

Municipal Council Meeting Minutes
Tuesday, July 11, 2006
Town Hall Auditorium

Call to Order 7:03

Pledge of Allegiance – Councilor Pinierio

Roll Call: Mario Pinierio, Michelle Thone, Roger Benson, Hank Brennick, Robert Lavoie, Alison Lindstrom, Donna McClure, Christopher Lawrence

Ann Connolly King, excused absents

Accept June 13, 2006 minutes – Councilor Benson motion to accept, Councilor Pinierio second
Voted – Unanimous

Public Comment

Master Plan Implementation Committee – Councilor Benson states the committee did not meet since the update request and does not have a presentation. The best time would be for September since the Master Plan is still waiting for new members. President Lawrence asks if the committee has met in 2006, Councilor Benson answers they have met a few times with no quorum. A presentation is scheduled for the September municipal council meeting.

High School Building Committee – Barbara Bode

The project is four weeks away from an important date, August 12th and is not yet finished with Phase I. The biggest reasons are: Alexander would say the delay is because of two key subcontractors having been terminated from the project, GBW and ECI the Electrical and HVAC. The bonding companies have been notified and we are now in the middle of that process. Many of the major systems that need to be tested and signed off on we don't have yet. An order to accelerate has been sent and we have not had any formal response from Alexander. In June we had meetings with counsel on the 6th, 13th and the 27th. We are now strongly pursuing all steps necessary to understand where the project is at to date and what we can do should we declare the contractor in default. Requisitions have been very low, the last two requisitions for June and May total less than \$500,000. There is some work going on but now what we would like to see. There is a great deal of site work going on which is what Alexandria can be doing but with the other two key subs not doing their work there is not a lot of activity in the building. We are waiting for a work incomplete list, a walk thru was finalize on Monday evening and has not been submitted to us yet in a final document. It will help us understand where we are at in phase I and what we should be doing about the August 12th date. We are also waiting to hear about the commitment from subcontractors; we know two that will probably not be with us. We have our next meeting scheduled for July 25th we will be in conversation with counsel prior to that if we receive that document. I only received one question from the council in preparation for tonight's meeting. Councilor Brennick asked about the letter in 2003 that the state sent.

Councilor Brennick – I have dealt with bonding companies. Here you are dealing with two major subs the HVAC and Electrical. You have to go out to bid to get new ones, or do they come in with an open check book and get paid by the bonding company?

Barbara Bode – The bonding company for GBW has stepped in in a big way. GBW and the bonding company have every intention of trying to finish the work not completed. We have a rep that we are

talking to; they know what those working complete items are. GBW will likely finish that work so no replacements need to be hired. The HVAC mechanical contractor ECI, there bonding company is busy with that company on a number of other jobs and unfortunately they have not stepped up to the plate to help us. Alexandria has taken the approach to work with the subs of the sub. They are working to gain commitments from those subs to work with us going forward. We are working to manage that because key to the project are items like the fire alarm, boiler and there are some commitments from some of the subs of the sub but, not 100%. In a perfect world the general contractor might go out and hire a new mechanical contractor that has not been done. Alexandria has stepped in and tried to be that contractor and to work with those subs and that is what we have seen happen.

Councilor Brennick – If a contractor can't complete the job and another contractors sub is invited in it is like gravy train to them, they just write the bills and expect to get paid.

Barbara Bode – We do meet weekly and we learned today that there is little cooperation from Arch which is the bonding company for ECI but again, they have been terminated on several project. Alexandria has intentions to get the work done, to copy the bonding company and if necessary turn around and sue. It is in Alexandria's court.

Councilor Brennick – So you don't believe there will be costs to Amesbury?

Barbara Bode – Correct, that would be an issue between the general contractor and the bonding company.

Councilor Pinierio – I read in the paper that the town has paid the general contractor more than half the 29.3 million dollars for the project which is 15.4 million and they are not even half done. Why have we paid more that half to the contractor if we don't even have section 1 finished yet?

Barbara Bode – First, not all of that money goes to the GC. Secondly, there is a monthly process where by we review what has been requisitioned and we do only pay for work completed and materials that have been received and are appropriated for where we are on the project to day. Not 100% of that money goes to the contractor. There are architectural fees and administrative costs it is not 100% going to Alexandria.

Councilor Pinierio – With all the problems you have had with this contractor, have you contacted the state school board committee to ask for guidance to how to go along with this project with this contractor?

Barbara Bode - We are monthly in communication with the SPA. We are part of the new program that allows for communities to be reimbursed monthly which for Amesbury has been a great thing because it has cut down on what we borrowed, cut down on the costs for the project in total. The SPA to date is not asking us to do anything else. What we have done in a very proactive manner and where we do hold all of the controls is notifying the bonding company which under the system which our project was approved is our first remedy. Back in the spring when we sent the order to accelerate that was the step that was outlined for the bond. We have sat with the bonding company on June 3rd, that's our remedy. Until we have given termination notice, which is not yet something established as something we will do, the remedy that lies with us is working things out and then the first remedy is through the bond.

Councilor Pinierio – Is there any chance of this council getting copies of the letter you sent to the contractor?

Barbara Bode – What letter?

Councilor Pinierio – You just said you sent the contractor a copy of the letter what ever you said in the letter, can we get a copy of that letter you sent to the contractor?

Barbara Bode – What we have done is work with counsel and sent notice to the bonding company.

Councilor Pinierio – That should be public information; can we get a copy of that? So we as city councilors who represent the taxpayers can see what is going on. As of now we are left out in the dark.

Barbara Bode – I strongly disagree with that Mario. I have to stop you there. I strongly disagree with you on that.

Councilor Pinierio – You haven't corresponded with this council up in May and stuff like that. We don't receive any letters. I would like to see the letters that you sent out to the bonding company, to Alexandria contractor so we can at least know what is going on. Is that a problem?

Barbara Bode – I will make a note that you are interested in the communication that has happened between our counsel and bonding company. I have to defend strongly number one, there is a public meeting every month that no one from this municipal council has attended, that you are welcome to come to, those minutes are public. Number two, we meet weekly, if you have a question it is a matter of picking up the phone or sending me an e-mail. Number three, this committee, every time they have been asked to come before you has done it. I take strong offense to that comment.

Councilor Pinierio – I'm not saying that. All I would like to do is see a copy of that letters that you send out to the contractor.

Barbara Bode – I would be happy to, we are not keeping you in the dark.

Councilor Brennick – What do you feel the attitude for the general is? Do you think they are going to work with you or throw in the towel?

Barbara Bode – When we met with them on June 3rd, that was the first meeting that was set up after we had sent notification that we were considering the contractor in default and that, was my specific question. I have done some research into Alexandria on some of the other projects and I question what can this community do? What can SPA do? What's the entity that can do more? We have tried to be extremely proactive and be in control of this project and do things in advance and not have taxpayers feel that we were not working for their best interests. Unfortunately, there is a very public tension between the bonding company and Alexandria because of what has happened in other communities. They have gone on record and stated that until this community terminates then they are doing all they can do. It is up to us to be willing to work with the contractor to reach a point that we are feeling satisfied, that the progress is moving along, that the work is being done to satisfaction that the project is being pushed along. They will not take the next step until we choose to terminate them.

President Lawrence – Can you tell me who the members are of the Building Committee?

