

City Council Meeting  
Tuesday, February 12, 2013  
7:00PM City Hall Auditorium

Call to Order 7:09PM

Pledge of Allegiance – Councilor Kelcourse

Roll Call: James Kelcourse, Derek Kimball, Robert Lavoie, Donna McClure, Joseph McMilleon, Allen Neale, Christian Scorzoni, Robert Gilday, Anne Ferguson

Act on minutes – December 11, 2012, January 8, 2013

Councilor Gilday motioned to accept as submitted, Councilor McMilleon seconded.

Voted - Unanimous

### **Mayoral Appointments**

**2013-015** Douglas Joslin – Board of Health – unexpired term to expire 6/30/13

Mr. Joslin attended to express his reasons to serve on the Board of Health.

Councilor Kelcourse motioned to accept 2013-015 as submitted, Councilor Kimball seconded.

Voted – Unanimous

**2013-016** Frankie Lallemand – Council on Aging – term to expire 6/30/13

Ms. Lallemand attended to express her reasons to serve on the Council on Aging.

Councilor Gilday motioned to accept 2013-016 as submitted, Councilor Neale seconded.

Voted - Unanimous

**2013-017** Laura Pooler – Lakes & Waterways – term to expire 6/30/13

Ms. Pooler attended to express her reasons to serve on the Lakes & Waterways.

Councilor Kimball motioned to accept 2013-017 as submitted, Councilor McClure seconded.

Voted - Unanimous

### **Licenses & Permits**

**2013-007** Common Victualler – Burger King Northeast Foods, 133 Macy St. (new owner)

Ms. Sailis Taveras attended to represent Burger King Northeast Foods.

Councilor Lavoie motioned to approve per the usual stipulations, Councilor Kimball seconded.

Voted - Unanimous

**2013-008** Common Victualler – Alex's Whey, 14 Cedar St.

Ms. Donna McDonough attended to represent Alex's Whey.

Councilor Neale motioned to accept 2013-008 per the usual stipulations, Councilor McMilleon seconded. Voted - Unanimous

**2013-009** Common Victualler – Fresh Beginnings, 14 Cedar St.

Ms. Sara Calapiz attended to represent Fresh Beginnings.

Councilor Neale motioned to accept 2013-009 as per the usual stipulations, Councilor Gilday seconded. Voted – Unanimous

**2013-012** Common Victualler – Grillicious, 14 Cedar St.

Wendy Cunniff attended to represent Grillicious.

Councilor Neale motioned to accept 2013-012 as per the usual stipulations, Councilor Kimball seconded. Voted - Unanimous

**2013-010** Common Victualler – Habib's Home Cooking, 14 Cedar St.

Katie Habib attended to represent Habib's Home Cooking.

Councilor Neale motioned to accept 2013-010 as submitted per the usual stipulations, Councilor Kimball seconded . Voted - Unanimous

**2013-011** Common Victualler – 19 Steps Bake Shop, 14 Cedar St.

Ms. Lauren Suszczewicz attended to represent 19 Steps Bake Shop.

Councilor Neale motioned to accept as submitted as per the usual stipulations, Councilor Kimball seconded. Voted - Unanimous

**2013-013** General Business - Ed Justen dba Workspace Ventures, 71 Main St.

Mr. Justen attended to represent Workspace Ventures co working space and computer learning center.

Councilor Neale motioned to accept as submitted per the usual stipulations, Councilor McMilleon seconded. Voted - Unanimous

**2013-014** General Business – Web Wellness – Therapeutic Massage, 111 Main St.

Mr. Saintpreux attended to represent Web Wellness – Therapeutic Massage.

Councilor Neale motioned to accept as submitted per the usual stipulations, Councilor Kimball seconded. Voted – Unanimous

Presentation on School Safety - Chief of Police Gagnon, Lieutenant Ouellett and Assistant Superintendant Deidra Farrell

#### Correspondence

a. President/Vice President Communications

1 - Letter in support of Dry Cask Storage from Joanna Hammond & Bruce Skud – No More Fukushimas – for Councilors to review.

2 – 2013 City Council Committees – Councilor Lavoie motioned to approve Council assignments, Councilor McMilleon seconded Voted – Unanimous

3 – Councilor Gilday read a letter of thanks from the Amesbury High School yearbook staff for purchasing a business advertisement.

b. Communication from Elected Officials, Boards and Commissions

c. Council Communications, Announcements and Committee Reports

#### Public Comment

Rosemary Werner, 11 Martin Rd. – Ms. Werner wanted to let everyone know that school children will be making valentines in memory of the children and adults that were killed at Sandy Hook Elementary and placing them on a tree at the Gazebo.

Jane Snow, 45 Fern Ave. – Ms. Snow handed out a budget comparison of similar sized communities.

