

Municipal Council Meeting Minutes
June 14, 2005, 7:00PM
Town Hall Auditorium

Pledge of Allegiance – Councilor Woodsom

Roll Call: Robert Woodsom, Roger Benson, James Chandler, Ann Connolly King, Esther Headley, Anne Larnard, Christopher Lawrence, Mario Pinierio and Joseph McMilleon

Accept Minutes: May 10, 2005 Councilor Benson motioned to accept, Councilor Pinierio second

PUBLIC COMMENT

Mr. Lankin gave an update of the Library now that the project has failed and most of the money has disappeared. He states that they are getting proposals to do an ADA study to determine in what ways they are in violation of ADA and what it would take to bring the building into compliance. They are taking steps to show good faith with the ADA by moving programs to ADA accessible space. The Historic collection is still being housed in Boston and will stay there until it can come back in a safe manner.

John Iacobucci, 5 Hillside Avenue – Mr. Iacobucci suggests the house at 5 School Street be used for the Children’s Library and all the land around the municipal buildings be made into a town common.

Annette Denietolis, 21 Orchard St. - Ms. Denietolis is concerned about how the revolving accounts are being managed. She feels appropriate accounting is not being done and the Council should demand it.

LICENSE AND PERMITS

2005-59 – Mass Electric Company – underground electric conduits on Oak Street

President McMilleon – reads 2005-59 into the record – no representative from Mass Electric present
Councilor Pinierio – motion to continued to the 7/12 Council meeting
Councilor Benson – second
Voted - Unanimous

2005-61 Common Victualler License – Sonny Boy/Pied Piper Ice Cream – Town Ways

President McMilleon – reads 2005-61 into the record – Mr. Manemanus no present
Councilor Benson – motion to continue to 7/12 Council meeting.
Councilor Pinierio – second
Voted - Unanimous

2005-66 Verizon New England – Pole hearing – Cedar Street

President McMilleon – reads 2005-66 into the record – no representative from Verizon present.
Councilor Benson – motion to continue to 7/12 Council meeting
Councilor Pinierio – second
Voted – Unanimous

2005-67 Verizon New England – underground conduits – Cedar Street

President McMilleon – reads 2005-67 into the record – no representative from Verizon present
Councilor Benson – motion to continue to 7/12 Council meeting
Councilor Pinierio – second
Voted – Unanimous

2005-62 Joint Meeting of the Planning Board and Municipal Council to fill vacancy

Planning Board Roll Call: Howard Dalton, Timothy Sekelsky, Hilary Ward and Ara Sanentz

Alan Salisch, 37 Millyard, Amesbury – Mr. Salisch has an architectural background. He has decided to make Amesbury his home and would like to get involved.

Councilor Chandler asks Mr. Salisch his vision of the town. He responds that he is a proponent of new urbanism which is the integration of multi use zoning. He wants the town to move away from sprawl and strip malls and maintain the quality of a small town.

Janice Austin-Syphers – Ms. Austin-Syphers has lived in town for 28 years. She feels there is a lot of building going on in Amesbury and what she reads in the papers isn't always accurate. She feels she could make a difference if she gave a little of her time.

Councilor Chandler asks Ms. Austin-Syphers what her vision is of the town. She responds that she would like to see better planning and again what she reads in the newspapers is not always accurate so she feels she should attend the meetings.

Marguerite Zagranis, 16 Dewey Street – Ms. Zagranis has been a resident for over 30 years. She sees a lot of changes happening and wants to give what ever experience she has to help make the changes.

Councilor Chandler asks Ms. Zagranis what her vision is of the town. She sees a lot of older residents leaving Amesbury and would like to bring them back to preserve the character of the town the way it was 30 years ago. She wants to bring the young and old together to work for one common purpose.

Howard Dalton nominates Alan Salisch
Councilor Connolly King seconds

Councilor Lawrence nominates Marguerite Zagranis
Councilor Headley seconds

Roll Call Vote: Alan Salisch 10, Marguerite Zagranis 3

MAYOR APPOINTMENTS

2005-68 Appointment of Michelle Parsons – Board of Health unexpired term to expire 6/30/07

President McMilleon – reads 2005-69 into the record.

Michelle Parsons did not attend the meeting.

Councilor Lawrence motions to approve 2005-68

Councilor Benson second

Voted – Unanimous

2005-69 Appointment of Shannon Hays – Amesbury Cultural Council term to expire 6/30/08

President McMilleon reads 2005-69 into the record.

Shannon Hayes 67 West Greenwood Street, she is a self employed graphic designer and is looking to get more involved with the arts in town and bring more culture to Amesbury.

