

Municipal Council Meeting  
October 12, 2004 7:00PM  
Town Hall Auditorium

Pledge of Allegiance – Councilor Larnard

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

Accept Minutes September 21, 2004 and June 23, 2004 – Councilor Benson motions to accept, Councilor King second.

Councilor Chandler – I have one comment; Janice Lavoie was appointed to the board and the way it reads it does not say she was appointed. I think we should add that she was appointed.

President McMilleon asks that the minutes be changed to reflect Councilor Chandlers request.

Voted – Unanimous

### **PUBLIC COMMENT**

President McMilleon – We had requested that Superintendent Chaurett, Mike Basque and the Mayor be here in regard to the school lunch deficit issue. I know that Supt. Chaurett was called to a family emergency and will not be here tonight. I suggest that we postpone this until our next meeting unless members of the Council have an objection to that.

There are no objections.

James Theiverge – Mr. Theiverge is here tonight to comment on user fees for youth leagues to use our fields. He feels that this is absolutely wrong and should never be used as a revenue generator. He applauds the council for getting to the bottom of the school lunch deficit and wants all contracts with the town to be scrutinized.

Donna Collins – Ms. Collins passes out the Alliance for Amesbury Update and Vision statement which has had input from the Mayor and Joe Fahey's office. She brings special attention to the riverwalk link between the lower millyard and the upper millyard by removal of the Infill building between Fiddlesticks and the former Boyle Drug. We are focused on this right now because it was approved in concept in the transportation bond bill, \$800,000 was approved. If that funding does come around it will cost the town little or nothing. Second reason for the critical nature right now is that there has been a reoccurrence of harassment and loitering in the millyard area. Patrons of the restaurants have been harassed coming and going; they are being begged for their food when they walk out with doggie bags; there are things being spray painted in the millyard, it is becoming a little bit frightening for people. The Mayor's office has been made aware of it and they have scheduled a meeting with the Police Chief to find better ways to patrol the area. The removal of that building would be a great asset to public safety making it more visible and less of a hang out. We have agreed to fund a study of the economic impact of the removal of the Infill building with a focus on safety and other issues.

Councilor Headley – I know this has been talked about a great deal but, I think it is one of the worst things I can think of for downtown. My reasoning is this; I would never take a child downtown in Amesbury if that is open. When you take that building you are opening up over water. I have seen children in the upper Millyard and I don't think the fencing is right up there. I have seen little children with their feet hanging over the falls.

Donna Collins – There are a lot of safety issues; it is not a case of just knocking a building down. I agree with you, what is there now needs to be made safer let alone adding any other hazards. It would have to be well thought out.

Councilor Headley – There would have to be extremely good fencing.

Donna Collins – The building is not structurally in very good shape partly because of the river running under it. Something has to be done at some point. This is not a project for this year. It is among things that we would like to see happen. There is stuff on the list that might not happen for 10 – 15 years but we were asked to put together a vision statement.

Councilor Headley – Where are we crossing Main Street?

Donna Collins – I do not know what the actual design would be. The idea was to connect the lower millyard to the upper with the continued expansion of the riverwalk.

Councilor Lawrence – I know this has been a topic of discussion for several years since I have been here. In the near future, what are the plans if that building is taken down? Are there plans to put a deck on the building for outside seating for example for a restaurant that may be on the first floor of Jay Goulds building? Is that what the current thinking is?

Donna Collins – This is just in the dream stages now. I don't know if there are actual plans.

President McMilleon – I don't want to turn this into a full blown discussion. If we want to have a report from the Alliance on this we can invite you in. We didn't plan on this; this is the public comment period of time where there are brief comments about various issues before us.

Marc Deschenes – In following up on the School lunch deficit, at meetings that I have attended with the school subcommittee there seems to be a sense of urgency about finding money to pay this deficit. I am just wondering if Mike might want to comment, if this postponement is going to have any negative effect. I think there was some talk in one of the letters from the department of revenue about the money having to be raised on the recapitulation sheets for the tax rate.

Mike Basque – Tonight's meeting has no effect on that other than an informational for the Council because any action would have to be taken by the school committee not the council. Any action that they take to make up the deficit would have to be done before the tax rate is set in December. They know that. The time sensitive is before the tax rate is set.

Councilor Pinierio – You told me that the DOR is going to deduct that money if we have any free cash.