Michael Greaney, 50 Orchard St. – Mr. Greaney had questions regarding the Transportation Center, matching funds for the lower Millyard, the Parking Garage, the Trailers at the Fire Station and work to the Police and Fire Stations.

Brian Morris, 12 North Hunt Road – Mr. Morris spoke regarding the high tax rate and thanked Jane Snow for her spread sheet. He stated his street does not get plowed unless he calls the DPW. He feels he is paying more and more in taxes and getting fewer services such as snow plowing.

David Haraski, 8 Moody St. – Mr. Haraski submitted to the Council a list of questions he would like answers to. He would like to see some private funds raised to help offset the cost of the lower Millyard project. He believes the Fire Department can buy an ambulance chassis for much less than what they are asking for.

James Thivierge, 106 Friend Street – Mr. Thivierge spoke about the tax rate and housing sales.

Claude Gonthier, 112 Kimball Rd. – Mr. Gonthier stated the snow removal from the blizzard of 2013 is the worst he has ever seen.

Melissa LaChance, North Hunt Road – Ms. LaChance works at the Chamber of Commerce and stated the Chamber is working with various individuals and groups from both the public and private sector to bring everyone together to make the lower Millyard project happen.

### **Council Response to Public Comment**

Councilor McClure asked residents to pay attention during the budget process and asked them to attend the public hearings.

Councilor Lavoie asked residents who have questions to write them down and they will be answered at the next City Council meeting.

Mayor Kezer responded to and answered Mr. Greaney's questions. He also stated the DPW and the Contractors the City hires to plow did an outstanding job during and after the blizzard.

Councilor Neale feels the DPW did a good job considering the magnitude of the storm however; certainly there are places in the community that need some more work but overall a good job. He feels communicating the anticipated response time to a call could be better handled. He stated there is an effort underway to look at private funding for the lower millyard. He will be looking for ways to bring the price tag down and does not anticipate making a move until then.

### **Public Hearings**

**2012-108** Request to Transfer \$165,000 from Ambulance Receipts - Fund (4120) for the purpose of purchasing a new ambulance and/or chassis – Mayor Kezer sponsor cont.

Summary: The City will purchase a new Ambulance and/or chassis existing equipment

President Ferguson read 2012-108 into the record.

Councilor Neale read the Finance Committee recommendation to adopt 2012-108 a request to Transfer \$165,000 from Ambulance Receipts - Fund (4120) for the purpose of purchasing a new ambulance and/or chassis provided that the Chief provides answers to the questions raised by Councilor McMilleon and others.

President Ferguson opened the public hearing.

David Haraske, 8 Moody Street – Mr. Haraske asked where the \$165,000 estimate came from. He commented that you shouldn't be up front with how much money you have to spend before you send out the bids. He feels the bid should be broken down in parts. Councilor Neale explained it is Mass General Law to disclose the dollar amount.

Claude Gonthier, 112 Kimball Rd. – Mr. Gonthier is in support of a new ambulance. He feels the City should buy the chassis and then send it to the factory to be retro fitted to avoid a middle man profiting from buying the chassis and sending it himself.

President Ferguson closes the public hearing.

Chief Brickett explained he came up with the \$165,000 estimate by calling vendors and Fire Department across the country.

Councilor Gilday motioned to Transfer \$165,000 from Ambulance Receipts - Fund (4120) for the purpose of purchasing a new ambulance and/or chassis, Councilor Scorzoni seconded.  
Roll Call Vote – 8 Yes (Kelcourse, Kimball, Lavoie, McMilleon, Neale, Scorzoni, Gilday, Ferguson)  
1 No (McClure)

**2013-004** Amend Official City seal by deleting "Town" replacing it with "City" – Mayor Kezer sponsor cont.

Summary: This order would authorize the official city seal to be amended so that it states "City of Amesbury", rather than "Town of Amesbury". This change to the seal would be consistent with the City Charter revisions approved by the voters of Amesbury on November 8, 2011.

President Ferguson read 2013-004 into the record and opened and closed the public hearing.

Councilor McMilleon moved to approve 2013-004, Councilor Kelcourse seconded.  
Voted - Unanimous

**2013-005** To Amend the Amesbury Zoning Ordinance – Mayor Kezer sponsor cont.

Summary: This ordinance seeks to amend Section V of the Amesbury's Zoning Ordinance to allow Veterinary Hospitals in the Office Park (OP) Zoning District. The Table of Use Regulations would be amended to allow this use in the OP Zoning District.

The Amesbury Animal Hospital, currently located at 230 Main Street, is looking to construct a new facility that will provide for expansion and a more efficient operation. Modern examination rooms and surgical suites are proposed. Amesbury Animal Hospital has signed a P&S Agreement for property located at 277 Elm Street owned by the True Homestead.

