

Municipal Council Meeting  
Tuesday, November 14, 2006  
Town Hall Auditorium

Call to Order

Pledge of Allegiance

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

Accept Minutes: September 12, 2006, October 5, 2006 meeting & workshop

Councilor Benson motioned to accept, Councilor Pinierio second.

Councilor Thone spelling correction to DCAM, Councilor Brennick spelling correction – defamation

Voted – Unanimous

**2006-113** Joint Meeting with Board of Library Trustees to fill vacancy

Library Trustee Roll Call: Sydney Gould, Christine Johnson, Marie Messner, Susan Zielinski, Ann Iacobucci

President Lawrence states Deborah Provost received the required number of votes at the last election to fill the vacancy.

Councilor Benson nominates Deborah Provost, Councilor Brennick second.

Roll Call Vote: Municipal Council – Unanimous, Board of Library Trustees – 4 Yes, 1 Abstain (Gould)

Christine Johnson motions to adjourn, Marie Messner second – Voted Unanimous

**Public Comment**

Mary Marino – Split Tax presentation

Mary Marino reviewed the packet handed out to the councilors (attached).

President Lawrence asks Mr. John Cena, a member of the Board of Assessors and the Chief Assessor from Methuen, his opinion on the assumed threat that business will leave town because Amesbury is a boarder town to New Hampshire. He states in Methuen, also a boarder town, there are commercial and industrial business knocking on the door to come in and no one leaving. He feels people leave not because of a tax rate but because of goods and services provided as well as proximity to highways and roadways.

Councilor King states in Methuen there are large long standing anchor stores such as Home Depot, Gap, the mall and all the restaurants that attract business. She feels there is a huge difference in the two communities and can not be compared.

Liz Frame, Fancy Schmancey - Ms. Frame strongly opposes a split tax rate. She feels the city must do everything it can to promote and support not only the businesses that are currently downtown but more importantly those potential businesses thinking of downtown Amesbury as a viable and hospitable location to establish themselves.

Jim Chandler, 417 Main Street – Mr. Chandler feels the residential taxpayers are getting banged. He feels the appreciation of residential properties go up constantly and the appreciation of commercial/industrial property does not because they are not being sold as frequently. He wants all to be assessed fairly and supports a split rate.

Julie Tarr, owner of Embellishments – Ms. Tarr states she put her life savings into her business and is barely making it. She states they are still feeling the affects of the flood from last May. She would like to stay downtown and continue to help make it stable but is not sure if she can with a split rate.

Donald Williams, 27 Pearl Street – Mr. Williams states it is an attractive idea to have the businesses pick up a bigger share of the tax burden however; he feels most of the new businesses are pretty small and are in a precarious state. They took a great risk to come to Amesbury and they are making the downtown attractive to people to come for other reasons like the restaurants. He feels Amesbury should give them a chance to grow.

Annette Denietolis, 21 Orchard Street - Ms. Denietolis presented her report on the Shift in Tax Burden/Splitting the Tax Rate (attached).

Jameson Grant, 24 Whittier Street – Mr. Grant feels the council should have additional analysis on why it is the residential tax burden is accelerating more quickly than the commercial tax base. He feels that if the commercial base shrinks more and more in the future there will be a more aggressive split between residential tax burden and commercial tax burden as the amount of revenue collected from commercial goes away.

Jonathan Sherwood, 39 Whittier Street – Mr. Sherwood questions the value that would be achieved by splitting the rate. There would be an additional burden of a quarter of the overall tax rate on commercial but the actual achieved reduction on residential would be minimal, .05%.

Mary Marino states she sends out income and expense forms and uses true leases; they do not only use sales because of the lack of sales on commercial. She also notes she has never known a Board of Assessors to make the recommendation to split the tax rate; it is their job to present the facts and the council's job to vote on it.

Mark Deschenes, 1 Highland Street – Mr. Deschenes states the Town of Amesbury raised an additional 1.5 million dollars between FY05 and FY06, of that less than \$8,000 was generated on the whole CIP tax base. He believes fairness towards the business community does not relate to the reality of what is really happening. He asks Mrs. Marino why was millions of dollars left out of mixed use? Mrs. Marino answers that when doing the LA4 report there are residential properties that have stores in them. That value, \$45 million is in residential and \$19.4 million is in commercial and \$1.3 is in industrial, 126 parcels. Of that total she has no way of knowing how much it would affect each one with out running very time consuming, massive reports. To be fair, by not putting it in residential she did not put it in commercial either. She does not want people thinking the commercial base was \$114 million when in fact it is \$133.8 million.

