

Municipal Council Meeting Minutes
 Tuesday, June 12, 2007 @ 7:00PM
 Town Hall Auditorium

Call to Order 7:10PM

Pledge of Allegiance – Councilor Lindstrom

Roll Call: Alison Lindstrom, Donna McClure, Mario Pinierio, Michelle Thone, Roger Benson, Thomas Iacobucci, Ann Connolly King, Christopher Lawrence

Robert Lavoie not present

Act on Minutes – February 27, 2007, May 8, 2007, March 27, 2007 – Councilor Benson moves for approval, Voted Unanimous

Public Comment

Stephen Dunford, 27 Woodman Road – Mr. Dunford feels Amesbury is currently in turmoil and suggests to the community at large to just cool it for the next six months.

Council Comment

Councilor Lindstrom read a prepared statement (**attached**).

Councilor Pinierio reported on the Traffic and Transportation meeting. They reviewed new stop signs on Lions Mouth Road and a new pathway into the parking lot for J. Bucks.

Councilor Iacobucci states that on June 25th Traffic and Transportation will hold a hearing to address traffic issues on Kimball Rd.

Public Hearings

Licenses and Permits

2007-064 Common Victualler – Pat McNally Ice Cream Truck – Town Ways

Pat McNally, 29 Ledge Road, Seabrook, NH – Ms. McNally has operated a truck in Amesbury for 5 years however; she took a year off for surgery. She would like to resume operating her truck in Amesbury.

Councilor Pinierio motions to accept 2007-064, Voted – Unanimous

2007-068 Common Victualler – Phat Cats, 65 A Market St.

Paul Eastman and Christina Johnson, Washington St., Andover – Mr. Eastman states they are opening an American Bistro and would like to contribute something to the town.

Councilor Lindstrom moves to accept 2007-068 – Voted Unanimous

Measures

2007-024 An Order to appropriate \$7,418.85 for repairs to the Harbormaster boat – Mayor Kezer cont.

President Lawrence opens the public hearing and closes the public hearing.

Councilor Thone states it was approved in the Finance Committee pending a report from Lakes and Waterways.

2007-028 An Order to Provide for Salary Increases – Councilor Lavoie cont.

A President Lawrence state 2007-028 was tabled at the last council meeting.

2007-047 Accept a \$5,000 donation from The Provident Community Foundation – Mayor Kezer cont.

President Lawrence reads 2007-047 into the record and opens the public hearing.
Mike Basque states this is a non matching donation. President Lawrence closes the public hearing.

2007-054 Accept a \$5,000 grant from EOPS for 911 training – Mayor Kezer sponsor
President Lawrence opens the public hearing.
Mike Basque states this is training for the new E911 equipment and there are no matching funds involved.
President Lawrence closes the public hearing.

2007-056 Accept a \$7,800 grant from EOPS for Firefighting Equipment – Mayor Kezer sponsor cont.
President Lawrence opens the public hearing and closes the public hearing.

2007-059 An Order to transfer within Landry Stadium Fund – Mayor Kezer cont.
President Lawrence opens the public hearing. Mike Basque states it is a transfer of funds within Landry. President Lawrence closes the public hearing.

2007-060 An Order to transfer to Snow and Ice to cover FY07 – Mayor Kezer cont.
President Lawrence opens the public hearing. Mike Basque states this is to make up the snow deficit from last year, \$105,000. President Lawrence closes the public hearing.

2007-061 An Order to transfer between General Department funds – Mayor Kezer cont.
President Lawrence opens the public hearing and closes the public hearing.

2007-041 An Ordinance that the Municipal Council Accept Art. 17, Sec. 9 – Cemeteries Ordinance – Mayor Kezer sponsor cont.
President Lawrence opens the public hearing.
Jane Snow, 44 Fern Avenue and Joe Sielicki, 38 Pearl St. – Ms. Snow states the cemeteries are not public property, when people purchase lots they receive a deed. Ms. Snow check with Senator Baddour's office regarding whether or not the streets in the cemeteries are public. They stated the streets are not public, they are considered a way of getting from point A to point B for the lots. Mr. Sielicki wants everyone to be aware that there are many firefighters and veterans buried in the cemeteries. There is also a lot of Amesbury history in the cemeteries. The goal of the Cemetery Commission is to make the cemetery a place where people are comfortable burying their loved ones. They feel dogs do a lot of damage to the grass and the stones.

