside support that this project has. The fund raising has raised 1.7 million dollars. In addition we have a fiscally conservative governor who has released 2.5 million dollars to us. I think the question is; are we willing to reinvest in our community by going forward with this library project? I hope that you will support it.

Carol Feingold, 58 Market St. – Chair Library Expansion Committee – I would like to address what several of the library patrons have expressed. They come into the library and ask if the library is going to be demolished. I have been on the expansion committee for 4 years and before that the Library Board of Trustees for over 16 years. Never once in all that time has anyone on either committee said they wanted to have the library demolished. On the contrary it has always been the goal of the Trustees to renovate and expand the library on the existing site. The main street location is within elderly housing and most of the public schools. It brings people into the Amesbury downtown and is the corner stone of the downtown restoration project. The plan before you today is an expansion of the library on the existing site in the heart of Amesbury's downtown. It includes the complete restoration of the central part of the original library building inside and out. With new heating, ventilation and air conditioning, new electrical and plumbing, cleaning and re-pointing the brick work, replacing the 100 year roof, handicapped accessibility and the loving restoration of the interior and all the original woodwork. We care about the Amesbury Library and have no intention of demolishing it. We want to see it grow and flourish. I would like to introduce Pamela Hawks of Ann Beha Architects so she can explain why the stack wing has to be taken down.

Pamel Hawks, Ann Beha Architects – I appreciate the concern that has been raised about the demolition of the stack wing. I have been a member of the Boston Landmarks Commission for 13 years and usually it is me asking those tough questions. I recognize as a preservationist in a community as vital as Amesbury or Boston preservation can't be about stopping change, it has to be about managing it. I also recognize there is a process and my hope is that my standard that we use is no feasible alternative. That is the standard that the MHC used when they agreed that there was no alternative to the demolition. My hope is that when the situation is presented in full to the AHC that they will agree that regretfully that is the conclusion that we had to come to. The stack wing was built for utilitarian purpose which was holding books. The public was never supposed to go there. If you look at the building the bricks on the stack wing are different from the bricks on the front. The builder recognized that difference. The stack was built to be only one floor connected with the first floor of the library. The structure only supports only 100 lbs per square foot. The current code requirements are 150 lbs per square foot. At a later date the stack wing had been altered to add the second floor in. But that second floor is actually 7 feet below the front part of the building. Not only does that mean it is not accessible to wheelchairs but strollers and book carts. More important though is a floor level that is 7 feet below another one, that means a librarian sitting in the back in the lower level can't see what is going on at the front of the building. All the efforts that we made to try to make this building efficient and economical to run, really would be for not, we would have to put in another staff member. Finally, I know there has been a lot of discussion about whether or not it would be better to preserve the building as a whole and locate the library someplace else. We have, through all of our efforts, followed which is the Nation Parks Service guideline for the standards for rehabilitation. Where at all possible, the original use of the building should be preserved. There are other communities like Weston where libraries have been built out of town and attempts have been made to find a use for the existing building. In Weston the library is still standing vacant. I can't believe that this town would be willing to support maintenance on a building that is no longer useful. My hope is that you recognize that we have done everything we can to consider this and there is really no alternative to demolishing what is there to preserve the library as it stands.

Marie Messner, Chair Board of the Library Trustees – When we met with the Finance Committee on March 24th we were asked if there was a possibility of returning some of our fund raising money to the town. Well that is something the Board of Trustees has to vote on. At our next meeting of the Trustees we will consider that possibility. Because right now we are dealing with estimates of costs and not hard and fast figures and because we want to keep a contingency fund for unforeseen expenses I don't believe we should set a specific dollar amount at this time. I will recommend that we wait until the end of the project when all the expenses have been met and there is no longer the need for a contingency fund, then at that time we could return to the town money remaining in the fund raising account. That is the plan that I will recommend and support.

Jack Luz, 39 Macy Street – I have lived through the sewer problems, the Woodsom Farm issue and the Amesbury Hospital. My issue is with your financial planning. What is happening to the seniors is that they have to restrict, because they are on a fixed income, they have to restrict support to their grandchildren, vacations and lifestyle. This is all because of all these things that probably should be done but are not planned well. I don't think anybody would be against a nice library but, if you guys are going to make this an issue where the taxes are out of control and increased, you are driving the seniors and some of the poorer young people into a real problem here.

Marc Lankin – Director of the Amesbury Public Library – I am here tonight mainly to cover areas of information that has already come up, questions, to correct a couple of misconceptions and to give you as many facts as I can in a short amount of time. I presented to the council this evening a different take on the operating costs. We presented the impact of the operational costs last time but

we presented tonight the impact on just household taxes for an average house. It would be 37 dollars a year for the operational cost increase. We had expressed it in terms of what you would pay for your library services, tonight we have provided that so you can see it in terms of the tax impact. I have also presented them with a tentative schedule on the project that shows that yes a short delay would not have a major impact if that's what they decide they need to do. If the town does support this project, delays starting at around six months start to put the projects funding into serious jeopardy. We have a grant from the state that has to be agreed on by May of 05. If we start pushing things back that could be in jeopardy. More importantly we have Co-op/Provident Bank money of over a million dollars for this project that calls for construction to begin by December 05 and if we start with one huge delay and look at all the things that have to fall into place, and I have presented them tonight, you can run into a situation where in order to actually meet the deadlines we would have to begin construction as winter approached, which is a serious handicap on any kind of construction project. Secondly, the design in the stack wing, there is just one thing I wanted to address. I have heard from a number of people and have seen in the press that we have been hiding all this information. Approximately 3 to 4 years ago we did our first design with Tape Associates, at that time their recommendation was that the stack wing had to be removed. We presented that design to the Municipal Council and I believe a couple of the members of the current council were on that council. We had an open house for the public where we showed those designs and explained the process. Since then we have hired Ann Beha Architects, they are restoration specialists. They wanted to keep the wing on and when we hired them, they said they were going to try to figure out a way to do it. They came back to us weeks later and said we have investigated this thoroughly and it can not be done. We have a twenty year standard we must meet with the Board of Library commissioners for building a viable library. We can't just say leave this here and add a few square feet and we will be done. We would lose all of our state funding, it is impossible. Lars has brought up the State Historic Commission and the AHC. I want to give my recollection of events and I am not going to get into a disagreement with him. We have talked; we are trying to work together. We met with the State Historic Commission and AHC several years ago together. Local members expressed that they weren't happy with taking the wing off. The state listened to them and they listened to us. At the end of that discussion the woman from the state spoke to them for several minutes. After the discussion with them she came to us and said we believe there is adverse effect, which is a technical term when you are going to harm a historical building. She said she understands now that you really have no choice. There was no protest from the local historical people. We had assumed right along that when we got the agreement from the state which we signed and called for a number of remediation issues to be taken care of when we remove the stack wing, that that had been agreed to by both. Lars is now saying that perhaps it wasn't. We will deal with the local historic committee; work with them to try to come up with a design that can work with the town. I quite honestly believe we can not leave the stack wing on that to do so would create a situation where a viable building was impossible. I think it could create a situation where the entire project could come to a halt. The reality is that we are going to work with everybody. We have started with design review, we got comments about things they didn't like and we started working to change the designs. We are at the beginning of this process but we are working through it. We have been doing this, and we are not trying to rush anything through, we have been doing this on a parallel track. In fact we approached them before we came to the council. The state has reviewed the project and accepted it and if we were to call them up tomorrow and say we are abandoning the building and we are going to another building we would lose our grant. If we lost that grant, chances are we would also lose the Provident money. Quite honestly one of the reasons, and I gave the presentation with Edgar Bottome to the Provident bank, they gave us the money is that it was going to help with the revitalization of the downtown. If we now say we are abandoning Main Street and are looking at a different location I think we will lose that money. The costs of a new project would be astronomical. We are talking about taking care of a whole new building, buying it, elevators, handicapped accessibility, design and construction and then leaving the town with a building that needs serious work, probably into the millions. Providing new systems because some of them are so