President Ferguson read 2013-005 into the record and opened and closed the public hearing.

Councilor Neale read the recommendation of the Ordinance Committee to approve 2013-005 as submitted.

Nipun Jain read the recommendation of the Planning Board which was voted unanimously to recommend adoption of 2013-005.

Councilor McMilleon asked Mr. Jain how this change is not considered spot zoning. He stated this is not redefining a zoning district line just adding uses allowed to the office park zoning district.

President Ferguson called for a motion.

Councilor Neale moved to approve 2013-005, Councilor Gilday second.

Roll Call Vote – 9 Yes (Kelcourse, Kimball, Lavoie, McClure, McMilleon, Neale, Scorzoni, Gilday, Ferguson)

**2012-110** Request to Amend the Amesbury Zoning Map, Map 54, Lot 14 and 14A from Open Space to R8 – Mayor Kezer sponsor cont.

Summary: This ordinance seeks to change the zoning district for the Horace Mann property parcels (Map 54, Lots 14 and 14A) from Open Space Conservancy (OSC) to R-8, a residential zoning district. All properties abutting these parcels are residentially zoned and are in the R-8 District. This change will allow the property to be redeveloped.

President Ferguson read 2012-110 into the record.

Councilor Neale read the recommendation of the Ordinance Committee to approve 2012-110 as submitted, voted unanimously.

Nipun Jain read the recommendation of the Planning Board. The Planning Board unanimously voted to recommend adoption of 2012-110. The Board also recommended that the City undertake a more detailed evaluation of the property and prepare a viable redevelopment program for this historic building. The Board would welcome the opportunity to provide input on conceptual development plan (s). The residents of the neighborhood would also like to provide input on redevelopment efforts prior to the property being surplus for auction.

Councilor Scorzoni would like to go above the typical notification process to the abutters on the plan going forward for the future of the Horace Mann property. He asked if other uses such as commercial or professional have been considered. Nipun Jain stated they did not consider commercial because it would be spot zoning. Councilor Scorzoni asked if there is any harm to the process if you open up a RFI, RFP short of zoning changes to figure out the best use for the property. Nipun Jain stated it could be approached that way if that is the way the City wants to go.

Mayor Kezer stated it is his desire to sell the property quickly and have the private sector move it forward.

President Ferguson opened the public hearing. There were no requests to speak so she closed the public hearing.

Councilor Neale motioned to adopt the recommendation of the Ordinance Committee to 2012-110 as submitted, Councilor Kimball second.

Roll Call Vote – 9 Yes (Kelcourse, Kimball, Lavoie, McClure, McMilleon, Neale, Scorzoni, Gilday, Ferguson)

**First Readings**

**2013-018** An Order to accept a \$5,225.00 grant from Mass Dept. of Fire Services – Mayor Kezer sponsor.

Summary: The Amesbury Fire Dept. has been awarded a non-matching grant in the amount of \$5,225.00 to continue their Student Awareness of Fire Education (S.A.F.E.) program. Made available to all Commonwealth municipalities, this grant seeks to provide student awareness of fire dangers through educational programs.

Councilor Kelcourse moved to send 2012-018 to the Finance Committee for a recommendation and a Public Hearing at the March 12<sup>th</sup> Council meeting, Councilor McMilleon second.

Voted - Unanimous

**2013-019** An Order to Amend City Council Rules and Procedures 5D – Councilor Lavoie sponsor  
Councilor Lavoie motioned to send 2012-019 to the Council Rules Committee, Councilor McMilleon second. Voted - Unanimous

**2013-020** A Resolution to recommend that the Mayor surplus the condominium at 37 Mill Yard Unit 1 – 107 – Councilor Lavoie sponsor

**Summary:** A Resolution to request that the Mayor surplus the condominium unit owned by the City of Amesbury designated as Assessors Map 53 Parcel 2901/W and commonly known as 37 Mill Yard Unit 1 – 107 (the "Condominium Unit"), the since the purposes for which that property is currently used can best be provided in a more cost-effective location at an expense level more affordable to the residents of Amesbury.

Councilor Kelcourse motioned to adopt 2013-020, Councilor Gilday second.

President Ferguson opened and closed the Public Hearing.

Mayor Kezer stated they are in the process of looking at all the requirements, restriction and impediments associated with this unit in order to be able to surplus this property and release it. Councilor Lavoie asked if we are generating enough revenue to offset the \$10,000 condo fee each year. Mayor Kezer stated the unit is being used frequently and it is a good space for the community but it is not a money maker.

Councilor Kelcourse motioned to adopt 2013-020, Councilor Gilday second.

Voted – 8 Yes, 1 No (McMilleon)

Councilor Gilday motioned to adjourn, Councilor McClure second

Adjourn 10:25PM

Respectfully Submitted,  
Assistant City Clerk