Barbara Bode – Barbara Bose, Council Liaison – Ann Connolly King, Mike Corcoran, Maureen Bodie, Patty Hoyt, Deborah Comick, Darryl Fournier, Greg Hogan. Les Murray and Dr. Chaurette are in attendance at those meeting but they don't have a vote.

President Lawrence – Do any of those members have experience in public construction projects?

Barbara Bode – Darryl Fournier works in the industry. He works in a trade and was selected as a replacement so he is one of our reps who have a little bit more of a construction background. Myself was appointed to the committee by Mayor Hildt as a rep at large, so quickly no. Maureen and Patty come from the school department and the committee was set up with certain reps that needed to be in place i.e. Deb Comick from the School Committee. I want to say I was appointed to this committee in 2000. This is a big volunteer commitment and to find someone who needs all what the council might consider criterion is a big step.

President Lawrence – You mentioned that you did some research recently about Alexandria about some of the problems they have had recently or in the past. I believe it's been my understanding over the years that the committee was given information on Alexandria prior to the selection about all the problems that they are having. Did that ever come up in the early years and selection process because now you say you are doing research into problems that they had. Your committee was given this information years ago.

Barbara Bode – Two things are going through my mind is number one, what does that have to do with an update?

President Lawrence – Well it has to do with an up date. You are asking a question. Several times during your presentation you said we have to understand where the project is to date. We have to understand where we are at. It doesn't seem like you have an understanding where you are at because you said that twice. If I read Councilor Connolly Kings comments in the newspaper she said the committee has always been in control, we are the ones driving the construction bus. We can only do what we can do, we can not control the behavior, Alexandria is not driving the bus we are. It doesn't seem that way because there seems that there are some unknowns here.

Barbara Bode – I would respectfully disagree. The committee was in a position to accept the lowest bid. The second lowest bid at the time this community could not have afforded. You risk, in declining a bid, putting your self out there for litigation. We did what was permissible, what was within the guidelines at the time. I think it is sad that you feel that way Chris because this committee is a very involved, committed, working hard committee. I don't think that is a fair assessment. I have done research because unfortunately we are in a situation where we are behind and for the Town of Amesbury, before any decision can be made, I felt that it was important to have a sense of what other communities, who might have been involved with this contractor, have experienced based on their decisions to go forward with the contractor or not. I think that was prudent.

Councilor Pinierio – As of August 12th of this year this project should have been completed. Isn't there a \$2,000 a day penalty if the project is not complete?

Barbara Bode – Correct

Councilor Pinierio – What is your committee going to do to Alexandria because you know they are not going to finish by the 12th? What are the steps that this committee has taken to implement those fines?

Barbara Bode – We haven't put this community in motion yet on official termination of the contractor. I can only share with you what I know other communities have done because we have not yet terminated this contract. If you terminate a contract typically there is a period where by there is research and coming up to speed by the bonding company. Then you enter into a period of negotiations and those costs get considered in the negotiation along with change orders and the balance of the project to be finished. We are very cognizant of it; it is not something that we have put to the side. We are very much tracking what the expenses are connected with the delay of this project. But, we can't tangibly do anything with that assessment at this point.

Councilor Pinierio – I don't think you have really answered my question. What is this committee going to do come August 12th? Have they discussed that in length, you only have 30 days left and you are not even half through the project and we already paid them over 15 million dollars.

Barbara Bode – What the committee is doing is getting up to speed with what our options are before August 12th. They haven't finished phase I and one of our goals was to understand truly whether or not they could finish phase I by August 12th. We need to make a decision about whether or not that is achievable. There could be a miracle in the next 4 weeks. We all don't have that good feeling but there could be. That is why we have had the meetings with the bonding company.

Councilor Pinierio – When Alexandria let those two contractors go did they consult with you about letting them go, the electrician and the HVAC?

Barbara Bode – First of all; they terminated them which is a very strong action. We were asking questions long before that because what is on the table is amended phasing and that amended phasing needed some step up work by those two contractors. The whole project needed stepped up work but we had proposed an alternative phasing plan and we put on the table questions about why can't we get this, this, this done. They don't have to send up notification but in the weekly construction meetings I asked for the notification of termination but we were long ahead of that.

Councilor Thone – I understand that the scope of the project changed a little bit, we added like 37,000 sq ft. a couple of years ago and we applied for some waivers to address that additional sq footage so it would be covered under the project, what is the status of those waivers.

Barbara Bode – I will look into that.

Councilor Thone – That was in 2001

Barbara Bode – What is your real question? Can we come into 2006.

Councilor Thone – Well, I'm looking forward as well as I am looking at it today but I am also looking forward to understand costs that this town may incur as a result of all the things that are going on here and one of them was that the scope of the project had changed, we had increased 37,000 sq ft and we were told, the council was told that we were going to be applying for waivers to address the additional sq footage. I want to know the status of that.

Barbara Bode – Ok, but in reading the letter from Christine Lynch in 2003 you feel very confident that the 29 million dollars for the project is being covered.

Councilor Thone – I do but, it also refers to the scope of the project must remain the same and I'm just wondering if that reflects the change, so if you can look into that.

Barbara Bode – We didn't add on to the project. Unfortunately when it went out to bid it came back higher than what was anticipated but everything through the bidding process was approved.

Councilor Thone – August 12th comes and there is a termination notice, let's assume that happens. What is the process, what is the selection process?

Barbara Bode – Three options. First, we don't control this, we might have strong influence but it is up to Hartford who holds the bond. First option is they rehire Alexandria. Second option is they allow the town to be their own GC. Third option is it goes out to bid; Hartford needs to select a GC. I will just say on record that this committee would strongly oppose Alexandria being rehired.

Councilor Thone – What option would you prefer?

Barbara Bode – At this time I wouldn't state that. If we have terminated that is a message but we need to see the bigger picture.

Councilor Thone – How many members are on your committee?

Barbara Bode – Eight

Councilor Thone – And one has construction experience, Darryl?

Barbara Bode – Yes, I want to clarify one point. George French had seen this community through several of other projects quite capably, professionally and devoted and he was the Chair from 2000 going forward and Mike Corcoran was the President. I have a flexible schedule and have been to 95% of the meetings and have been asked to be involved in the weekly construction meetings. When George French left last summer, because of my weekly involvement and because of my schedule and having been intimately involved and because of Mike Corcoran's health issues then I became Chair. I want to give good recognition to George French because he very much had seen other project through to fruition.

Councilor Thone – Given where we are today and the long road ahead of us, have you considered and or will you consider maybe altering the makeup of this committee to add more experience in the construction area. Perhaps put the call out to the community.

Barbara Bode – I think what you are discounting is the fact that we have a project manager who is Lee LeBlanc who is on site every day and has a whole career in construction. You are discounting that we have an architect on site from Mt. Vernon Group that has been present from the first shovel in the ground and the number of change orders we have shows how professional and how helpful that roll has been. You are discounting that Mt. Vernon Group who's primary business is public construction i.e. schools primarily, is who we voted onto this project. The committee is guided by professionals who spend their careers in this business. I don't think you can discount the 6 years of

being here from the beginning that most of our committee has had. I would put it back to you; why do you feel the need to replace some members?

Councilor Thone – I think that committee could probably do better if we could beef it up a little bit. I am not saying that is the answer to all these problems but I think it is a little bit of a weakness, I think we are dealing with a major construction project. I have seen hotels go up faster. It is not to discount the quality of Lee who I think is amazing and the architect who has done a fabulous job. I'm thinking that it might make sense to either shuffle or add, put the feelers out to the community for people that could add to this committee.

