

Municipal Council Meeting
Town Hall Auditorium
Tuesday, July 12, 2005, 7:00PM

Meeting called to order 7:00PM

Accept minutes June 14, 2005 – Councilor Larnard motioned to accept, Councilor Woodsom seconded.

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

Roger Benson has an excused absence.

PUBLIC COMMENT

James Thivierge, 11 ½ Sanborn Ter. - Mr. Thivierge asks the Council to support House Bill #2720.

LICENSE AND PERMITS

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

President McMilleon reads 2005-59 into the record.

Dave Agura, Mass Electric – Mr. Agura explains that the electrical wires are being run underground at the request of the Condominium Association.

Councilor Pinierio asks if the poles in the middle of the sidewalk on Oak Street are going to come down. Mr. Agura replies they will be removed. Councilor Pinierio asks that Mr. Agura get back to him with a time schedule of when the poles will come down.

Councilor Lawrence moves for approval of 2005-59 as submitted.

Councilor Pinierio seconded

Voted – Unanimous

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

President McMilleon reads 2005-59 into the record.

There is no representative from Sonny Boy.

Councilor Pinierio motions to continue to the next council meeting.

Councilor Larnard seconded

Voted – Unanimous

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

President McMilleon reads 2005-66 into the record.

Joseph Gleason, Verizon New England – Mr. Gleason states the placement of this pole is to support the renovation of the mill buildings into new residential units on Cedar Street.

Councilor Chandler motions to accept 2005-66 as submitted.

Councilor Pinierio seconded

Voted – Unanimous

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

President McMilleon reads 2005-67 into the record.

Joseph Gleason, Verizon New England – Mr. Gleason states the underground conduits are necessary to support the renovation of the mill buildings on Cedar Street into new residential units.

Councilor Chandler motions to accept 2005-67 as submitted
Councilor Pinierio seconded
Voted – Unanimous

2005-78 Verizon New England – Pole Hearing, Main Street

President McMilleon reads 2005-78 into the record

Joseph Gleason, Verizon New England – Mr. Gleason states that the pole is being moved 15 feet at the request of the home owner.

President McMilleon asks who incurs the cost of moving the pole and Mr. Gleason responds that if the property owner requests the move it is the property owner.

Councilor Chandler asks what steps he should take to address a pole that is in the middle of a sidewalk in his district. Mr. Gleason suggests starting with his department, which is the Right of Way Department and contacting Robert Grassia at (978) 275-1294. Councilor Chandler asks who would incur the cost if it is an ADA issue and Mr. Gleason states that it would be Mass Electric or Verizon, whoever owns the pole.

Councilor Chandler moves to accept 2005-78 as submitted.
Councilor Pinierio seconded
Voted – Unanimous

MAYOR APPOINTMENTS

2005-79 2005 Re-appointments to various boards and committees (attached)

President McMilleon reads 2005-79 into the record.

Councilor Pinierio abstains from the voted.

Councilor Lawrence moves for approval of 2005-79 as submitted
Councilor King seconded
Voted – 7 Yes, 1 abstain (Pinierio)

2005-84 Appointment of Jane Snow to the Cemetery Advisory Commission term to expire 6/30/08

President McMilleon reads 2005-84 into the record.

Jane Snow, 44 Fern Ave. – Ms. Snow has been working for three years to get a Cemetery Commission and is excited to apply. She has been working with Peter Dearborn, Rick Spinale and Brian Gilbert to get a lot of things done at the cemeteries. She hopes to get a directory on the Web site of the persons buried at the three town owned cemeteries. She would also like to get all of the veterans stones raised.

Councilor Pinierio thanks Jane Snow and states that two more people are needed to come forward to serve on that commission.

Councilor Headley thanks Jane Snow for all her help at the cemeteries.

