

Municipal Council Meeting Minutes
Tuesday, April 13, 2010
7:00PM Town Hall Auditorium

Call to Order: 7:07PM

Pledge of Allegiance – Councilor Gilday

Roll Call – Robert Gilday, James Kelcourse, Derek Kimball, Joseph McMilleon, Allen Neale, Mary Chatigny, Anne Ferguson, Robert Lavoie
Stephen Dunford absent.

Act on minutes: March 9, 2010, February 23, 2010

Councilor Neale motioned to accept March 9, 2010 and February 23, 2010, Councilor McMilleon second. Voted - Unanimous

Mayoral Appointments

2010-034 Dr. James Schaepe – Board of Health unexpired term to expire 6/30/2010
Dr. James Schaepe attended and introduced himself to the council.
Councilor Neale motioned to accept 2010-034, Councilor McMilleon second.
Voted - Unanimous

2010-035 Beverly Drew – Council on Aging unexpired term to expire 6/30/2011
Beverly Drew was not able to attend due to a previous commitment.
Councilor Ferguson motioned to accept 2010-035, Councilor Gilday second.
Voted - Unanimous

2010-036 Gayle Yarnall – Council on Aging unexpired term to expire 6/30/2010
Gayle Yarnall attended and introduced herself to the council.
Councilor Kimball motioned to accept 2010-036, Councilor McMilleon second.
Voted - Unanimous

Licenses & Permits

President Lavoie stated all licenses voted on are subject to the usual conditions that permits and inspections are up to date and all monies owed the town are paid.

2010-029 General Business License – Andre Energy Studio, 41 Main St.
Andre Joseph LeBlanc attended to represent Andre Energy Studio.
Councilor Ferguson motioned to accept 2010-029, Councilor Chatigny second.
Voted - Unanimous

2010-030 Common Victualler License - Zac & Ani's Bread, 11 Elm St.
Brian Bienvenue attended to represent Zac & Ani's Bread.
Councilor Ferguson motioned to accept 2010-030, Councilor Kimball second.
Voted – Unanimous

2010-031 Common Victualler License – Summertime Icecream, Town Ways
Dean Manenanus attended to represent Summertime Icecream.
Councilor Kelcourse motioned to accept 2010-031, Councilor Kimball second.
Voted – Unanimous

2010-032 2010 Pool/Bowling Licenses
Lafayette Lanes, 11 High Street

Leo's Super Bowl, 84 Main Street
Lafayette Naturalization Club, 11 High Street
St. Jean Baptiste Club, 61-67 Main Street
Polish National Alliance, 14 ½ Mill Street

Councilor Ferguson motioned to accept the renewal of 2010-032, Councilor Chatigny second.
Voted - Unanimous

2010-033 2010 Junk Dealers/Antique/Second Hand Licenses

Dennis Bradbury/Robert Weeks, 44 Market Street
Yesterday's Charms, 85 Rear Elm Street
Ashley & Barnes, 206 Elm Street
N.A. Nichols Co., Railroad Avenue
White Dog Antiques, 11 Friend Street
Trendsetters Boutique, 85 Main Street

Councilor Kelcourse motioned to accept the renewals of 2010-033, Councilor McMilleon second.
Voted – Unanimous

Public Comment

Jonathan Sherwood, Amesbury Ad Hoc Citizens Advisory Committee, Chairman
Mr. Sherwood gave an overview of the final report on behalf of the committee (attached).

James Thivierge, 106 Friend Street – Mr. Thivierge spoke regarding the water/sewer rate hearings, the cost of the addition to the High School.

Jane Snow, 44 Fern Avenue – Ms. Snow spoke regarding the Health Services budget and the need for more clarity for the public before transfers are voted on.

Alison Lindstrom, 10 Wells St. – Ms. Lindstrom would like more clarity on the Health Services budget.

Robert Desmarais, Director of DPW – Mr. Desmarais gave an update the recent storm events and their impact to the town and its lingering affects.

- Since February 24, 2010 Amesbury and surrounding region has endured 3 significant storms
 - February 24-25 4" of rain on frozen ground and very high winds gusts
 - March 12-15 8" + rain
 - March 28-30 6" + rain

Total rain from 2/24 – present over 21 inches

- Damage from the three storms was significant and widespread causing multiple road closings, power outages, sewer backups, trees to fall and flooding. Clean up from these damages is ongoing.
- Significant damage that remains:

- Fern Ave Bridge remains closed due to sinkholes and deterioration of abutments and decking.
 - Pleasant Valley Road from Buttonwood to the Merrimac Line is closed due to significant erosion of the embankment along the Merrimack.
 - Archbrook, the main outlet for Lake Attitash and Meadowbrook Pond has a large diameter sinkhole behind the control structure.
 - Multiple smaller locations such as; potholes, stumps and washouts.
- The Town is working with FEMA and MEMA for disaster assistance to help fund the repairs and reimburse the Town for the response to the storms. MEMA has already provided the Town with sand bags and barriers.