scary that anyone that has worked in there knows, we are always afraid. On restoring elements of the building that are in need of restoration and through the Charitable Trust and private donations we have kept that building up as well as we could over the years. It needs a major overhaul now, who is going to find all that money? Who is going to occupy it and be able to take care of that building as the years go by? We, through our private fund raising have been able and through the great design they have come up in terms of space we have cut the square footage and we are putting that money into restoration of the project. These are issues you need to consider. There are costs involved in this project if the town feels it really needs a library there are serious costs but, they all have to be weighed against all the potential costs of other moves. Finally, I just want to talk about fund raising. There has been a misconception out there that we are sitting on 2 million dollars in cash that we are going to hold on to until this project is over. We never said that. Before we even got the Provident Bank money we had said we would raise a million dollars in this town for this project. The town would cover a part of it, the state would cover a part of it, and we would raise a million. We raised that million quicker than we had ever imagined and our gratitude to the Provident Bank can't be measured. Then after that we said we would raise another million. We are taking it on our selves to try to bring the cost of this project down as low as possible to the town. Part of what people don't seem to understand we have already committed a million to the building. That provident money is committed to the building project, building the structure. Our Charitable Trust which started raising money years ago has already spent \$300,000 on design work for this project. We have already committed 1.3 million to building the building. The rest of that 2 million that we said we would raise, \$700,000 is a contingency in case costs should rise so we never have to come back as others have done and say give us more money for this project. We also are paying the costs of all the equipment we will need and all the other necessary projects that are related to the project but are not covered by the state in their project cost estimate. We mentioned that the board is going to talk about returning about anything left over, some people may think that is just a dodge, it isn't. We have made a lot of commitments to this council and we have kept everyone of them since day one. The other thing about the money people have said oh the minute we get a commitment we are going to stop fund raising. I'm going to put it point blank that is ludicrous. We have spent the last year raising private money quietly because that is the way you start with a project like this. We had a plan that we put together in the beginning. As of now with the Co-op money and Provident money with private donations you know about the Bartley's and Hoyt's we have now raised 1.7 million. I am pleased to tell you tonight that within the last three weeks since the meeting we have raised another \$36,000 including a \$25,000 commitment from the Newburyport Five Cent Savings Bank they are not even in Amesbury but, they are committed to this project. I was told I could announce it tonight. Your approval last time gave us the ammunition to go out to people and say lets keep this fund raising going. If this slows down for any serious amount of time a lot of people, and some have already started saying to us, we don't know if this is going to pass we are not going to give any money. Some of you may think that people will just give hand out the money they won't. This has been hard work for the good people who have been trying to raise money. We will continue and we already have a plan to go out to the public, we are already talking about; and the architects don't even know this yet and it is not necessarily going to be this item. But we are already talking about the possible sale of bricks, which can be inscribed. The fund raising committee is discussing it, we haven't brought it to the building committee yet, that may be one approach. We are working on plans, we are going out to raise money, we will not stop. We will raise all the money we need to raise to make this project viable. I would say to you if you look at all the other projects in town that were major undertakings you will not find that anyone else did this kind of major fund raising. We committed ourselves to this in the beginning and we will follow it through. We are willing to answer any questions if there are any. Obviously I urge you to pass it but, I know you want to deal with the financial issues. We will be patient and in the end we will abide by anything you decide. We think this is so important to the community. We urge you to go ahead and try and pass it.

Councilor Pinierio – You bought the piece of property next door for the addition of the building.

Marc Lankin – The town did.

Councilor Pinierio – Who paid for it and where did the money come from?

Marc Lankin – The town took out a short term note.

Councilor Pinierio – Who authorized that loan?

Marc Lankin – That was authorized by the previous administration I believe and the Council.

Councilor Pinierio – I talked to you last week as you call the stack, the first floor that was part of the original building.

Marc Lankin – The entire exterior and I want to correct people who have it wrong and I have already done that when they call to talk to me; the entire exterior of that building was part of the original building. If you look at the history that Roland Woodwell wrote of the library, he made it quite clear that even when it was built, the building was an odd duck in the neighborhood. There were a bunch of early 19th century houses and they plunked this beautiful Romanesque building down in a neighborhood that was really somewhat out of place. He went on to say that the architect put the stack wing in a narrow little design in the back of the building because the neighborhood was crowded and they did not want you to know that was there. They wanted you to believe that the entire library was the front of the building. They used inferior brick on two sides of the stack building; they didn't finish off many details on the rear. It was not meant to be a serious major part of what you would see as the library. Does that reduce its historic significance, no. The MHC looked at that and said yes you are doing some historic damage to the nature of the building but, when they looked at it they said they understand why you have no choice as Pamela Hawks expressed. There was no other viable alternative and so they said it is ok. They asked us to do a number of things; we are going to take the vestibule area, it is out side the offices in back of circulation, the beautiful wood paneling is all going to be removed, the addition would be put on and the vestibule wood would be put back in place and become the new transition between the old part of the building to the new part. We are going to do displays on how it originally looked. We are going to document the entire demolition if we have to. We are committed to this building and we have been right along.

Councilor Pinierio – All the people want to know how much it is going to cost to demolish that stack.

Marc Lankin - \$47,000

Councilor Pinierio – Why can't you gut that building and make the floors level with the existing and then do the addition from there.

Unknown person in the audience addresses the window as part of the reason. Can not hear entire comment on tape.

Councilor Pinierio – Why can't you take off the second and third floor and leave the first floor and go from there?

Unknown person in the audience makes comment about cost.

Councilor Pinierio – Have you looked into that to see what it would cost to do all that because most people want to save that stack. At the finance meeting, the flat roof, New England is not a flat roof people. Why can't you do like Mr. Greaney said put something there so that the water can go down and stuff. I mean the design of that there doesn't do any good to the front of the building. I think if you can keep the stack there or at least part of it and gut it and maybe put the floors level with the front part of the building.

Unknown person in audience makes comment about cost.

Councilor Pinierio – Does anybody know how much it would cost to preserve that part of the building, has anybody looked into it?

Marc Lankin – That is part of the answer again we get back to the fact we are using state money for this project. This library has to be a viable building or the state will not give us that money. We need to build a certain amount of program space into this building or else we are not acceptable. We are not building for a twenty year horizon. We looked at that they looked at it, the other Architects looked at it. If you will notice at the design, the new part on the wing in the rear starts flush with the original building and goes out way beyond it because we needed a certain amount of square footage in order to meet that program. The stack wing is so small and narrow that by trying to stare there we not only loose a lot of square footage that can't be replaced, we also end up with a situation where we have a foundation that cannot handle book loading as was mentioned earlier. There were so many problems inherent in dealing with this stack wing. In the end we had to look at it as something that had to be let go in order to preserve the beauty of the original and build a modern library that can work for this community. That is our mandate in the end is to try and bring this community a library that can function for it. We are trying to at the same time preserve the beauty of the original building.

Councilor Pinierio – You are saying that this building is not strong enough to stack new books; well why don't you put the conference room there and in the new section put the book stacks. Change things around a little bit.

Mar Lankin – It is so narrow it is virtually useless for any modern function simply because just to meet handicapped accessibility requirements it has to have the ability to handle certain wide isles and if you start putting those in there, there is no space left.

Councilor Pinierio – Ya but, you are going to use that stack area as a conference room. From what I see in the plans you are going to have the conference room in the new addition part. Well in the new addition part why don't you put the stacking over there and the conference room over here because you are saying that the stack is not strong enough to hold it. I mean I am not a contractor but looking what they have done to the millyard. Why can't we do similar things over there?

Marc Lankin – Again, if you are trying to create a footprint that can handle the entirety of the program; which has to be at least 25,000 square feet based on the study that was done five years ago, there is no way of using that stack wing and attaching anything to it. We then have to deal with the parking issue, parking already is a situation. We have to make sure we don't loose much parking. We have to put a wing over into the property that was purchased and there is only so much we can go out that way before start creating a building that is inefficient, will cost more to run and will require more staff. If you look at the interior of this building we have created a tight efficient building that can work with yes more staff but, a minimum number of more staff to make it work properly. This is not one piece that can be separated out and say we are going to save this and build around it. It won't work.

Councilor Benson – It seems to me that logically, if we were to keep the stack wing that it couldn't be two floors because if you were to raise the second floor 7' you would be in the middle of the windows and there is not a lot of head room up there. I don't think if we were to look at saving the stack wing it could be a two floor wing. There is just not enough room, if you take 7' feet out and lose all the second floor windows it kind of defeats the purpose of trying to save it for esthetic reasons.

