

Municipal Council Minutes
Town Hall Auditorium
July 13, 2004 7:00PM

Pledge of Allegiance lead by Councilor Larnard

Roll Call: Mario J. Pinierio, Roger Benson, James D. Chandler, Ann Connolly King, Esther F. Headley, Anne C. Larnard, Christopher G. Lawrence, Robert D. Woodsom, Joseph W. McMilleon

Accept minutes of June 8, 2004 – Councilor Benson motion, Councilor Pinierio second

LICENSES AND PERMITS

2004-79 Gerald D. Sterritt d/b/a North East Ice Cream LLC – Common Victualler

Councilor Pinierio – Where is the business going to be?

George Sterritt – It is a mobile ice cream vending truck on public ways.

Councilor Larnard – Have you operated before in Amesbury?

George Sterritt – Yes you might be familiar with A&G Ice Cream for the past few years by Alan Golick. I bought the company from Al this year and I am running the exact same business under a new name.

Councilor Benson – I move for approval of 2004-79 as submitted.

Councilor Chandler – second

Voted – Unanimous

2004-82 Pole Hearing – Verizon & Mass Electric – Merrill Ave.

Joe Gleason, Right of Way agent for Verizon – The petition before you is to replace two new poles on Merrill Ave and remove one existing pole. There are four new house lots going in at the end of Merrill Ave and we need to extent that pole line to provide service.

Councilor Pinierio – The poles that you are going to construct are not going to interfere with the home owners like the light shinning in their windows. Are there lights on the pole that you are moving?

Joe Gleason – I don't know what type of street lighting if any configuration Mass Electric has for that street.

Councilor Benson – I move for approval of 2004-82 as submitted.

Councilor Lawrence – second

Voted - Unanimous

MAYOR COMMUNICATIONS AND APPOINTMENTS

2004-80 2004 Re-Appointments

President McMilleon – These are just re-appointments they are not new appointments. The list is read and is attached. Do I hear a motion?

Councilor Pinierio – I will abstain from the vote for Fence Viewers.

*Councilor Benson – I move for approval of 2004-80 as submitted except the Fence Viewers.
Councilor Larnard – second
Voted – Unanimous*

*Councilor Headley – I make a motion to accept the Fence Viewers.
Councilor Benson – second
Voted – 8 Yes, 1 Abstain (Pinierio)*

2004-81 Council to appoint a member to the Master Plan Implementation and Oversight Committee

President McMilleon – I would ask the council if there was anyone that wants to volunteer to be on this committee; Councilor Benson. Do we have anyone else? I will entertain a motion to appoint Councilor Benson to the Implementation Committee.

*Councilor Larnard – motion made
Councilor Chandler – second
Voted - Unanimous*

PUBLIC COMMENT

Alexander Richard, 50 Brown Ave. – The library is not handicapped accessible and it reflects on our community.

Dr. Mark Bean, 23 Unicorn Circle – Our finances have improved with the passing of the school building assistance program. We will be getting quicker payments. We really need the support of the Municipal Council to go forward with the library expansion and fund raising.

President McMilleon – Please keep your comments to 3 minutes. The other thing I would like to mention; if you get up to speak once lets wait until everyone that wants to speak does so before you would speak a second time.

Jim Thivierge, 11.5 Sanborn Terrace – Mr. Thivierge talks against rescinding and tabling this; after 100 years we need an addition. It has to be modernized and ADA compliant. We need to know that the Town can absorb the cost of the library. Recommends having a special exclusion for this project and that a pitched roof be included and not to demolish the back building.

Carol Feingold, Library Expansion Committee – Ms. Fiengold reads a memorandum from the Design Review Committee regarding the analysis by Ann Beha Architects. In response to public usage questions Ms. Feingold gives figures from data retrieved from the State Reports and Town reports; 13,219 registered borrowers, total circulation 114,496 in comparison to only 93,295 10 years earlier in 1994, library loans 28,315 in comparison to 2,490 10 years earlier in 1994, computer users on the internet 9,880, website hits 17,160, attendance in the library 51,055, reference searches 9,742 and program attendance 4,048. She urges the council to vote tonight on the bond so we can proceed.

Jack Luz, 39 Macy Street – Feels the town has had a history of out of control spending. He feels some modifications are necessary to the public library but the requirements by the state are excessive and overstated based on usage statistics. He does not see the need for a staff meeting room; conference room, staff restroom and the offices are 20 – 40% larger than industry standards. Mr. Luz does support some library improvements but, not the current proposal.

Mark Lankin – Speaks to Jack Luz’s comments regarding excessive requirements based on statistics saying he misinterpreted some statistics. The conference room is not a staff conference room it will be used for all kinds of uses for the community as well as small meetings that the library might happen to have. Usage of the library has been going up steadily and statistics show usage of libraries after expansion, have been going up. The usage of computers has increased the usage of the rest of the library; libraries have been growing since the internet age not shrinking.

Len Johnson, Main Street – Mr. Johnson heard many of the debates when he was on the council and would ask all the members of the council to keep an open mind. His personal feeling is that this project is long over due. This opportunity will not present its self again. The state will not offer this kind on money again and interest will probably not be this low again.

President McMilleon – We will close the public comment at this time and go into the public hearing. If there are no objections from the council I would like to move 2004-76 to the beginning of public hearing.

2004-76 An Ordinance to Amend the Zoning Bylaw under the provisions of M.G.L. Ch. 40A, Section 5 to extend the terms of the Smart Growth Bylaw – Mayor Hildt sponsor cont.

Councilor Lawrence - We do have a recommendation from the ordinance committee on 2004-76 and it was followed by a planning board meeting where they unanimously voted to recommend adoption of proposed changes of the ordinance committee.

2004-76 - On page 1 under Applicability that paragraph 2 reads as follows:

The term of this bylaw shall be two (2) years and shall be of no further force and effect after June 28, 2006 unless renewed by the Municipal Council.

Eliminate paragraph three

On page 2 under Building Permit Allocation Limits: the reference to section V.E.1.8 read **V.E.8** and the reference to section V.E.1.7. read **V.E.7**

Also under Subdivision and Application Restrictions: the reference to section V.E.1.8. read **V.E.8**

On page 3 under paragraph 6A, B, D; Procedures: the references to sections V.E.1.4 and V.E.1.7 should read as **V.E.4** and **V.E.7** as amended in Bill #2004-23 and #2004-24

On page 4 under paragraph 2 the reference to sections V.E.1.3 & 4 should read **V.E.3 & 4**

The planning board recommended:

Since the 12 month period was changed to a calander year, the Board recommends that on page 1 under Applicability paragraph 2 reads as follows:

*The term of this bylaw shall be two (2) years and shall be of no further force and effect after **December 31, 2006** unless renewed by the Municipal Council.*

The Board also seeks to clarify the typographical error in Section V.E.7. *The minus (-) sign should be changed to plus (+) sign in V.E.7.C.1 as shown below:*

Smart Housing Growth Points Table:

C. Roads, Utilities & Drainage: (each of the following sections)

1. Use of Common Access Driveway +10

President McMilleon – I will open the public hearing on 2004-76.

