

Municipal Council Meeting  
Tuesday, December 12, 2006 @ 7:00PM  
Town Hall Auditorium

Call to Order 7:00PM

Pledge of Allegiance – Councilor Pinierio

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

Accept Minutes: October 10, 2006, October 24, 2006 & October 30, 2006  
Councilor Benson motion to accept, Councilor Pinierio second – Voted Unanimous

President Lawrence appoints Jamison Grant, 27 Whittier Street to the Finance Committee.

President Lawrence reads 15C Decorum of the Public of the Municipal Council Rules and Procedures

**Public Comment**

Claude Gonthier, 112 Kimball Road – Mr. Gonthier apologizes for being disorderly and out of order at the December 7<sup>th</sup> council meeting.

William Droese, 4 Carver Street – Mr. Droese feels the behavior of the business community and a few residents at the December 7<sup>th</sup> council meeting was an embarrassment and unacceptable. He supports the council decision to split the tax rate and encourages everyone to work together.

Kate Broughton, 12 Vine Street – Ms. Broughton thanks Mayor Kezer, Councilor Benson, Councilor Lavoie and Councilor King for researching the split tax issue and voting the right way. She congratulates and thanks everyone who stood outside town hall for their civic involvement. She also encourages people to log on to the All About Amesbury website to express concerns about the state of affairs.

Deborah Provost, Feeley Terrace – Ms. Provost is unsure about the split tax rate because she works for a small business and understands the concerns of the business owners. She will keep an open mind on the council's decision to go ahead with the split tax. She feels the councilors have been beat up enough; the hate and division has gone on for too long.

James Chandler, 417 Main Street – Mr. Chandler supports the council's vote to split the tax rate.

Mike Greaney, Orchard Street – Mr. Greaney came to defend the councilors who were called cowards in an editorial by the Newburyport News. He believes the abusive actions by some at the December 7<sup>th</sup> meeting was a disgrace. He knows the councilors committed themselves to what they voted on because they spent a lot of time looking into the facts, working with the tax department and looking at spreadsheets.

**Council Response to Public Comment**

Councilor Thone responds to the Newburyport News editorial calling some of the councilors cowards. She states that the council was almost violently attacked at the December 7<sup>th</sup> meeting by a resident who was removed from the meeting. At the end of the meeting the Detective asked the councilors to stay and to go out the side door. It was not her choice and not up to her to question the officer's job. As far as being cowards she says being in that room and standing up for what they believed in took more than anyone can say.

Councilor Pinierio read a statement to the very vocal and misguided few who were dissatisfied with the council's decision to override the Mayor's veto of a split vote. He is appalled with the viscous, hateful personal attacks on the majority of the council. The few business owners are not the only people in this town. There are 10,000 registered voters the council has to answer to. One hundred and fifty are not entitled to ride the backs of the rest of the tax payers of this town. He says screaming, raving, threatening and abusive language only shows you for what you are. Councilor Pinierio states he got threatening phone call at his house and if the woman calls again and he finds out who it is he will press charges.

Councilor McClure states there has been a lot of thought to every decision the council has made in regards to spending. Splitting the tax rate is just one more step to help get Amesbury back in line. She is not looking for praise but she also will not take the abuse she has had to take over the last few weeks. She is willing to talk to anyone who wants to speak civilly. All of her decisions have been made with a lot of thought; there has been no agenda or secret. She has been a member of the ATA for a few years; there is no secret about what the ATA is out to do and that is to look out for the taxpayers.

### **High School Building Update**

Councilor King provided copies of the High School Building minutes for the councilors.

### **Attorney Urbelis**

Mayor Kezer states Attorney Urbelis is available for questions regarding his report on Bailey's Pond.

President Lawrence asks if the questions should be asked publicly due to possible litigation down the road. Mayor Kezer states it would depend on the nature of the questions. Attorney Urbelis says he asked for questions to be submitted in advance and did not receive any except one about the open meeting law. He states that if the question and answer session would be detrimental to the negotiation position with regard to real estate or litigation strategy with regard to potential litigation which is referenced in the August 9<sup>th</sup> letter from Fafards Attorney he believes it would be appropriate to go into executive session.