Barbara Bode – I think your interpretation of how the committee works and works in accordance and spirit and with the direction of a professional architect like Mt. Vernon Group and a gentleman who spent his career in the construction industry who is our representative is not giving us credit.

Councilor Thone – Well it is not meant to do that, all I'm asking is your consideration.

Barbara Bode – Well it did Michelle, so unfortunately that is what you stated.

Councilor Thone – I have clearly stated that that was not the intent.

Barbara Bode – Well intent or not you stated it. So it is unfortunate.

Councilor Thone – It's unfortunate your interpretation.

Councilor Pinierio – When the architects of the Mt. Vernon Group, weren't they only supposed to be on the project for 6 months and now they are here for the life of the project.

Barbara Bode – No

Councilor Pinierio – So in that 29 million dollars for the school you had planned to keep the Mt. Vernon Group for the entire project.

Barbara Bode – Correct

Councilor Pinierio – So now what happens now you go after August 12th and there is another year, who is going to pay them and where is that money coming from?

Barbara Bode - The cash flow would come from the contingency fund and there will be a continued monitoring of those expenses connected with the delay and that is a big part of it.

Councilor McClure – I went through some of the older notes and I found that the high school building committee was trying to pursue a green schools grant from Mass Tech. did we get that?

Barbara Bode – We didn't qualify.

Councilor Lavoie – I have been sitting here biting my tongue. Although I am an Attorney I am not a litigator but a lot of the questions and subject material are coming perilously close to a situation where everyone in the room can perceive that this is heading to pre-litigation. I think we all need to be concerned and discrete about how much more prodding we do. I want to go on record and say I think

the building committee has been doing a fine job and they are guided by counsel. I think everybody in the room is extremely frustrated and everybody at the council is frustrated, we all share that frustration. I think the key thing to keep in mind is that we as the community are the harmed party. This is all happening because of the lack of fulfilling contractual obligations that the other party is demonstrating. Nothing that the town is doing or unfortunately - in the construction world there is not a whole lot that - it is like pushing on a rope, you can't force things to happen you can only have people's promises that they are going to perform and when they don't there is a process to take care of that. I was on the tour earlier in the year and I don't think anyone doubts that the work that is done is good quality work it is just quite clear that the other party to this contract is not performing because it is incapable or intent or not. It is not working and it is coming to a crux. It is going to play out. We have to be careful and judicious about how much further we delve into this.

Jim Chandler, Main Street - Mr. Chandler wants the school building committee to be careful with the monthly requisitions on not pay cost plus. He does not feel it is a good idea to terminate the contractor because we would not be able to recoup the daily penalties. Ms. Bode explains that the requisitions are very carefully reviewed and only work completed is paid.

Mike Greaney, 50 Orchard St. - Mr. Greaney feels it is the job of the council liaison to keep the councilors up to date. He feels the state needs to look at their bid list and weed out the bad contractors. The town is very fortunate to have Mr. LeBlanc working on the project and having an architect on site everyday.

Councilor Thone - Is there supposed to be some sort of a shift taking place or moving kids into a section?

Barbara Bode - It is a phase project so at the completion of phase 1 which is the addition; student could go into that side and then there are steps to be done for the balance which is the renovation. Our biggest goal is to get done, we have used every remedy we know and we do have to be careful.

Councilor Thone - I thought I had read something that we are in the process or very close to that.

Barbara Bode - As Katie wrote in the follow up to our June 27th meeting, Alexandria has committed to a flip at August 12th. If I can just back up a minute and respond to Mr. Greaney's comments and Mario's issue. Our committee is an awesome committee and I would want to give an Acer lade for Ann who is not here who called me and asked me to be here because it is her family vacation and I do not know all the etiquette for when these liaison reports happen but somehow she got on the agenda with Roger when she had a family vacation planned. She has been phenomenal and took over from where Roger had been and is more than willing if asked to give information. We would be happy to continue to give updates and Ann even came in and worked this weekly construction meeting when her job had her at Whittier as opposed to being in a different job and she would make every effort to be at the Tuesday meetings because she wanted to keep all of you informed and was there for the tax payers. I really want to be sure that this community knows how hard she has worked because she is phenomenal and has jumped right in and has done an awesome job.

President Lawrence - Right, well she may have been great in committee but we really didn't get any reports on the council. So moving forward we will have a high school building update at every meeting during public comment.

Barbara Benson - Can I just hear you say that again.

President Lawrence – The council liaison will give a school building report at every council meeting moving forward during the public comment.

Councilor Brennick – Two years ago there was a critical need down there to get the PA system fixed, is it fixed?

Barbara Bode – I would say that Les Murray is on top of that anytime it goes down, I mean there were some band aides put on it and through construction there have been some glitches and that is not really part of Alexandria's contract but they have jumped in to be sure communication could happen on the renovation side which they haven't even gotten to. Les Murray reports any issue that could be connected to something that has happened on the other side and I feel confident that he is absolutely on top of that.

Councilor Benson – I would like to say that I have never once had a problem getting information regarding this project either from the committee or from our liaison. I would like to ask the president if he is going to require committee reports from every committee that there is a council rep on at every meeting or is it just going to be Master Plan and High School Building.

President Lawrence – I didn't say Master Plan. It is on the agenda to give committee reports. Most of the committees were giving reports. This is very important to the town so I am bringing it up to the top of the agenda so that people can hear the update and don't have to wait until 11 o'clock at night. So I don't think there is anything wrong with that request.

Barbara Bode – Again, I would echo again Councilor Lawrence my cell phone is public through our secretary, our meetings are held once a month the last Tuesday of the month. We have a project manager who is this community's rep and no one should ever feel that information is a question. It is absolutely available.

Councilor McClure – Yes, I think that is great that you are very open but we have the cameras here so it is really good that the community can hear them when they are televised. This is a good forum so having these reports that we all do at these meetings it is just we have not had one on the high school building committee.

Barbara Bode – Since last spring when we were here.

Councilor McClure - Right but that was your group.

Barbara Bode – I just think there is a lot of opportunity for communication. We absolutely want to report to you and Ann will and there are a lot of ways to learn about this project. The meetings are in the construction trailer at 7:00PM.

Public Comment

Jim Chandler, Main Street – Mr. Chandler asks what is the status of 2005-10 is and wants to be put on record that the town has not heard anything back on the request to the Inspector General.

Licenses and Permits

Mayoral Appointments

2006-070 2006 Mayoral Re-appointments – attached
President Lawrence reads 2006-070 into the record.

Councilor Brennick motions to adopt 2006-070, Councilor Benson second – Voted Unanimous

2007-072 Appointment of Lenny Turnquist to Cultural Council term to expire 6/30/09
President Lawrence reads 2006-072 into the record.

Ms. Turnquist lives in a condo in the millyard and would like to participate in the good job Amesbury is doing in encouraging the Arts.

Councilor Pinierio motions to accept 2006-072, Councilor Benson second – Voted Unanimous

2006-073 Appointment of Jo Ann Peatfield to Council on Aging unexpired term to expire 6/30/08
President Lawrence reads 2006-073 into the record.

Ms. Peatfield has been working in geriatrics for 9 years and has gotten to know the Council on Aging in her work at Harborside Health Care in Amesbury.