Councilor Benson motions to approve 2005-69 as submitted

Councilor Pinierio second

Voted – Unanimous

2005-70 Appointment of Kathleen Kaminski – Council on Aging unexpired term to expire 6/30/07

President McMilleon reads 2005-70 into the record.

Kathleen Kaminski, 67 Cedar Street, working in Amesbury as a visiting nurse, she feels she can inform the residents she cares for what the Council on Aging can do for them. She wants to help the elders in any way that she can.

Councilor Benson motions to approve as submitted.

Councilor Pinierio second

Voted – Unanimous

2005-71 Appointment of Daniel Ouellet – Parks & Recreation Commission unexpired term to expire 6/30/06

President McMilleon reads 2005-71 into the record.

Daniel Ouellet 8 Sparhawk St #3 played a large part in building the Public Disc Golf Course at the Town Park and is involved with the Summer Youth Program.

Councilor Benson motions to approve 2005-71 as submitted.

Councilor Chandler second

Voted – Unanimous

2005-72 Appointment of Amy Sherwood – Cultural Council term to expire 6/30/08

President McMilleon reads 2005-72 into the record

Amy Sherwood 39 Whittier Street is interested in seeing the arts flourish in Amesbury and also interested in the history of Amesbury and making sure that it and other cultural institutions continue to thrive.

Councilor Lawrence motions to approve 2005-72

Councilor Benson seconds

Voted – Unanimous

2005-73 Appointment of Jonathan Sherwood – Master Plan Implementation & Oversight com. Unexpired term to expire 6/30/06

President McMilleon reads 2005-73 into the record

Jonathan Sherwood 30 Whittier St., he wants to be involved with the town behind the scenes. Mr. Sherwood has experience with affordable housing opportunities on the North Shore and wants to bring that to the Committee.

Councilor Benson motion to approve 2005-73 as submitted.

Councilor Chandler second

Voted – Unanimous

2005-74 Appointment of Ad-hoc Committee to the Master Plan Implementation and Oversight Committee

President McMilleon reads 2005-74 into the record.

Councilor Pinierio motions to approve 2005-74 as submitted
Councilor King second
Voted – 8 Yes, 1 Not present (Benson)

SECOND READINGS

2005-12 To Amend Municipal Council Rules 5B and 11A – Councilor Connolly King & Larnard sponsors cont.

President McMilleon reads 2005-12 into the record.

Councilor King reads the overview and the amendment to Rule 5B and Rule 11A.

Councilor Woodsom reads the report from Rules and Procedures (attached).

Councilor Larnard feels the Finance Committee made up of the Council as a whole did some positive things but thinks there is room for improvement. She feels the community would like to see some residents on the Finance Committee.

Councilor Benson does not support 2005-12 he feels that the Finance Committee made up as the Committee as a whole is the best make up. He has no problem with residents serving but does have a problem with removing Councilors from the Committee. If they want to create a separate committee that is truly an advisory committee made up with residents he would support that.

Councilor Headley supports 2005-12, having a smaller committee with residents is a better way.

Councilor Pinierio would like to see the Finance Committee made up of two councilors and five residents in the banking and financial fields.

Councilor Chandler is concerned that the proposed committee would not make recommendations only pass on information. He also feels that the residents do not necessarily need to come from banking and financial fields; they have to have an interest in town government. He would like to see 5 or 7 residents not 2.

Councilor Lawrence says he can not move forward on this proposal because the proposal that he co-sponsored, 2004-126 regarding the Finance Committee, is still held up in a workshop and several committees.

President McMilleon states that the reason the Finance Committee was changed to a committee of the whole is that every financial decision is critical and every councilor should be involved in the hearings and meetings. He feels that the residents have ample opportunity for input at the Finance Committee meetings and the public hearing at the Municipal Council meetings.

Councilor Woodsom states his vision of the Finance Committee is a smaller more streamlined with round table type discussions. He co-sponsored bill 2004-126 for that very reason. He feels that 2005-12 is a compromise to his bill 2004-126 and the current Finance Committee. He does want to see change and will support this bill.

Councilor Larnard agrees with Councilor Woodsom's vision of a smaller more streamlined committee that would build momentum, research information and get some business done.

Councilor King motions that the Council accept 2005-12 to amend Municipal Council Rules 5B and 11A.

Councilor Headley second

Roll Call Vote – 4 Yes – 5 No (Benson, Chandler, Lawrence, Pinierio and McMilleon)

Motion fails

Recess 8:30

PUBLIC HEARING

2004-126 To amend Article 7 of the Amesbury Town Bylaws – Councilor Lawrence and Councilor Woodsom sponsor cont.

President McMilleon reads 2004-126 into the record.

