

Amesbury Municipal Council Minutes
7:00PM Tuesday, June 9, 2009
Town Hall Auditorium

Call to Order 7:00PM

Pledge of Allegiance – Robert Gilday

Roll Call: Allen Neale, Jonathan Sherwood, Mary Chatigny, Stephen Dunford, Anne Ferguson, Robert Gilday, Roger Benson

Robert Lavoie 7:05PM

Accept Minutes: May 12, 2009

Councilor Neale motioned to accept, Councilor Dunford second – Voted Unanimous

Licenses and Permits

2009-054 Storage License – HAAS, TCM, 10 Industrial Way
President Benson opened the public hearing.

Atty. Robert Deshaies represented HAAS, TCM. He stated HAAS, TCM is a warehousing and distribution business by contract with numerous aerospace and defense companies. It is hoping to relocate to 10 Industrial Way, Amesbury from Salem, MA. Representatives from HAAS have been in town since February meeting with local building and Fire departments to ascertain all the construction and fire safety requirements which are necessary to obtain a certificate of occupancy from the building department and a storage permit from the Fire Department. The State Fire Marshall has ruled, contrary to what HAAS, TCM believed, that the storage license needed to be amended to include the largest volume of flammable and combustible material that HAAS is reasonably likely to have on site. They have obtained an amended storage license and due to a time restraint HAAS is requesting the license be approved this evening.

David Supple, Eastern Regional Manager for HAAS gave an overview of the nature of the business, the employees and training and the benefits they will provide to the local economy. Copy of the presentation attached.

Councilor Dunford asked if drug tests were required for new employees, Mr. Supple stated yes.

Councilor Neale asked Mr. Supple to explain their spill procedures. Mr. Supple explained the employees are trained to handle small spills and all spills are reported to the fire department. In the case of large spills they are under contract with Clean Harbors located in North Andover and Emprow out of Newburyport. A list of all chemicals being stored and how to handle them are on file with the fire department and online.

Councilor Ferguson asked if the employees were cori evaluated, Mr. Supple said they were not. Councilor Ferguson asked about the hours of delivery Mr. Supple answered typically deliveries are only from 7AM – 1PM. Councilor Ferguson added that the Master Plan states Amesbury wants to increase the commercial/industrial base and this business fall in that category.

Councilor Sherwood asked about local and state fire inspections. Chief Brickett explained businesses are inspected yearly. The state is not involved in the inspections unless the local fire department invites them in. Because there were a lot of technical questions regarding this business the Amesbury Fire Department invited the state in to make sure their interpretation of state laws were correct. Councilor Sherwood asked for an explanation of the additional training and hardware support

supplied by HAAS. Chief Brickett stated Fire Departments have to have a basic awareness and operational level hazmat training. Up until now within Amesbury's boundaries there was a need for that training but not a great concern about it because we were not dealing with the gallons of chemicals as with HAAS. The Fire Department asked HAAS to provide the department with additional resources for training and equipment. Reporting is required yearly to the Fire Departments on all hazardous chemicals. We will be integrating that into lap tops through a cameo program which is promoted by the state Mass Emergency Management Assoc. and DPH. That information will be received electronically. If there is a spill all actions can be identified prior to entering the building. From HAAS the department will get the awareness and operational training for every firefighter and hardware.

Deputy Glen Fournier gave an overview of the process that was followed from the beginning with HAAS. They expressed interest in moving to Amesbury and explained to the Fire Department what they do, what kinds of chemicals they handle and the amounts. After many meetings with HAAS and the State Fire Marshall's Office and the Building Inspector the Fire Department feels everything has been covered for HAAS to safely move into Amesbury. The company has cooperated with the Fire Department at all times.

Stephen Bibeau, 17 Monroe Street – Mr. Bibeau inquired about temporary employees and spills from damaged freight. HAAS stated they do not have temporary employees. Chief Brickett stated the Salem Fire Prevention has had little to no interaction with HAAS in Salem due to spills.

Councilor Neale asked if there were spill kits on site. HAAS responded yes.

Kevin McCarthy, 23 Portsmouth Road – Mr. McCarthy asked how the size of the facility in Salem compared with the size of the Amesbury facility. He does not believe there should be a rush to approve the license tonight. Mr. Supple stated the Salem facility is approximately 55,000 sq ft. The Amesbury space is 70,000 sq ft.

Deb McCarthy, 23 Portsmouth Rd. – Ms. McCarthy wanted to know why the abutters were not notified and what they laws are allowing this type of operation to be located near preschools. Dennis Nadeau answered there are no bylaws regulating location but many regulating use.

Mark Romeo, 90 Monroe St. – Mr. Romeo asked about explosive materials and if they intend to use all the space immediately. He also is concerned about increased traffic and if HAAS will notify the Fire Department of new materials. Mr. Supple stated they will not be storing explosives materials. The permit is for 19,000 gallons, currently they have 6,500 gallons. They do not intend to use the entire facility. MSDS will be on their web site and a monthly copy will be forwarded to the Fire Department.