Councilor Pinierio motions to accept 2006-073, Councilor Benson second – Voted Unanimous

2006-074 Appointment of Brian Thompson to Cultural Council term to expire 6/30/09
President Lawrence reads 2006-074 into the record.

Mr. Thompson stated his desire to join the Cultural Council.

Councilor Pinierio motions to accept 2006-074, Councilor Benson second – Voted Unanimous

2006-075 Appointment of Diane Wigmore to Council on Aging, unexpired term to expire 6/30/08
President Lawrence reads 2006-075 into the record.

Ms. Wigmore states she has been a nurse for the last 22 years and would like to serve on the board to help open up communication with the hospital.

Councilor Pinierio motions to accept 2006-075, Councilor McClure second – Voted Unanimous

Second Readings

2006-028 An Act to change Article 9-18 Solicitation Policy of the APD regulations – Mayor Kezer sponsor cont.

President Lawrence reads 2006-028 into the record.

Councilor Lavoie reads the recommendation of the Ordinance Committee 6/29/06. The Police Chief, unavailable to attend, referenced a concern to Councilor Lavoie that given the sensitivity of the First Amendment he recommends that Town counsel reviews this policy.

Councilor Brennick asks Councilor Lavoie's feeling and he states it is a dicey first amendment issue between free speech and freedom of religion versus the right to be left alone in your own home. Councilor Thone has a problem with the criminal background checks for solicitors and not with other permits issued by the town.

Mayor Kezer states 2006-028 would definitely go to counsel for review before he signed it. An Act to change Article 9-18 Solicitation Policy of the APD regulations came about because of a court case relative to religious groups doing door to door. It was recommended our bylaws/ordinances be tweaked to stay in compliance relative to the court case.

Councilor Lindstrom states the reason it was reworked in part was there was no protection for the homeowner.

Mayor Kezer said he would be happy to sit down with the council and the Chief to go over the details because it is a complex issue and would be willing even before the vote to get an opinion from counsel.

Councilor Lavoie suggests the policy committee on safety to work with the Mayors office.

Councilor Thone does not agree with sending it to the policy committee on safety. She feels there are privacy issues at stake.

President Lawrence has no problem sending the ordinance committees revised version to town counsel. Councilor Thone would first like to have a workshop to discuss this issue before spending money on legal fees.

Councilor Thone motions to table and schedule a workshop for September 12th at 6:30, Councilor Lindstrom second – Voted Unanimous

Recess 8:30

Public Hearings

2006-063 \$5,000 donation from The Provident Community Foundation – Mayor Kezer sponsor cont.

President Lawrence reads 2006-063 into the record.

Councilor Brennick read the recommendation from the Finance Committee to table for more information.

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

Councilor Benson motions to continue 2006-063 to the September council meeting, Councilor Pinierio second – Voted Unanimous

2006-064 \$1,200 grant from the Essex National Heritage – Mayor Kezer sponsor cont.

President Lawrence reads 2006-064 into the record

Councilor Brennick read the Finance Committee recommendation to accept.

President Lawrence opens and closes the public hearing.

Councilor Benson motions to accept 2006-064 as submitted, Councilor Pinierio second – Voted Unanimous

2006-065 \$10,000 grand from the Governor's Highway Safety Bureau – Mayor Kezer sponsor cont.

President Lawrence reads 2006-065 into the record.

Councilor Brennick reads the recommendation of the Finance Committee to table.

Councilor Lavoie under Rule 11, moves that 2006-065 be discharged back to the Council for action, Councilor Benson second – Unanimous

President Lawrence opens the public hearing.

Thomas Hanshaw, Amesbury Police Department – Officer Hanshaw wrote the grant to the Governors Highway Safety Bureau. This is a grant reimbursement program for car seats and teaching tools. Officer David Clark, has been trained and is a certified car seat technician and since has checked approximately 500 cars seats. Officer Hanshaw feels this is one of the more important services provided by the APD.

Councilor Brennick asks if any payroll gets charged to the grant and Officer Hanshaw responds no, this is only an equipment grant.

Councilor Benson thanks Officer Hanshaw for writing the grant and states Amesbury is one of the few Police Departments in the area that offer this service.

Officer Hanshaw explains that Officer Clark keeps informed about new seats offered and recall lists.

Councilor Pinierio thanks Officer Hanshaw for writing the grant and Officer Clark for doing a good job providing a very necessary service.

Councilor Thone asks how many car seats the grant will purchase and how they are distributed. Officer Hanshaw replies this grant will purchase approximately 100 seats and the department will be working with local programs such as Our Neighbors Table, Community Action and the Pregnancy Care Program as well as people who walk in off the street and can't afford a car seat. There won't be an application to be filled out but mostly through referrals.

Councilor Thone asks Officer Hanshaw if you buy 100 car seats where will the remainder of the money go. He replies it will be spent on the dial a belt machine for demonstrations for about \$2000.00 and 100 car seats at about \$50.00 each, signs, rubber matting and storage shed to store them in with room to store their motorcycles. If they don't spend the whole \$10,000 they just won't get that amount because this is a reimbursement grant and you only get what you spend.

Councilor Brennick motions to pass 2006-065 as submitted, Councilor Pinierio second
Roll Call Vote – Unanimous
President Lawrence closes the public hearing

2006-066 To Authorize Liabilities in excess of Appropriations under MGL Chapter 4, Section 31 – Mayor Kezer sponsor cont.
President Lawrence reads 2006-066 into the record.

Councilor Brennick read the Finance Committee recommendation to discharge back to the Municipal Council with a recommendation of acceptance.

Councilor Pinierio asks Mayor Kezer if the town will get money back from FEMA for damages. Mayor Kezer explains that he is going through the application process and there is an assessment process by FEMA that is in the works. The intent of 2006-066 is that they have quantified the extraordinary

costs that were incurred do to the flood and to separate the costs on the books in anticipation of FEMA and MEMA.

Councilor Brennick stated that he went into great discussion with Mike Basque and the idea is to keep these costs off the tax rate. Mayor Kezer responds yes, right now they are just separating the costs because it is being carried from one fiscal year to the next. If 2006-066 was not passed it would be taken out off free cash certification for next year. This will allow the costs to be carried to the next fiscal year and pay it off when the reimbursement comes in.

Councilor Thone wants to make sure that these costs are a separate line and not embedded in another line item that holds other things. Mayor Kezer says, yes that is the intent and Mike Basque is working on those mechanics.

President Lawrence closes the public hearing.

Councilor Benson motions that the Municipal Council authorizes liabilities in excess of appropriations under Mass. General Law Chapter 44 Section 31 for expenses pertaining to the flood event of May of 2006 in the amount of \$142,613.00 and that any state or federal and or other reimbursements be applied to reduce the amounts to be raised by taxation. Councilor Lavoie second.

Councilor Thone makes an amendment to the motion. Further add that a copy of the filing be submitted to the Municipal Council and Finance Committee immediately upon submission and that the Chief Financial Officer presents the entire liability as a separate line item in the budget.

Councilor Benson accepts the amendment. Councilor Lindstrom second
Roll Call Vote - Unanimous

2006-067 An Ordinance to Reorganize and Divide the Department of Community and Economic Development – Councilor Thone and McClure cont.
President Lawrence reads 2006-067 into the record.