*Councilor Pinierio motion to accept 2005-84 as submitted.
Councilor Chandler seconded
Voted – Unanimous*

2005-57 FY06 Budget amendment

President McMilleon reads 2005-57 into the record

Councilor Larnard motions to approve the FY06 budget for a total appropriation \$40,538,883.49 that to fund said appropriation the Municipal Council approves \$39,893,783.49 to be raised by taxation and other revenue sources and further that \$645,100.00 be applied from the sources detailed below:

<i>Source</i>	
<i>Sale of Cemetery Lots</i>	<i>\$ 13,900.00</i>
<i>Ambulance Receipts</i>	<i>452,000.00</i>
<i>Youth Revolving</i>	<i>153,000.00</i>
<i>Cemetery Trust</i>	<i>26,200.00</i>

Further voted that the Municipal Council approves the following enterprise fund budgets:

<i>Landry Stadium</i>	<i>\$ 10,000.00</i>
<i>Sewer Department</i>	<i>2,464,553.00</i>
<i>Water Department</i>	<i>2,484,665.30</i>
<i>Total Appropriation</i>	<i>\$ 45,498,102.21</i>

*Councilor King seconded
Roll Call Vote – 8 Yes*

PUBLIC HEARINGS

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

President McMilleon reads 2005-58 into the record and opens the public hearing.

Joseph Fahey, Director of Community and Economic Development – Mr. Fahey explains that this request has been on going for 5 years to fund the Summer Park Program, specifically the trips that are taken weekly.

Councilor Woodsom reads the Finance Committee recommendation to accept 2005-58 as submitted and makes that his motion to accept the Finance Committee recommendation.

*Councilor Pinierio seconded
Roll Call Vote – 8 Yes*

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

President McMilleon reads 2005-60 into the record.

Councilor Lawrence states that this in Rules and Procedures and the Ordinance Committee and moves to continue this to the September Municipal Council meeting for a public hearing.

Councilor Pinierio seconded

Voted – 8 Yes

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

President McMilleon reads 2005-63 into the record.

Councilor Lawrence reads the recommendation from the Planning Board to recommend unanimously for adoption of bill 2005-63 (attached). There is no recommendation from the Ordinance Committee.

Public Hearing is now declared open

Michael Greaney, 50 Orchard Street – Mr. Greaney wants clarification specifically in regards to the wet lands around Bailey Pond.

Councilor Lawrence replies that this bill is more to amend wording to correct typographical errors.

Public Hearing is now closed

Councilor Lawrence motions to accept 2005-63 as submitted.

Councilor Pinierio seconded

Roll Call – 4 Yes, 1 No (McMilleon), 3 Abstain (Woodsom, Larnard, Headley)

Motion fails

Councilor Woodsom motion that this goes to Ordinance Committee at the September meeting and continue it to the October council meeting.

Councilor Pinierio seconded

Roll Call – 8 Yes

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

President McMilleon reads 2005-75 into the record and opens the public hearing.

Mike Greaney, 50 Orchard Street – Mr. Greaney wants clarification.

Mike Basque responds that they are requesting \$245,000.00 from sewer surplus be transferred into the current years budget; temporary interest line item. The reason is the revenues are tight in the sewer fund and he does not want to run a current year revenue deficit, if so it will have to be raised on the recap sheet.

Gerard Dionne, Huntington Ave. – Mr. Dionne asks if the employees of the Sewer and Water departments are paid with the receipts collected through water and sewer or taxes collected by the town? Mike Basque replies the Chief Operator of the Water and Sewer Plants are paid out of their departments.

Hank Brennick, Lake Attitash – Mr. Brennick asks Mr. Basque to show him where the surplus \$245,000 is listed in the budget. Mr. Basque replies that it isn't, it is on the balance sheet at the end of the fiscal year, and it is an enterprise fund.

President McMilleon closes the public hearing.

Councilor Chandler asks Mr. Basque for an explanation of the SRF loan. Mr. Basque responds that it is in the long term debt section. It is the State Revolving Fund loans that the town was awarded to

fund the treatment plant addition. The loans are subsidized by the state so it is in fact a zero interest loan.