Councilor Iacobucci reads the motion that was made at the last meeting to move adoption as it was returned to the council by the Mayor's office and include on section 9.4 letter M domesticated animals are prohibited except for those which provide assistance to and are accompanied by a physically impaired person. Under 9.7 Violations, first paragraph, Roman numeral I – Penalty Enforcement add section 17.9.4 M – May be enforced by the Animal control Officer.

President Lawrence closes the public hearing.

2007-057 An Order to Place a Public Policy Question "An Act Relative to Limiting the Use of Eminent Domain" on the 11/06/07 ballot – Councilor Lindstrom cont.
President Lawrence opens the public hearing.
Councilor Iacobucci read the recommendation of the Ordinance Committee to approve as submitted.
President Lawrence closes the public hearing.

Second Readings

Measures

2007-024 An Order to appropriate \$7,418.85 for repairs to the Harbormaster boat – Mayor Kezer sponsor cont.

Councilor Iacobucci moves adoption of 2007-024 and that \$7,418.85 be appropriated for repairs of the Harbormasters boat to come from Lakes & Waterways fund.

Councilor Lindstrom asks about insurance coverage. Mike Basque states a claim was filed and denied. If a claim was approved it would go back into the Lakes and Waterways fund.

Roll Call Vote – Unanimous

2007-028 An Order to Provide for Salary Increases – Councilor Lavoie cont.
Tabled

2007-047 Accept a \$5,000 donation from The Provident Community Foundation – Mayor Kezer cont.

Councilor McClure read the recommendation of the Finance Committee to approve and makes it her motion.

Roll Call Vote – Unanimous

2007-054 Accept a \$5,000 grant from EOPS for 911 training – Mayor Kezer cont.

Councilor McClure read the recommendation of the Finance Committee to approve and makes it her motion.

Roll Call Vote – Unanimous

2007-056 Accept a \$7,800 grant from EOPS for firefighting equipment – Mayor Kezer cont.

Councilor McClure read the recommendation of the Finance Committee to approve and makes it her motion.

Roll Call Vote – Unanimous

2007-059 An Order to transfer within Landry Stadium Fund – Mayor Kezer cont.

Councilor McClure read the recommendation of the Finance Committee to approve and makes it her motion.

Roll Call Vote – Unanimous

2007-060 An Order to transfer to Snow and Ice to cover FY07 – Mayor Kezer cont.

Councilor McClure read the recommendation of the Finance Committee to approve and makes it her motion.

Roll Call Vote – Unanimous

2007-061 An Order to transfer between General Department funds – Mayor Kezer cont.

Councilor McClure read the recommendation of the Finance Committee to approve and makes it her motion.

Roll Call Vote - Unanimous

2007-041 An Ordinance that the Municipal Council Accept Art. 17, Sec 9 – Cemeteries Ordinance – Mayor Kezer sponsor cont.

Councilor Iacobucci motioned to move adoption as it was returned to the council by the Mayor's office and include on section 9.4 letter M domesticated animals are prohibited except for those which provide assistance to and are accompanied by a physically impaired person. Under 9.7 Violations, first paragraph, Roman numeral I – Penalty Enforcement add section 17.9.4 M – May be enforced by the Animal control Officer.

Councilor King asks for clarification on enforcement. Councilor Iacobucci states the Director of DPW and his designee are authorized as enforcing persons for this purpose. It was further amended 17.9.4M may be enforced by the Animal Control Officer, only the portion dealing with dogs.

Councilor King asks if the cemetery is fully funded by the sale of plots. Mike Basque believes there is some taxpayer funds used. Councilor King will not support 2007-041 because she feels it is excessive banning dogs. She would prefer signage being put up before banning animals.

Councilor McClure will support 2007-041. Twice now the public have been given the opportunity to express their concerns about banning dogs in the cemetery. She believes there are plenty of spaces to run animal aside from the cemetery.

President Lawrence will also support 2007-041 as amended. He also feels there are plenty of spaces provided for the pet owners.

Councilor Benson and Pinierio will be supporting this bill.

Roll Call Vote – 7 Yes, 1 No (King)

2007-057 A Order to Place a Public Policy Question “An Act Relative to Limiting the Use of Eminent Domain” on the 11/06/07 ballot – Councilor Lindstrom cont.

Councilor Iacobucci read the recommendation of the Ordinance for adoption as submitted.

Councilor King asks Councilor Lindstrom if she discussed 2007-057 with Senator Baddour or Rep. Costello and if they would be agreeable to bring this forward. Councilor Lindstrom responds yes she has and that they will bring anything forward. She states this is different from the veto; it is the people's voice. Councilor King will not be supporting 2007-057 because she feels it does not follow Mass State Law as it is currently stated. She believes there are already checks and balances in place.