Councilor Brennick – The finance committee looked at this strictly from a splitting apart the dollars, in other words everything associated with the children in that program we just looked at the dollars. There was no dollar value to it and we discharged it back to the council and recommended passage.

Councilor Lavoie – At the Ordinance Committee on June 29th there was a motion to discharge back to the Municipal Council with significant wording changes and to recommend that the Municipal Council address with the Mayor, Youth Director and the Director of Community and Economic Development the question of the chain of command in regards to section 3 and that vote was 4 in favor and 1 opposed. The Ordinance Committee recommend that the wording be changed as submitted in its recommendation and secondly as a recommendation the Municipal Council address with the Mayor, Youth Director and Director of Community and Economic Development how the chain of command referenced in section 3 would work.

Councilor Benson – I would like to urge my fellow councilors to vote against this. One of the major reasons is – I have been sitting here a while and have moved for cuts in the past in the Office of Community and Economic Development and I admit that it is frustrating that when that is done it seems that the Youth Program is what is threatened to be cut first when the council may very well want the cuts to come from else where but, I don't think that is the right reason to reorganize a

department. One of the questions I have in regard to that, in terms of the finance committee looking at the cost of this, did they analyze the cost of labor disputes as a result of taking someone out of the union; which are sure to happen. There are a lot of other costs associated with this and I think it is a bad president to set that when you disagree with a department's budget the way to go about that disagreement is to reorganize it and use our powers of reorganization. I don't think that is what they are meant for and I don't think that is what we should use them for. This opens up a can of worms and sets a bad precedent and I urge my fellow councilors to vote against it.

Councilor Thone – There are other communities that this is very common in how they organize their youth programs. It is unusual that it is under Community and Economic Development. I am not exactly sure why it is inserted there. The Finance Committee did look at this in terms of additional costs and quite frankly the responsibilities of the Youth Director are not going to change what so ever. So, I can't see the argument for any disputes and I'd like to understand Councilor how you feel this is pushing anyone out of the union.

Councilor Benson – Because you have taken a union position and turned it into a department head. You can't be in the union if you are a department head.

Councilor Thone – That is not the language of this bill.

Councilor Benson – But she is the head of a department.

Councilor Thone – If you look at – we have other departments like the health department and conservation commission and another budgeted department the harbor master, they are not department heads, they report directly to the Mayor. We also have DPW who we have Brian Gilbert who oversees several departments, so there are other alternatives how we can set this up without creating a department head.

Councilor Lindstrom – I grew up in a community where they had a huge youth program where they had sailing, camps, play grounds, beaches and all the youth programs under the auspices of the parks department. To me it is odd that you would have kids under the economic development which is really for business. I don't see this as a perfect piece of legislation; I think there is a lot of work that could be done. I think the ordinance committee left #3 up for who Kathy would report to and I think that the people who are involved in this should be involved. There should be another workshop where we would have Joe, Kathy and the Mayor in on how this would work. I think it is a good idea, I just don't think it is executed perfectly.

Councilor Thone – What would you see changing?

Councilor Lindstrom – I'm not sure because I'm not someone who is the youth director. I can see it more under the parks, under the parks and recreation. I would like to see the people involved, involved.

Councilor Thone – If you look at Amesbury's website under parks and recreation this whole program is under there and Kathy Crowley is the contact. It is already set up that way. The only change this causes is one, a separate budget so it can not be affected by community and economic development which it absolutely is and a different reporting structure that Kathy, possibly reporting to the Director of CED would report directly to the Mayor similar as the health agent does.

Councilor Lindstrom – Do you think they should be involved in deciding that part of that? I don't think it would hurt.

Councilor Pinierio – I think it is up to us to decide, we are the legislative branch.

Councilor Thone – Yes, I don't think it is a big decision. Nothing that she is doing changes; her responsibilities don't change it is a separate department budget and she would report directly to the Mayor that way it is truly separate from CED.

Councilor Lavoie – If I understand the genesis of this ordinance, it was some perceived threat that the youth program budgets are going to get grabbed by CED and I think there is a long history that that is simply not the case. I think it is functioning well now and if it is not broke why fix it. The most important thing is the people that are affected should be part of the decision making and as we all know Mayor Kezer ran on a platform that he was going to reexamine and reorganize the executive branch of the municipality and that is underway now. It is general knowledge, we read it in the paper so I wonder what the utility is of trying to cherry pick this one program, take it out of the organizational box that it is in now. I think all of us probably would agree there are various ways to organize, and what department it should be in – the person who is elected to run the executive branch has ideas and is in the process of reorganizing. I think it is premature to jump at it, again there is either a real threat or a perceived threat and my perception is that it is not even a perceived threat. I would strongly recommend that the council table this or leave it alone until the Mayor's reorganization chart comes out and that will be based on consultation of all parties affected and we can comment on it at that time. Thank you.

Councilor Benson – I do agree with Bob that we should involve the parties who are affected by this. That being said I can also understand from Michelle and Donna where the frustration comes from; I don't deny that. The youth program does become a bit of a political football come budget time and I have seen it happen in years past. I don't think that is right and what I am saying is if we are going to do this we need to approach it in a more corporative way working with the people who are going to be effected by it. Taking into account their opinions and thoughts in terms of how to move forward with this. I see budgetary control by the legislator as the wrong reason to reorganize a department.

Councilor Pinierio – I remember, like Bob Lavoie said, that we discussed this at length and Michelle was there and we were concerned about telephones and office supplies and how much is she going to use out of that department so that could be a problem for this year. As far as next year and a separate budget I totally agree with Michelle and Donna it should be separate because it could become a political football when it comes time say if their budget needs to be cut and everything else. I think a change is needed and it should go under park and recreation.

Councilor Thone – Those items were covered in the ordinance recommendation, the transition of that. I don't see this as a political football and let me make that very clear. I do not see this as a political football so and this absolutely is within our purview of the council to be doing this, read the charter, it is absolutely within our purview to be doing this. We sat at the budget hearings, the finance committee and Ms. Crowley presented her budget. She is the key contact for everything in that department. None of her responsibilities or her role is going to change; it is going to be the same. We are simply, and I did just hand out which got passed back on this end, a report that the finance committee receives and this is the end of May so there is still another month to go in the fiscal year and if you dissect the youth programs then CED is over budget which means they are filtering off

recreation programs and what is left in their pocket and that money should be going to youth programs and so whether or not it is a reason it makes sense to put this in its own department.