Mike Basque – That is a done deal as of June 30<sup>th</sup> there is nothing they can do to avoid that.

Councilor Pinierio – That is going to affect our free cash.

Mike Basque – Absolutely for this year.

Councilor Pinierio – So if they pay that off the DOR is going to release that money back into the free cash.

Mike Basque – No, as of June 30<sup>th</sup> that date has gone by already. What you don't want is to have that deficit when we are setting the tax rate.

Councilor Pinierio – My question is where are they going to pay that from?

Mike Basque – That is why you are going to hear from the Superintendent of Schools not me.

Councilor King – There has been a little bit of confusion. I know people have brought up to me; why are we deducting the money out of our free cash yet; we still have to pay the deficit.

Mike Basque – The free cash is certified every June 30<sup>th</sup> and if there is a deficit like the one that has been brought to their attention they will deduct it from free cash. Free cash for another term is like surplus and what they do is OK we will certify this and you can go spend your surplus what they do with a deficit like that is that they deduct it saying you might have this whole amount of surplus but you are going to have to hold this in reserve just in case until this problem is taken care of. Then once they raise that in the following year there is just no deduction.

Councilor Pinierio – I want to comment on the money they want to raise on the fields. They want to charge all the leagues in town for using those fields. I guess the school committee seems to forget that the Amesbury Little League has been cutting that field for 12 years for free and now they want to take that away and charge those kids who are paying baseball. I agree with Jim Thieverge, I think it is stupid and they shouldn't do it. I think the league should charge back to the town for doing those services. So leave the little league alone.

Councilor McMilleon – I now declare the public comment closed and go into our regular agenda.

## **LICENSES AND PERMITS**

### **2004-114 Claudia McKee d/b/a Amesbury Organic Market – Common Victualler License**

President McMilleon – reads 2004-114 into the record.

Claudia McKee – For the past several months a bunch of us have been working together to come up with this concept and we finally did. We want to open up an organic market and café at 22 Elm Street. The purpose is as explained by the name. Our goal is to sell 100% organic products, food, personal care product anything we can find and we also plan to have a café that will serve breakfast, lunch and prepared foods that will be 100% organic as well. We are looking for the town to support that endeavor. We think it is a great business.

Councilor Larnard – You have your requested license for Monday – Saturday did you want to do it Monday – Sunday incase you want to do a Sunday brunch so you won't have to come back?

Claudia McKee – At this point our goal is to be closed on Sunday.

*Councilor Benson – I move for approval of 2004-114 as submitted.*

*Councilor Pinierio – second*

*Voted – Unanimous*

**2004-113 Mass Electric – Underground electrical conduits – Pleasant Valley Road**

President McMilleon – reads 2004-113 into the record.

David Boucher, Design Technician, Mass Electric – In reference to the petition to place our electric wire, pole 45 Pleasant Valley Road into the new subdivision, Merrimac Landing, this would enable us to provide electricity to the residents, approximately 63 new homes. If the town passes it tonight it would enable us to place the line underground to feed it.

Councilor Headley – Would it cross Pleasant Valley Rd.?

David Boucher – Yes it would cross. It would go directly across the street. It is already in place and what I am asking tonight is to run our wires through it.

*Councilor Benson – I move for approval of 2004-113 as submitted.*

*Councilor Chandler – second*

*Voted – Unanimous*

**MAYOR APPOINTMENTS**

**2004-115 Curtis Wollitz, Associate member Design Review committee term to expire 6/30/06**

President McMilleon – reads 2004-115 into the record.

Curtis Wollitz, 91 South Hampton Road – I am employed by Unified Credit Union in town. I just went through the process with design review and planning board, I think it needs some assistance with the business community. I've been involved with financial institutions for over 25 years and have a degree from Northern Colorado.

Councilor Benson – I believe appointments to this committee are supposed to come from the planning board.

Naipun Jain – This is section 10 of the Amesbury Zoning Bylaw which states all appointments to the DRC shall be made jointly by the Mayor and Planning Board and be ratified by the Municipal Council.

Councilor Benson – Has the planning board ever discussed this appointment?

Naipun Jain – No we haven't.

President McMilleon – We need to refer this to the planning board.

