

Municipal Council Minutes
Tuesday, December 1, 2009
Town Hall Auditorium

Call to Order 7:02PM

Pledge of Allegiance – Councilor Ferguson

Roll Call: Robert Gilday, Robert Lavoie, Joseph McMilleon, Allen Neale, Jonathan Sherwood, Mary Chatigny, Stephen Dunford, Anne Ferguson, Roger Benson.

Act on Minutes – none at this time

Licenses and Permits

President Benson recused himself from 2009-112

2009-112 2010 Renewal - Auto Class I, II & III
Councilor Neale read 2009-112 into the record.
Councilor Neale moved the renewal of Auto Class I, II & III, Councilor Ferguson second.
Voted – 9 Yes, 1 recused (Benson)

2009-113 2010 Renewal - Common Victualler
Councilor Neale read 2009-113 into the record.
Councilor Ferguson motioned to authorize the renewal of 2009-113, Councilor Neale second.
Voted - Unanimous

2009-114 2010 Renewal – Dine, Dance & Entertainment
Councilor Neale read 2009-114 into the record.
Councilor motioned to authorize the renewal of 2009-114, Councilor Chatigny second.
Voted - Unanimous

2009-115 2010 Renewal – Sunday Juke Box
Councilor Neale read 2009-115 into the record.
Councilor Ferguson motioned to authorize the renewal of 2009-115, Councilor McMilleon second.
Voted – Unanimous

2009-116 2010 Renewal – Automatic Amusement
Councilor Neale read 2009-116 into the record.
Councilor Ferguson motioned to authorize the renewal of 2009-115, Councilor Chatigny second.
Voted - Unanimous

2009-117 2010 Renewal – Inn Keepers
Councilor Neale read 2009-117 into the record.
Councilor Ferguson motioned to authorize the renewal of 2009-117, Councilor Neale second.
Voted - Unanimous

2009-118 General Business License – Cody Brewing Co., 36 Main St.
President Benson read 2009-118 into the record.
Sean Cody represented Cody Brewing Company.
Councilor Lavoie moved 2009-118 to be approved as submitted, Councilor Ferguson second.
Voted – Unanimous

2009-120 Common Victualler – K.Y.Z.A. LLC d/b/a Amesbury Mobil, 23 Rocky Hill Rd.
Councilor Lavoie moved that 2009-120 be approved, Councilor Sherwood second.

Voted – Unanimous

Late File

2009-121 Common Victualler License – Hodge Podge Cookie Company, 2 Wings Ct.
Councilor Neale motioned to accept the late file, Councilor Sherwood second.

Voted – Unanimous

Tara Donovan represented Hodge Podge Cookie Company.
Councilor Sherwood motioned to approve 2009-121, Councilor McMilleon second.

Voted Unanimous

Public Comment

Deborah Harris, 5 Essex Street, commented on the water rates and taxes.
Steve Harris, 5 Essex Street, commented on water rates and taxes
Jane Snow, 47 Fern Avenue commented on out of control spending, water rates and taxes.
James Thivierge, 106 Friend Street, commented on free cash.
Lane Glen, 2 Cabot Court, commented on tax increase.
Mike Greaney, 50 Orchard Street, commented on expense accounts.

Recess 8:40 – 8:45PM

Susan Dieker, 448 Main Street commented on taxes and water rates.
Ken Parsons, 15 Pearl Street commented on the Mayor's raise.
Jim Chandler, 417 Main Street commented on the tax rate.
Tim Dwight, 141 Whitehall Road commented on the high taxes.
Claude Gonthier, 112 Kimball Road commented high taxes and cutting the budget.
David Lovering, Kendricks Ct.
Mike Greaney, 50 Orchard Street commented on meeting attendance.
Markel Eskra, 456 Main Street commented on high taxes.

Council Response to Public Comment

All of the Councilors acknowledged that the taxes are high and to reduce them will mean cuts in services. They thanked everyone for attending and for their comments and urged the residents to attend the budget hearings and let their input be known.

Mayoral Appointments – none at this time

Recess 8:35 – 8:45PM

Public Hearings

2009-109 An Order to vote to hold the annual Classification Hearing – Mayor Kezer sponsor cont.
President Benson read 2009-109 into the record and declared the public hearing open.
Claude Gonthier, 112 Kimball Road – Mr. Gonthier supports a factor of one.
James Thivierge, 106 Friend Street – Mr. Thivierge supports a factor of one.
President Benson closed the public hearing.

Councilor Neale read the recommendation of the Finance Committee.

- 1.) Councilor Sherwood moved to recommend a residential factor of 1. Councilor Benson seconded and it was voted Unanimous.
- 2.) Councilor Lavoie moved to recommend no discount for open space. Councilor Benson seconded and it was voted Unanimous.
- 3.) Councilor Benson moved to recommend no residential exemption. Councilor McMilleon seconded and it was voted Unanimous.
- 4.) Councilor Benson moved to recommend no commercial exemption. Councilor Dunford seconded and it was voted Unanimous.

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

That the Municipal Council vote on the issue of selecting a residential factor which will determine the percentage of tax burden to be borne by each class of property; vote open space discount; vote residential exemption; vote commercial exemption for fiscal year 2010.

1. The Selection of a Residential Factor:

A vote for a factor of one (1) establishes a single rate.