Mayor Kezer – A couple comments in regard to this issue. One, as far as the history as to why this department is under CED it is because how ever many years ago with a \$300 grant Joe Fahey and Kathy Crowley built this program from that \$300. From the history of the Youth programs it has never hit the tax payers because it has always been funded through user fees and leveraging programs and growing them up to the level. Why is it in CED? Because he created it and this is one of the more successful components of our town government. It is a case of if it isn't broke don't fix it and CED is the father and mother of the program. Secondly, in doing an reorganization, Councilor Lavoie is correct that I am working on a complete reorganization of the executive branch. I have been working on it for 2 months and it is a process in which making sure that any changes that are made to the organization that all impacts are considered, that all parties that are impacted are involved in the discussions. I'm taking a very deliberative, consultative approach to how I believe we should organize the executive branch. My goal is to reform the executive branch, to reengineer it in a way that we can better, more effectively; more efficiently take on the challenges of this community. That is the work that I'm doing. It may not have an impact, as Councilor Thone says, on Kathy Crowley and what she does on a day to day basis but it does have an impact on me. If you look at the current org chart I have 14 direct reports plus I have the schools as Chair of the School Committee. I have 15 different departments all reporting to me of various sizes and all the programs. Anybody who understands organizations, what you have to consider is; what is the span of control? What is the max as a manager do you want reporting to you in order to have command and control over the workings of those departments. So, part of my effort in the reorganization is to streamline the organization so I have 8 direct reports. I will be sharing this information in advance of submitting the administrative order so that you can look at it and we can answer all the questions. One of the moves that I am making that I have on my org chart is that the youth services program will be coming out from under CED and will be falling under what I am creating as a new division Health and Human Services which is going to consolidate or put under one division your youth services, elder services, veteran services, health services, library and ACO. That will improve my span of control over the workings of all these departments. I am already making a move to do that. Councilor Benson is correct that there is a union impact by making the changes as proposed. Part of my process is, I go through and talk and contemplate all of this and consider all of the impacts and work out all the issues as to how to reorganize. I am asking the council, as some others have, to hold off and wait for me to share with you my vision of what the structure should be. I'm the one that has to live and die by that org structure. I will be the one judged on the effectiveness of the executive branch based on how I reorganize it so I would like to have the opportunity to put that together in a very thoughtful process and I will be sharing it with you. Right now I am sharing it with all of the divisions and all of the employees that are being impacted. Fairly soon I will be sharing that information with you.

Councilor McClure – Can you tell when fairly soon is?

Mayor Kezer – I have the new Chief of Staff starting Monday so that will help me to start handling the work load. To give you a best guess I would say probably within the next 30 days give or take. There are a lot of issues that are wrapped up in making changes. There are a lot of mini decisions that have to be made in order to put all the pieces of the puzzle together in a way that works well.

Councilor McClure – So you are working towards having 9 direct reports.

Mayor Kezer – Yes, there will be eight within the town side plus when you add the school side there will be nine. So again, your span of control as far as running and managing an organization will be much improved and secondly, part of the effort of aligning or clustering like departments under divisions is part of the amestat and the way that we measure performance. It will make more sense because it will be the division heads that will be reporting on the performance and production within their division made up of all the various departments. An example of one of the challenges of having 15 direct reports is that I get requests for vacation time from all these people and frankly I don't have the time to know when they should or shouldn't be on vacation. It is that type of administrative stuff that just overwhelms the functioning of the office of Mayor that is better suited to have a division head who is more closely in tune with the day to day operations that can make those kinds of decisions so I can keep my eye on the big picture that has the bigger impact on how we do our business.

Councilor McClure – Will this change impact the budget? Are we talking now that there will be more job responsibilities for these folks. Financially, what is it going to do to us?

Mayor Kezer – I would say for this year not a big change in the budget in the sense that, I am not creating any new departments or eliminating any departments it is a reshuffling of where the departments are.

Councilor McClure – The responsibilities will change.

Mayor Kezer – Yes and No. That is part of the decision making process. By my going through this exercise for one, I am identifying holes in the system. An example is environmental regulations every city and town is hit from all sides on it and dealing with DEP/EPA regulations and compliances. The list of environmental issues that we have before us now, there is no single entity who responsibility it is to manage that. That is a hole in the system. What I would ideally like and I'm not going to do it for this year for sure is what other towns call is an environmental compliance officer. Basically, someone that keeps us out of trouble on the environmental issues so that we are not spending our money on fines. I am not creating or eliminating any departments it is reshuffling into clusters in order for me to be able to better manager the whole organization by having 8 people sitting around the table instead of 15.

Councilor McClure – I get that. I more concerned about the responsibilities indicating; now we need to look at a new department head, bigger money, and more responsibilities.

Mayor Kezer – For this year because all of the budgets are based on each of the departments there will be no change. Next year it is possible there will be new positions and maybe some other positions gone, I don't know but, that will be part of the process and will be presented to the council. We need to make the organization meet the challenges that we have. We don't have people managing some of the challenges.

Councilor McClure – So your plan is to take it out of CED anyway.

Mayor Kezer – Yes

Councilor Brennick – With that in mind then would the appropriate time to separate the budgets now.

Councilor Thone – This does not change anybody's responsibilities. Ms. Crowley is going to continue to do exactly what she does. She is simply going to report, we are going to propose I believe, directly

to you. That does not make her a department head; it does not change her responsibilities. However, your reorganization, as I heard it does change and shift responsibilities and I think you are going to see issues there. I also see new positions as you said, added. I see that reorganization costing us money. You outline health and human services and listed youth, elder, veteran, library and ACO, who will be the department head, to be determined. I guess the point is that's great it is something we need to do, it is something I think should have been done years ago and we are looking forward to that but I think this is a step we need to take now and should your plan modify this then we will work with that. I do not see any change of responsibility simply a change in the reporting structure.

Mayor Kezer – Let me address one component of that as far as any changes that I make costing more money. My approach to doing the budget as I did this year, and I will do next year, I will first make a decision on what I think the bottom line should be for the town and it will be based on a conservative approach of holding taxes to as small as an increase as possible. Set the bottom line first so as far as cost control to the tax payer that's where that gets done. That is where that gets accomplished. The next step is how do I allocate the dollars of that bottom line in order to deliver the services of the town. If that means that I create a position and fund it, it means I have to eliminate something somewhere else. It is not a case of adding positions to increase the cost of government; it is adding positions in some areas and pulling back either positions or programs in some other areas in order to make the entire functioning of the town government fit under the bottom line. I think the wrong approach, that too many municipalities make, is not addressing issues that should be addressed like the environmental impact issues of ignoring them because there is nobody assigned or resources allocated to address that issue and that we have to spend our tax dollars on mitigating environmental problems at a higher cost or paying fines and fees to DEP because we didn't get the job done. By taking that approach I am controlling spending to the tax payer but it allows me to redesign local government to better get the job done.

Councilor McClure – What did we experience in fines? I mean just talking about your new position, what have we experienced here in Amesbury along the line of fines.

Mayor Kezer – We have various issues, there is a long list of environmental issues. I have on my desk a \$9,000 bill for an issue. Actually, I am going to negotiate with the DEP to lessen that and that is because of an environmental issue that has been bouncing around for years. That is one example and secondly one area is meeting the Clean Water Act Phase II implementation. We have to get that job done and right now our town engineer basically has too much on his shoulders in regard to meeting the environmental issues as well as his engineering review issues. We either pay now or pay a bunch later. On the org chart I am creating buckets to make sure that the functional org chart reflects every service, every function that we should be performing whether we are performing it now or not which means there will be things on the org chart that will be unfunded and unfilled because we have the current budget it is done. At least you will be aware of the short fall of what we should be doing as I become aware of the short falls. As a reminder my process is to design an org chart that reflects the way we need to do business and once that is done we look at the job descriptions within that org chart and look at what changes we need to make to job descriptions in order to reflect those changes. In the private sector, in any business you have to retool you have to look at how you do your business and update them.

Councilor McClure – Hopefully the biggest process improvement we will see this year is zero based budgeting.

Mayor Kezer – That will be part of next year's budget process.

Councilor Thone – This is a self funding program and for that matter alone it should be separate just like water and sewer.