*Councilor Pinierio – I move we refer 2004-115 to the planning board for a recommendation.*

*Councilor Chandler – second*

*Voted – Unanimous*

**2004-116 Appointment of Master Plan Implementation & Oversight Committee**

President McMilleon – reads 2004-116 into the record. This also needs to be referred to the planning board. It is stated in the oversight committee documentation that the planning board shall review the volunteer applications and make recommendations to the municipal council for formal appointment to the committee. We have to refer this and also make note that Brian Flannagan is recommended to this committee and he is also on the ordinance committee. I guess according to the charter an individual can not be on more than one board.

*Councilor Benson – I move we refer 2004-116 to the planning board and bring it back to our next meeting.*

*Councilor Chandler – second*

*Voted – Unanimous*

## **SECOND READINGS**

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

President McMilleon – reads 2004-51 into the record. I believe we referred this to both the Ordinance and the Finance committees last time. Do I have recommendations?

Councilor Woodsom – I believe it is tabled in the finance committee.

Councilor Lawrence – It was also tabled in ordinance.

*Councilor Woodsom – I would recommend to table it.*

*Councilor King – second*

Councilor Larnard – So for clarification, if we table it is it gone for 6 months then it can come back?

Councilor Woodsom – No, I just don't want it coming up again with no information.

*Voted – Unanimous*

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

President McMilleon – reads 2004-83 into the record.

*Councilor Woodsom – This has been continued in the Finance Committee. I move that we continue to our next council meeting.*

*Councilor Benson – second*

*Voted – Unanimous*

### **2004-107 An Order to request that the Municipal Council allow the Town of Amesbury to accept and expend a U.S. Dept. of Homeland Security grant \$230,495 – Mayor Hildt sponsor**

President McMilleon – reads 2004-107 into the record.

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

*Councilor Chandler – second*

*Roll Call Vote – Unanimous*

## **PUBLIC HEARINGS**

### **2004-86 An Ordinance to delete e) from Section IX paragraph B.1 from the Town of Amesbury Zoning Bylaw – Mayor Hildt sponsor cont.**

President McMilleon – reads 2004-86 into the record. I will open the public hearing. This was referred to the planning board. My question right now is to the ordinance committee; do we have a recommendation?

Councilor Lawrence – No we are waiting for comments from Dennis Nadeau.

President McMilleon – We just got these recommendations from Dennis tonight, I really think this needs to go back to ordinance to make a recommendation and come back to us. I am going to close the public hearing and take a recommendation.

*Councilor Benson – I move we continue the public hearing on 2004-86 to our November meeting and send it back to the ordinance committee.*

*Councilor Lawrence – second*

*Voted – Unanimous*

### **2004-87 An Ordinance to accept a donation of 13.23 acres of land from Mark E. Wojcicki and John J. McPartland, Trustees of M&J Realty Trust to the town of Amesbury - Mayor Hildt sponsor cont.**

President McMilleon – reads 2004-87 into the record and opens the public hearing.

Councilor Woodsom – The planning board has granted a special permit to Mark Wojcicki and John McPartland trustees of M&J Realty Trust for a subdivision of land located on Powow Hill as per the conditions of approval listed in a planning board decision dated 5/24/2004, it requires granting the open space parcel of land of land Parcel B-2 on a plan entitled “Open Space Plan, Definitive Site Development, Powwow Hill, Amesbury MA” a portion of Assessor’s Map 25 lot 7 as per the approved set of plans to the Town of Amesbury.

During the Public Hearings held on the project, the board noted the importance of the flora and fauna and other natural resources in that part of Town and its significance to the residents of Amesbury. These areas need to be preserved and protected and be accessible to the community. The latest Master Plan and Open Space and Recreation Plan also recommend protection of diminishing and natural resources and critical open space areas in Town. The Planning Board requests the Municipal Council to accept Bill No. 2004-87.

Councilor Lawrence – The Ordinance Committee recommended adoption of 2004-87as well. At the Ordinance Committee meeting we had a question as to the public access to the open space.

Deb Carey – (holding map) This is a map of the Powwow River Conservation District which is town owned land that goes all the way from Gardner Beach up to Po Hill on to Battis Farm and on to Camp Kent. The town owns all of that land and if you look carefully on this map you will see a series of trails that run through here. There is some signage on those trails. The elementary school is next to the Wojcicki parcel. There is a trail from the elementary school that connects to the trails, that is the public access. The MVPC has been doing mapping for us with GPS's along with Eric King. They are going to put them on their website with little points of interest. This whole trail system will be on their website and you will be able to download that map and take a walk. This is a series of parcels that we have gotten over time and we are in the process now of making that information public and encourage people to use these trails.