Councilor Lindstrom states the reason she is going to the State is so that Amesbury can be different from Mass General Law. This is about not letting a private company take your land so the town could possibly get more tax dollars out of it.

Councilor Iacobucci is in support of 2007-057 it allows the voters to introduce special legislation. If it passes the legislature can choose to adopt it or not and the governor can choose to veto it. He states it is carefully written so if the town wanted to take land to build a school or a park they can take the land. They can't take land and flip it to a private developer for more taxes. It doesn't limit the town from taking land for water and sewer lines.

Councilor Iacobucci moves the recommendation of the Ordinance Committee for adoption as submitted.

Councilor Iacobucci checked with the Secretary of State, Elections division and he believes this is a purely council function as per the charter. The council chooses to approve and then it goes on the ballot in November as a question. This will not go to the Mayor for a veto.

Roll Call Vote – 7 Yes, 1 No (King)

First Readings

2007-065 An Ordinance for the Town to Study the Practicability/Creation of a Bio-diesel Refinery – Councilor Lindstrom sponsor

President Lawrence read 2007-065 into the record.

Councilor Lindstrom moves to forward 2007-065 to the Finance Committee and Ordinance.

Voted - Unanimous

2007-066 An Ordinance to Create an Energy Resources Commission – Councilor Lindstrom sponsor

Councilor Lindstrom moves to send 2007-066 to Ordinance

Voted – Unanimous

2007-067 An Order Regarding Submission of Atty. McDermott's Invoice – Councilor Lavoie sponsor

Councilor Thone rescues herself from 2007-067

Councilor Iacobucci moves to refer 2007-067 to Ordinance and Finance

Councilor King asks President Lawrence why he didn't submit Atty. McDermott's invoice to the Town Clerk for payment when it was received. President Lawrence states he sent an e-mail with a PDF copy of the 2nd invoice to the Town Clerk for payment. Town Clerk, Bonniyo Kitchin states the e-mail asked what has been done with the invoice not to have it submitted for payment. When she received the invoice in the mail addressed to the council she copied it and passed it out to everyone. Councilor King feels the invoice should go to the Town Clerk to be submitted to the Mayor not referred to Ordinance and Finance Committee as an Order. President Lawrence states sending the e-mail to the Town Clerk was a way of asking her to submit it if it hadn't been submitted. The Mayor knows the bill exists and has made it known that he does not want to pay it.

Councilor Iacobucci moves to refer to Ordinance and Finance Committee

Voted – 6 Yes, 1 Recuse (Thone), 1 not present (McClure)

2007-069 An Ordinance to Establish an Annual Expense Allowance for the Municipal Council – Councilor Lavoie sponsor

Councilor Iacobucci moves to refer 2007-069 to the Municipal Council meeting on June 19, 2007
Councilor Iacobucci moves to waive Rule 11A "all matters of business shall be referred for study and recommendation for action by the Municipal Council" and refer **2007-069** to the Municipal Council meeting on June 19th for a second reading and public hearing and also place **2007-028** on that agenda for a public hearing and second hearing.

Voted – 6 Yes, 2 Not present (Thone, McClure)

2007-071 An Order to Authorize an Appropriation to the Stabilization Fund – Mayor Kezer sponsor

Councilor Benson moves to refer 2007-071 to the Finance Committee

Voted – Unanimous

2007-072 An Order to authorize transfer between General Dept. Funds – Mayor Kezer sponsor
Councilor Benson moves to refer 2007-072 to the Finance Committee – Voted Unanimous

2007-073 An Order to authorize a transfer to Legal Services - Mayor Kezer sponsor
Councilor Benson moves to refer 2007-073 to the Finance Committee – 7 Yes, 1 Not voted (Iacobucci)

Recess

Correspondence

2007-070 Resolution – Town of Walpole “Unfriendly 40B Projects”
Councilor Benson motions to send a letter.

Councilor Iacobucci would like to go to the Legislature and ask for support full funding of 40R and 40S before taking a position on 40B's. He would like more discussion on how this will impact Amesbury. He suggests to table or send it to the Ordinance Committee. President Lawrence agrees.

Councilor Benson amends his motion to send 2007-070 to the Ordinance Committee. Voted – 6 Yes, 2 Not Present (Thone, McClure)

Adjourn 8:45