Tom Iacobucci , 10 Birch Meadow Road – When smart growth was adopted it was for the life of the time that the master plan was under consideration. Putting a limit on the number of building permits was only going to be legally valid while we were going through the master plan process, has that been addressed on your intention to extend this ordinance because the master plan is completed and adopted?

Councilor Larnard – I had spoken with Nipun and brought that question up.

Nipun Jain, Town Planner – We reviewed the reason why we wanted to extend it and the only reason we wanted to extend it for two years was because after looking at the master plan process it was a recommendation that came out of the master plan that in order to accomplish the goals for affordable housing and also to be able to provide adequate infrastructure for the town and to have the ability to meet those financial needs you need to be able to address the number of building permits and not put undo stress on the public infrastructure. The planning board recommended it be for 2 years and be of no affect after that.

Jim Thivierge – I hope that this master plan does not get put on the shelf and that those parts that get activated are expedited in implementation.

Councilor Benson – I was appointed to the implementation committee and I think that you will see that committee working hard to be sure that the components of the plan are realized.

President McMilleon – I will close the public hearing.

Councilor Woodsom – I move that we accept as amended by the ordinance committee and planning board.

Councilor Benson – second

Roll Call Vote – Unanimous

2004-69 Citizen Petition – to table or rescind 2004-35

President McMilleon – I will open the public hearing and any comments by members of the public.

John Iacobucci – Here to speak on the petition 2004-35 and reads it into the record.

President McMilleon – I will close the public hearing on 2004-69 and take a motion.

Councilor King – I move that we rescind 2004-69 as presented.

Councilor Larnard – I was thinking that maybe we should take no action on it. The council now does have a CIP that the Mayor has submitted. There was a CIP from the previous administration that ran through 2005 and the library project was on that CIP so it was carried through the current CIP. There was a public hearing to discuss the design and there was another public meeting last night and the design review made a ruling that they accept the recommendation from the library expansion committee about the stack wing issue and the historical committee will be having another public hearing to keep addressing design issues. The design review will continue to have public hearings to keep addressing design issues. As a council member to the expansion committee I have found the expansion committee to be extremely receptive to community input and are still encouraging

community input. There will be further public hearings on the design. They have spent a lot of money doing further analysis on some design ideas that came from the community. There was a public hearing that the board of library trustees had that spoke a lot about additional grant funding from private or federal sources and one of the speakers was Abigail Bottome who does this kind of work and she provided a letter and a lot of information about the funding sources so that was addressed in a public hearing. This petition is asking us to basically rescind or table *and I would make a motion that we take no action on this petition.*

President McMilleon – Is Councilor Connolly King agreeable to that?

Councilor King – Just for a point of clarification what is the difference between rescind and take no action?

Councilor Benson – I don't think you can rescind until it is approved. I believe take no action would probably be the way to go.

Councilor King – I will withdraw the motion I made.

Councilor Larnard – I will make a motion that we take no action.

Councilor Benson – second

Voted - Unanimous

2004-77 To place a question on the ballot at the next State or Town general election

President McMilleon – reads 2004-77 into the record and opens the public hearing.

Recess – 8:10 – 8:25

President McMilleon – Reads letter from Kopleman and Paige regarding citizen petition.

Ben Johnson, Madison Street –Feels we need to know how the town feels about this and wants it put on the ballot.

Manuel Maneiro, 20 Kimball Road – Is concerned about taxes in Town; especially, for people on fixed incomes. He thinks it is fair for every individual to have a chance to vote either way and if it passes lets dig into our pockets and go for it.

Jim Thivierge, 11.5 Sanborn Terrace – Feels the way to go is to exclude it from the tax levy. The library is important and should go out for special election to endorse it.

Christophe Courchesne, Woodlawn Street – Reads letter of support for the library (attached).

Marcy Berry, 4 Lonvale Lane – Ms. Berry has seen many elderly move out of Town because they can not afford to rent in Amesbury. People her age are considering moving out of town because they can not afford another tax hike. She is asking the Council to put the library to the vote of the people and stop the spending.

Claude Gonthier – Mr. Gonthier was last involved in the Municipal Council in 1998 to get answers to increased spending from 1994 – 1998 where the budget went from 24 million to 32 million. There were no capital expenditures, no new buildings and no major pavement of roads. It strictly went to government; salaries, new positions and fixed overhead. Now in 2005 the budget increased to 45 million a 90% increase in 10 years with no capital expenditures. He strongly suggests earmarking

money thru cuts to a stabilization fund every year. He is not here to speak against the library but, to get spending under control. He is asking his Councilor to support putting a non binding question on a special election ballot to have an opportunity to vote on the library.

Marc Deschenes, 1 Highland Street – Mr. Deschenes explains the petition was a desire to be heard in an official way on this issue of the library. He is concerned that not enough funds have been put in a stabilization fund especially having the 53rd highest tax rate in the state. We just want the right to be heard.

Martha Magee, 28 Glen Devin – Ms. Magee believes in the truest sense of democracy we really need to opens this up in the form of a ballot question so everybody has a say about the library.

John P. Maynard, 2 Stuart St. – Mr. Maynard is in favor of putting the question on the ballot and is asking the councilors to do the same.

Donald Mauver, 2 Rocky Hill Road – Mr. Mauver feels there are many valid and different view on the library project and urges the council vote to give the citizens of Amesbury the chance to vote on whether or not to bond the expansion of the library.

David R. Haskins, 69 Prospect. St. – Mr. Haskins is urging the council support putting the question on the ballot.

Mike Greaney, 50 Orchard Street – Mr. Greaney feels that taxes keep going up every year and both people young and old are having time keeping up. The town needs to control and keep track of spending. He does not have faith in the present administration.

Brian McLaughlin, 4 Kimball Road – Mr. McLaughlin feels the council has a tough job trying to gage how the public feels on the library. They do receive some input from the people who attend the meetings and e-mails but, does not believe they hear from the majority of the people. The best way to go is to give the people a voice and have the question on the ballot.

Tom Iacobucci, 10 Birchmeadow Rd. – Mr. Iacobucci states that when the charter was written they made provisions to guarantee public comment at meetings and various sections dealing with free petitions allowing anyone to petition a town board. He feels that there are several options available to put the question on the ballot with or without additional expense and would hope the council makes that decision tonight.

John Iacobucci, 5 Hillside Ave. – Mr. Iacobucci does not feel the council addressed 2004-69 before taking no action.

Michelle Thone, 53 Hunt Road – Ms. Thone does not feel that the councilors, with any certainty, know what the majority of their constituents wants when it comes to authorizing the 3.6 million dollar bond. Passing this petition to put this to a vote of the people, they could have the answer with certainty. Let the majority rule.

Dan Millett, 69 Middle Road – Mr. Millett wants the councilors to know that he would like to vote on the library bond, he does not think that 3.6 million dollars should be left up to 9 people.