Councilor Chandler – Does that trail follow down where the ski tow was?

Nipun Jain – The development is taking place at the top of the hill. All the portions down below is preserved as open space.

Councilor Chandler – How wide is the piece of donated land?

Nipun Jain – (holding up map points out the open space)

Councilor Lawrence – Coming down the ski tow on the front side on South Hampton Road there is a section of open space but then the lots along South Hampton Road are reserved for future development.

Nipun Jain – Correct. It was retained by the developer however; it is in the OSC district. They can not really develop it for residential use; it would have to be only for passive recreational use. So in affect you will not see residential development at the bottom of the ski tow.

Councilor Woodsom – This is a cluster subdivision, is that correct?

Nipun Jain – This is open space as part of the subdivision plan. This project is actually in two zoning districts, R8 district and OSC. The major part of the parcel is in OSC and it had to be OSC for two reasons. One, because it is in OSC and two, because of a requirement of the class of subdivision.

Councilor Woodsom – So the town could never develop a ski area or anything like that because the land owner still has some rights to that land.

Nipun Jain – The residents would have dedicated open space and the major portion of that which is before you would be for the public.

Councilor Woodsom – Do they still have rights?

Nipun Jain – No, they have the same rights as everybody else in town.

Councilor Headley – I think it is a beautiful place to walk and I am terribly sorry that they built those houses at the top of the hill. It has spoiled the view for all those houses up on Vine Street and that area. It really looks like a dump area. I hope to avoid any more of that type of building in town; it is just terrible to spoil a whole area.

Deb Carey – Bruce McBrien has been working with the children at the Elementary School on this whole path. We are all aware that there are trade offs in development but to be able to get this path from the elementary school up into the Powwow River Conservation area is a great benefit too for the town. Before this the elementary school was really isolated and couldn't get to the path system that took them to Battis Farm or Camp Kent.

Councilor Lawrence – You mentioned open space, the area by South Hampton Road is OSC is that the same?

Nipun Jain – OSC is a zoning district and there are certain uses which are allowed in that but they are not residential. They are structures that are related to either passive recreational use but no residential use. Open space is common open space that can be in any district.

Councilor Lawrence – Can that be changed in the future?

Nipun Jain – No. That is why you get the deed and it is recorded in the registry of deeds as permanently open space and you can put a stipulation for chapter 184 as well which would mean then it would need 2/3 majority by the legislature. That is going one step further and the town can do that at anytime.

Councilor Benson – I would like to speak in favor of this. It is unfortunate that the area has to be developed at all but one thing I learned from serving on the Master Plan Committee was that you can't stop development, it is a matter of controlling it and watching out for the town's interest when it occurs. This was one of the issues brought up repeatedly by residents that the town should secure more open space and preserve it. The fact that it is connected to other parcels makes it even better.

Annette Denietolis – I was wondering if it was in the plan to keep the site lines clear from the top of Bachelder Park? Right now it has already reforested since the ski tow has not been in operation.

Nipun Jain – We have discussed that and the plantings that will go in will not become mature trees for a long time and there will be a forestry management plan that will be part of managing the open space which will allow us to clear some of the growth over time and create those specific areas on the trail from which you can see and enjoy the vistas.

Marc Deschenes – Having grown up on the hill I have enjoyed it tremendously. I spent a good chunk of Sunday morning with my daughters walking from Lake Gardner. Is there a threat of this being developed?

Nipun Jain – No.

President McMilleon – I will declare the public hearing closed and entertain a motion.

*Councilor Benson – I move that we approved 2004-87 as submitted.*

*Councilor Pinierio – Second*

*Roll Call Vote – Unanimous*

**2004-91 An Ordinance to accept a donation of 5 parcels of land from Merrimack Landing LLC to the Town of Amesbury – Mayor Hildt sponsor cont.**

President McMilleon – reads 2004-91 into the record and opens the public hearing.

Councilor Lawrence – The Ordinance Committee recommended adoption of 2004-91 but I do have a question for Nipun. Is this any different than the space on Po Hill?

Nipun Jain – This is very different since that it is more sensitive as far as wild life and habitat is concerned. There was a recommendation from the Conservation Commission as well because of some wetlands that are there. This is a very big development, 63 units of which 43 are single family lots. This is almost like a small neighborhood in itself. It was for those reasons that the parcels that goes with it are almost like parks and the rest is for preserving the wildlife and flora on that particular part of the town.

