

Amesbury Municipal Council Minutes
 Tuesday, July 13, 2010
 7:00PM Town Hall Auditorium

President Lavoie called the meeting to order at 7:00 pm.

Pledge of Allegiance was led by Councilor Kimball

Roll Call - Councilor Kimball, Councilor McMilleon, Councilor Neale, Councilor Chatigny, Councilor Dunford, Councilor Ferguson, Councilor Gilday, Councilor Kelcourse, Councilor Lavoie

Act on minutes – June 8, 2010 – Councilor McMilleon moved to accept as amended. Councilor Kelcourse seconded. Voted -Unanimous

Mayoral Appointments

2010-070 Michael Bik to the Conservation Commission term to expire 6/30/13
 Councilor Ferguson moved to accept the appointment of Michael Bik to the Conservation Commission for a term to expire June 30, 2013. Councilor McMilleon seconded. Voted Unanimous

2010-071 Katherine Sullivan to the Board of Health term to expire 6/30/13
 Councilor Ferguson moved to accept the appointment of Katherine Sullivan to the Board of Health for a term to expire June 30, 2013. Councilor Neale seconded. Voted Unanimous

2010-072 Lorri Fucile to the Board of Health unexpired term to expire 6/30/12
 Councilor McMilleon moved to accept the appointment of Lorri Fucile to the Board of Health for a term to expire June 30, 2012. Councilor Neale seconded. Voted Unanimous.

2010-073 David Andrews to the Cultural Council unexpired term to expire 6/30/11
 Councilor Kimball moved to accept the appointment of David Andrews to the Cultural Council for a term to expire June 30, 2011. Councilor Ferguson seconded. Voted Unanimous.

2010-074 Joanne McCarthy to the Health Care Trust Commission term to expire 6/30/13
 Councilor Ferguson moved to accept the appointment of Joanne McCarthy to the Health Care Trust Commission for a term to expire June 30, 2013. Councilor Neale seconded. Voted Unanimous.

2010-75 2010 Re-Appointments to Various Boards and Committees
 Councilor McMilleon read the following list of 2010 reappointments with the terms to expire June 30 of the years noted:

Zoning Board of Appeals- Matthew Sherrill (2015)

Board of Assessors – Damian A. Johnson (2013)

Board of Health – Dr. James Schaepe (2013)

Cemetery Adv. Com. – Geoffrey Butler (2013)

Council on Aging – Carol Smith (2013); Gayle Yarnall (2013); Paul C. Rogers (2013)

Educational Access Committee – Marie Legace (2012); Wendy Copithorne (2012); Russ Munroe(2012)

Fence Viewer – Bret Green and M. Bernice Nagle (2012)

Health Care Trust Com. – Rev. Philip Winders (2013)

Historical Com – Joseph Finn (2013); Juliann MacDonald (2013)

Lakes & Waterways – Cynthia Roberts (2013); Jay Knapp (Associate) (2012); Bruce Georgian (2013); Mark Sydlowski (2013); William Rudolph (Associate) (2012)

Landry Stadium Mgt. Com. – Stephen Bibeau (2013)

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Master Plan I&O Com. – Jonathan Sherwood (2012); Nipun Jain (2012)

Parks & Recreations – Mark Tanzella (2013)

Councilor Neale moved to approve the reappointments as submitted by the Mayor. Councilor McMilleon seconded. Voted Unanimous.

Licenses & Permits

2010-065 Public Hearing – Temporary Pole Placement on Main Street

Joseph Gleason - Right of Way Agent for Verizon explained the request is to place a temporary pole. Mass Highway has notified Verizon and National Grid that the existing wires are in the way for the crane work for the Hines Bridge project. The petition is to place a temporary pole to alleviate the problem with the wires during the bridge work. He stated that they may come back in the future to request that this be a permanent pole location, however, at this time it is a request for a temporary pole only.

Councilor Lavoie referred to the Town Engineer's correspondence regarding the concerns of the residents and the Town and opened the public hearing.

Councilor Neale asked how much of the sidewalk would be affected by this project.

Mr. Gleason stated he could not answer that however, anything they do will be in compliance with ADA requirements. He stated he would make note of all concerns and direct the concerns to the Engineer on the project.

Councilor Ferguson asked when he expected the changes to occur. She asked if abutters have been notified.

Mr. Gleason said he that it was really up to Mass Highway but he would look into that. The abutters are notified by the Town and he has not heard of any concerns.

Councilor Lavoie asked the Clerk if the abutters had been notified.

Bonnijo Kitchin, Town Clerk, stated the abutters have been notified and the Clerk's Office has not heard from any of the abutters.

Councilor Lavoie closed the public hearing.