Annette M. Denietolis, 21 Orchard Street – Ms. Denietolis would like an opportunity to vote on whether or not we borrow money to expand the library. She is asking her councilor and at large councilors to please vote to put this on a ballot.

Deb Carey, 4 Boie Ave. – Ms. Carey speaks in favor of the council making the decision on the library and not putting it to a vote. She goes on to discuss some results of a citizen survey that was sent out in 2001 as part of the initial Master Plan process in regards to the library. In general there was high support for increased funding and expansion of the library. She hopes the council will vote tonight to make a decision to move forward with the library funding.

Robert W. Lavoie, 5 Country Lane – Mr. Lavoie decided to come and speak at the council meeting because he feels there is huge silent majority in favor of the library project. Personally, he does not think we can afford not to do the library at this time. He urges the council to make a decision and move on.

Pam Fenner, 8 Winkley Street – Ms. Fenner is amazed at how many opportunities there has been for public input into this question whether at Municipal Council, Finance, Library Expansion DRC or any other numerable meetings. She is concerned about putting the question on a ballot. Many of the questions that have come forward are not about money and appropriations but, design issues as well. She feels the council has the responsibility to follow process and do what is needed, do not put it on a ballot.

Chris York, 13 Warren Avenue – Mr. York talked about a phone survey the ATA conducted through a firm called Political Calling.com. There were several questions including; would you like the right to vote on whether to borrow 3.6 million dollars for the library project? The survey had 468 responses of those 78% wanted the question on the ballot. He asks that this be put to the vote of the people.

Roger Deschenes, 57 Main Street – Mr. Deschenes reminds people that the Municipal Council has a responsibility to the process. The Council is in a position to make decisions; you are also in a position to lead. Vote the library up or down, I don't think this should go to the people I think you should vote.

Katherine Vicedomine, 7 Rocky Hill Rd. – Ms. Vicedomine wants taxation with representation and want the council to consider putting the question on the ballot so you can know where the tax payers stand and then make your decision based on that information.

Julie Deschenes, 1 Highland Street – Ms. Deschenes feels we live in a democracy and we all have the right to be heard. She wants the chance to vote and have her opinion heard.

Gerard Dionne, 8 Huntington Ave. – Mr. Dionne feels the library is the culmination of many years of frustration over taxes and rampant spending. He feels if some of the state requirements were eliminated the cost of the project would go down and we could still have the stack wing.

David Perley, 1 Cross Street – Mr. Perley is sympathetic to people living on fixed income, he would like to see the question on a ballot.

Carol Feingold, Library Expansion Committee – Ms. Feingold responds to the opinion of town council and says that if the town waits to put the question on a ballot in 2005 we would loose state aid and some private funding; 3.5 million dollars. She urges the council to vote on the project tonight.

James Thivierge – This project needs to be excluded from the tax levy.

Marc Deschenes - Mr. Deschenes asks that the question be put on a ballot to gage how the tax payers feel.

Paula Pelletier, 117 Market Street – Ms. Pelletier is against funding for the library.

Esther Headley – During the day yesterday I had 22 calls from people who told me that they wanted to see the library go forward and to do it tonight. After my 9 o'clock curfew last night I had 3 calls that I answered with a dog barking in the background but, there was nobody there. I waited and waited. Then I got two calls after nine from two women who said I must vote against the library. I have been told that I have embarrassed a great many people because I told them about some of the things that are available for the elderly for their tax bills. Apparently, it is an insult if you take advantage of some of the options that are available to you, I didn't know that. I have known for six years that the library needed to be improved and that they were working on that; these people that have talked to me say they didn't know until recently; why? I don't know. I have been told that if I don't vote a certain way I can be replaced. That is fine; no one has run against me the last two times. I got 400 votes, I wonder if they can. I feel I am doing what I am asked to do. Nobody has been calling me until yesterday except for the people that wanted the library. In the last month I had something like around 60 votes all for the library and get it going. I have had only 10 calls from people not wanting it. So, I am supposed to vote in accordance with that? Naturally the majority of the people that have talked to me have said go for it and that is the way I will vote. I am sorry if I have offended people in any way I still don't see where it is wrong. I have been told I shouldn't be on the council because my taxes are put on hold. Well, when they are paid for when I am gone there is an 8% interest on it so I think the town is doing alright. I will vote as I believe I should for the constituents of my district.

Councilor Chandler – Esther, I appreciate your comments, thank you. I just want everyone to know where I am coming from. First, if you took me back three months ago I would have been very happy and proud to wear a library now pin because I thought the library was a top priority. I really think we need a library. The Mayor said the library was his top priority this year. Come budget time this council asked the Mayor to have all the departments to submit budgets that were reduced from last year so we could afford some of these things. I think we are taxed too highly and if anything the tax bills should be coming down. For years and years the tax bills have gone out of sight. If the library is truly a top priority then we should be able to identify lesser priorities to cut but, neither the administration nor this council could find it to make those tough decisions to cut anything so that we would have money for the library. As a result Esther, I'm on the opposite side of the page from you. If we vote tonight not to put it on the ballot I'll vote against it because I don't think we can't afford it. We are physically in a very precarious position, this town has no more money if an emergency ever happened and we were spent right up to our levy limit there would be no alternative but to go to a prop 2 ½ override and I do not want to see that. I hope we will put it to a ballot and if we do put it to a ballot I will vote the will of my district.

Anne Larnard – I want to know through the chair; Jim Chandler was speaking about the levy ceiling and the levy limit and there have been different questions that have come up and a debt exclusion vote, I was wondering through the chair if we could have Mr. Basque come up and kind of explain where we are at with the levy ceiling and limits.

Mike Basque – The Council wanted to know what our debt limits were, what we had for outstanding debt, what we had for outstanding debt in 1999, and then the tax levy situation. The long term debt inside the debt limit is \$86,500,000. We presently have on June 30th the amount of \$9,585,000 which is inside the debt, that is our balance. Our outside debt limit is \$73, 000,000; on June 30, 2004 we will have \$64,182,000 outstanding. The outstanding debt 5 years ago June 30, 1999 was \$35,576,000. The other issue was the projected tax levy; we are projecting a tax levy for FY05 \$26,000,000. We are projecting the levy limit which is the maximum we can have the tax levy at \$26,640,000 and we

had questions about the levy ceiling, which is the maximum under prop 2 1/2, that you could tax. Which if you voted overrides and debt exclusions that levy ceiling would be \$40,134,000.

President McMilleon – How close are we to the 2 ½ limit?

Mike Basque – We are projecting a levy of \$26,000,000 and we are projecting a limit of \$26,640,000 so we are within \$640,000 this year. This is what we presented in the budget.

Councilor King – A question on the debt, on the \$73,000,000; does that include the state reimbursement for the schools?

Mike Basque – The \$73,000,000 is the total amount the town is committed to out of that \$73 million we would anticipate about \$36 million being paid by the state. That relates to the school building assistance.