Councilor Lawrence – So it won't have the same public access?

Nipun Jain – No it would because from Hunt Road all the way to Pleasant Valley Road you would have access because there is a trail network.

Councilor Lawrence – I just want to make sure that everybody knows the access areas. On the Wojcicki plan it says common open space dedicated to the Town of Amesbury this one doesn't say that anywhere.

Nipun Jain – You are right it is not on the plan but there is a separate deed for each parcel that will be given to us once the council accepts it and we will right out the exact language and make that a legal document. It has been prepared and we have a rough draft.

President McMilleon – Do we have a recommendation from planning on this?

Councilor Woodsom – The Planning Board has granted a Special Permit to Merrimack Landing LLC for a Subdivision of Land off Pleasant Valley Road. As per the Conditions of Approval listed in the Planning Board decision dated December 10, 2003 requires granting five parcels of land as shown and identified as Parcels A, B, C, D and open space lot 44 as per the approved set of plans to the Town of Amesbury. During the Public Hearing held on the project, the board noted the importance of the flora and fauna and other natural resources in that part of Town and its significance to the residents of Amesbury. They need to be preserved and protected and be accessible to the community. The latest Master Plan and Open Space and Recreation Plan also recommend protection of diminishing natural resources and critical open space areas in Town. Also of importance is the close proximity to the Town's TerraSphere project. The Planning Board requests the Municipal Council to accept Bill No. 2004-91.

Councilor Headley – It is nice to have open land but if it is just a mosquito bed – these companies are buying up the land and they take what is good for these houses and they want to throw the rest back to us because they don't want to pay the taxes. I would rather see those houses have a little more room around them and be able to have their own gardens and not just leave it a mosquito patch. I think giving the land back to the town is just one way of getting out of paying taxes.

Councilor Woodsom – I guess I agree with Esther, I wonder who is going to use this land besides the people who live here and if they keep the land they would be paying taxes on it. I wonder who is going to use this.

Nipun Jain – It is not as wet as it looks like, the Planning Board spent two years on this project clearly identifying what was important and critical as far as natural resources and environmental resources and worked very closely with the Conservation Commission that we don't get land which is infested with mosquitoes and get something that the public can not use. There will be a forestry management plan that will be the responsibility of the homeowners association to make sure that we don't have a situation that will become a public hazard. If it was allowed to be developed as a conventional subdivision you would see much more impact and cost to the town because there would be more soil erosion problems because of the steep slopes that require much more maintenance when it comes to cleaning the utilities attached to it. A lot of talk went into which parcels to take and some of it abutts Hunt Road where we have big plans for that area which would allow creating a better development as far as commercial because they would have that space that can be used for active recreational purposes.

Councilor Chandler – Esther, I was always concerned about the same thing; why should they give the Town the land and not pay taxes on it? I think the Town would now assess houses that have open space beside them more the way they assess a house on the river for more. I don't own the river but the river is a resource in the tax rate. I would hope that property next to these open spaces would be taxed more for the same reason.

Nipun Jain – It is already happening because we have done studies where we have found parcels that are built on cluster subdivisions have a much higher value because of the marketability versus conventional subdivisions.

Councilor Pinierio – You say that it is going to be managed, who is going to manage it.

Nipun Jain – There is going to be three parcels, two managed by the homeowners association and two selectively managed by the Town and the homeowners association.

Councilor Pinierio – There you go, you are putting more of a burden on the DPW again. This is going to cost the town money.

Nipun Jain – This is not something that happens every year. This is a forest path if anything; it doesn't require maintenance every year or even every five years.

Councilor Woodsom – Which parcels are going to be managed by the homeowner association?

Councilor Lawrence – In the deed that we have it says lot 44 open space shall be maintained by the condominium association under the supervision of Amesbury Conservation Commission, parcel C & D shall be maintained by the homeowners association under the supervision of the DPW.

Nipun Jain – It is primarily that the intent is that we don't want them to go out and clear it so that they don't have to do any more maintenance. As long as they inform what they are clearing and the Town OK's it that is all, not using the town's equipment.

President McMilleon – If there are no more comments I will declare the public hearing closed.