Rachael Murray, 2 Moncrief Street, supports 2004-126

Annette Denietolis, 21 Orchard Street, supports 2004-126

Councilor Lawrence motions to continue 2004-126 to the September Council meeting and a workshop on September 7th.

Councilor Pinierio second

President McMilleon will call Kopleman & Paige to have them attend the workshop

Roll Call 6 Yes, 3 NO (Benson, King, Larnard)

2005-24 An Ordinance to Ensure Access to Public Documents – Councilor Lawrence sponsor cont.

President McMilleon reads 2005-24 into the record.

Councilor Lawrence states that this bill is still in Ordinance and Finance and motions that 2005-24 be continued to the September Council Meeting.

Councilor Pinierio second

Councilor King asks that Councilor Lawrence to bring financial data supporting 2005-24 to the meeting.

Voted – Unanimous

2005-28 An Ordinance to approve Amesbury Waterway Management fees – Councilor Chandler cont.

President McMilleon reads 2005-28 into the record.

Councilor Chandler motions to withdraw

Councilor Pinierio second

Voted – Unanimous

2005-42 An Ordinance to establish a three member Cemetery Committee – Councilor Pinierio & Councilor Chandler sponsor cont.

President McMilleon reads 2005-42 into the record

Councilor Chandler motions to withdraw 2005-42
Councilor Pinierio second
Voted – Unanimous

2005-47 An Order to authorize an appropriation of \$100,000 to the Stabilization Fund – Mayor Hildt sponsor cont.

President McMilleon reads 2005-47 into the record and opens the public hearing and closes it.

Councilor Benson moves for approval of 2005-47 and thanks the Mayor for doing this.

Councilor Larnard second

Roll Call Voted – Unanimous

2005-48 An Order to authorize a transfer to Snow and Ice Removal to cover FY05 deficits – Mayor Hildt sponsor cont.

President McMilleon reads 2005-48 into the record and opens the public hearing and closes it.

Councilor Benson motions to approve 2005-48

Councilor Pinierio second

Roll Call Voted – Unanimous

2005-49 An Order to authorize a transfer between General Department Fund – Mayor Hildt sponsor cont.

President McMilleon reads 2005-49 into the record and opens the public hearing open.

Mike Greaney asks for clarification on the transfer.

Mike Basque explains

Councilor Benson moves the recommendation of the Finance Committee

Councilor Pinierio second

Roll Call Vote – Unanimous

2005-50 An Order to authorize the transfer from Reserve for Unforeseen and Rental Real Estate Revolving to Legal Services General – Mayor Hildt sponsor cont.

President McMilleon reads 2005-50 into the record and opens the public hearing.

Mike Greaney asks; how much money is in rentals that will be transferred to legal?

Mike Basque answers \$10,389, from the property on School Street.

President McMilleon asks how much the total transfer is, Mike Basque answers \$60,000

Annette Denietolis, 21 Orchard Street questions the Real Estate Revolving Account.

President McMilleon asks how much money the property on School Street generates. Mike Basque says approximately five to ten grand and that the money is always used for end of the year transfers.

President McMilleon declares the public hearing closed.

Councilor Benson reads the Finance Committee recommendation, to request a detailed list of all legal bills for this year and continue this to the next council meeting with no recommendation.

*Councilor Benson motions that we do not approve 2005-50.
Councilor Chandler second*

Councilor Benson explains that his motion is not about what legal advise this money was spent on but the fact that legal services was not sent out to bid.

Councilor Pinierio is voting no because he wants the Reserve for Unforeseen to go into the stabilization fund.

Councilor King believes that as a community we need to pay our bills.

Councilor Chandler will not vote for this bill because the Mayor did not ask the Council to overspend and that Kopleman & Paige is the only person who made money over the Library because he gave the town bad advice.

Councilor Woodsom agrees with going out to bid however the Town did use their service to defend the charter and the bill should be paid.

Councilor Lawrence does not support the transfer because he feels he was never asked how he would like to proceed with the library issue.

President McMilleon states that it is the Mayor's prerogative to make a decision about legal issues in terms of the charter. He also notes that whether or not Kopleman & Paige gave bad advice is not known yet because there is an appeal still pending and that the town needs to pay their bills. He feels a message to the Mayor about legal services is better made through the budget.

Councilor Larnard states the town has to pay their bills and that the legal bill is not just about the library but multiple issues that face the town.

*Councilor Benson motions that we do not approve 2005-50.
Councilor Chandler second
Roll Call Vote – 4 Yes, 5 No (Woodsom, King, Headley, Larnard, McMilleon)
Motion fails*

*Councilor King moves to approve 2005-50
Councilor Woodsom second*

Councilor Benson objects to the vote.
Bonnijo Kitchin reads Section 3-7 section C – Objection. Councilor Bensons objection is over ruled.
President McMilleon calls for a vote on the second motion.