### **High School Building Update**

Councilor King states there is still work being done on site. The two boilers are functioning, there are clean up crews preparing the rooms and bids have been opened today by The Hartford. Councilor King urges all councilors with specific questions to attend the High School Building meetings.

### **Licenses and Permits**

**2006-112** Pole Hearing – Verizon, High Street  
President Lawrence reads 2006-112 into the record.

Joseph Gleason, Right of Way Agent for Verizon – Mr. Gleason states this is a request to move an existing pole 5' to accommodate a property owner.

Robert Desmarais, Town Engineer – Mr. Desmarais states all the issues he had with the request to move the pole have been resolved.

Michael Greaney, 51 Orchard Street – Mr. Greaney would like Verizon to look at a guide wire at 36 High Street that he believes is too low. Mr. Gleason will pass the information along.

Councilor Lindstrom asks about the double poles and the report she received in October. Mr. Gleason states he is not familiar with the report or the double pole situation. He suggests the Councilor's get in touch with the Town's Administrator or contact Verizon's Right of Way Department in Dracut.

*Councilor Benson moves to approve as submitted, Councilor Brennick second – Voted – Unanimous*

**2006-114** Maggie Sundae – Dine, Dance, Entertainment License  
President Lawrence reads 2006-114 into the record.

Scott & Kim Richards, owners of Maggie Sundae – Mr. Richards states he would like to feature a solo acoustic performer on Friday evenings between the hours of 7:00 and 9:00 PM.

*Councilor Pinierio motions to accept 2006-114 as submitted, Councilor Benson second – Voted Unanimous*

### **Appointments**

**2006-119** Appointment Russell Davenport – Master plan Implementation & Oversight Committee – term to expire 6/30/08  
President Lawrence reads 2006-119 into the record.

Russell Davenport, 31 Second Street – Mr. Davenport is new to Amesbury from Kennebecport, Maine where he served as a Town Selectman.

*Councilor Pinierio motions to accept 2006-119, Councilor Benson second – Voted Unanimous*

Recess 8:30 – 8:40

### **Second Readings**

**2006-028** An Act to change Article 9-18 Solicitation Policy of the APD Regulations – Mayor Kezer sponsor cont.  
President Lawrence reads 2006-028 into the record.

Councilor Lavoie read the recommendation of the Ordinance Committee.

*Councilor Brennick motions to accept with the amendments of the Ordinance Committee as follows: No person shall go from house to house within the town for (1) soliciting the sale of any commercial article or product, (2) soliciting contracts or orders to purchase any commercial article or product or (3) the primary purpose of soliciting funds or contributions, whether such solicitations are for payment*

*by cash, check or credit or made on behalf of such person or any other person, business, cause or organization, unless such person shall first register with the Chief of Police or his designee.*

*Such person shall register in person with the Chief of Police or his designee by providing the following: his or her name, residential address, date of birth, social security number, driver's license number and vehicle registrations on all vehicles being used, a picture identification issued by a governmental agency or authority and, if such person is acting on behalf of a business, cause or organization, the street address of the principal place of business or principal business thereof, the name of a principal officer of such business, cause or organization and a day-time phone number therefore.*

*Upon providing such information, the Chief of Police shall register such person unless the Chief of Police determines that there is probable cause to believe that such person poses a threat to the safety and/or welfare of persons or property within the town. The Chief of Police may limit the hours within which the permitted solicitations may occur.*

*Any person who neglects or refuses to register pursuant to this section or makes a false or fraudulent representation on his registration or violates any other provision of this section shall be subject to a fine of \$300.00 for each day of said violation.*

*Councilor Benson second – Voted – Unanimous*

## **Public Hearing**

**2006-090** Request the Municipal Council vote to amend the Zoning Bylaws by adding Sec XI.J2 – Historic Preservation Special Permit Bylaw – Mayor Kezer sponsor cont.

President Lawrence reads 2006-090 into the record.

Councilor Lavoie states the substance of the bill was not changed. For properties in the CBD it is now noted a rate of parking per dwelling unit of 1.5 spaces. The word element or portion of a building needed to be inserted a couple of time.

Nipun Jain, Town Planner – Mr. Jain states because of the Historic Preservation Plan of 1999 and the Master Plan of 2004 there was a recommendation to encourage the preservation of historic buildings and to allow property owners to better use and to keep historic properties intact. What is a historic property is defined in the bylaw, 75 years or older and are on the National Register of Historic Places, or if they have been deemed historically significant by the Amesbury Historical Commission. What would be allowed through the provisions of this bylaw by a special permit by the planning board would be conversion of structures into multi family use. It also outlines very clearly the performance standards for design of parking, landscaping, windows and door.