*Councilor Chandler – I move that we accept 2004-91 as submitted.*

*Councilor King – second*

*Roll Call Vote – 7 Yes, 1 No (Pinierio), 1 Abstain (Benson)*

**2004-92 A Request that the Municipal Council vote to accept an easement from Pride Restoration for the purposes of constructing a riverwalk – Mayor Hildt sponsor cont.**

President McMilleon – reads 2004-92 into the record and opens the public hearing.

Councilor Lawrence – The recommendation from the Ordinance Committee is for adoption if the front page is changed to read lease not easement as was filed with the Clerk on 9/3.

Deb Carey – I was going to say it is a lease not an easement, a 99 year lease agreement.

President McMilleon – I will close the hearing and entertain a motion.

*Councilor Lawrence – I recommend approval of 2004-92 with the change.*

*Councilor Chandler – second*

*Roll Call Vote – Unanimous*

Recess 8:00

**2004-95 An Ordinance to Amend the Amesbury Zoning Bylaw Sec. X – Mayor Hildt sponsor**

President McMilleon – reads 2004-95 into the record and opens the public hearing.

Councilor Lawrence – The Ordinance Committee recommended to table until we receive more information from the Mayor's Office.

*Councilor Benson – I move that this be tabled until our next meeting.*

*Councilor Woodsom – second*

*Voted – Unanimous*

**2004-96 An Ordinance to Amend the Amesbury Zoning Bylaw Sec. XI.P. – Mayor Hildt sponsor**

President McMilleon – reads 2004-96 into the record and opens the public hearing.

Councilor Lawrence – The Ordinance Committee recommends adoption.

Councilor Benson – Was this referred to the Planning Department?

President McMilleon – Yes

*Councilor Benson – I move we continue this to our November meeting.*

*Councilor Lawrence – Second*

*Voted – Unanimous*

**2004-97 An Ordinance to Amend the Amesbury Zoning Bylaw Sec. XIV – Mayor Hildt sponsor cont.**

President McMilleon – reads 2004-97 into the record and opens the public hearing.

Councilor Lawrence – The Ordinance Committee recommends to table until written comments are received from the Town Engineer and Planner.

President McMilleon – We have a recommendation from Ordinance that we table.

*Councilor Chandler – I move that we table 2004-97*

*Councilor Pinierio – second*

*Voted - Unanimous*

**2004-99 A Request that the Municipal Council designate two lots as part of the Firefighter Memorial Monument at Union Cemetery – Mayor Hildt sponsor cont.**

President McMilleon – reads 2004-99 into the record, declares the public hearing open and reads comments from DPW Director, Brian Gilbert.

*Councilor Pinierio – I recommend that 2004-99 be accepted as submitted.*

*Councilor Lawrence – second*

*Roll Call Vote – Unanimous*

**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 St., Amesbury – Mayor Hildt sponsor cont.**

President McMilleon – reads 2004-101 into the record and opens the public hearing.

Councilor Headley – I got a call from a woman about this. I had the opinion that it was on one side but, it is on the water. It seems that this roadway went to the river and this came up years ago and kind of got mixed up when these people moved here. I am not sure exactly what the story is and she said that she thought the town had taken it. It is kept a right of way but the way that it is worded it sounds as though they didn't, they did get a permit to go into it if it is necessary but they gave the land to these people so they could do what they wanted with it because it belongs to them. It is just unclear exactly what they are doing. I know several years ago there have been words between these houses and most of them have been settled, this one apparently never had.

Councilor Lawrence – Councilor Headley, the old highway is from about 1640, which is when it was first created. It was the old highway for the ferry that crossed the Merrimac River. The town does have an easement straight through the property. There is a catch basin so the town will always be able to access that. They are really just clearing up the titles for these two pieces of property. The

space is only about 20 feet wide from the corner of the person's house to the abutters. The Ordinance committee recommended adoption of 2004-101.

Councilor Woodsom – These went to Planning Board and we don't have a recommendation from them.

Bonnijo Kitchin – The Town Engineer has asked that 2004-101 – 2004-106 all be passed at the same time.

Lars Johannessen, Historical Commission – This has not come in front of any commissions or committees as far as I know other than the Municipal. Wouldn't it be prudent to bring it up to all the boards to get their comments before a vote is taken?

President McMilleon – It was referred to the planning board and we have not received a response yet.