Councilor Sherwood moved to accept the Finance Committee recommendation for a factor of one (1) establishing a single rate. Councilor Ferguson seconded. Roll Call Vote – 9 –Yes, Gilday, Lavoie, McMilleon, Neale, Sherwood, Chatigny, Dunford, Ferguson, Benson

2. An Open Space Discount:

At this time, our community does not have any properties classified as such.

Councilor Lavoie moved not to establish an Open Space Discount. Councilor Chatigny seconded. Roll Call Vote – 9 –Yes, Gilday, Lavoie, McMilleon, Neale, Sherwood, Chatigny, Dunford, Ferguson, Benson

3. Residential Exemption:

This would allow a reduction in value to a qualifying parcel of up to \$ 56,299, however, the cost must be borne within the residential class.

The Board of Assessors does not recommend this.

Councilor Lavoie moved not to establish a residential exemption. Councilor Dunford seconded. Roll Call Vote – 9 –Yes, Gilday, Lavoie, McMilleon, Neale, Sherwood, Chatigny, Dunford, Ferguson, Benson

4. Commercial Exemption:

This is similar to the above exemption, in that qualifying parcels would receive a discount of up to 10%, again the cost must be borne with the Commercial, Industrial and Personal Property classes.

The Board of Assessors does not recommend this.

Councilor McMilleon moved not to establish a commercial exemption. Councilor Dunford seconded. Roll Call Vote – 9 –Yes, Gilday, Lavoie, McMilleon, Neale, Sherwood, Chatigny, Dunford, Ferguson, Benson

2009-110 An Order to vote to increase the exemption amount of qualified applicants – Mayor Kezer sponsor cont.
Be it Ordered by the Municipal Council of the Town of Amesbury assembled, and by the authority of the same as follows:

That the Municipal Council vote that the Town of Amesbury increase the exemption amount of qualified applicants under the provisions of M.G.L. Chapter 59, Section 5, Clause 17E, Clause 22 through 22E, Clause 37A, Clause 41D, Clause 42 and Clause 43 by 100 % as provided by Chapter 73, Section 4 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988.

President Benson read 2009-110 into the record and opened and closed the public hearing.
Councilor Lavoie moved to adopt 2009-110 as submitted, Councilor Chatigny second.
Roll Call Vote – 9 Yes (Gilday, Lavoie, McMilleon, Neale, Sherwood, Chatigny, Dunford, Ferguson, Benson)

2009-083 A Request that the Municipal Council vote to place on the November 3, 2009 ballot revisions to the Amesbury Home Rule Charter – Mayor Kezer sponsor cont.
President Benson read 2009-083 into the record and opened and closed the public hearing.
Councilor Sherwood moved to accept the Ordinance Committee report on 2009-083 and table the bill indefinitely, Councilor McMilleon second.
Voted - Unanimous

2009-085 Request to accept a transfer of property located at 76 Macy Street from Mass Highway – Mayor Kezer sponsor cont.
President Benson read 2009-085 into the record and read a memo from Robert Desmarais requesting to withdraw bill 2009-085.
Councilor Lavoie moved to table indefinitely 2009-085, Councilor Gilday second.
Voted - Unanimous

2009-106 An Ordinance to accept a donation of land from Denis and Judith Merchant – Mayor Kezer sponsor cont.
President Benson read 2009-106 into the record and opened and closed the public hearing.
Ordinance Committee approved with restrictions and Finance Committee recommended approving.
Councilor Lavoie moved that the Council accept the donation and add that it is accepted with a permanent restriction that it not be developed and that it be retained permanently as open space, Councilor Sherwood second.
Roll Call Vote – 9 Yes (Gilday, Lavoie, McMilleon, Neale, Sherwood, Chatigny, Dunford, Ferguson, Benson)

2009-107 An Ordinance to accept Goss Ave. Extension and drainage easements for ownership by the public as a public way – Mayor Kezer sponsor cont.
President Benson read 2009-107 into the record and opened and closed the public hearing.
Councilor Sherwood is not in favor of approving any more roadways until there is a comprehensive policy which dictates the manor in which we will do that as a community.

Councilor Lavoie moved the bill be adopted as submitted, Councilor Chatigny second.
Roll Call Vote – 7 Yes, 2 No (Sherwood, Benson)

2009-108 An Ordinance to accept certain roads and easements within Pond Hill Subdivision – Mayor Kezer sponsor cont.
President Benson read 2009-108 into the record and opened then closed the public hearing.
Councilor McMilleon motioned to table 2009-108 indefinitely, Councilor Gilday second.
Voted - Unanimous

First Readings – none at this time.

Correspondence

- a. President/Vice President Communications
- b. Communications from Elected Officials, Boards and Commissions

2009-119 January 19, 2009 Special State Election
Councilor Lavoie motioned to adopt 2009-119 as submitted, Councilor Ferguson second.
Voted - Unanimous

- c. Council Communications, Announcements and Committee Reports
 - 1) Communication from Mayor regarding Bailey's Pond Agreement

Councilor Lavoie motioned to go into executive session per the Mayor's request under MGL Open Meeting Law and not resume the meeting after, Councilor McMilleon second.
Roll Call Vote – 9 Yes (Gilday, Lavoie, McMilleon, Neale, Sherwood, Chatigny, Dunford, Ferguson, Benson)

Respectfully submitted,
Assistant Town Clerk