Councilor McClure feels the questions are about the question to rescind. She does not want to telegraph anything that could hurt the town and give a strategy on what we may or may not be doing. She requests the meeting be handled in executive session.

*Councilor Thone moves to go into executive session to consider the purchase, exchange or value of real property and to discuss strategy with respect to threatened litigation by Fafard Real Estate and Development Corp. as it relates to the Bailey Pond property because such discussion may have a detrimental effect on the negotiating and litigation position of the town if held in open session and reconvene in open session. Councilor McClure second  
President Lawrence states he will also invite the council Ad Hoc Committee to the executive session.  
Roll Call Vote – 8 Yes*

Councilor King arrives at 7:40PM

### **Licenses and Permits**

**2006-120** FY07 License Renewal – Auto Class II, Auto Class III, Common Victualler, Dine Dance & Entertainment, Sunday Juke, Automatic Amusement, Inn Holders

President Lawrence read 2006-120 into the record (attached) amended to omit Best Choice common victualler and Pako Inc. d/b/a Tanya's Pizza automatic amusement, Councilor Benson abstains from the vote.

*Councilor Pinierio motions to accept 2006-120 as amended, Councilor McClure second – Voted Unanimous*

**2006-126** Flatbread Amesbury – Dine, Dance & Entertainment (new)

President Lawrence read 2006-126 into the record.

Shane Pine states the restaurant is looking for a one day optional entertainment license.

*Councilor Pinierio motions to accept 2006-126 as submitted, Councilor Benson second – Voted Unanimous*

### **Mayoral Appointments**

**2006-122** David Poulin – Landry Stadium Mgt. Committee term to expire 6/30/09

President Lawrence reads 2006-122 into the record.

*Councilor Lavoie moves acceptance of 2006-122, Councilor Benson second – Voted Unanimous*

### **Public Hearings**

**2006-095** An Ordinance to Accept Land from Woodsom Limited Partnership – Councilor Lindstrom sponsor cont.

President Lawrence read 2006-095 into the record.

Councilor Lavoie read the recommendation of the Ordinance Committee to discharge back to the Municipal Council with a recommendation of adoption with the addition of the following paragraph.

“This acceptance is intended to ratify and confirm the acceptance by the town of the conveyance of said land by deeds recorded with said registry of deeds in Book 9963, pages 317, 322 and 330 respectively and book 11684 beginning at page 564.”

President Lawrence opens and closes the public hearing.

*Councilor Thone motions to accept 2006-095 with the amendment of the Ordinance Committee, Councilor Pinierio 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 cont.

President Lawrence reads 2006-118 into the record.

Councilor Brennick read the Finance Committee recommendation to approve \$50,000 for mapping from free cash.

Robert Desmarais, Town Engineer – Mr. Desmarais concurs that \$50,000 from free cash was the recommendation but with the understanding that he would be able to come back prior to July 1<sup>st</sup> for more funds to continue the project. The mapping, screening, sampling and analysis program all need to happen consecutively and will cost about \$95,000.

Councilor Thone states it is her understanding as well that Mr. Desmarais can come back for more funds before July 1<sup>st</sup>, sometime in the spring. Their concern was that there is minimal free cash and

they wanted to wait to get through the winter. At that time they would see what was left in free cash, look at other areas where they could get the funds and look at anything that they could possibly be put into next years budget.

Councilor King is concerned about only giving Mr. Desmarais \$50,000 especially if there is a bad winter. She would like assurances from the council that he will not be told he can not have the funds or that he has to take it out of a budget. Councilor Thone does not see this as an option. These are things that are required by law; they will have to find the money.

Councilor King would like to have her concern on record that she would prefer to see the whole amount come out of free cash as the request was submitted. She has a concern that the council will rob other budgets to fund other departments and she would request that not happen.

Councilor Thone responds that if we run out of free cash that may be the only option.