Councilor Neale moved to approve the temporary pole placement on Main Street keeping in mind the two points made by Peter Manor, Town Engineer, in his July 6, 2010 correspondence; 1) The stone retaining wall that exists adjacent to the pole location and (2) the proximity of the pole location to the corner of the existing dwelling and it will not affect ADA compliant distances for travel along the sidewalk and satisfaction of the other concerns raised by the Town Engineer in said memorandum . Councilor Gilday seconded. Voted Unanimous.

2010-067 Common Victualler License – Thalassa Pizzeria, 36 Main Street

Councilor Gilday moved to approve the license subject to all the usual stipulations. Councilor McMilleon seconded. Voted Unanimous

2010-068 Common Victualler License – MJK Cappaccio d/b/a Cappaccio Italian Cuisine 143 Elm Street

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Councilor Dunford moved to approve subject to all the usual stipulations. Councilor Chatigny seconded. Voted Unanimous

2010-066 General Business License – Maggie Sundae, Town Ways

Councilor Dunford moved to approve subject to all the usual stipulations. Councilor Kelcourse seconded. Voted Unanimous.

2010-069 Second Hand License – Cini & Beebs, 69 Main Street

Councilor Chatigny moved to approve subject to all the usual stipulations. Councilor Dunford seconded. Voted Unanimous.

Public Comment

Mr. Thivierge stated the Council needs to do something about the Health Care and Charter school out. He thinks an unaudited balance sheet should be included in the Annual Report. He stated the Town is at \$143,000 from the absolute max that the people of Amesbury can be taxed. He suggested the Town should enterprise certain accounts.

Alex Talcott, 57 Pleasant Valley Rd, stated he was a new resident and its welcoming open meetings like this that made him want to move here.

Council Response to Public Comment

Allen Neale responded to Mr. Thivierge's comments. He stated Mr. Thivierge was in error regarding the tax cap because of the new commercial property that has come on line that is going to generate almost \$450,000 in new taxes and that doesn't count the usual growth that we have. He stated the Council is on top of it.

Councilor Chatigny stated she was a tad offended with the suggestion that the Institution is doing anything to bring down the city of Amesbury by not being fiscally responsible with their dollars and that somehow the institution was trying to pull the rug out or put a bag over our heads and that we aren't bright enough to make sure that the institution wasn't being fiscally responsible because that's offensive to our town form of government and the people that work so hard everyday to keep us working as efficiently as we do. She stated she was getting tired of the lecturing as if there is a big conspiracy out there. It doesn't exist. Everybody is working for the benefit of everybody in the Town.

Councilor Dunford stated enterprising youth services would make no difference because it pays for itself. He believes the unions and non unions have been working to help with the Health care issues. He stated he believed Mr. Thivierge was wrong when he stated we were within \$143,000 cap.

Mr. Basque stated lasted year the excess levy capacity was about \$143,000 but this year they have projected it will be between 800,000 and a million dollars. Mr. Basque stated Mr. Thivierge commented that enterprising the ambulance fund and youth services would reduce expenditures but it won't, the budget is going to stay the same because when the budget is voted the receipts from those funds are applied to the budget. There would not be any net change.

Councilor Dunford stated that Mr. Thivierge continually gets up and makes comments and then leaves before the Council can respond to his ideas and false accusations.

Councilor Lavoie closed the Council response to public comment.

Public Hearings

2010-57 An Ordinance to Revise and Consolidate, Amend, Supplement and Codify the Bylaws and Ordinances of The City Known as The Town of Amesbury – President Lavoie, Councilor Dunford and Neale sponsor

Councilor Gilday gave the Ordinance Committee recommendation to approve with the recommended amendments from Town Counsel.

Councilor Lavoie gave a review of the re-codification process. He explained the recommendations from Kopelman and Paige and the redline version before the Council for adoption. The public hearing was opened. No public comment. Public hearing closed.

Councilor Kimball moved to approve 2010-057 with the changes recommended by Town Counsel. Councilor Neale seconded. Roll Call Vote – Kimball –Yes, McMilleon –Yes, Neal – Yes, Chatigny – Yes, Dunford –Yes, Ferguson –Yes, Gilday – Yes, Kelcourse –Yes, Lavoie – Yes

Second Readings

2010-61 \$59,220 FEMA Grant for protective gear – Mayor Kezer sponsor

Councilor Neale read the Finance Committee recommendation for approval as submitted.

Councilor Neale moved the finance committee recommendation to approve as submitted, Councilor Dunford seconded.

Councilor Ferguson asked for clarification of the match coming from the fire department budget for the viewing public.

Chief Brickett stated the 5% match would be met through the Fire department's budget in the equipment line item. He also credited Firefighter Richard Shellene for putting together the grant.

Roll Call Vote – Kimball –Yes, McMilleon –Yes, Neal – Yes, Chatigny – Yes, Dunford –Yes, Ferguson –Yes, Gilday – Yes, Kelcourse –Yes, Lavoie – Yes

2010-062 Transfer between D.P.W. to Snow & Ice – Mayor Kezer sponsor

Councilor Neale read the Finance Committee recommendation for approval as submitted.