Marc Lankin – When we meet with local and state historic commissions we will start looking at ways that we can address this issue to try and preserve something. There have been suggestions from members of the historic commission, I don't know if they are feasible or not we will have to look at them again. We are committed to making this a building the town can be proud of and we always have been. I think the sacrifice of the stack wing and I am not minimizing it; is the price that must be paid to create a viable library. We will go through that with them, we will cover it. If someone can somehow prove that we are wrong we would certainly look at it. We are on such a limited site and the constraints were so limiting in the beginning that trying to find a library that allowed the original building to shine up front because the original design had a massive structure next to it with a huge gable roof. We were told by the historic people and the design people that it was overwhelming the original building. We pulled it back and lowered the roof. We can make some modifications but, this stack wing issue that in the end if it can not be agreed to, unless there is some miracle out there, it could kill the project quite honestly. There is no sense in playing games, it is not threats it is just the reality of it. Unless we have viability and we can build a library that meets the standards and can serve the community then the money truly will be wasted.

Greg Noyce, Clarks Road – I think it is clear that the Library Trustee have done a tremendous job they have been working on this for a long time. It is clear that Marc has done his due diligence and really he understands the project comprehensively and to try to redesign it is probably impossibility. The problem that we as a community face I think is we have limited resources. We are so close to the levy cap, if we vote for the library we are making a decision not to finance something else. My concern is, I don't know what we are not going to finance. If for example we have to layoff four police, I am fine with that. If we have to layoff some firefighters, I am fine with that. But, if we have to eviscerate the school program then I am not fine with that. I would like to ask the city council to do their due diligence and find out what exactly we have to sacrifice in order to be able to afford the library.

Anthony Iacobucci, 8 Andrews Lane – I ask the council to defer voting on funding until there is a capital improvement plan, just for the same reason that he just said. I don't know what else is coming. I am raising children in this town and I want there to be an awesome library and I want there to be an awesome high school and I want awesome cruisers and I want there to be fire hydrants that work and I don't know what is coming. I don't feel comfortable with this going ahead right now but only for that reason. But I tell you I would love to be able to walk my children downtown and go to a totally awesome library and see it and sit there and enjoy it and go to meetings. I know that in my life I can't get everything I want. I have to prioritize and get what is right and what I need, so that is what I do. I think we have to do the same thing.

John Monroe, 13 Ridgemere Way – I want to bring the perspective of a newcomer. I hope you support and pass the funding for the library expansion. My day job is with the National Parks service, my freelance work is with Main Street communities. The common thing in all that work is helping communities make decisions about public open space. So let me talk about the building from the outside because there has been some criticism about the plan and how that functions. My observation from having worked in a number of communities is that when I come up to that building what that building is telling me now is that you don't really care about the public face that you are putting out for someone coming to the back of that building. The stack wing was not built to be

welcoming and it isn't. You come around a prefab shed and you go up a long ramp. I love the library but it doesn't make me feel comfortable going in there. You're putting your face out to the community and visitors and I think a plan like this brings life to the back side of the building, brings people in and we have already heard about how the inside of a library can function as a gathering place. I would like you to consider all the work you are putting into Amesbury to make it a more attractive place from the sidewalk for people who live here that this plan is a big step forward to make that space behind the library become a lively place, a place where people want to go so you have pedestrians moving all around the community.

Paula Pelletier, 117 Market Street – I'm not for it and I am not against it. My biggest concern, I have lived in Amesbury all my life I'm 57 years old, I love Amesbury. I've been in that library when I was a kid; I have been in that library when I was an adult. My pocketbook tells me I can not afford anymore taxes. We went to the Middle School, we went to the High School now we are going to the Library; what about the roads. I've walked on sidewalks for 50 years that have never been done. Is anybody addressing that? The water, the water has gone up, my electricity has gone up, my cable has gone up, I can't afford any more. I want to know what I'm going to get for my money and I'm not getting anything anymore. Your talking about the trash in 2008 your going to take it away, pay as you throw. How much more are we going to pay? We used to have our leaves picked up; we don't even do that anymore. What happened to the average person like my self? I want to know what is coming down the line. I have heard talk about another school being done. What are you going to do, drop that in my lap again? How much can Amesbury afford? Alright we have a lot of new people in here, fine for you but, what about the old people? I thought I was going to retire in Amesbury and keep my house but, I don't believe that is going to be. I'm looking at about 2 ½ years and I'm going to have to say good bye to the town that I love. Please reconsider all of this. What is coming down the road for the rest of us? I can't afford anymore and I am not the only one. They are just afraid to get up and say anything. I was too but I can't help it. If I can't afford it, I don't buy it. Someone said bite the bullet, well I am biting the bullet I can afford any more taxes. Please just think about it for me and for all the others who don't dare come up here and speak.

Marc Deschenes – I would like to bring up the CIP. It is really starting to bother me that we don't have one. It is obviously a great concern. We don't know what projects are next. I heard Mike Basque at the Finance Committee say that by making that recommendation the finance was making that a priority. I think that is a problem for me because that would mean that it was being compared. When projects come one at a time they are being compared to nothing but it self. The library people have done a great job and I wish we could get Marc on the Finance committee and I'm not kidding. I am going to leave you with this document. I would like to read just a little bit. Under part 1 it has directions for implementing a CIP. I can't stress this enough, our administration is in violation of our town charter and we hear nothing from you folks who represent us the citizens. It has increased the level of distress and anxiety in my house and not just my house. Lacking this CIP we have no idea of knowing what is coming next. Not too long ago we had Jeff Mason, the director of the drinking water plant he was pointing to a tree so they are going to come to us in the not to distant future and say well you need to drink water don't you. We need x number of dollars to do this. That is no way to plan for capital improvements. It is in direct violation of our town charter, we need to get this and start taking care of business properly. This pulling one project out of a hat that is not priorities does not work. That document that Mike Basque gave you guys tonight is not a CIP. It is a thrown together piece of documentation; take it for what it is worth. Step #1 Adopt a CIP bylaw and appoint a CIP committee. Do we have a CIP committee? Prepare an inventory of existing facilities. Determine the status of pre-approved projects. Assess the town's financial capacity. Solicit, compile and evaluate project requests, establish project priority. Develop a CIP financing plan, adopt a CIP, monitor approve projects, update Capitol programs. It gives you an appendix that has all kinds of wonderful information. I want this issue to go back to the Finance Committee. I don't like to even use Finance

Committee when referring to the past meeting; it was used as a public hearing. I think that is detrimental to the task at hand when discussing finances. Things were way off kilter in terms of dealing with finances. We have the CFO shouting the percentage of the town's obligation in terms of benefits from the back of the room. It is mind boggling how we are doing business in this community. I think we need to take a look at this document. There are no excuses; it is something that should be done every year. None of our representatives have done anything about it, not one thing. So what do we have to do? Does the ATA have to file a lawsuit or something to get this information? What do we have to do? What is this council prepared to do? Mr. Chandler proposed an ordinance that asked for the budgets to come back and I would like to ask the liaisons for the different departments, are they creating that?

Councilor Pinierio – I haven't heard from my committee.

Marc Deschenes – Has any of the liaisons heard from their committee? Are they putting together the requests that you folks made in our name?

Councilor King – You can ask the Mayor.

Marc Deschenes – So the liaisons don't know.

Councilor King – Our job as a liaison is to go in and to work with and find out about the departments. It is not our job to go in and direct the budgeting process. We have not received – I believe if you look at the budget cycle, the budgets were turned into the mayor. They were discussed with the different departments, the Mayor has the budgets at this time and they are working at cutting. We have not seen the completed budget; we will not get that until May 1st.

Marc Deschenes – OK, if by chance we do not see the cuts proposed; I am going to ask a what if question. What is this body that represents the town's people of Amesbury going to do about it?

President McMilleon – Marc hold on. The comment period that we're having now is specifically for the 3.6 million dollar thing. What you are doing is turning this into an inquisition.

Marc Deschenes – I'm trying not to.

President McMilleon – Right, but you are. I don't mind if you make comments about the library and you concerns about the finances and all that but, badgering this committee, this council about whether or not we have a CIP and what we are going to do about it and all of that.....

Marc Deschenes – We this administration is in violation of our charter.