Councilor Woodsom reads the recommendation of the Finance Committee to approve 2005-75 as submitted and moves the recommendation of the Finance Committee.

Councilor Larnard seconded
Roll Call Vote – 8 Yes, 1 No (Pinierio)

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

President McMilleon reads 2005-76 into the record opens and closes the public hearing.

Councilor Woodsom reads the recommendation of the Finance Committee which was to approve as submitted and moves the recommendation of the Finance Committee.

Councilor Pinierio seconded
Roll Call Vote – 8 Yes

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

President McMilleon reads 2005-77 into the record and declares the public hearing open.

Mike Greaney, 50 Orchard Street – Mr. Greaney wants clarification.

Mr. Basque responds that this transfer is for \$100,000 from ambulance receipts to ambulance overtime.

President McMilleon asks to council to allow Mr. York to ask a question regarding 2005-50

Chris York, 14 Warren Ave. – Mr. York asks if the passage of 2005-50 was legal.

Mr. Basque responds that it was. It would require a 2/3 vote to transfer from a department to a law budget. The transfer came from the Reserve for unforeseen which is a different chapter of the law and is under the control of the Finance Committee and that only requires a majority vote.

President McMilleon asks to see the law.

Councilor Lawrence asks Mike Basque for something in writing explaining this issue regarding 2005-50.

Councilor Chandler asks for an explanation on how the rental account was set up for School Street.

Back to 2005-77

Councilor King asks if the deficit is \$77,000 in overtime why is the request for \$100,000. Mike Basque responds that he looked at the bottom line and determined what was needed. Councilor King states that actually some of the ambulance funds are being used in the general department and Mr. Basque says yes. Councilor King also wants to know what the administration is doing to track the overtime. Mr. Basque states that the administration is aware of the overtime and has met with the Fire Chief and Deputy.

Councilor Woodsom states that the Finance Committee made no recommendation and requested Chief Shute to attend the council meeting.

Councilor King asks Chief Shute what is being done to track the overruns.

Mr. Basque states that they are being tracked on a payroll basis and the way the man power is being deployed is having a positive affect on overtime.

Councilor King asks if the administration is getting a written report every month on overruns, overtime and justification why it was needed.

Mr. Basques responds absolutely, and will keep the council informed.

Councilor Larnard motions to approve the transfer 2005-77 \$100,000 from ambulance receipts to ambulance overtime.

Councilor Lawrence seconded

Roll Call Vote – 8 Yes

Mr. Basque gives an update on the refunding of \$14,175,000 worth of bonds for long term debt. It was done with a settlement of June 30th. The bonds from 1998 & 1999 were for the Amesbury Middle School, Cashman School and Water & Sewer projects. This refunding will save the town of Amesbury \$385,000.

2004-101 A Request to petition the Municipal Council to vote to discontinue and abandon an old highway located on property at 42 and 44 Merrimac Street, Amesbury – Mayor Hildt sponsor

President McMilleon reads 2004-101 into the record.

Councilor Lawrence states that the Ordinance Committee did discuss 2004-101 – 2004-106, the have listened to Nipun Jain and the Attorney’s for the parties. He feels that that the Council should accept the recommendation of the Planning Board and approve 2004-101 as submitted.

Jim O’Leary, Attorney for Robert Podsen – Mr. O’Leary spoke in favor of the Podsen property.

Councilor Larnard requests that in the future when there is planning board issues, Nipun Jain should attend the meetings.

Councilor Woodsom motions to accept 2004-101 as submitted.

Councilor Pinierio seconded

Roll Call Vote – 8 Yes

2004-102 A Request to authorize the Mayor to convey and grant to Robert Podsen, the Town’s right, title and interest in one-half of the “Old Highway” – Mayor Hildt sponsor cont.

President McMilleon reads 2004-102 into the record, declares the public hearing open and then closes the public hearing.

Councilor Woodsom motions to accept 2004-102 as submitted.

Councilor Lawrence seconded

Roll Call Vote – 8 Yes

2004-103 A Request to authorize the Mayor to accept a Utility and Access Easement from Robert Podsen – Mayor Hildt sponsor cont.