Mayor Kezer gave an update on the status of the personnel changes at the Police Department. Chief Michael Cronin will officially retire on Thursday, April 15th. Deputy Chief Gary Ingham will officially retire on Wednesday, April 14th. He thanked them for their years of service and for leaving the town a highly effective department that Amesbury can be proud of. He has appointed Lt. Mark Gagnon as Acting Police Chief and will be entering into contract negotiations with him for the Chief's position. Sergeant Kevin Ouellet will be appointed as Lieutenant.

Council Response to Public Comment

President Lavoie thanked all the members of the Ad Hoc Committee for their work, Rob Desmarais for his update on the recent storms and Chief Cronin and Lt. Ingham for their service to the town.

Second Readings

2010-023 An Order to Overspend Snow & Ice – Mayor Kezer sponsor cont.

Summary: M.G.L. allows the Town to overspend the Snow and ice budget with the approval of the Municipal Council. The deficit will be funded through end-of-the-year transfers.

President Lavoie read 2010-023 into the record.

Councilor Neale read the recommendation of the Finance Committee to approve as submitted.

Councilor Neale motioned to accept the Finance Committee recommendation to approve, Councilor Chatigny second.

Roll Call Vote – Unanimous (Gilday, Kelcourse, Kimball, McMilleon, Neale, Chatigny, Ferguson, Lavoie)

2010-024 An Order to transfer \$25,000 from Reserve for Unforeseen to Legal Services – Mayor Kezer sponsor cont.

Summary: Transfer \$25,000 from the reserve fund to the Legal budget to cover FY10 expenditures.

President Lavoie read 2010-024 into the record.

Councilor Neale read the recommendation of the Finance Committee to accept 2010-024 as submitted.

Councilor Neale motioned to accept the Finance Committee recommendation to accept 2010-024, Councilor Ferguson second.

Roll Call Vote – Unanimous (Gilday, Kelcourse, Kimball, McMilleon, Neale, Chatigny, Ferguson, Lavoie)

2010-025 An Order to transfer \$22,400 from Inspection Dept to Health Dept – Mayor Kezer sponsor cont.

Summary: Transfer \$22,400 from the Inspection Dept to Health Dept to cover FY10 expenditures.

President Lavoie read 2010-025 into the record.

Councilor Neale read the recommendation of the Finance Committee to approve 2010-025.

Councilor Neale motioned to approve 2010-025, Councilor Chatigny second.

Kendra Amaral, Mayor's Chief of Staff – Ms. Amaral stated the FY10 budget was developed assuming there was going to be a three community Regional Health Services agreement. Ultimately a two community agreement was passed. This is just moving money from one funding source and placing it into another because of a change in the agreement. It is not asking for more money it is still what was anticipated to spend in the FY10 budget.

Discussion continued with Mr. Basque, President Lavoie, Councilors Ferguson and McMilleon urging the public to contact them before meetings if they have questions regarding finances or if they have hand outs to supply the council with them in advance so they can review them. Councilor Neale stated that he feels comfortable transferring the money to the appropriate account.

Councilor Neale motioned to approve 2010-025, Councilor Chatigny second.

Roll Call Vote – Unanimous (Gilday, Kelcourse, Kimball, McMilleon, Neale, Chatigny, Ferguson, Lavoie)

2010-026 An Order to transfer \$18,070 from Inspection Dept to Animal Control – Mayor Kezer sponsor cont.

Summary: Transfer \$18,070 from the Inspection Dept to Animal Control to cover FY10 expenditures.

President Lavoie read 2010-026 into the record.

Councilor Neale read the recommendation of the Finance Committee to approve 2010-026.

Councilor Neale motioned to approve 2010-026, Councilor Chatigny second.

Roll Call Vote – Unanimous (Gilday, Kelcourse, Kimball, McMilleon, Neale, Chatigny, Ferguson, Lavoie)

First Readings

2010-037 An Order to accept a grant of \$150,000 for Solar Panels – Mayor Kezer sponsor

Summary: The city in collaboration with the Energy Task Force submitted and was awarded a grant to install 20 kilowatt (approx) solar panel system on the Amesbury High School. The grant is funded by the Dept. of Energy Resources

President Lavoie read 2010-037 into the record.

Councilor Ferguson motioned to send 2010-037 to Finance Committee for a public hearing, Councilor Kelcourse second – Voted - Unanimous

2010-038 A request to petition the General Court for a site specific Common Victuallers All Alcohol License under MGL, Ch. 138, Sec.12 – Mayor Kezer sponsor

President Lavoie read 2010-038 into the record.