President McMilleon – I understand that, you are right. No one is denying that OK. This is not a discussion right now; we do not have before us that issue. That is all I'm saying

Marc Deschenes – OK so just having made that statement I would ask that this council consider sending this issue back to the Finance Committee.

Councilor Larnard – Marc I just wanted to comment on what you just said. The CIP that the Mayor presented us was never intended to be a complete CIP. Joe and I had discussed over the phone as Council President and VP that we thought it was a legitimate request that came out of the Finance Committee to have a CIP. So both of us spoke to the Mayor and said can you get us something, so we can have something in front of us so we can see that there is not some crisis that is going to pop

out. He said there is no way that you can put together something that quickly. I said I know, I don't want a complete CIP but, if you just give us some ideas.

Marc Deschenes – I want a CIP.

Councilor Larnard – Absolutely, but, as far as trying to get it for this meeting. What he gave us tonight was never intended to be a complete CIP. That is why he has a cover letter that he was putting stuff together but in no means was a complete package. I don't know if it was a good idea or not that we asked the Mayor. Maybe it would have been better for him to work on it and do a complete one.

Marc Deschenes – I want to make sure the reporters have it right and I don't want it reported that we have a CIP. We don't. Do you understand how frustrated I am?

Mike Greaney – At the present time if you ride around town you will see the streets are in deplorable condition. We have a lot of infrastructure that we are working on and along with that we have recently, hired a new Superintendent of Utilities. I think in his long range plan he wants to take care of some of the secondary streets, put them back into shape, sidewalks. Some with a bond issue, some with the budget issue but, also to do this....they have a loader in DPW 15 years old, they will need a new loader if they are going to do all the work that this gentleman wants to do and update and make Amesbury more presentable. A hydrant on Pond Street with a plastic bag on it for three years. They couldn't take the time to pull it out of the ground; it's not in use. These are the things that upset me. I look at the school and we have a new library going into the school. I think the High School kids will be using that library which will probably take a little strain off this library. I have called the Chairman of the Building Committee on the new high school to get information on cost factor for the last four or six weeks. I called him yesterday and I still don't have anything. All I get is smoke screens. The contract has been let out for the high school; I don't know who the contractor is. Can anyone tell me what the low bid was on the high school? Do any of the taxpayers know what the high school is for the low bid? We have these programs going on starting in the Mayors office and right across the board, we have these projects on the books. We have bonds being, we try to get answers. Why doesn't the Mayor put it in the papers the cost of this school?

President McMilleon – Again, I want to come back to the issue. We are talking about schools, streets...

Mike Greaney – Well I am talking about finances to support the school, where are we going to get....if we spend 3.6 million where are we going to get the money to repair the streets, sidewalks and all this other stuff. I think this 3.6 million has to be put on the burner for a while until we get an understanding as to what our costs are going to be on the budgets and everything else before we commit our selves. I think this project will go but at the same time let's wait a little bit until we see how deep the hole is going to be dug here.

Chris York, 13 Warren Avenue – I want to say thank you to Councilor Larnard for responding to a letter that I mailed out to each Councilor, she was the only one who responded. I want to say that logically speaking something needs to be done that wasn't. I want a library; my kids use it three times a week. My wife goes in there all the time with them. I think that this appropriation needs to go back to the Finance Committee. The Finance Committee needs to look at number and not a project. They need to figure out what all the other projects are that need to be addressed in this Town and figure out whether or not we can appropriate 3.6 million for the Library because that was not done.

John Maynard, Stuart Street – I glad to see people turn out for both sides, and they can coincide despite of what some people think. I think that if we have time to kick this back to the Finance Committee and look it over again, I think that would be a good idea.

Councilor Benson – I move that we refer this back to the Finance Committee and wait until we receive a full CIP.

Councilor Lawrence – I would like to second that. I want to thank everyone for showing up here tonight. I look forward to seeing a CIP with real numbers because I want to know what is in our future. We can't plan any projects until we get a real CIP.

Councilor Larnard – I think a couple of different things got brought out. One of the comments was about...at the last Finance Committee meeting, some of the people said it didn't feel like a Finance meeting, that things got too emotional. I think people need to understand that when we had that Finance Committee meeting that was also the public hearing. People that came to that public hearing had every right to discuss what ever aspect of the project that they felt like discussing. If they wanted to discuss what they library meant to them or what they saw as the need for the library or the services that the library provided to them, access or safety they had every right, that was the public hearing. There wasn't a good guy or bad guy; everyone had a legitimate right to say whatever they felt like saying. We have since realized that that may not be the best way for the town to set this up where you have a public hearing at the finance. Councilor McMilleon has proposed later on in the agenda to separate that out. I do feel that when the recommendation was made to pass this, President McMilleon; the last thing he said before we voted on this was "We are voting to recommend this because we feel strongly that this project is important to the Town of Amesbury but we are certainly going to feel free to ask for additional financial documentation and to see that". That was when we took the vote. When I took that vote I was saying, yes this is an important project and yes there are also some financial documents that we can look at.

Councilor King – I would like to respond briefly to Mr. McClure and some of the statements he made and I feel are very unfair assessment of myself and my family. Do you feel this is inappropriate?

Councilor Lawrence – We are taking a vote on something.

Councilor King – I guess he made comments about the Finance Committee and about my participation in it and I feel I need an opportunity to respond.

President McMilleon – We are in session now and the councilors have been quietly listening to all of the comments that have been made and I think that is great. As I said earlier, a lot of important comments from various sides of this issue. We are in a council meeting right now; the Councilor has a right to make a comment. Sir please restrain your self or please leave the auditorium, we gave you the courtesy of listening to you.

Councilor King – I just briefly wanted to respond to a few of the comments. First, I just wanted to state for everybody here in my district I put a great deal of thought in the decision making I came into supporting this project. I feel there have been comments made that no financial information was addressed and I take exception to that. I feel that all the members of this council had financial information. Maybe not every piece but we all made decisions on very sound financial information that we had. Regarding comments from seniors that we were driving people out of town; I understand that it is a very high property tax burden here but, there are mechanisms in place. There is a senior tax deferral which allows seniors or folks over 65 to defer their taxes every year until the home is sold or until the person passes. One benefit is that we all.....I will stop. I feel as Councilor I was very

respectful, I listened to your comments and I think it is really unfortunate and very discouraging to me to sit here, to be attacked and then to have disrespect shown my way. I am very disappointed in this. I have nothing else to say.

Councilor Chandler – I thought I wanted to make some comments because this is obviously an emotional subject. First, I see a good library as a keystone to the community. I think it is very essential to the community. I think we desperately need the library and the renovation and the expansion. Broad support for that is evident, I don't want a huge delay as I think Marc has mentioned but, I do want a delay until I can see how successful the administration is going to be to giving us budgets that are reduced. As this is a high priority, prioritization means ranking. I want to know what items the administration sees as ranked lower than this and what items we see ranked lower than this that we can cut to make room for the library expansion. I truly hope that we are going to see budgets come in that show us that reduction and will allow us to vote for that library. One of the proponents of the library said, we will have to figure out ways to tighten our belts; well yes we don't figure those ways after the fact, we figure them before. That is what we want to see before we vote for the library which, I truly pray we do.