Councilor Pinierio – I go along with Jim Chandler, our taxes are too high. I think we should put this question on the ballot and let the tax payer decide how we are going to pay for this. If we have to, go through Representative Costello and Senator Baddour if we have to lobby the state to get this through I think we can do that. If we don't have time I think we should have a special election in September and let the voter's decide how we are going to do this. People have been calling my house and I have 80 e-mails and probably 50 put on the ballot and another 30 not to put on ballot. Just from my house alone, I think we should go to the ballot and if we have to lobby the state legislatures I will go up to the state house my self and I will lobby to have it put on the ballot.

Councilor Lawrence – I would like to echo Councilor Chandler and Pinierio's comments. What we have before us is a citizen petition to place a question on a ballot and that question is shall the town borrow money for the construction of an addition to the Amesbury Public Library yes or no. It is not a question of whether or not to proceed with it, just how to get the money. What we have here now is the luxury of time. I was elected to represent the people of Amesbury and I have always felt that there is nothing wrong with asking a question. I want to hear what everybody has to say. If I were to vote tonight I would have to vote against everything before me because that is what I am hearing. I want to open it up and let everybody respond. If we go to a special election in November or the State election if we petition the legislation, during that time there are a number of unanswered questions I would like to see answered. Someone mentioned here today that the building committee or the library expansion committee has cleared the way for this to happen. I don't think that everything has been resolved. We have the Historical Commission issue the DRC has some comments and issues. It is a controversial issue and I would like to see all these issues resolved. Let it go to the ballot, it is a non binding, let's here what everyone has to say about it and we can proceed at that time.

President McMilleon – I am going to ask Brian Riley from Kopleman and Paige to come up and explain what our options are.

Brian Riley, Kopleman and Paige - As stated in the letter from my office which I agree with, under the town charter a question on whether to make an appropriation or whether to pay for that appropriation through the tax levy or borrowing that is something which is left with the municipal council. In my opinion whether it is through the free petition or an initiative petition a binding question on the town election ballot is not provided for under the charter, it would not be legal. I would recommend against that. A non-binding question on the town ballot as referenced in the letter, it specifically says the council has the authority to vote to put a question on a regular municipal election ballot, one that happens without having to be called specially. The council could do that without having to go to the general court however, the next regular election is not until November 2005. As far as going to the

general court I guess there are a couple of questions out there. One, could this be put on as a binding or non-binding question on the presidential ballot in November? Could the town ask the general court for a special act to do that? The town can ask the general court for a special act on almost anything. I certainly don't speak for the general court; I would not expect to see them approve a binding question. Could the town ask the court for a nonbinding question such as what is on this petition to go on the presidential ballot; certainly you could ask. You avoid the issues that are a problem on the binding issue; my own guess is that the secretary of state would probably lobby against putting anything like that on the presidential ballot. The last thing is that since the statute for a nonbinding question on the town municipal ballot only allows it at a regular election; could the town have a special election for a nonbinding question. It sounds like a very innocuous thing but under the terms of the statute it is my opinion that the town would need a special act of the general court allowing that as a special election. Could the town ask for that, certainly. My best guess would be that it would not be very controversial because it is non binding and would be letting the town do as it likes.

President McMilleon – Going to the state legislature has a time frame under it, does it not? If we were to petition the state to get something on the national ballot, this coming November presidential election ballot, my understanding is that this council would have to prove almost like an ordinance or request the legislature that would then have to be carried by the State Representative or State Senator to the legislature and would have to be on the desk of the Secretary of State by September 3rd.

Brian Riley – The council as the town's legislative body has the authority to request a petition like that but, it is a pretty short window at this point.

President McMilleon – In regard to the requesting the state legislature for a nonbinding special election what is time frame for that.

Brian Riley – Since it would be a town ballot that kind of a bill can be filed at anytime, it would not face that same deadline. As to how fast it would make its way through the legislative process that is kind of up in the air. It depends how much the legislatures are willing, or if you want to get the governors office involved. There are a lot of things that come into play but, there would not be a drop dead as you have looking at the presidential ballot.

Marc Deschenes – Mr. Deschenes explains that when he got married he needed a law passed that went from the house to the senate back to the house and back to the senate in one day and then signed by William Weld in just 3 days. He is confident the state legislature would support the council's desire in the window of opportunity.

Tom Iacobucci, 10 Birchmeadow Road – Mr. Iacobucci has researched cities and towns that have gone to the state legislature to get permission to place special questions on ballots. You certainly can ask the state if you have the will to ask for it.

President McMilleon – The way that this citizen petition is worded, it says the following question shall be placed on the ballot at the next state or town general election. If the council wanted to go with the option for a special election request to the state legislature can we use this petition because this is worded a certain way.

Brian Riley – I think that it is a procedural question more than a legal question. I think the petition was filed asking the council to take certain action. I think if the council determines that it wants to take an action which is similar to what is being proposed obviously the free petition the statement in our letter does not require that the council take any action. Could the council decide that it is within the scope of

this petition to seek a special act of the legislature? I don't think the legislature would have any problem with that. I am not going to tell this council that they don't have authority to act on that. So, I think if the council wants to vote itself, which brings back the question of how free petition is handled anyway and I don't have experience in that. After the council holds the hearing then it becomes up to the council whether to take action in that regard or not. If the council feels it would need someone put on an agenda item for the next meeting to petition the general court or not or if you feel you could ask under this petition and take that vote tonight, I think the council would have the authority to do that if that is what it wants to do.

Mike Greaney, Orchard Street – Mr. Greaney wants to see this go on the ballot and give the tax payers a legitimate shot at what we are going to do.

Councilor King – I just want to clarify one point, it was the Town Clerks decision to forward the petition to the towns attorney. It is in the charter and I can read that so that the public is aware. If the town clerk determines that a sufficient number of signers are voters, the town clerk shall transmit a copy of the petition to the town's attorney.