Mayor Kezer – Water and Sewer is an enterprise fund which there is a legal definition for that. This is just a fee based program and again there is a difference between the day to day of what Kathy Crowley does and runs with and also the impact on the larger organization as to who she reports to, who is tracking and what's going on there is all those factors.

Joe Fahey – I appreciate to finally have the opportunity to speak on this as it was proposed without any input from the department. I will tell you right now from my experience, which I think is valid, you will receive from the union a request for impact bargaining. This is a change despite what you may have been told, alluded to, it is a change under the union contract. I will give you one example, Kathy Crowley is not the responsible official to do all the CORI checks, I am. It may not seem like much but how many times have you seen on the news that someone didn't do an appropriate CORI check, didn't review something properly, that person is responsible. That is a major responsibility and I can assure you the union will look at that and there will be a request for impact bargaining on that absolutely I've done enough union contracts. I've had to do impact bargaining, you will receive that. There are a couple points that are being presented here tonight but they're innuendos, there false, they're fake they are made up of assumptions. But, if we take the time to look closely we simply find it is an attempt to fix a perceived problem. The perceived problem is that I would take money from the youth programs to offset my budget. The information that is being given is false, is that my budget is over expended, that is not true. As a matter of fact if some people would like to do their homework they will find is that my budget is returning to the town approximately \$25,000. I easily could have used that money and yes a lot of that will be coming from unexpended salaries in the youth program. I could have used it in Part II; I could have used it in Part II because I was hit with approximately \$10,000 worth of expenses that I didn't expect. Maybe some folks have short memories but an example would be the Ordway school, the flooding and contamination all of that. I had to relocate all the people including Kathy Crowley. I had to clean up that I paid for the paint; I paid for different elements of that. That alone came to about 6 to 7 thousand dollars. So I'm not one to start stealing from the youth program and you know why? Because approximately 15 years ago some people come to us and said there used to be a good youth program in town. It was started with \$300 dollars and it wasn't Kathy Crowley. Consequently this program has grown and it is very successful, it is being seen as an example of a well run program. You will receive a request on impact bargaining and I think, if nothing else and I am more than welcome to sit and talk with anyone about this, I think it would be well advised to talk to myself, Kathy about it. There are a lot of additional support services that are given to the youth programs that aren't necessarily written in the budget that are in different areas that we cover. For years at times I have supported that budget, I have taken money from line items to support that budget when we didn't have enough money for certain items. I have used my own expense money. I've done it this year. So, I would just ask you to take the time to perhaps sit down and as was suggested meet and we can discuss it. I would add when the youth program was given to me it came with all the responsibility; it came with no additional monies for the salaries just another job, when the life guards came to me, no additional salary. Frankly to take some of these responsibilities away and allow me to get back into some of the other areas that I've tried to work in would probably be welcomed but I think you have to really consider and talk to the people that are being affected. I think you owe that at least so we can talk about it and perhaps organize it or a transition period where it will happen.

President Lawrence – Joe, were you at the Ordinance Committee when this came up?

Joe Fahey – No, as a matter of fact I just heard about this when it was filed; I was assuming somebody might talk to me about it. I didn't realize it was my responsibility to respond to it.

President Lawrence – Yes, but just in the past it kind of been a practice that when some things come up before the ordinance you know interested parties do show up.

Joe Fahey – Well I will make sure I will watch closely from now on.

President Lawrence – It has happened in the past.

Councilor Thone – You are obviously very passionate about this. I want to correct something you said about the \$30,000 that was earmarked or discussed about being removed from the CED and that centered around the permit coordinator position which was \$30,000.

Joe Fahey – No, I'm talking a different year. I'm talking about a different year when Mr. Benson was on the board and the council voted to cut \$30,000.

Councilor Thone – Ok, so we are talking about a different council and a different year. I just wanted to clarify that so people didn't think we were raking your budget.

Joe Fahey – No different time, different year it has been attempted to be cut in the past.

Councilor Thone – You say you are responsible for supervising the life guards?

Joe Fahey – They are under my department.

Councilor Thone – You actually supervise them. Do you actually hire them?

Joe Fahey – I hire them with Kathy. She goes through the reviews and makes the recommendations and then we hire them, yes.

Councilor Thone – Ok, aren't your children employed by the youth program?

Joe Fahey – One daughter is, has just started, yes.

Councilor Thone – Because you had a couple I believe in the past so I can't understand how you would be involved in the hiring.

Joe Fahey – In that particular case I was not involved in the hiring of those particular people and if you want to check the last hiring of my daughter didn't come through me at all and was disclosed with the town clerk in accordance with the conflict of interest law.

Councilor Thone – Now you also referred to a few thousand dollars that came out of your budget for clean up or movement which you didn't expect was it \$10,000? What line item did that come out of?

Joe Fahey – That would be I believe, I would have to go back but I believe that would be the expenses line item.

Councilor Thone – Because I am looking at your budget report which I handed to the council and that was part of what you know this is about is that when you eliminate the recreation program from the expenses you are over budget.

Joe Fahey – I'm given a budget that includes those programs.

Councilor Thone – I understand that

Joe Fahey – That is no different than saying OK, I'm returning to the town \$25,000 out of my budget.

Councilor Thone – I don't see that but

Joe Fahey – Well the budget is made up of part 1 and part 2 you go through part 1 and part 2 you will see that..

Councilor Thone – You have personnel and expenses.

Joe Fahey – That's right and what was appropriated was \$458,031 and what has been spent and pretty much this is right up to date may be off by a few thousand is \$433,048.

Councilor Thone – Right, the thing that balances that is the youth programs.

Joe Fahey – And what I am explaining is part of the department that money is returning. Again, if the innuendo and the implication is that I would take money from the youth programs I certainly have the possibility right now to do it and have not done it. It is going back to the town.

Councilor Pinierio – Who does the court check?

Joe Fahey – I do the CORI checks.

Councilor Pinierio – Do you go through the police department for that?

Joe Fahey – No we go directly to the probation department. I am the authorized CORI official.

Councilor McClure – So it appears that the Mayor is moving this out of CED anyway.

Joe Fahey – Yes, he has had some discussion with me about it. There is still the issue of again, what I have discussed with him the same way I was discussing here, impact bargaining discussing it with Kathy and how it is going to work

Councilor McClure – So it is going to happen anyway.

Joe Fahey – He's told me. Believe it or not I do what I'm told.

Councilor Benson – The difference in the way the Mayor is doing it and the way that we are doing it is that there is a discussion involved. The way that we are doing it is that we are not taking into account what was just discussed and I think that is very important. The Mayor is going to take care of the things that we haven't considered such as the CORI checks or the administrative support. I really think that this would be a mistake.

Councilor McClure – He's going to do it anyway.

Councilor Pinierio – Mr. Mayor once you reorganize, you say you are going to put this under an umbrella all these different departments. So, you're going to take it away from CED, who is going to do the CORI check?

Mayor Kezer – There are a limited number of people who are authorized in the town to do CORI checks so when the need to do CORI checks it will go to Joe or a few other people who can do it.

Councilor Brennick – When you split this up and make your new department and everything are you going to isolate the monies for the youth program? Is that your intent to make it like a profit center? I know you like that concept the profit center.