President McMilleon – I have something I would like to read because I have heard about this and been listening and read a lot of comments in the newspaper, I have listened to a lot of comments tonight. As I said earlier this is a very emotional issue, people feel very strongly on both sides but, if we can't in this room and in this community be civil to one another when we come up against these difficult issues and decisions then it is a poor state of affairs in this community. The municipal council is an elected representative body according to the charter; which is approved by the voters of this community. The council decided over two years ago that the finance committee would consist as the council as a whole. The primary reason for this decision which by the way was unanimous by the then council was to assure that the entire council participated in and received all the information on financial matters. Another critical aspect of this process is that when the finance committee votes a recommendation and I emphasize a recommendation, that decision is not final unless it is endorsed by a majority of the council at a formal municipal council meeting. In the case of the library bond, this will need a two thirds approval by the council. Incidentally, there have been a number of finance issues that were recommended by the finance committee and then were not approved by the council at its regular council meeting. The finance committee structure can be changed in many ways for example only three members of the council with two or four residents but, the impact would be the same. Recommendations would still need to be voted on by the entire council at their formal municipal council meeting. The council has always believed that it is essential that all councilors participate and be fully informed regarding financial matters especially significant projects like the library renovation. That is why we have the current structure and process that is in place. I might add the way that the finance committee conducts meetings allows for full participation of all Amesbury residents in the process. At the finance committee meetings all residents are fully included in making comments, asking pertinent questions and providing any additional information for ideas. In fact at our municipal council meeting on April 13th I will be introducing a rule change that provides for the public hearing on finance issues to take place on the same night as the council meeting rather than during the finance meeting. This will allow an added opportunity to make more timely and current comments concerning financial issues that come before us. In Amesbury we are no longer under a town meeting form of government. Amesbury voted to have a representative form of government that is elected by the residents. We are given the responsibility to make the final and difficult decisions, not only on finances but a host of other issues that come before us. We try to do this in an open, fair and sensible way. If residents are unhappy or disagree with this form of government there are mechanisms in place to change the system thru charter revision. In regard to other comments that were made regarding the need to see the FY05 budget and the CIP prior to too recommending passage of the library bond I offer a few comments. During the discussion on the library renovation the issue was not

the 2005 budget, if this bond is approved the Chief Financial Officer clearly stated that the first payment would most likely not happen until 2007 or 2006 at the earliest. He also informed us that the cost for the first year would be about \$85,000 which represents about 10% on the tax rate. In addition Mr. Basque made it abundantly clear that by eventually approving the library renovation, this project would automatically become a top priority in the CIP. Other items on the plan, what ever they may be, a new fire station, a police station or school would take a position on the list in relation to the library decision. The CIP is simply a formalized wish list and a strategy on what we hope or would like to do over the next five to ten years. It certainly is not etched in stone. The significant difference and financial soundness of committing to the library renovation is five fold. This project has a 2.5 million dollar commitment for state aid. Two million dollars in private donations will be raised. Time limits exist on these resources being available to our community. The library has not been updated in over 100 years. This project will positively impact every aspect and every resident in our community. What other project reflects or even comes close to being as financially beneficial as this project. I know my support and support from other councilors for this project is based not only on the fact that it is necessary and good for the community but, also because it makes financial sound sense. I want to refer also and I'm not going to make further comments on the CIP but, I have here the last CIP that we had in this community it is from 2000 to 2005, in this plan is the library. They estimated back then that that project would be five million dollars in costs. We are now down to 3.6 million dollars and that is because they aggressively went out and raised funds and aggressively went out and got state aid for this project. There are other things in here that they talk about, our debt service being 8 to 10% each year. Our debt service percentage right now of our operating budget is around 6% and if you back out water and sewer it is around 3 1/2 %. We are well within our means, we are way below, we are doing better than what this plan projected. When we get this CIP, and I am not saying we shouldn't have it, I think we should, we need it and we are ordered to have it by the charter. But the fact of the matter is, that that plan is only a plan, it is only a guide. It is something that we can look at, these are projects that we hope to do, and we don't have to do them. Not all of these plans were completed and I'm sure when we come up with another CIP for five years all of those projects are not going to be completed either. I just wanted people to think about that, we have been talking about a lot of issues, the FY05 budget, the CIP we have been talking about everything. If you look at this project just on its merits there isn't another project that this town has done or is planning to do or is thinking about doing that they have done in the past that has been as good as this plan that is coming before us tonight. With all of the work over the last 5 to 7 years that we have done on this, I just ask that people think about that. I'm all in favor of getting more information but I really plead with this community to support this project and find a way to fund it because it is one of the best projects that has come before this council and this community and one of the best funded projects that we have seen ever.

Voted 6 – Yes, 3 NO (King, Headley and Woodsom)

Five minute recess 10:30 – 10:40

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

President McMilleon – reads into the record

Orlando Pacheco – The HOME consortium is 30 cities and towns in Essex County that receive a block grant of funding from the housing investment partnership program from HUD. Amesbury received last year \$68,086 of which \$64,682 goes to the creation and assistance of affordable housing and maintenance of housing for people who meet certain income guidelines. \$3,404 is

actually dedicated to the administration of it. The councils vote is to allow Amesbury to continue to be a part of the consortium.

Councilor Chandler – Are we already in this consortium?

Orlando Pacheco – Yes, we are. It is administered by Jenny Raitt in the community development office.

Councilor Chandler – Is there a cost to being involved in it.

Orlando Pacheco – NO

Councilor Pinierio – How long have we been in this program?

Orlando Pacheco – I'm not sure, we have to do this every year. I'm sure we have been in it for quite some time now.

Councilor Pinierio – Is that like when somebody needs to update their electrical?

Orland Pacheco – Sometimes, it is not that open ended. There are a number of different programs, some for rehab, some for de-leading, and some for septic issues.

Councilor Pinierio – But this grant, their going to use it at the train station?

Orlando Pacheco – They already used it for that.

Councilor Benson – I would like to approve 2004-36 as submitted.

Councilor Larnard – second.

Voted – Unanimous

PUBLIC HEARINGS

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

President McMilleon – reads 2004-13 into the record

Jane Snow, Fern Avenue – I have a lot at Mt. Prospect cemetery. For a long time I worked with the council to try and have it changed that we don't have animals in the cemetery. Back in October the ordinance 2003-85 was sponsored by Councilor Brooks and was passed and it states that the cemetery hours are from dawn to dusk, that it doesn't allow trespassing after sundown, would not allow motorcycles, mini bikes, snowmobiles, ATV's or animals in the cemetery. That ordinance was passed but unfortunately no fine was attached to it so that is what Councilor Pinierio has been nice enough to put forward with his 2004-13 proposal; to attach a fine. I wanted to clarify to people that that original piece of not allowing dogs in the cemetery had passed.

Mark Deschenes – I support Jane Snow and her efforts.

Pam Fenner, 8 Winkley Street - I think this is trying to legislate good manners. I don't want to see an ordinance passed for the few that make it miserable for the 97% of the population. I am not part of the

neighborhood where this has become a problem. I live near the Bartlett Cemetery and Union and have really enjoyed walking my dog through those cemeteries. I feel more protected with my dog when walking alone. I have been really impressed with the commitment of the neighborhood to really monitor the cemetery and to be aggressive of watching people who come in from out of state or people from out of town who come in and bring their dogs. After the meeting at the Amesbury Hospital I thought we were in agreement that we would like to give Ms. Snow time to think about the proposal that the neighborhood had ventured to table this until the autumn and have better signage in the cemeteries. Perhaps even have doggie bags available. To see if in combination with the neighborhood that is committed to seeing that people would keep their dogs on the leashes would work. If it doesn't by October to then come up with a fine that might be appropriate but, to give it a chance to see if that would work. At the time we left our meeting I don't believe anyone said there was going to be another ordinance meeting, otherwise some of us might have come to that. Ms. Snow is going to have a couple of weeks to think it over and see whether or not it might work for her.

Roger Deschenes – Mrs. Fenner, very well spoken. I was prepared to come up here to say dogs should not be in the cemeteries on or off leash. I think there might be some mid ground. As a former dog owner I know the pleasure of walking my dog. This point out the very value open space has in this community and that cemeteries aren't for all people the same thing. For some it is where we intern our beloved and for others it sort of functions as a park. I think there might be some mid ground. Dogs obviously need to be on their leashes, dog owners need to be responsible. I know that somebody has taken pictures at Mt. Prospect cemetery and that the dog officer couldn't use those. This might be useful, to tie into what Ms. Fenner was saying about community policing. Why can't we use those photographs? Certainly if there is some mid ground I think it is worth discussing more. I think we all agree that cemeteries are sacred ground and that needs to be honored. Perhaps dogs need to be restricted to roadways or pathways and never be off leash.

Pam Fenner – I understood from the ordinance meeting that apparently the dog officer has to actually witness. The chances of the dog officer, given her limited time on Amesbury business let alone be at a particular cemetery when a dog is doing its business is not going to happen. One of the things that the neighborhood had requested was the ability to be deputized by the dog officer so that when they are trying to do their police work or dog officer work or watching the cemetery, they are the ones that are likely to see these things happen.

Marc Deschenes – Do we have an ordinance on the books that addresses these issues?

Councilor Pinierio – Yes, but there is no fine to it.

Marc Deschenes – So they are not supposed to be there.