Councilor Larnard – I would like to comment about a couple of things. I think at this point after we have been listening for a long time and I think some people are saying that some of the councilors have not been listening; I think the councilors have been listening. I think the councilors have heard a lot of different people not only in this forum in town hall but, certainly for me through e-mail, telephone and people grabbing you on the street. One thing that is apparent to me is; this question desperately needs leadership. I think we can define leadership in many ways but, one quality everyone can agree on is that we should bring some sort of clarity to this issue. I find, at this point, if in order to get binding or nonbinding position about the town we have to petition the state. We petition the state to give us a grant of \$2.5 million and now we are going to petition the state to ask them if we can do an opinion poll. I find that the examples used are Springfield where they needed to do an opinion poll to decide whether or not they should do a needle exchange program for heroin addicts and in Holyoke the opinion poll they wanted to do was casino gambling. I can certainly see why those communities petitioned the state to see if their towns believed in casino gambling or if they believed in the needle exchange program. I think that is definitely something you would petition the state to get an opinion poll on. But, are we petitioning the state to get to get a philosophical question answered on whether or not libraries are important or whether or not we support libraries. One of the things you read about with ballot questions is they talk about being very careful because if you are trying to bring clarity you want to be very careful on how you word the ballot question. You don't want to have a ballot question to go on that isn't clear and people are confused and then you get back a decision and people are very upset and they are feeling that this did not bring clarity. I think this ballot question the way it is written, I find that it does not bring clarity. It says the following question shall be placed on the ballot at the next state or town general election. Shall the town borrow money to fund the construction of an addition to the Amesbury Library? To me it somehow implies that if we don't do this there is an alternative. It is not only saying borrow the 3.6 million, it is saying shall we borrow money. So it almost implies to people that they could just fund raise the money or there is another way to do this. I don't think that is clear. If we wanted to be clear and put something on the ballot we would have to frame it in such a way that we include the whole discussion. Like, whereas 30 years ago the town realized the library was unsafe out of date, inaccessible and whereas 30 years ago the board of trustees tried to get a 5 million dollar grant from the state and whereas they failed and whereas 7 years ago they current board of trustees petitioned the state after getting approval from the Mayor and the municipal council to spend money to buy abutting property to continue with this idea of expanding this library and whereas the municipal council and former Mayor did approve spending money to forward the library expansion and whereas the library expansion committee was formed and they spent 7 years doing it. At this point the library expansion succeeded and got the grant. So, they put together a plan

to use 2.5 million from the state; they put together a plan to use the fund raising; which they are going to have to fund raise way more in excess of 2 million if this project goes forward. Of course as we all know costs have gone up, so they put together this plan that is probably the best plan this town has seen. It has multiple funding sources; the 2.5 million from the state, over 2 million raised by private sources and we have to have the 3.6 million from the town. I think this ballot question doesn't address the repercussions. The repercussions if we don't do this project, that we have a library that is unsafe, inaccessible to the disabled people in this town, out of code, lacking space, doesn't serve the needs of the community, doesn't further any of the educational needs of the community because it doesn't address anything because they don't have the services. What are we going to do as a town; are we going to shut the library down are we going to have to close this building? What is our responsibility as city officials? I don't think that is implied by this ballot question. I think that is a very serious question because we are faced with a problem. This isn't like we are doing a survey because we want a community swimming pool. We are doing a survey because we have a town building that we know is unsafe and inaccessible and out of code and too small to provide vital library services. We have a responsibility to solve this problem. This is what the committee has come forward with; do we want there solution or not? If we don't there will be costs associated with choosing not to do that as well. There will be costs associated with having to close the library down or waiting a couple of years to do another project and how much is that going to cost the town? How is that fiscally responsible if we jeopardize this project? I was willing to compromise on this project. I was willing to delay it until we had the CIP. I am not willing to use my vote to jeopardize this project that is so vital to this town. We have a letter that was given to us by the Amesbury Public Library Expansion Committee that showed the schedule of what they needed to do and how if this project was slowed down and how it would be jeopardized. If we delay this and it pushes up this schedule it means that we could be then building next winter or a year from now. It will cost more and you are putting an additional burden....We want this project to be done correctly, I think at this point we need some leadership and we need some clarity and I think we do need to vote this project at this time. I don't think we need to petition the state for an opinion poll like these examples. These examples show that Holyoke and Springfield were asking philosophical questions when they petitioned the state. I think we have answered the philosophical questions and whether Amesbury has a need for this library. Do you want to do this project or don't you? Do you want this plan that takes state money and private money?

Councilor Benson – I feel the question is fairly square and straight forward and that if we decide to start putting whereas on we would have to include one that says whereas the towns operating budget has more than doubled and whereas taxes have almost tripled in the past 10 years. We can't go down that road or we will have 25 whereas' and it will not fit on the ballot. I do think we should put this on the ballot. I think we should take the pulse. I think we should approach the legislature and get it on the presidential ballot.

Tom Iacobucci – Under the charter this petition was submitted under 8-1 which allows to have a free petition to have the council take up and consider a measure and have a public hearing on it but, under section 8-6 it states - submission of proposed measurers to voters, the municipal council may of its own motion and shall upon request submit to a vote of the voters for adoption or rejection at a general or special town election any proposed measure or a proposition for repeal or amendment for any measure in the same manner with the same force and effect as hereby provided for submission on petition. We used this in 1988; the council used this to ask the question whether or not to continue to pursue a golf course at Woodsom Farm. It was legal then and we have not changed the charter and if we can use that as a mechanism I can't see why we couldn't do it now.

Brian Riley – I would be willing to take a quick look at that question. It has been my experience working with the Secretary of States Office that they are very insistent that the only way to have a nonbinding question on the election is under the state statute which says that a regular election not a

special, and that is why I said that I thought you would need a special act authorizing a special election. I am not aware what happened with the Woodsom Farm question. That is the way that I interpret the question and I know that is the way the Secretary of States office has. If there is some way to avoid going to the general court that would work I would be happy to do that.

Tom Iacobucci – I talked with Michelle Tazaneri and here statement was it depends on what our charter says relative to asking the question.

Councilor Larnard – Responds to a comment regarding her statement that the library is not handicapped accessible. That is a good question because that does confuse people because there is a ramp. Unfortunately, the ramp does not meet ADA compliance. It is much too difficult for people in wheelchairs to navigate the ramp. However, that is not the only issue that pertains to ADA requirements. There is no elevator within the building; so there is no access to the children's room if you are disabled. Currently you would have to climb a double set of steep stairs. There are also no bathrooms on the first level, if you are disabled and need to use the bathroom you can't because they are located in the basement or up stairs. In the stack wing you can not negotiate a wheelchair, there is not enough room. The whole building is not ADA compliant by any stretch of the imagination.

Claude Gonthier, Kimball Rd – If half of new growth would go into a stabilization fund the money would be there for this library I would be for it now. It takes a commitment and you have to make cuts. He feels that the taxpayers are going to have to cut their standard of living to fund the library and the town should cut theirs.