Councilor Chandler calls for a legal opinion on the over ruled objection.

Roll Call Vote – 5 Yes, 4 No (Benson, Chandler, Lawrence, Pinierio)

2005-52 An Ordinance to impose a seasonal ban of animals on Lake Gardner Beach – Councilor King sponsor cont.

President McMilleon reads 2005-52 into the record.

Councilor King gives a presentation about 2005-52 and states that there is no recommendation from Ordinance because there was no quorum.

Councilor Pinierio wants to know who will enforce the ban, who will have the authority to write tickets and if that includes lifeguards. Councilor King replies the Police and Dog Officer will write the tickets but they did not want to put the lifeguards in the position where they would have to confront people.

Councilor Lawrence supports this bill and would like to see it move forward.

Councilor King would like the sign to be changed from “no dogs” to “no animals”.

Annette Denietolis asks exactly where the ban is. Councilor King replies only on the beach.

Jane Snow wants signs up in the cemetery.

*Councilor King moves to approve 2005-52 as submitted.
Councilor Pinierio second*

Roll Call Vote – Unanimous

NEW BUSINESS

2005-58 An Order to request the Municipal Council accept a \$7,640.00 donation from The Provident Community Foundation – Mayor Hildt sponsor

President McMilleon reads 2005-58 into the record.

*Councilor Benson motions to refer 2005-58 to the Finance Committee and schedule a public hearing at the July Municipal Council meeting.
Councilor Pinierio second
Voted – Unanimous*

2005-60 Amend Rule 5F “Public Comment” of the Amesbury Municipal Council Fourth Session Rules and procedures – Councilor Lawrence sponsor

President McMilleon reads 2005-60 into the record.

*Councilor Lawrence motions to refer this to the Ordinance Committee and Rules and Procedures and to the next Council meeting for a public hearing.
Councilor Pinierio second
Voted Unanimous*

2005-63 An Ordinance to amend the Zoning Bylaw Section II and Section V – Mayor Hildt sponsor

President McMilleon reads 2005-63 into the record.

Councilor Lawrence motions to refer 2005-63 to Planning Board, Ordinance Committee and to the next Council meeting for a public hearing.

Councilor Pinierio second

Voted Unanimous

2005-64 Administrative Order #2005-1 to establish a Cemetery Advisory Commission – Mayor Hildt sponsor

President McMilleon reads 2005-64 into the record.

Councilor Pinierio motions to accept as submitted.

Councilor Benson second

Voted Unanimous

Councilor Benson motions to suspend Rules to allow Josh Handverger to speak.

Councilor Pinierio second

Voted Unanimous

Josh Handverger explains that this Administrative Order replaces Councilor Chandler and Councilor Pinierios bill 2005-42. There are a lot of compromises between the two and all involved support it.

Councilor Pinierio moves to accept 2005-64 as submitted

Councilor Benson second

Voted - Unanimous

2005-65 An Order to Provide for Salary Increases for the Mayor and Municipal Councilors – Councilor Lawrence sponsor

President McMilleon reads 2005-65 into the record.

Councilor Lawrence motions to refer this to the June 21st meeting for a second reading and a public hearing because it is a time sensitive item.

Councilor Benson second

Voted – Unanimous

2005-75 An Order to authorize a transfer within the Sewer Department Fund – Mayor Hildt sponsor

President McMilleon reads 2005-75 into the record.

Councilor Benson motions to refer 2005-75 to the Finance Committee and a public hearing at the next Council meeting.

Councilor Pinierio second

Voted – Unanimous

2005-76 An Order to authorize a transfer within the Landry Stadium Fund – Mayor Hildt sponsor

President McMilleon reads 2005-76 into the record.

Councilor Benson moves to refer 2005-76 to the Finance Committee and a public hearing at the next Council meeting.

Councilor Chandler second

Voted – Unanimous

2005-77 An Order to authorize a transfer between General Department Fund to cover expenditures through the balance of FY05 – Mayor Hildt sponsor

President McMilleon reads 2005-77 into the record.

Councilor Benson moves to refer 2005-77 to the Finance Committee and hold a public hearing at the July Council meeting.

Councilor Larnard second

Voted – Unanimous

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

Councilor King gives a brief update on the High School Building Project. The revised planning phase will be submitted to the Architecture from Alexandria on Friday. Less Murray will be addressing the School Committee on Tuesday regarding what things will look like in the fall. The weather is an issue with all the rain. The oversight remains intense and the manpower is still up.

Councilor Benson moves to adjourn

Councilor Woodsom second

10:10PM

Respectfully submitted,

Assistant Town Clerk