Lars Johannessen – We have a very capable man on our board that has done a lot of deed research and knows a lot of history in the area. I think his comments would be a very valuable tool for you as well.

Councilor Lawrence – I have no problem with that if you want to refer it to the Amesbury Historical Commission for their review.

Councilor Benson – I would have no problem with that, when they said it was part of an old ferry I was wondering if it was significant for some reason. I think it is probably a good idea for the Historical Commission to take a look at it.

Councilor Chandler – I had one other comment that a constituent of mine asked – in talking about how few rights or public access we have to the river. It is kind of interesting, although this may only be a 20 foot right of way – right now we have Alliance Park and the boat launch maybe we should consider this as a path to the river that gives us one more right to the river. I've always thought in all the years that I was there I never knew that was a highway, people in those two houses use that as their driveway. If they don't have it they would have trouble keeping cars off the street. On the other hand, river front property is worth a lot of money. If it is 10 feet per person that we are giving to them how much is a foot of land on the river worth? Now they will have a deeded parking space as opposed to no parking space. If we don't want it for public access maybe it ought to be sold to them.

Regina Moscardini, 358 Main Street – I would like to see you table this, I think there are a lot of questions here. My first thought is that public access to the river should not be given away. Tonight I heard a lot about open space and access to different property and I know I live down by the river and we don't have access on our property. I know that people who do, their houses are worth more than someone who doesn't. It seems to me that this strip is a valuable piece and there should be thought before we give it out free.

Councilor King - I think it is definitely worth tabling and getting more information. Thirteen feet of it is under the house, it is not 32 feet wide, there is a building on top of it. It was a renovated home, they brought in pictures and I am sure they could come in and do a presentation for the council.

Nipun Jain – I think very valuable questions have been raised and if you get that information that was presented to you and the boards comment on it and sign off on it might be procedural but it is important that the boards comment on it.

President McMilleon – I am going to close the public hearing on this.

Councilor King – Can we make sure that the Attorney or the people who are looking for this come to our public hearing so they can present their information to the council. Jim O’Leary

*Councilor Benson – I move that we table 2004-101 and refer it to the Historic Commission.*

*President McMilleon – We have a motion to table 2004-101 and refer it to the Historic Commission.*

*Councilor Chandler – second*

*Voted – Unanimous*

**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. I am not going to open the public hearing because I assume the same thing is going to happen as did with 2004-101.

*Councilor Benson – I move we table 2004-102 and refer it to the Historic Commission and wait for a recommendation from the Planning Board.*

*Councilor Chandler – second*

*Voted – Unanimous*

**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 2004-102 into the record.

*Councilor Benson – I move we table 2004-103 and refer it to the Historic Commission and wait for a recommendation from the Planning Board.*

*Councilor Pinierio – second*

*Voted – Unanimous*

**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.

*Councilor Benson – I move that we table 2004-104 and refer it to the Historic Commission and wait for a recommendation from the Planning Board.*

*Councilor Pinierio – second*

*Voted – Unanimous*

**2004-105 A Request to authorize the Mayor to accept a Utility and Access Easement from Norman M. Burrell – Mayor Hildt sponsor cont.**

President McMilleon – reads 2005-105 into the record.

*Councilor Benson – I move we table 2004-105 and refer it to the Historic Commission and wait for a recommendation from the Planning Board*

*Councilor Pinierio – second*

*Voted – Unanimous*

**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 and 44 Merrimac Street – Mayor Hildt sponsor cont.**

President McMilleon – reads 2004-106 into the record.

*Councilor Benson – I move we table 2004-106 and refer it to the historic Commission and wait for a recommendation from the Planning Board.*

*Councilor Chandler – second*

*Voted – Unanimous*

**COUNCIL COMMUNICATIONS, ANNOUNCEMENTS AND COMMITTEE REPORTS**

Councilor King – I spoke with Councilor McMilleon early on and we have requested a meeting to address e-mailing to address what is OK and what the current rules are because there seems to be a lot of confusion here and a lot of suspicion with the public. I would like that done as soon as possible and make it available to other commissions and boards in town.

Councilor Benson – I would like to remind people that Tuesday, November 2<sup>nd</sup> is Election Day and the poles are open 7AM – 8PM. The last day to register to vote is tomorrow.

Councilor Benson – I move for adjournment

Councilor Pinierio – second

Adjourn

Respectfully submitted,  
Assistant Town Clerk