Councilor Larnard – I fully support what Councilor Benson just said absolutely if we want to add the whereas we should include the financial questions too. That is my point in order for this ballot question to be really clear you would have to include all of that. How long is the ballot question going to be? To be fair you would have to talk about the taxes in this town. You would have to ask why has our operating budget gone up so much? That is fair and valid and that would all have to be part of this huge ballot question. That is part of why we went to a city form of government, a representative form of government, so that the people that you elect would study all those issues in detail for months and years to come to these conclusions. I would also like to speak to the taxes. Clearly there is a problem and we have got to do something. It is not true what Councilor Chandler said, I don't think it is true that this council didn't try to do anything during the budget process. I think this council from the get go instead of waiting until we got the budget and then going through and making cuts, this council made a decision to assign council liaisons to work with department heads before the budget hit the budget hearings to make sure we were at a clear understanding of where we were going to be. Some people have made fun of that but, I have found as the School liaison that it was extremely helpful. A lot of advanced work went into that budget. From that process I also found out about certain things on the CIP that the schools are going to be asking for. I have now started to research that and I have my own ideas and it has been verified by the superintendent of schools about perhaps a more efficient ways we could do some of the things that are being asked for. This will clearly save money and it clearly need to be done. I also thing went you look at these budgets, and I have been looking at them for three years, line item by line item after a while you realize where is the money going, it is going to the contracts, that is where the money is going. So how do we get the budgets under control? I am a union person myself. When we do union contracts in this town we need to make sure that they are fair and sustainable. I think that is where all of us can pitch in. This meeting is wonderful; it is almost like a state of the town. At the beginning of the budget process I would like to see another state of the town meeting where you have all of the department heads and the people that work for the town and the town's people. Let's have a discussion about what are our priorities and what can we do. If we want the stabilization fund which I strongly agree with then let's say we are renegotiating these contracts. Let's say this is how much this town needs to put into the stabilization fund this year so we

are going to do backwards planning to get to our contracts and budgets. Clearly this is an issue that we all have to work with. If we don't do the library I don't think that is going to solve any of our problems it is going to make our problems worse if we don't do the library. The library is going to help our problems. Right now we have a children's room that is inaccessible and unsafe. Many people in town don't use the children's room because it is unsafe for toddlers and preschoolers. You have critical early years from 0 to 5 where in Amesbury we are not able to meet the literacy needs of those children. Does that impact us in a financial way? You bet because it costs much more by the time they get into first grade and our school system to then teach them to learn to read and write. There is 30 years of research. All of the public initiatives policies that are coming out of the state government are talking about how states need to put more money into preschool education because it saves money. Right now we have a school system where almost 20% of our children are on IEP that costs a lot of money. Is there a way that we can save money? I am using this as an example to say the library will save money.

Roger Deschenes, 57 Main Street – The arguments that I heard in favor of a ballot vote all have to do with the expense of living in Amesbury. If the councilors feel that some people are going to be unduly hurt and too close to the levy limit by borrowing to do this project then vote against the project. Vote for or against the library one way or another. Councilor Pinierio, based on a nonbinding referendum question, if 2 people in your district put the majority against your position would you change it?

Councilor Pinierio – No

Roger Deschenes – So what is the point of a nonbinding referendum?

Councilor Pinierio – It is taking the taxpayers and the citizen's right to vote away.

Ann Speck, South Hampton Road – I just wanted to say that I was originally against the city form of government. I really felt that having town meeting, hearing all these issues, having the finance committee go through all of it and then having 108 people vote on it was a better way of doing things. I'm not sure how I feel about it now but, what I do know is that the city council has been going through all these hearings and I think Anne Larnard makes sense that when you put something on a ballot your just giving a simple yes or no question that is kind of ridiculous to put to all the voters when you guys have been working doing all this research. Mario you are going to the library all of you have been doing your own research. Your job is to vote, it is not to every time, frankly, when they don't get their way they say we need a referendum. It is your position. What ever you decide it is your responsibility to vote on this.

Councilor Pinierio – We are talking about 3.6 million dollars. What is coming down the road? The Mayor has put in the CIP 5 million to do the DPW garage over, \$220,000 for communication for the police department, another ½ million for the fire department what is the Mayor going to do come before us for the DPW garage it is in the CIP but he never funded any money. You think you are paying high taxes now, wait until the Mayor wants all these other things to be paid for. We cannot give this Mayor a blank credit card it has got to stop.

Councilor King – I will not be voting in support of this petition. When I was elected I took the responsibility and took on the roll in doing my best, researching all these projects, finding out my facts, listening to the pros and cons and I believe the people in my district elected me to make those decisions. I believe that it is wonderful that people are here participating and that citizens have an equal responsibility in our form of government to inform their representatives their thoughts on various projects. If people are not happy with the job I am doing and they feel I am not doing my homework and I am making arbitrary decisions and if I am not doing my best then they can choose not to elect

me again. I believe this is the form of government we are in and I take full responsibility of my actions on the council and it is up to my constituents to choose not to vote me in again.

Marc Deschenes – What before you is a petition. Part of your consideration is opinion. We are asking to have this component be part of your consideration.

Councilor Pinierio – I would like to move the question. I would like to say 2004-77 that we place this on the ballot and lobby State Rep. Costello and Senator Baddour to have the general court give us authorization to put this on the ballot for a special election in September.

President McMilleon – Are there any other new points.

Councilor Woodsom – I want to state my position. I want to echo what Ann Connolly King said, it was well put and also what Anne Larnard said, I will not be supporting this.

Councilor Larnard – In response to Mario and the CIP and other projects coming before us. One of the examples used was the DPW garage. I think this is where it becomes really clear that you need to have the background information. Senator Baddour recently put together a transportation authorization bill to see if the town could get grant funding towards that project and currently we are waiting to see if we are going to get 5 million towards that project. Another project that was mentioned was the senior center which will also be a collaboration of many grants. Deb Carey spoke to this once before and this will be not be put on the tax rolls and done as debt, it will be done through another method. Each capital improvement that comes before us and it has to come before us, will have public hearings so we can deliberate the best plan. We also have the master plan that we spent over 85 thousand dollars to do that is also another planning document. I think this petition is wonderful because we can really have a forum, and have this as a public hearing because when you have a free petition we as a council have to have a public hearing. The public hearing is where people get to come and express all of their opinions. We have had multiple public hearings so I think there has been a forum for people to express their opinions. There have been different opinion polls done. At this point we need to vote as a council to fix the problem at our library.

President McMilleon – I am going to close the public hearing. Councilor Pinierio do you want to state your motion.

Councilor Pinierio – *I say we should move forward and ask our State Rep. Costello and Senator Baddour to lobby this to the legislators so we can put it on a special election and let the people speak.*

President McMilleon – We have a motion to pass this petition with the addendum to petition the state legislature to get this on a special election

Councilor Chandler – *second.* I love to see the emotion of everybody in favor of this library and as I said I was much in favor of it. Knowing that this was on the master plan and knowing that the master plan also talks about the tax burden that people are fed up with I am disappointed with this council and this administration that come budget time we didn't cut budgets to pay for it. We know our budget is already up over 2004 and we haven't even seen capital improvement plan number one. From my point of view, if we wanted this why didn't we do something about it? Why didn't we leave the door open so we could afford it? If it goes to a vote and my constituents vote in favor of it, I will vote with them. If it doesn't go for a vote I am voting against it.