Councilor Pinierio – That cemetery was turned over to the town in 1962 from the trust. I went back and searched and got a copy from the courts in Salem. There is \$100,000 in that trust, \$14,000 we can spend for the upkeep of that cemetery that goes thru DPW. There is a by-law.....

Councilor Benson – I don't believe that this is a law, this is a sign. This is an ordinance to establish signage for town owned cemeteries. We put up a sign that said dogs are not allowed in the cemetery. However, we did not do what Councilor Pinierio is doing to amend the by-law to reflect the fact that dogs are not allowed in the cemetery. We did this incorrectly; we just made signs with out passing laws. There is no law on the books that says dogs are not allowed in the cemeteries. We passed an order to put up a sign.

Councilor Pinierio – There is an ordinance in the by-law, it says public way, public area and the cemetery is a public area.

Councilor Benson – So that means that they can't be anywhere in town.

President McMilleon – I'm going to close the hearing and come back in.

Councilor Pinierio – I wanted to amend or add to the one that I already have, can I do that. It is 25-16 Each person who owns, keeps or controls a dog within the town shall remove and dispose of any fetus left by such dog on any sidewalk, street, park or other public areas or on any private property which is not owned or occupied by such person. B – No person who owns, keeps or controls a dog within the town shall permit such dog to be on any sidewalk, street, park or public area unless that dog is accompanied by a person carrying a device which is suitable for picking up and containing fetus. If it continues on not so much in the cemetery but even in Woodsom Farm, these kids are down at the soccer fields and there are dogs running around where they have the nets for the soccer field. I have talked to some people and it is going to become a health hazard. If some of these kids slip and fall and they put their face in that they can get a disease. People, even when I went down that day when they picked up, I had these by-laws and people just threw them on the ground, we don't care about the by-laws.

President McMilleon – I think what we need to do is to send this back to ordinance. We need to get a clean copy of what it is you want to pass.

Councilor Lawrence – Can you just tell us what your 2004-13 is?

Councilor Pinierio – It is about people not picking up the waste from their dogs.

Councilor Lawrence – So this has nothing to do with banning dogs.

Councilor Pinierio – This is all part of it. You go down to Collins St. park and it is a disgrace. Those kids over there can't even play in the park. I spoke to a couple of people and they said it is my park, I can do what I want.

Councilor Woodsom – 2004-13 addresses cemeteries specifically, is there an updated copy of this. You are trying to assign a fine to the by-law not just the cemetery think that you put bill in for.

Councilor Pinierio – It is going to be for the bill.

Councilor Woodsom – So you are trying to assign a fine to the cemetery sign that we put up last year.

Councilor Pinierio – They said they were going to put the signs at the riverwalk and at Woodsom Farm and some of the parks. Collins Street park has a sign, no dogs allowed but there is no fine that goes along with it, so people just don't care. The dog officer feels that if she puts a fine on to it and hits people in the pocket maybe some people will be more responsible.

Councilor Benson – This obviously needs to go back to ordinance committee and come back with something clean; that is my motion.

Councilor Chandler – second

Councilor King – I brought this up at the Ordinance Committee and Bonni and I were talking about this. Are you sending this back to the ordinance for us to re-write something because that is not the purview of the ordinance committee. Councilor Pinierio needs to write it up and give it to the ordinance committee and we will review it. It is not part of our scope to be writing documents like that.

Councilor Benson – Well then change the scope because we have been doing that for years.

Bonnijo Kitchin – Mario has just brought up two other subjects that aren't on this so he has to specify and put it into writing.

Councilor Woodsom – I just want to point out real quick that these are three separate issues and I just want to make sure it is clear. I would approve putting a fine to the leash law however; I would not approve putting a fine to this cemetery pet ban which I didn't support in the first place. These are two very separate issues and I don't know if they should be put together on the same bill.

President McMilleon – That is why we have to work out the clarity of the language and the clarity of exactly what is being proposed which we don't have right now.

Voted – Unanimous

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

President McMilleon – reads 2004-18 into the record and opens the public hearing.

Pam Fenner – I am in favor of keeping it a 3 person board. It is difficult finding qualified people and the difficulty in paying for the education and helping them get up to speed over a number of years. One of the things that he reminded us was the fact that he felt that by being the Assessor and also by being on the board at the same time was an uncomfortable position for him and that now that there was a new person in place as Assessor and now that Henry was on the board that there was this split in function. The Assessors job would be to present the facts of a particular case and the board would then deal with the appeals separately. Henry felt that it was a good idea not to have necessarily restricting it to people within Amesbury. Sometimes it is better for people on that board to be outside of Amesbury where there isn't any perceived conflict of interest. I would like to give the new Assessor a chance to see if this situation can work the way it is. Keep the number at 3 and let the Assessor get going and make some recommendations based on the work after a year or so.

Chris York, Warren Ave. – I would like to say that adding new members to this would be a good thing. Personally speaking I can give you a good example. I filed for abatements the last few years, last year I was completely ignored. I tried to be proactive with the Assessor and tried to arrange my schedule so I could meet him at my house. He never showed up. I called a couple times, he never got back to me. I finally received a denial letter in the mail so I paid my taxes. This year with the new assessor, I filed an abatement again same thing as last year. She came out to the house and she said yes you bring up some valid points you are absolutely right. Your house is wrongly assessed. Mind you it is opinionated it is her opinion verses Henry's because the assessing practice is not a science it is opinions. My problem is I paid the taxes the last two years and that is money that I can ask for to come back to me. It is a couple thousand dollars which would do me and my family a decent justice. The new Assessor approached the board and asked for this money back and this was denied by Henry. I think that the money was wrongly taken from me in the first place, it is owed to me. I think that a few more people on this board would do the tax payers a justice.

Councilor Benson – We had an Ordinance committee meeting on this and the new Assessor got up and spoke not in favor or against she asked if she could be given some time before we did this. I am going to ask the Council table this until September.

Councilor Pinierio – second

Councilor Larnard – I am just wondering why the date at the end of the summer, is that something the Assessor said?

Councilor Benson – She said about 3 to 6 months and sometimes we don't meet in August.

President McMilleon – We will close the public hearing.

Voted – Unanimous

2004-22 Amend Amesbury Zoning By-Law Section XI.H Planned Unit Development (PUD) by special permit – Mayor Hildt sponsor – cont.

President McMilleon – reads 2004-22 into the record and opens the public hearing.

Nipun Jain, Town Planner – I want to state how we got into the zoning amendment. We have been trying to promote flexible was to promote development in the town. One of the mechanisms is PUD. We had an opportunity to look at the by-law more closely we found that there were some clarifications that needed to be made so that the by-law was much easier to use. Based on that you see an amended by-law. What I handed out was some clarification that I believe will make the objective of the proposed amendment much better. If you look at what I have done in section 13.c is added Section 20 and that illustrates what particular section of the chapter 40 was intended. Likewise in section 14 it has just been broken down into 14.1 and 14.2 which is separating the uses and the applicability. So these are some clarifications that you see on the sheet before you. What you see in 14.1a is clearly specifies where do we mean residential CBD, ICZD & R8 and in Business it is in CBD & ICZD because R8 is residential district and we do not want to have conflict in residential neighborhood by having businesses in that district. Similarly in section 15 we wanted to clarify expansion of existing building in CBD & ICZD. In R8 the minimum lot area shall be one acre to facilitate only development that is in keeping with the neighborhood and not have development to would increase traffic in a residential area. Section 16B is the last line has been broken, it was a long line if you look at the 3rd line in the paragraph there is a break and it says Public benefits that would be considered by the Planning Board are as follows: it was one full line so we made that clarification.

Councilor Pinierio – Section 15 it says R8 minimum 1 acre lot now I live in a R8 zone. If I wanted to do some expansion to my house I only have 5600 sq ft.

Nipun Jain – You can do expansion under other provisions in the by-law. You can do additions and multi family units. This is only for this zoning provision when you want to do a PUD.

Councilor Pinierio – Are you changing the R8 zoning only because of what is happening up at Spring Hill

Nipun Jain – NO, they are not doing a PUD

Councilor Headley – On this last part on the open space requirements. In other words my interpretation would be that any open space that we now have only 20% of it would be kept open to the public and the town could sell or do what ever else they wanted to do with the rest of it.