Mayor Kezer – My intent is, in all areas, is to look at it as cost centers, each of the functions. In part of the effort the next step in the process will also be to look at our entire fee structure and to check the alignment of our fees relative to the services being done. Be that the inspection area or other areas. In the youth program, it is a self sustaining program so those funds that are generated by the program will be used for the program. The youth programs have a trust fund and so what happens there are line items in the budget relative to youth services that is appropriated and is spent during the course of the year and at the end of the year there is a transfer out of the trust fund, which is filled by fees back into the line items. In the broader picture we want to look at the various functions of government as cost centers. There are those functions that will be paid for out of the general tax base to benefit all. There are those functions which have fees associated with them and we are doing an analysis to see if our fee structure matches what other communities charge, what's the norm and how well do they cover the costs.

Mike Greaney – Makes a statement to the Mayor asking what the minimal increase in taxes is going to be this year. Mr. Greaney is concerned that the new reorganization will increase taxes.

President Lawrence closes the public hearing.

Councilor Lindstrom left the meeting.

Councilor Benson – Moves to continue 2006-067 to our September meeting and wait for Mayor Kezer's report. Councilor Pinierio second. Voted – 4 Yes (Lavoie, Piniero, Benson, King), 4 No (Brennick, McClure, Lawrence, Thone) Tie vote motion fails

Councilor Thone – Motions to pass 2006-067 with the amendments recommended by the ordinance committee and further amend section 3 deleting the last sentence to say - The youth director shall report directly to the Mayor. Councilor McClure second

Councilor Benson – Council President I object to this vote.

Councilor Lavoie – Mr. President I also object.

President Lawrence – Ok, we have two objections which means...

Councilor Thone – I would like to have a special meeting scheduled if that is possible.

President Lawrence – We can't with two objections it goes to the next regularly scheduled meeting September 12th.

2006-068 Whittier School revised FY07 budget – Mayor Kezer sponsor
President Lawrence reads 2006-068 into the record.

Councilor Brennick read the recommendation from the finance committee to reject the budget that was presented and discharged it back to the municipal council.

Councilor Lavoie motions to reject the Whittier budget as recommended by the finance committee.
Councilor Benson second – Roll Call 7-Yes, 1 Not present Lindstrom

Councilor Pinierio informs everyone that the Newburyport Municipal Council has invited all the selectmen and councilors in the communities involved to their meeting Thursday night at 7:00PM at the Newburyport Council chambers.

Councilor Brennick – For the viewing audience to get a rejection 4 communities must turn down this budget. As it appears right now there is only going to be three. Ipswich is not going to call a special town meeting. It will go back to the original budget.

Councilor McClure – The meeting in Newburyport is to bring together all the communities involved in this agreement with Whittier. I have talked to four of them personally who are discussing an opting out process which is pretty lengthy and would have to go through the legislature. If you are interested go to the meeting over in Newburyport.

President Lawrence – I just want to back up for a second to 2006-067 the charter objection. Now, Bonni do you have a disclosure from Councilor Benson that he rents from Joe Fahey.

Councilor Benson – What does that have to do with anything?

President Lawrence – Well I was just asking...

Council Thone – Conflict of interest

Councilor Benson – Yes, it is filed with the state and with Bonni

President Lawrence – Ok, can we get a copy of that date stamped. Ok that is fine we'll stop by tomorrow Bonni and pick it up.

New Business

2006-071 An Order to accept a SAFE grant in the amount of \$4,532.16 – Mayor Kezer sponsor
President Lawrence read 2006-071 into the record.

Councilor Thone motions to refer 2006-071 to finance and schedule a public hearing for the September 12th meeting, Councilor Pinierio second – Voted – Unanimous

Councilor Thone motions to accept a late file 2006-076, Councilor McClure second – Voted 6 Yes, 1 No (Lavoie), 1 not present (Lindstrom)

2006-076 Amend Article 40 Amesbury Bylaws – Building Demolition Ordinance – Councilor Lindstrom, Thone

Councilor Thone reads 2006-076 into the record.

Councilor Thone motions to refer 2006-076 to ordinance and schedule a public hearing at the September 12th council meeting, Councilor Brennick second – Voted Unanimous

Correspondence:

Communications from Elected Officials, Boards and Commissions

2006-069 Declare seat vacant Housing Authority term to expire 12/31/09 – schedule joint hearing.

Councilor Benson declares the seat vacant, Councilor Pinierio second –Voted Unanimous

Councilor Benson motions to schedule a joint hearing at the September 12th meeting. Councilor Pinierio second – Voted Unanimous

Councilor McClure – The Library Building Committee has been working on a response to the Architectural Access Board for a complaint. We have had two contractors look at the ramp and the issues alleged by the complaint. Two different contractors familiar with ADA issues came to the site both shared they were surprised that a complaint was filed based on the slight differences required by the code however, you either are compliant or not even though it is a ¼ of an inch to an inch. Clearly we are that much off in some area of the ramp. Additionally, we have landing issues based on where the handrails have been placed. So while the landing is the right size because the handrails are inside that landing the measurement doesn't work out so that has to be changed as well. One contractor noted that there are other problems contributing to the library issues. This contractor states that he can remedy all of the outside issues for under ten thousand. Understanding that there is very little in materials needed to make the repair, it's pretty much labor intensive. In addition to answering all of the complaints that are listed with the Architectural Access Board this contractor said he will add an electric door opener, now note that this is not required by code. If the ramp is the right size you don't need an electrical door opener but this gentleman said he would provide that first door opener. The top landing won't have to be enlarged if we use an electric door opener. He will add a second one for the inside so it will be a clear shot and it would be mounted far enough back so the door will open and not require that a wheel chair back up and get out of the way of the door. He will also re-grade the ground area along the building next to the ramp. If you have been out there you will see as the ramp comes out the back it sort of dammed up the water. There is a down spout that comes from the corner of the library and dumps right into the basement where we are having water problems. He said he will re-grade that. He will install buried drains to redirect the roof run off away from the building and the footings and that's probably what has caused the problems with the ramp grade that the water has been washing away all these years the supports for that ramp. He will remove and replace all the rotting wood trim at the base of the vestibule. He will replace that with pressure treated wood. It seems that we kind of neglected the maintenance on that building so we are paying for it now. That should resolve the water issue in the basement. Upon review with these contractors some members of our committee feel the problem can be solved for just under 10K if the town has the will to move in that direction. If it goes over 10K we are talking about an RFP and it has to go out to bid. We are waiting from a response from Dallas Haines who recently met with the Mayor on this issue.

Councilor Thone – I want to clarify, we have a contractor who is proposed....verbal for under 10 thousand which would remove us from having to go through the bid process and we would have this issue resolved almost immediately. We have already solved the parking lot thanks to Denis Nadeau.

Councilor McClure – The parking lot has been resolved, Denis did all of that. He fixed it really quickly so that has been done. The parking lot has been done with just the Town Engineer and Denis. If we get this bid in writing it will be under 10K and should solve our problems.

Councilor Pinierio – A lot better than 3 ½ million.

Council Communications, Announcements and Committee Reports

H-4764 An Act to Require Producer Responsibility for the Collection and Recycling of Discarded Electronic Products.

President Lawrence reads H-4764 and states there is a letter the council has to submit.

Councilor Pinierio – Allison is chairperson of the Education Committee she asked me to...we did not meet in June so there is nothing to report and we hope to have our next meeting tomorrow night.

Councilor Benson motion to adjourn, Councilor Thone second 10:25PM

Respectfully submitted,
Assistant Town Clerk