Councilor Neale motioned to send 2010-038 to the Ordinance Committee and set a public hearing for the May 11th council meeting, Councilor Gilday second. Voted 7 Yes, 1 Opposed (Kelcourse)

2010-039 An Order to approve \$3,294,627 of debt authorized by the Whittier Voc Tec – Mayor Kezer sponsor

Summary: The Whittier Regional Vocational Technical School District Committee at its regular meeting of March 10, 2010, voted to authorize debt in the amount of \$3,294, 627. The scope of the project is a roof replacement for Whittier Tech located at 115 Amesbury Line Rd., Haverhill, MA. It is the replacement of an original roof which is over 35 years old.

President Lavoie read 2010-039 into the record.

Councilor Kelcourse motioned to send 2010-039 to the Finance Committee for a public hearing, Councilor Neale second. – Voted - Unanimous

2010-040 A Resolution to support the passage of Real Health Insurance Reform for Municipalities – Mayor Kezer sponsor

Summary: This resolution will support the efforts of Mayor Kezer and the Save Our Communities Coalition in achieving passage of real health insurance reform for municipal employees.

President Lavoie read 2010-040 into the record.

Mayor Kezer stated under Mass Law in order for cities and towns to make changes to their health care plans all unions have to agree to the changes. He would like to give management the ability to change health plans up to what the state GIC plans offer. Any changes above what the GIC offers would have to be negotiated. He is asking the Municipal Council for their support.

Councilor Kelcourse motioned to accept Resolution 2010-040 as submitted, Councilor Chatigny second. – Voted - Unanimous

2010-041 An Order to authorize the transfer of \$60,000 from Employee Benefits to the Veterans Department – Mayor Kezer sponsor

Summary: Transfer \$60,000 from Employee Benefits to the Veterans Dept. to cover FY10 expenditures.

President Lavoie read 2010-041 into the record.

Councilor Kimball asked for more detail of the line items within the Veterans Dept. for the Finance Committee meeting.

Councilor Neale motioned to send 2010-041 to the Finance Committee for a public hearing, Councilor Kelcourse second. Voted – Unanimous

2010-042 An Ordinance to see if the Municipal Council will vote to amend the Amesbury Zoning Map – Mayor Kezer sponsor

Summary: This is an amendment to the Amesbury Zoning Map. The commercial zoning district line will be moved southerly to include two properties along Main Street as shown on the attached exhibit.

President Lavoie read 2010-042 into the record.

Councilor Gilday motioned to send 2010-042 to the Ordinance Committee and the Planning Board, Councilor Chatigny second. – Voted - Unanimous

Late File

Councilor Neale motioned to accept the late files, Councilor Ferguson second
Voted - Unanimous

2010-043 An Ordinance to Petition the General Court to Request a Question Be Placed on the November 2010 State Election Ballot – Mayor Kezer sponsor

Summary: A petition of the general court is required to place a local question on the November State Election ballot. If approved, the Council can put to the voters the question of recommended Charter changes during the November 2010 election.

President Lavoie read 2010-043 into the record.

Councilor Kelcourse motioned to send 2010-043 to the Ordinance Committee, Councilor Neale second. Voted - Unanimous

2010-044 Order that Proposed Amendments to Amesbury's Home Rule Charter be put to the Voters of Amesbury – President Lavoie, Councilor Gilday sponsor

Summary: This Order would specify the wording of the Amendments for which the Municipal Council would seek the Mayor's concurrence in order to be presented to the General Court in conjunction with Bill No. 2010-043 (a petition to the General Court to request a Question be placed on the November 2010 State Election Ballot). The proposed revisions would represent the first formal action to amend the 1996 Amesbury Home Rule Charter, culminating the efforts begun in the last several years to conduct the first of the periodic reviews contemplated in Article 9 of the 1996 Charter Document.

President Lavoie read 2010-044 into the record.

Councilor Ferguson motioned to send 2010-044 to the Ordinance Committee, Councilor Neale second. Voted - Unanimous

2010-032 - 2010 Pool License

K&L Ventures – The Barn, Ring Street

Add to the vote – Councilor motioned, Councilor Gilday second – Voted Unanimous

Correspondence

a. President/Vice President Communications

b. Communication from Elected Officials, Boards and Commissions

- Citation of Recognition for Andrew Saulnier – Eagle Scout Award

Councilor Neale read the Citation into the record and motion to recognize his accomplishments, Councilor McMilleon second. Voted - Unanimous

c. Council Communications, Announcements and Committee Reports

- Council discussion on having the Finance Committee schedule some time on 4/27/10 for a Workshop to hear from the Citizen Advisory Committee chaired by Jonathan Sherwood

Adjourn 9:37PM

Councilor Kelcourse motioned to adjourn, Councilor Neale second. Voted - Unanimous