Nipun Jain – No, the way it was intended was any open space would be permanent open space the use could not be changed. If it was sold it would still remain open space. So in effect there is no affect on selling or transferring it. That would be a permanent deeded open space forever.

Councilor Headley – I don't understand that at all. I don't think that is clear. It says here public benefits that would be considered by the Planning Board are as follows: deeded public parking, historic preservation restrictions as per MGL 184, public open space for use as park or play ground and a minimum 20% of total units as affordable housing that meet the requirements. That is very confusing.

Nipun Jain – On 16a it explains what open space is which are reserved for permanent active or passive recreational use.

Councilor Headley – But it adds the total units of affordable housing that meet the requirements of chapter 40B can be used in that area.

Nipun Jain – Not in that area it is only in lieu of the 30% open space that is required, 50% open space that is required if a person wants to reduce that because of the limitation of the lot or because he intends to provide these benefits only then he can reduce. The open space it self can not be used for providing these amenities.

Councilor Pinierio – When you say open space that is going up there off Congress Street ok. There is going to be what 13 acres up there of open space with that project. That is going to stay with the development. What your saying...

Nipun Jain – It is not going to stay with the development.

Councilor Pinierio – It is going to stay with those homeowners. No one can ever build anymore houses on there.

Nipun Jain – Yes.

Councilor Chandler – Now it says at least 30% of the land shall be set aside as open space. Now you are amending that to say 50%.

Councilor Lawrence – Nipun we have two different documents, so what we are going to do is refer this back to ordinance committee. Why is this different? If the planning board approved this why are there changes?

Nipun Jain – I am just making recommendations to you here that to clarify this further what was intended if you would like to use these and clarify further. The whole intent of the whole by-law amendment was to clarify the language.

President McMilleon – I would like to see the changes go back to both the planning board and ordinance committee.

Councilor Benson – Ok I will make that motion.

Councilor Lawrence – seconded

President McMilleon – we will close the public hearing.

Voted – Unanimous

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

President McMilleon – reads 2004-23 into the record and opens the public hearing. I believe this is before the planning board.

Councilor Benson – I move that we continue 2004-23 until our May meeting.

Councilor Chandler – second

President McMilleon – closes public hearing

Voted – Unanimous

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

President McMilleon – reads 2004-24 into the record and opens the public hearing. This is still before the planning board also.

Councilor Benson – I move that we continue the public hearing on 2004-24 to our May meeting.

Councilor Chandler – seconded

President McMilleon – closes the public hearing

Voted – Unanimous

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

President McMilleon – reads 2004-31 into the record and opens the public hearing. My understanding of this is that it needs to be approved to go to Rep. Costello and to be filed with the state for permission to add 3 additional licenses.

John Mangan – I serve as chairman on the liquor license commission and I spoke with officials from Mayor Hildt's office and they informed me that they would like to make this request to State Rep. Costello to add 3 licenses. I guess the last time before I was on the commission was back in 1996 when they requested 2 additional all liquor licenses with the things that have occurred in the last few years they would like 3 additional.

President McMilleon – The state has criteria so when Rep. Costello brings that before them they will make a decision whether or not we will be allowed to have 3 additional.

John Mangan – I had a slight concern, I wanted to make sure my self and I can't respond for the other two commissioners; that we were not exceeding on getting too carried away but I have been assured based on the surrounding communities that seem to be on a level playing field.

Councilor Chandler – I think with the new restaurants downtown it is something that we need but, I would like to have a recommendation in there that these go to full service restaurants and not to adult entertainment; put some sort of restriction on it.

President McMilleon – I don't think we can do that.

Councilor Lawrence – Is there anyone in need of these licenses now.

John Mangan – Gavins Restaurant or if someone else had an interest in doing something.

President McMilleon – Do we have any available right now?

John Managan – None available right now.

Councilor Headley – I want to know how many liquor licenses we have in town now.

John Mangan – I have the chart at home, off the top I really don't know.

Councilor Lawrence – We have 14 all alcohol.

Marc Deschenes – I am curious how we go about assigning liquor licenses.

Councilor Pinierio – What happens is a restaurant wants a full liquor license they go to the Donna Motsis and apply. They come in front of the board and the board makes the decision whether or not they want to do it or not, then the application goes to Boston and a background check is done.

Councilor Chandler – If we don't have any open demands right now and we just want these to pocket them for future use that might put us in trouble if we talk about changing the zoning for adult entertainment. If somebody comes in with a proposal for adult entertainment and looks for a liquor license and we have one sitting there we will be hard pressed to stop it.

Councilor Lawrence – That is true but, we need these liquor licenses. I know we have a couple of restaurants lined up – Gavins they will want one.

President McMilleon – the public hearing is now closed do I hear a recommendation.

Councilor Benson – I move for approval of 2004-31 as submitted.

Councilor Lawrence - seconded

Voted – Yes – 7, 1 – No (Headley), 1 - Abstain (Chandler)

NEW BUSINESS

2004-40 An Order to request the Municipal Council to accept a N.E.E.T. Grant in the amount of \$21,000 – Mayor Hildt sponsor

President McMilleon – reads 2004-40 into the record

Councilor Benson – I move we refer 2004-40 to the April 28, 2004 Finance Committee meeting for a public hearing.

Councilor Larnard – second

Voted – Unanimous

2004-42 A Resolution to amend Council Rules 11A, Finance Committee – Councilor Joseph McMilleon sponsor

President McMilleon – reads 2004-42 into the record.

Councilor Benson – I move we refer 2004-42 to the April 28th Finance Committee meeting and hold a public hearing.

President McMilleon – We can pass this tonight, it is only a resolution.

Councilor Benson – Yes, I know. I think we should discuss it in committee.

Discussion continues on 2004-42 unable to transcribe.

President McMilleon – Motion made to refer to the Finance Committee on April 28th and seconded by Councilor Woodsom. The only thing, I would make a comment in regard to this. This is simply a change in the council rules to allow....the Finance Committee would still hold its meetings the way it does now. It would still take comments; it would still make a recommendation. The public hearing for the finance issue that we have before the finance would be held at the regular meeting of the council. So it allows more time for the public to hear what ever the comments are at the Finance meeting and then if we have the public hearing at the Council meeting, if there has been other information discovered prior to that meeting then they will have it at the regular council meeting. I don't really think it needs to be referred to the Finance but, it is a resolution we can pass it tonight.

Councilor Benson – But we don't do that so lets refer it to the Finance Committee.

President McMilleon – What do you mean we don't do what?

Councilor Benson – It has been a practice since this council took office in January. It is in our council rules.

Councilor Pinierio – What is the actual wording of it? Just to see what it says maybe we can do it now or maybe we can't.

President McMilleon – On page 16 of the council rules, under rule 11A it says committee on finances and the second paragraph – the committee shall conduct public hearings on all measures put before it and make written recommendations to the full municipal council before the council votes on the matter. A request will be made to the cable company for public hearing to be televised. My reading if you look at the resolution the committee shall make written recommendations to the full municipal council on all measures referred to the finance before the municipal council conducts the public hearing and votes on the matter. A request will be made to the cable company and continues on.....

Councilor Pinierio – I think it should go down to the Finance Committee.

President McMilleon – That is fine, I am just making the point that; Number 1) We have passed resolutions the first time, resolutions can be passed on the first reading; 2) It is simply a change to open up the opportunity to the public to make comments on the issues before the finance committee that is the only purpose.

Councilor Benson – I agree but, I think there are possibly further ideas and certainly issues to be debated about the finance committee itself and I think it might be good to talk about all those ideas at once. Also, I would rather not vote something in one night even if it is a resolution.

President McMilleon – Ok, any further discussion or comments. The motion is to refer to Finance April 28th and hold a public hearing.

Voted – 6 – Yes, 3– No (McMilleon, King and Headley)

Marc Deschenes – If this goes to your finance committee and it has to go back to the municipal council to make a decision about a resolution. I would respectfully request that Mr. Benson withdraw his motion.

President McMilleon – If we want to reconsider it, it has to come from someone who voted in the majority to reconsider. We can do that in this meeting.

Councilor King – I vote to reconsider.

President McMilleon – We have a motion to reconsider it and I will second it. Any discussion?.