President McMilleon – In the last election when I was running the big issue was taxes. There was a fairly healthy debate on what this town was spending and what we were doing with our funds. One of

the things that I kept harping on is; one of the ways that you reduce taxes is you cut salaries. It takes about 1.3 million to lower the tax rate a dollar. That is a significant amount of money; you are talking about cutting a lot of people. There was discussion about taking polls. The last poll I took was in the general election. I went to the public and I told them I was concerned about taxes too. I think that since I have been on the council we have cut the budget every year. This past budget that we just did came into us very low; there wasn't a whole lot to cut. In that election, the results were those people that were elected who were advocating for reasonable and conservative cuts that were going on in this community. Also overwhelmingly supported the High School addition which is a much much bigger impact on the taxes we are paying than the library. I just feel that this is the wrong issue at the wrong time. We have 4.5 million dollars in grant money and private funds to do this library and the community is being asked to come up with 3.6 million. We are talking about \$85 a year; we are talking about 1.75 a week. I just think it would be absolutely foolish for this community to reject that. I was elected to make a decision whether popular or not popular to look at both sides, to evaluate, to make the best decision I can possibly make and I think it would be foolish not to support this project or to delay this project or to jeopardize this project. I have had calls and my calls are overwhelmingly in support of the library. I haven't had an overwhelming number of calls not to vote for this or to put it on the ballot. Honestly, I have not, e-mails the same thing. So I support this library project and I am also against putting it on the ballot. That does not mean that we are against democracy if we vote to not put it on the ballot. We are talking about showing some leadership doing what we were elected for. If people do not like my vote they can recall me or not vote for me in the next election they have that right. You elect your leaders to make decisions; you are not always going to agree with them. That is where I stand on this issue. Any other questions, if not we have a motion to pass this petition and to add the comment to go to the state to try and get it on a special election ballot.

*Roll Call Vote – 4 Yes, 5 No (King, Headley, Larnard, Woodsom, McMilleon)
Motion fails*

Recess 11:45PM

President McMilleon – We are moving on to second readings.

SECOND READINGS

2004-35 An Order to Vote \$3,600,000 to be appropriated for constructing an addition to and remodeling of the Amesbury Public Library – Mayor Hildt sponsor cont.

President McMilleon – reads 2004-35 into the record. Do we have a recommendation from finance?

Councilor Woodsom – There was no recommendation from finance.

Councilor Lawrence – Is the wording correct for bonding? It just seems different than what we have seen in the past.

Councilor Benson – can we alter that in any way?

Mike Basque – I wouldn't recommend it.

Councilor Pinierio – It is going to be a 20 year bond correct? It is going to cost us with the interest in the end 5.2 million dollars, just for the bond correct?

Mike Basque – correct 5.3

Councilor Pinierio – With the interest over the 20 years, how much effect will that have on the tax rate?

Mike Basque – We gave you a work sheet year by year.

Councilor Pinierio – What is the interest rate?

Mike Basque – You won't know that until you actually finance it, this was based on 4.5%

Councilor Pinierio – Is that from the same bonding company that we are dealing with or any other project we have in town?

Mike Basque – Well, we put the bonds out to bid, so what ever the market is at that time.

Councilor Pinierio – So it can be anybody. Do you as CFO shop around to get the best interest rate?

Mike Basque – We go out to bid.

Councilor Lawrence – Like I have mentioned previously, there are some unanswered questions and I am afraid if we proceed to approve this at this time those questions won't be answered. The design review, historical commission and the petition 2004-69 that hasn't been completely responded to. I think that if we vote this through now it will....those committees may feel that they may have no other choice but to approve design or historical because we have given the green light. There are some members of those committees that have questions. They have questioned me and are afraid to come forward but I would like to see a unanimous or some kind of consensus from all those committees that still have to respond to this before we proceed with the bond.

Councilor King – When we bond money for a project do we always wait until we have all design review recommendations and historicaldo we wait until we have everything done before we bond the project? Isn't it just our prevue just to bond the money and then trust that the other department will hold up their end and work through what they have been appointed to do and we give them the responsibility of doing that?

Councilor Benson – I think you are right, our question is one of finances but inevitably with all these projects that I have seen, some of the design issues tend to work their way in. In this case I believe those issues are being addressed and I would like to see us move forward.

Councilor Pinierio – Can this go to a third reading? I make a motion that we table this until we hear more information from the Historical Commission and the Design Review board. Last night there were a couple of members of the historical commission that had some question on the stack wing and a few other things. I would like to table it.

President McMilleon – *Motion made on 2004-35 to table*

Councilor Lawrence – *second*

Councilor Larnard – I would like to say that I went to the same historical meeting and I stayed the entire time. At the end, the design review committee which acts as an advisory board to the planning board; they handed out a written statement as well as an oral statement. They said that at this point they felt the issue of the stack wing had been thoroughly analyzed by the architects and they even

analyzed a community idea that came from the historical commission. They were satisfied with the decision that the stack wing had to come down. They felt that the project should move forward and they were confident that they could work out the design issues with the expansion committee. I think clearly things are moving. I think that this library expansion committee has been extremely responsive to public input. They have altered the plans and gone back for a third analysis on the stack wing issue. The community plan that was put forward by members of the historical design, the library expansion committee spent 20,000 dollars to see if that idea would work. They came to the same conclusion that the first architect and now the second architect had come to. So they not only spoke about being receptive they put their money where their mouth is. At this point I believe this should move forward.

Councilor Pinierio – Did the building committee ever have a structural engineer to see if this building is sound enough?

Mark Lankin – Yes we did.

Councilor Pinierio – What were the results?

Mark Lankin – The building is sound enough for an expansion. The stack wing structurally it is sound enough and in other ways it doesn't meet modern codes particularly for floor loading.

Councilor Lawrence – As Mark mentioned we have August 16th that the Historical Commission is meeting again and I would like to see what they have to say.

Councilor Woodsom – I want to pass this tonight so that the fund raising can start. Also, no demolition permit can be issued with out the historical piece; they have to sign off on the demolition permit. Unless that piece is satisfied the demolition permit will not be authorized.

Councilor Pinierio – Mark, did the library expansion committee apply for a demolition permit?

Mark Lankin – Yes we did. It has gone to the historic commission it's an application; that is what they are reviewing. They will have to make a decision yes or no. There are procedures that happen after that depending on what they do. The point is we started with an idea to build the town a library that would take it into the future. We had some of our own conceptions on how it should look; they have already been altered and they are still being altered. We want to make this building acceptable to those committees. They represent the town in this venture in terms of the esthetics. The stack wing issue has been explored 3 different times. You can not build a viable library with the constraints that we have been given and the realities of the sight without removing it. The design review committee has finally accepted that. With out some sense that you want this project we are wondering; why are we still spending money? We are spending a lot of private money to keep this thing moving and we don't know if you want to approve it. We need some kind of sign.

President McMilleon – The motion is to table until we have more information

*Roll Call Vote - Yes 2, - 7 NO (Benson, Chandler, King, Headley, Larnard, Woodsom, McMilleon)
Motion Fails*

President McMilleon – I will entertain another motion.

Councilor Larnard – *I make a motion that we vote to approve an order to vote \$3,600,000 to be appropriated for constructing an addition to and remodeling of the Amesbury Public Library.*

Be it Ordered by the Municipal Council of the Town of Amesbury assembled, and by the authority of the same as follows:

Ordered: that \$3,600,000 is appropriated for constructing an addition to and for remodeling, reconstructing and making extraordinary repairs to the Amesbury Library, including original equipment and related site improvements; and that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$3,600,000 under G.L. c.44, §7 or any other enabling authority; that the Board of Library Trustees is authorized to contract for and expend any federal or state aid available for the project and to accept and expend any gifts or donations for the project, which aid, gifts or donations shall be expended in addition to the amount appropriated by this order; and that the Board of Library Trustees is authorized to take any other action necessary to carry out this project.