President McMilleon reads 2004-103 into the record, declares the public hearing open and closed it.

Councilor Pinierio motions to accept 2004-103 as submitted.

Councilor Chandler seconded

Roll Call Vote – 8 Yes

2004-104 A Request to authorize the Mayor to convey and grant to Norman M. Burrell, the Town's right, title and interest in one-half of the "Old Highway" – Mayor Hildt sponsor cont.

President McMilleon reads 2004-104 into the record, declares the public hearing open and closes it.

Councilor Pinierio motions to accept 2004-104 as submitted.

Councilor Chandler seconded.

Roll Call Vote – 8 Yes

2004-105 A Request that the Municipal Council vote to authorize the Mayor to execute all documents pertaining to the discontinuance and abandonment of "Old Highway" at 42 & 44 Merrimac Street – Mayor Hildt sponsor cont.

President McMilleon reads 2004-105 into the record, declares the public hearing open and closes it.

Councilor Pinierio motions to accept 2004-105 as submitted.

Councilor Chandler seconded

Roll Call Vote – 8 Yes

2004-106 A Request that the Municipal Council vote to authorize the Mayor to execute all documents pertaining to the discontinuance and abandonment of "Old Highway" at 42 & 44 Merrimac Street – Mayor Hildt sponsor cont.

President McMilleon reads 2004-106 into the record, declares the public hearing open and closes it.

Councilor Pinierio motions to accept 2004-106 as submitted.

Councilor Chandler seconded

Roll Call Vote – 8 Yes

NEW BUSINESS

2005-80 A Request that the Municipal Council accept a Deed of Gift from the Lake Gardner Improvement Association – Mayor Hildt sponsor

President McMilleon reads 2005-80 into the record.

Councilor Woodsom motions to refer 2005-80 to Ordinance and schedule a public hearing for the September council meeting.

Councilor Chandler seconded

Voted – 8 Yes

2005-81 An Ordinance to see if the Municipal Council will accept a donation of land from Woodsom Limited Partnership – Mayor Hildt sponsor

President McMilleon reads 2005-81 into the record.

Councilor Lawrence motion to refer 2005-81 to Ordinance Committee, Finance Committee and Planning Board and schedule a public hearing at the September council meeting.

Councilor Larnard second

Voted – 7 Yes, 1 abstain (Woodsom)

2005-82 An Ordinance to Amend the Amesbury Zoning Bylaw Section XI.J2 Historic Preservation – Mayor Hildt sponsor

President McMilleon reads 2005-82 into the record.

Councilor Woodsom motions to refer 2005-82 to Planning Board and Ordinance and schedule a public hearing for the September council meeting.

Councilor Chandler seconded

Voted – 8 Yes

2005-83 An Order to request the Municipal Council to accept a grant from the Essex National Heritage Commission in the amount of \$2,500.00 – Mayor Hildt sponsor

President McMilleon reads 2005-83 into the record.

Councilor Woodsom motions to refer this to the Finance Committee and schedule a public hearing at the September council meeting.

Councilor Pinierio seconded

Voted – 8 Yes

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

Councilor King reports on the research she did into having an audit done of the ambulance. Talking with MMA she anticipates the cost would be approximately \$25,000 and would like to ask the Mayor to appropriate the funds from the Ambulance receipts. Councilor King asks that this be brought up at the next Finance Committee meeting after the other councilors have a chance to review the documents she has collected.

Councilor Chandler states the Steve Denietolis has offered to do this study for free and feels the council should take advantage of this offer if he is capable.

Councilor King gave a brief update on the High School Building project. The work is on going, man power is great and the overview is strong. The building project is not over budget contrary to reports in the newspaper.

Councilor Pinierio apologizes to the citizens of Amesbury for not having 4th of July fireworks.

Councilor Lawrence motion to adjourn

Councilor Pinierio seconded

Voted – Unanimous

Respectfully submitted,

Assistant Town Clerk