Councilor Neale moved the finance committee recommendation for approval as submitted. Councilor Dunford seconded. Roll Call Vote – Kimball –Yes, McMilleon –Yes, Neal – Yes, Chatigny – Yes, Dunford –Yes, Ferguson –Yes, Gilday – Yes, Kelcourse –Yes, Lavoie – Yes

2010-063 Transfer \$312,000 between General Department Funds – Mayor Kezer sponsor

Councilor Neale read the Finance Committee recommendation for approval as submitted

Councilor Neale moved the finance committee recommendation for approval as submitted. Councilor Ferguson seconded. Roll Call Vote – Kimball –Yes, McMilleon –Yes, Neal – Yes, Chatigny – Yes, Dunford –Yes, Ferguson –Yes, Gilday – Yes, Kelcourse –Yes, Lavoie – Yes

First Readings

2010-76 Resolution of Support of the Elm Street Public Works and Economic Development PWED Grant Application in the amount of \$1.4 million dollars – Mayor Kezer sponsor

Joe Fahey, Director of Community & Economic Development, gave an overview of the PWED Grant.

President Lavoie explained the Mayor submitted this bill on June 15, 2010 after the last Municipal Council meeting. There was some urgency to get a preliminary indication that this council was in favor so President Lavoie and Councilor McMilleon took it upon themselves and submitted a letter indicating that the Council was supportive of this type of application and tonight it would be confirmed by a vote of the Council as none of the Councilors had a problem with it.

Councilor Gilday asked if there would be a match from the Town.

Mr. Fahey stated that the design of the project is not included in the grant and the Town would have to come up with that, however, we do not have to commit to that until we know if the Town is going to get the grant. They would have to come back to the Council for that once they know they are getting the grant.

Councilor Gilday moved to approve as submitted. Councilor Chatigny seconded. Voted Unanimous.

President Lavoie stated the letters that he passed out tonight are the recommendations of the Commemorative Naming Committee which was formed to consider the request to name the Town Forest Trail for Jean Baptist Gosselin, the Amphitheater in the Upper Millyard for Al Capp and the Pony League Field for Dick Bowley. On June 17, the committee met and the recommendations were unanimously voted to approve and recommend to the Municipal Council and the Mayor.

Councilor Neale moved to adopt the recommendation of the Commemorative Naming Committee and authorize the Mayor to proceed with the naming of the cut and cleared trails through the Town Forest for Mr. Jean Baptist Gosselin. Councilor McMilleon seconded.
Voted Unanimous

Councilor Neale moved to adopt the recommendation of the Commemorative Naming Committee and authorize the Mayor to proceed with the naming of the Pony League Field for Mr. Richard "Dick" Bowley in recognition of his tireless commitment to Amesbury children as submitted. Councilor Kimball seconded. Voted Unanimous

Councilor Neale moved to adopt the recommendation of the Commemorative Naming Committee and authorize the Mayor to proceed with the naming of the Amphitheater in the Upper Millyard for Alfred G. "Al Capp" Caplin in recognition of his achievements a cartoonist and humorist as submitted. Councilor McMilleon seconded. Voted Unanimous

2010– 077 Warrant for State Primary, September 14, 2010

Councilor McMilleon read the Warrant for the State Primary into the record.

Councilor Ferguson moved to post the Warrant for the State Primary scheduled for September 14, 2010. Councilor McMilleon seconded. Voted Unanimous

Councilor McMilleon asked President Lavoie to look in to considering a sub committee of the Council to look into the recommendations of the Ad Hoc committee so the Council can do a follow up in the coming months.

President Lavoie said the council should probably consider having a committee on infrastructure and one on buildings. He said he would try to draft something and file it with the Town Clerk's Office.

Councilor Gilday suggested that the first two considerations should be the Fire and Police when looking into the Ad hoc's recommendations.

Councilor Chatigny also suggested the schools are over 50 % of the budget and maybe there should be separate committees.

President Lavoie stated they should all be thinking about it and will discuss it again in September at the next meeting. He stated the Council will not be meeting in August unless conditions warrant it and the next scheduled meeting is September 21, 2010.

Councilor Gilday asked for an update 2008-090, \$600,000 capital expenditure for the public safety buildings.

Kendra Amaral, Chief of Staff, gave a brief update. She stated bids came back higher than they anticipated. They are in the process of trying to come up with a plan to address that so they can get the work done on the buildings as needed but can do so with a budget that covers everything.

Councilor Kimball asked if any of the funds were used for the interior of the Police Department and if there are any funds left and if so how much.

Kendra stated there is a balance left; however, it is not enough to cover the entire project.

President Lavoie explained to the viewing public the Council desks are the work product of the Whittier Vo-Tech students. He read the article into the record. On behalf of the Council he wanted to thank the Whittier students.

Meeting adjourned at 9:10 pm.

Respectfully submitted,

Bonnijo Kitchin