Councilor Chandler – *Second*

Councilor Lawrence – I am not satisfied, I want to wait another month to get some questions answered and some petitions looked at so I object to taking of the vote at this time.

Recess

President McMilleon – 2004-35 we have an objection by Councilor Lawrence which means that this has to be referred to the next regular or special meeting of the Council to be voted on. At this time I would like to entertain a motion for a special meeting of the council.

Councilor Chandler – I would like to also object, I would like this to wait until our next regularly scheduled meeting.

President McMilleon – We have a second objection, we have to go to our next regular meeting which will be August 10th.

Councilor Chandler – No, we don't have a meeting in August.

Councilor Benson – I heard a meeting mentioned for the Historical Commission on August 16. What I am wondering is, if it is going to be toward the end of August does it defeat the purpose of this objection if we are going to take it up before that meeting takes place?

Councilor King – Councilor Lawrence made his objection and I feel his objection doesn't warrant our putting the meeting off further so he can get his questions answered. He just objected to the vote.

Councilor Benson – I was simply asking a question, you misinterpreted my question. I wasn't suggesting we move the date of our meeting. I was suggesting by virtue of objecting to this vote we are not getting what we want accomplished. The objector did not get accomplished what he wanted accomplished.

President McMilleon – We have our next regularly scheduled meeting on August 10th.

2004-51 A Resolution to request that the Municipal Council vote to transfer the Town owned land at 18 Water St. to the Merrimac Valley Regional Transit Authority – Mayor Hildt sponsor cont.

President McMilleon - reads 2004-51 into the record.

Orlando Pacheco – We request that this item remain tabled with the Municipal Council. We haven't received the information yet nor do we know when the information is coming.

Councilor Benson – I move we continue this to our August Municipal Council meeting.

Councilor Pinierio – second

Voted – Unanimous

2004-57 An Order to authorize the transfer of \$20,000 from Reserve for Unforeseen to Legal Services General – Mayor Hildt sponsor cont.

President McMilleon – reads 2004-57 into the record.

Councilor Woodsom – In finance committee, the mayor's office recommended that we withdraw this and the finance committee recommended that the council withdraw this.

President McMilleon – Recommendation to withdraw

Councilor Pinierio – second

Voted – Unanimous

2004-62 An Order to request the municipal Council to accept a DEP grant \$6,176.00 – Mayor Hildt sponsor continued.

President McMilleon – reads 2004-62 into the record

Councilor Woodsom – The recommendation from the finance committee was to adopt as submitted, I will make that my motion.

Councilor Benson – second

Roll Call Vote – unanimous

2004-65 An Order to request the Municipal Council to accept additional grant money from MEMA – Mayor Hildt sponsor

President McMilleon – reads 2004-65 into the record.

Councilor Woodsom – The recommendation from the finance committee was to approve as submitted and I move the recommendation of the finance committee.

Councilor Chandler – second

Roll Call Vote – Unanimous

2004-66 A Request that the Municipal Council increase the mileage reimbursement – Mayor Hildt sponsor cont.

President McMilleon – reads 2004-66 into the record.

Councilor Woodsom – The recommendation of the finance committee was approval as submitted, I move the recommendation of the finance committee.

Councilor Benson – second

Voted – Unanimous

2004-70 An Order to authorize a transfer between General Dept. Fund – Mayor Hildt sponsor cont.

President McMilleon – reads 2004-70 into the record.

Councilor Woodsom – The finance committee recommended adoption, I move the recommendation of the finance committee.

Councilor Pinierio – second.

Roll Call Vote – 8 Yes, 1 No (Benson)

2004-71 An Order to authorize a transfer within the Sewer Dept. Fund – Mayor Hildt sponsor cont.

President McMilleon – reads 2004-71 into the record.

Councilor Woodsom – The finance committee recommended adoption and I move the recommendation of the finance committee.

Councilor Benson – second

Roll Call Vote – Unanimous

2004-72 An Order to authorize a transfer within the Landry Stadium Fund – Mayor Hildt sponsor cont.

President McMilleon – reads 2004-72 into the record.

Councilor Woodsom - The finance committee recommended adoption as submitted, I move the recommendation of the finance committee.

Councilor Benson – second

Roll Call Vote – Unanimous

2004-73 An Order to authorize a transfer within the Water Dept. Fund – Mayor Hildt sponsor cont.

President McMilleon – reads 2004-73 into the record.

Councilor Woodsom – The finance committee recommends adoption; I move the recommendation of the finance committee.

Councilor Benson – second

Roll Call Vote - Unanimous

2004-74 An Order to authorize a transfer to the Stabilization Fund – Mayor Hildt sponsor cont.

President McMilleon – reads 2004-74 into the record.

Councilor Woodsom – The finance committee recommends adoption, I move the recommendation of the finance committee.

Councilor Benson – second

Roll Call Vote – Unanimous

Councilor Benson – I want to thank the Administration for doing this; I think it is a great move. I think we should do more of this in the future.

Councilor Woodsom – Mr. President I make a motion that we suspend rule 5 to allow us to take up new business after 10:30 PM

Councilor Benson – second

Voted – Unanimous

NEW BUSINESS

2004-78 A Request that the Municipal Council amend Article 45, Sec. II Fines, of the Town of Amesbury Ordinances – Mayor Hildt sponsor

President McMilleon – reads 2004-78 into the record.

Councilor Woodsom – I move that we send this to the Finance Committee and Ordinance Committee.

Councilor Pinierio – second

Voted – Unanimous

2004-83 An Act authorizing the Town of Amesbury to establish a Tourism Promotion Fund – Councilor Christopher Lawrence sponsor

President McMilleon – reads 2004-83 into the record.

Councilor Woodsom – I move we refer this to the Finance Committee and Ordinance Committee.

Councilor Chandler – second

Voted – Unanimous

LATE FILE

2004-84 An Order to request the Municipal Council to accept a Skin Cancer Protection Mini-Grant in the amount of \$1,965.00 – Mayor Hildt sponsor

President McMilleon – reads 2004-84 into the record.

Councilor Benson – I move that we accept a late file.

Councilor Woodsom – second

Voted – Unanimous

Councilor Benson – I move we refer this to the Finance Committee.

Councilor King – second

Voted – Unanimous

President McMilleon – One other thing that is not on your agenda; we were supposed to have the EDIC meeting tonight. It needs to be rescheduled and Joe Fahey and the Mayor's office are still trying to get this together.

Councilor Benson – Motion to adjourn.

Councilor Lawrence – second

Adjourned 12:45AM

Respectfully submitted,
Assistant Town Clerk