Councilor Benson – This is completely and utterly ridiculous, I see no reason why the finance committee can't discuss the makeup of the finance committee and why we can't hold a public hearing on the matter that obviously a lot of the residents are quite worked up about. I think this is a great idea and I think we should do it but, I would like to see the committee discuss this and I would like to see other ideas for reform of the finance committee be discussed and I think they need to be discussed at the same time.

President McMilleon – Ok, just for a point of clarification. We are not changing the complexion of the finance committee.

Councilor Benson – I know what it says, you are taking public hearing out of the finance committee and putting it into the municipal council I understand. I think that there are other issues here that we should talk about. I think it would be good to bring them all up at once.

President McMilleon – We would need separate partitions to bring up other changes, all we are dealing with right now is the public hearing part. So if there are going to be other suggestions about the makeup of the committee or other rule changes those would have to be proposed.

Councilor King – If you make a proposal then we could act on your proposal.

President McMilleon – We are voting on the motion to reconsider taking another vote on this resolution.

Voted Yes – 5, NO – 4(Chandler, Pinierio, Lawrence and Benson)

Councilor King – I motion to accept 2004-42.

Councilor Larnard – second

Councilor Benson – It blows my mind that we are going to vote this in one night. I guess it is a matter of the source. We have made it a practice not to vote things in one night. Why are we doing this?

President McMilleon – We have done it before Councilor, we have voted resolutions the first time before. Since I have been on this Council we have done it a number of times. For example I introduced a partition a year and a half ago.

Councilor Benson – I really don't care, just go ahead and do it.

President McMilleon – I can finish what I am saying. I made a request to the Mayor for additional financial information and that was in the form of a resolution. We passed it on the night it was introduced and so have other councilors.

Councilor Lawrence – I agree with that. I think the concern with Councilor Benson is that this is making a pretty significant change in the way things are being run right now. Our finance committee are our public hearings and we are making a change with out really discussing it.

Councilor Benson – If we do this then we should put in here that the municipal council has two regular meetings a month. One of the big reasons we took public hearings out of the municipal council meetings on financial matters was because the old council would go until 12 or 1 in the morning, like we are doing now, and it was an effective way of splitting the meetings in two. I believe that this is a good idea but I also believe that we should schedule two regular meetings a month if we go ahead and do this because we are going to have issues with how late the meetings run.

Councilor Larnard – I'm glad Councilor Benson brought this up, I was going to actually speak to that. At the last meeting we had and I already spoken to this, we had the public hearing at the same time as the finance and that did not work for a lot of people, it was confusing. This was why Councilor McMilleon brought this up. I went back over the original report from the DOR that originally had this idea that we have the finance committee with the nine members, I kept reading it again and again and there actually not very clear because they gave us the recommendation on the DOR report on page 11 saying that we should become a council of the whole but later on if you drop down at the end of the page it then says we recommend that the municipal council meet twice each month on a permanent basis but they should of said in essence we would be meeting 3 times a month and they didn't really lay that out so I can see how we got confused. I actually think even though it sounds horrible, we go to so many meetings anyways, I think what we should do is go back to that study and we should have two municipal council meetings so we can have the public hearing and have a separate finance meeting so that would mean 3 meetings a month.

President McMilleon – This is a totally different issue that what we are voting on. One of the reasons that we are doing this is that when we have very significant issues like the library it is so that we can have those kinds of public discussions. I don't think the meetings are going to go excessively long. We will have had hearings in our finance committee meeting and then we will have the formal public hearing at our municipal council meeting. On those big issues yes those will be lengthy meetings just like they were tonight. When the council gets into a regular meeting like we did tonight we opened it up to the public anyway. Why not hold the public hearing when we have the municipal council meeting. It gives an opportunity for other people to get more information and to raise questions and for us to gather information and to bring that all up at the meeting.

Councilor Chandler – I guess that by allowing people to speak tonight was not according to the charter is that correct?

President McMilleon – We suspended the rules and allowed people to speak because we knew it was a burning issue with a lot of people.

Councilor Chandler – The public comment should have been at the finance committee and it was and then it overflowed because of so much interest. If there is no opportunity for the public to comment at the finance committee meeting then in effect they only get one opportunity.

President McMilleon – No, we will still have finance meetings and at those meetings people will be able to make comments.

Councilor Chandler – I guess I'm confused about the formal public hearing and the ability of the public to speak. So you are just saying the formal meeting will be now instead of then but people can still speak at the finance meeting.

Councilor Larnard – Just because we passed this doesn't mean that we stop discussions. We probably will have more discussions, do we have another meeting, do you bring up other public concerns. This is just at this point a clear issue that came up was that it is confusing to have the public hearing at the finance meeting. This just separates that, it doesn't mean we can't still discuss do we need to go to two full council meeting or restructure.

Councilor Chandler – I thinking I'm not anxious to have a third meeting.

Councilor Benson – Be aware that if you vote for this you are causing the need for a third meeting a month. This midnight stuff is not going to happen. We have a 10:30 rule somewhere.

President McMilleon – Motion is to pass the resolution for the council rule change.

Voted – Yes – 5, NO – 4 (Chandler, Pinierio, Lawrence and Benson)

2004-44 A Request that the Municipal Council approve an access, landscape and drainage easement for #17 Main St., Amesbury – Mayor Hildt sponsor

President McMilleon – reads 2004-44 into the record.

Councilor Lawrence – I make a motion to refer 2004-44 to the ordinance committee and set a public hearing for May 11th at the next council meeting.

Councilor Pinierio – second

Voted – Unanimous

2004-45 A request that the Municipal Council approve a building easement for #17 Main St., Amesbury – Mayor Hildt sponsor

President McMilleon – reads 2004-45 into the record.

Councilor Headley – I motion to refer to ordinance committee and set a public hearing for May 11th at the next council meeting.

Councilor Lawrence – second

Voted – Unanimous

2004-46 An Order to request that the Municipal Council surplus Amesbury Public Schools computer equipment – Mayor Hildt sponsor

President McMilleon – reads 2004-46 into the record

Councilor Woodsom – I motion to refer this to the finance committee.

Councilor Benson – second

Voted – Unanimous

2004-49 An Order to request that the Municipal Council allow the Town of Amesbury to accept an Urban Self Help Grant in the amount of \$325,000 – Mayor Hildt sponsor

President McMilleon – reads 2004-49 into the record.

Councilor Woodsom – I motion we send this to the finance committee.

Councilor King – second

Voted Unanimous

2004-50 An Ordinance to see if the Municipal Council will vote to amend the Amesbury Zoning Map to change Map 53 Lot 56 (40 Elm St) and Map 53 Lot 108 (3 Ring St) from IC to CBD – Mayor Hildt sponsor

President McMilleon – reads 2004-50 into the record

Councilor Woodsom – I move we send this to the planning board and the ordinance committee and a public hearing on May 11th.

Councilor Benson – seconded

Voted – Unanimous

2004-51 A Resolution to request that the Municipal Council vote to transfer the Town owned land at 18 Water St. to the Merrimac Valley Regional Transit Authority – Mayor Hildt sponsor

President McMilleon – reads 2004-51 into the record

Councilor Woodsom – refer to both ordinance and finance

Councilor Benson – second

Voted – Unanimous

2004-52 An Order to request the Municipal Council to accept a grant in the amount of \$124,700 from the Dept. Of Environmental Protection – Mayor Hildt sponsor

President McMilleon – reads 2004-52 into the record.

Councilor Woodsom – I move to refer this to the finance committee

Councilor Benson – second

Voted – Unanimous

COUNCIL COMMUNICATIONS, ANNOUNCEMENTS AND COMMITTEE REPORTS

2004-53 Accept the Resignation of Raymond R. Shockey from the Planning Board term to expire 2007 and schedule a joint meeting

President McMilleon – reads 2004-53 into the record

Councilor Benson – I move we accept the resignation and schedule a joint meeting at the beginning of the municipal council meeting on May 11th.

Councilor Chandler – second

Voted – Unanimous

President McMilleon – The only other thing, we have to re-schedule the EDIC. Why don't we refer this to our May 11th meeting and set a time probably sometime in June.

Councilor King – I need to understand what the scope of the ordinance committee is.

Councilor Benson – I move we adjourn

Councilor Chandler – second

Adjourned – 12:05AM