James Thivierge, 106 Friend St. – Mr. Thivierge is concerned for the safety of the neighborhood.

Gale Romeo, 90 Monroe St. – Ms. Romeo does not want the license to be approved until the additional training has been completed. Chief Brickett responded the training is contracted and could happen the last week of June. He reiterated the Amesbury Fire Department has awareness operational understanding on hazardous materials. They are requesting further training.

Deb Bibeau, 17 Monroe St. – Ms. Bibeau is concerned about traffic, chemical interactions, terrorists, training new hires, segregation of chemicals and loading trucks with multiple chemicals. Mr. Supple

stated he will give trucking companies information regarding trucking routes, chemicals will be segregated in different rooms and there are rules about shipping different kinds of chemicals together.

Tom Lodge, 21 Monroe St. – Mr. Lodge asked about security. Mr. Supple stated there currently isn't a security system within the facility. There won't be armed guards however; there will be an alarm system.

Mario Pinierio, Gardner St. – Mr. Pinierio asked to postpone the vote.

President Benson closed the public hearing.

Councilor Ferguson motioned to approve 2009-054 as submitted, Councilor Chatigny second.

Councilor Neale amend the motion to say contingent upon successful attainment of all safety and building permits.

Councilor Ferguson accepts.

Councilor Sherwood did not learn about the open house until after and he would have been very interested in attending. Because of the amount of concern expressed this evening he would be in favor of postponing the vote.

Councilor Neale stated he is comfortable with the very responsible way HAAS has approached this move and can't see any reason to put the vote off.

Councilor Dunford believes HAAS is a very safe and thorough company and will be voting for it tonight.

*Councilor Ferguson motioned to approve 2009-054 as submitted, Councilor Chatigny second.
Councilor Neale amend the motion to say contingent upon successful attainment of all safety and building permits.*

Voted – 7Yes, 1 Opposed (Sherwood)

Recess 8:25

2009-055 General Business License – Bertram & Oliver Booksellers, 73 Main St.

Joanne Wimberly attended to represent Bertram & Oliver Booksellers.

Councilor Ferguson motioned to accept as submitted per the usual stipulations, Councilor Neale second.

Voted – Unanimous

2009-056 General Business License – Fit Fashion Boutique, 41 Main Street

Julie Phipps attended to represent Fit Fashion Boutique

Councilor Sherwood motioned to approve as submitted with usual stipulations, Councilor Dunford second

Voted – Unanimous

2009-057 General Business License – Renee Schneider – Colorful Kids, 14 Cedar St.
Renee Schneider attended to represent Colorful Kids.
Councilor Sherwood motioned to approved as submitted with usual stipulations, Councilor Ferguson second.
Voted – Unanimous

Late Files

2009-070 Common Victualler – Murphy’s Riverside, 37 Main St.
2009-071 Automatic Amusement – Murphy’s Riverside, 37 Main St.
2009-072 Dine, Dance & Entertainment – Murphy’s Riverside, 37 Main St.
Councilor Neale motioned to accept the late files out of order, Councilor second – Voted Unanimous
Councilor Neale motioned to accept the late files, Councilor Ferguson second – Voted Unanimous

2009-070 Common Victualler – Murphy’s Riverside, 37 Main St.
Richard Gehrlein attended to represent Murphy’s Riverside
Councilor Ferguson motioned to accept 2009-070 with the usual stipulations, Councilor Chatigny second. Voted – Unanimous

2009-071 Automatic Amusement – Murphy’s Riverside, 37 Main Street
Councilor Ferguson motioned to accept 2009-071 with the usual stipulations, Councilor Chatigny second. Voted – Unanimous

2009-072 Dine, Dance & Entertainment – Murphy’s Riverside, 37 Main St.
Councilor Ferguson motioned to accept 2009-072 with the usual stipulations, Councilor Chatigny second. Voted – Unanimous

Public Comment

James Thivierge, 106 Friend St. – Mr. Thivierge stated the last annual report was issued late. He would like the report issued on time this year and have the council investigate why it was late.

Kristin ten Bensil, Chairman Board of Health – Ms. Ten Bensil informed the council about a meeting scheduled for June 11th at 7:00PM in the Town Hall Auditorium.

Council Response to Public Comment

Councilor Ferguson thanked Ms. ten Bensil for everything she has done and expressed disappointment at the resignations from the Board of Health.

Mayoral Appointments

2009-061 Andrew L. Benson to the Cable Advisory Commission – no term
President Benson stated that Mr. Benson is unable to attend tonight’s meeting.
Councilor Lavoie motioned to accept 2009-061 as submitted, Councilor Neale second.
Voted – Unanimous

2009-062 Russell Saboo to the Liquor Licensing Commission – term to expire 6/30/15
Mr. Saboo stated he wants to serve on the Liquor Commission so he can give back to the Town as his way of saying thank you for the support his family received while he served in Iraq.
Councilor Ferguson motioned to approve 2009-062 as submitted, Councilor Gilday second.