Councilor Lindstrom questions why page 3 section 9 & 10 are crossed out, Nipun Jain responds the bylaw was just reorganized, they were inserted else where in the bylaw.

Nipun Jain wants to make it very clear that the planning board controls the density in regards to allowing single family residents being changed to multi family. It will depend on parking, how it will affect adjoining properties, open space and infrastructure.

Councilor Lavoie points out the other procedural part of what the Ordinance Committee recommended is that the Table Of Use Regulations be amended on a residential with a separate rule being added saying historic uses and referencing sub section 9J2 and showing S1 as a special permit and site plan review in the various districts.

Councilor Thone asks if procedurally the Historical Commissions only involvement is written approval stating its support for restoration/rehab. Nipun Jain says before the planning board hears the project; if the building it is not on the National Historic Register they would have to go before the Historic Commission for them to determine if the building is historically significant. Once the public hearing starts the Historical Commission would have input on modifications proposed.

President Lawrence closes the public hearing.

*Councilor Lavoie moves 2006-090 be adopted as recommended by Ordinance Committee and that the Table of Use Regulations be amended under Residential with a separate rule being added saying historic uses referencing sub section 11J2 and showing S1 as special permit under R-8, R-20, R-40, R-80, RC and CBD with a foot note referencing as text section 11J2. Councilor McClure second – Voted Unanimous*

**2006-108** An Order to accept a \$500.00 donation from Walmart – Mayor Kezer sponsor  
President Lawrence reads 2006-108 into the record. Opens the public hearing.

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

President Lawrence closes the public hearing.

*Councilor Benson moves the recommendation of the Finance Committee on 2006-108 which was to approve. Councilor Pinierio second Voted Unanimous*

### **New Business**

**2006-115** An Order to increase the exemption amount of qualified applicants – Mayor Kezer sponsor  
President Lawrence read 2006-115 into the record.

*Councilor Benson moves to refer 2006-115 to 11/21/06 Finance Committee meeting and schedule a public hearing at 11/28/06 Municipal Council meeting. Councilor Thone second – Voted Unanimous*

**2006-116** An Order to hold the annual classification hearing – Mayor Kezer sponsor  
President Lawrence read 2006-116 into the record.

*Councilor Benson moves to refer 2006-116 to the 11/21/06 Finance Committee meeting and schedule a public hearing for 11/28/06 Municipal Council meeting. Councilor McClure second – Voted Unanimous*

**2006-117** An Order to adopt MGL c59 section 5L – Mayor Kezer sponsor  
President Lawrence read 2006-117 into the record.

Councilor Benson refers 2006-117 to the 11/21/06 Finance Committee meeting and schedule a public hearing at the 12/12/06 meeting. Councilor Lavoie second – Voted Unanimous

**2006-118** An Order to appropriate \$165,000 from free cash – General Permit for Stormwater Discharges from Small Municipal Storm Sewer Systems in Urban Areas – Mayor Kezer sponsor President Lawrence read 2006-118 into the system.

Councilor Benson moves to refer 2006-118 to the 11/21/06 Finance Committee meeting and the 12/12/06 council meeting. Councilor Pinierio second. Voted Unanimous

**Correspondence:**

**Communication from Elected Officials, Boards and Commissions**

Councilor Thone reports for the Bailey's Pond Ad Hoc Committee – They will be having a meeting 11/16/06 at Town Hall. They are hoping to conclude the end of November with the final report.

Councilor King asks Councilor Lindstrom if she is actively trying to fill the vacancy on the Policy Committee on Education. Councilor Lindstrom replies she has one interested party however; President Lawrence wants to hold off until January to fill the vacancy.

President Lawrence states the Education committee is not required to meet every month. If there is an item before the council that involves the schools they would then attend the school committee meetings, discuss the issue and then come back to the municipal council with a recommendation.

Councilor King would like, at the end of the year, for all committees to give a brief update of the work that was done and what goals have been achieved. She would like to review the Education Policy Committee and Policy Committee on Public Safety in January and try to find out if they are going to be functioning committees.

Councilor Lindstrom states the Education Sub Committee will be a functioning committee, two people resigned in May.

Councilor Benson motions to adjourn, Councilor Thone second - Voted Unanimous 9:20PM

Respectfully Submitted  
Assistant Town Clerk