*Councilor Brennick motions for 2006-118 that \$50,000 be appropriated from free cash for the purpose of map storm water drainage system Councilor McClure second. Roll Call Vote – 8 Yes, 1 No (King)*

### **New Business**

**2006-121** An Order to authorize a transfer of \$4,000 for Conservation Commission – Mayor Kezer sponsor

President Lawrence reads 2006-121 into the record.

*Councilor Thone motions for refer 2006-121 to the Finance Committee, Councilor Benson second. Voted – Unanimous*

**2006-123** An Order to accept a \$5,000 donation for the Participation fee in an economic development self-assessment tool run by Northeastern University – Mayor Kezer sponsor

President Lawrence reads 2006-123 into the record.

*Councilor Benson moves to refer 2006-123 to the Finance Committee, Councilor Pinierio second Voted – Unanimous*

**2006-124** An Order to Grant an Easement to Newburyport Five Cents Savings Bank – Mayor Kezer sponsor

President Lawrence reads 2006-124 into the record.

*Councilor Benson refers 2006-124 to the Ordinance Committee and schedule a public hearing at the January 9<sup>th</sup> meeting council meeting. Councilor Lavoie second*

*Voted – Unanimous*

**2006-125** An Order to appropriate \$43,000 for the FY07 Fire Department Budget to fund an employment agreement with Local 1783 I.A.F.F. – Mayor Kezer sponsor

President Lawrence reads 2006-125 into the record.

*Councilor Benson moves to refer 2006-125 to the Finance Committee, Councilor Pinierio second. Voted – Unanimous*

## **Supplemental Agenda**

Councilor Benson moves to accept the supplemental Agenda, Voted – Unanimous

**2006-127** Cynthia Roberts from associate position to full position on Lakes and Waterways.  
President Lawrence reads 2006-127 into the record.

*Councilor Benson moves to approve 2006-127 as submitted, Councilor Pinierio second  
Voted – Unanimous*

**2006-128** An Ordinance to Amend Article 7 of the town of Amesbury Bylaws – Councilor Lindstrom sponsor  
President Lawrence reads 2006-128 into the record.

*Councilor Lavoie motions to forward 2006-128 to the Ordinance Committee and the Finance Committee and schedule a public hearing for the January 9<sup>th</sup> council meeting, Councilor McClure second. Voted – Unanimous*

## **Council Communications**

High School Building Update – Councilor King states four construction companies have submitted bids and they are being handled by the surety company. On site work is ongoing, the shades have been installed, doors and hardware are in, the HVAC and electricity work is ongoing, the boilers are up and running. Outside drain work is being done on the slops and the road is being graded. Lee Leblanc feels great progress is being made.

Alan Neal, a member of the Bailey's Pond Ad Hoc Committee, states the committee received the remainder of the information it needs and is asking for a one month extension to finish their report. President Lawrence grants the one month extension.

## **Administrative Order #2006-002 Executive Reorganization of the Administrative Branch**

Councilor Lavoie states the Ordinance Committee anticipates that the council will refer 2006-002 to their committee.

Councilor King asks why the Executive Reorganization would go to Ordinance and Finance. There is no request for appropriation and if the reason is for a cost analysis she is not sure what there is to analyze. She feels this is an issue that the council should deal with not sub committees, it's not an ordinance.

Councilor McClure would like to refer 2006-002 to Ordinance and Finance to find out if there is any conflict with MGL and to see if there will be any financial implications for next year.

Councilor Thone support sending 2006-002 to ordinance to see if there are any conflicts with the Charter.

President Lawrence supports sending 2006-002 to the Ordinance and Finance Committees.

*Councilor McClure moves to send 2006-002 to the Finance and Ordinance Committees with a special meeting on January 3<sup>rd</sup> at 7:00PM, Councilor Benson second. Voted – Unanimous*

Councilor Benson motions to adjourn, Councilor Pinierio second – Voted Unanimous 9:35PM

Respectfully submitted,  
Assistant Town Clerk