Voted – Unanimous

2009-063 2009 Re-appointments various boards and committees

Councilor Lavoie read 2009-063 into the record (attached).

Councilor Sherwood motioned to approve 2009-063 as submitted, Councilor Neale second.

Voted – Unanimous

Second Readings

2009-049 An Order to authorize the transfer of \$374,456.08 from Reserve for AHS Project to AHS project – Mayor Kezer sponsor cont.

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

Councilor Lavoie motioned to approve 2009-049 as recommended by the Finance Committee, Councilor Neale second.

Roll Call Vote – Unanimous

2009-041 An Order to Amend Municipal Council Rules and Procedures – Councilor Lavoie cont.

Councilor Lavoie read the recommendation of the Rules Committee to recommend this change be passed.

Councilor Lavoie motioned 2009-041 be approved as submitted, Councilor Dunford second.

Public Hearing

2009-053 Police Complaints filed against Amesbury Auto Sales

President Benson recused.

Councilor Lavoie stated 2009-053 came before the council last month. The Council voted to suspend Amesbury Auto Sales auto license due to serious complaints and allegations made to the Police Department. There was an investigation and tonight's public hearing is to show cause as to why the license should be permanently revoked. Prior to this meeting Terra Nardone surrendered the license to the Town Clerks Office.

Lieutenant Mark Gagnon stated since the license was suspended the Police Department has been assisting the victims in getting their money back or their cars released. There are 28 total complains; 12 have been resolved, 16 complaints are still open. His goal is to try to resolve these issues without having to file numerous civil and criminal charges.

Councilor Ferguson asked who is responsible for taking down the sign. Lieutenant Gagnon will be looking into that for her.

Lee DeLaurie, 58 Glendevin – Ms. DeLaurie stated that she and her husband are two of the victims of Amesbury Auto Sales. They are in the process of filing for arbitration at this time.

Councilor Neale motioned to permanently revoke the Class II Auto License issued to Terra Nardone, Amesbury Auto Sales, Councilor Dunford second.

Voted - Unanimous

First Readings

2009-058 Accept a \$100.00 donation to Student Awareness Fire Education Program – Mayor Kezer sponsor
Councilor Ferguson motioned to refer 2009-058 to the Finance Committee, Councilor Sherwood second. Voted - Unanimous

2009-059 Accept a \$50.00 donation to Student Awareness Fire Education Program – Mayor Kezer sponsor
Councilor Ferguson motioned to send 2009-059 to the Finance Committee, Councilor Gilday second. Voted - Unanimous

2009-060 Amend Amesbury Zoning Bylaw under provisions of MGL, Ch.40A, Sec. 5 – Mayor Kezer sponsor
Councilor Sherwood motioned to refer 2009-060 to the Planning Board, Ordinance Committee and schedule a public hearing when it comes out of committee, Councilor Dunford second. Voted - Unanimous

2009-064 Authorize the Mayor to enter into a 3 year inter-municipal agreement for health inspections, animal control and health nurse services – Mayor Kezer sponsor
Councilor Lavoie motioned to refer 2009-064 to the Board of Health, Finance Committee, Ordinance Committee and schedule a joint workshop with the Board of Health June 18, 2009 at 7:30PM, Councilor Ferguson second. Voted - Unanimous

2009-065 Transfer to snow & ice to cover FY09 – Mayor Kezer sponsor
Councilor Ferguson motioned to refer 2009-065 to the Finance Committee for a public hearing, Councilor Dunford second. Voted - Unanimous

2009-066 Transfer between General Department funds – Mayor Kezer sponsor
Councilor Ferguson motioned to refer 2009-066 to the Finance Committee for a public hearing, Councilor Neale second. Voted – Unanimous

2009-067 Transfer within the Landry Stadium fund – Mayor Kezer sponsor
Councilor Sherwood motioned to refer 2009-067 to the Finance Committee for a public hearing, Councilor Neale second. Voted – Unanimous

2009-068 Transfer from Youth fund to Youth Services– Mayor Kezer sponsor
Councilor Sherwood motioned to refer 2009-068 to the Finance Committee for a public hearing, Councilor Neale second. Voted – Unanimous

Late File

2009-069 Accept \$500.00 donation to Student Awareness Fire Education Program – Mayor Kezer sponsor
Councilor Sherwood motioned to accept late file 2009-069, Councilor Ferguson second Voted – Unanimous

Councilor Ferguson motioned to refer 2009-069 to the Finance Committee for a public hearing, Councilor Gilday second Voted – Unanimous

Correspondence

- a. President/Vice President Communications**
- b. Communication from Elected Officials, Boards and Commissions**
- c. Council Communications, Announcements and Committee Reports**

Adjourn

Councilor Dunford motioned to adjourn, Councilor Chatigny second
9:30PM

Respectfully submitted,
Assistant Town Clerk