

Amesbury City Council Minutes
Tuesday, March 12, 2013
7:00PM City Hall Auditorium

Call to Order 7:00PM

Pledge of Allegiance – Derek Kimball

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

Act on minutes – None at this time

Mayoral Appointments – None at this time.

Licenses & Permits

2013-021 Common Victualler – Adele Faso dba Golosi Catering, working out of Kitchen Local 14 Cedar St

Councilor Kelcourse motioned to approve 2013-021 per the usual stipulations, Councilor McMilleon second. Voted – 7 Yes

2013-022 Common Victualler – Bienville Catering, working out of Kitchen Local 14 Cedar St
Keith Dixon attended the meeting to represent Bienville Catering.

Councilor Lavoie motioned to approve 2012-022 per the usual stipulations, Councilor Kimball second. Voted – 7 Yes

2013-023 Common Victualler – Delta One Corp, working out of Kitchen Local 14 Cedar St
Peter Dosdonoff attended the meeting to represent Delta One Corp.

Councilor Kimball motioned to approve 2012-023 as per the usual stipulations, Councilor McMilleon second.

Voted – 7 Yes

2013-024 General Business – Cooper Coach LLC, 39 Millyard #309

Jane Rascal attended the meeting to represent Cooper Coach.

Councilor Kimball motioned to approve 2013-024 as per the usual stipulations, Councilor Kelcourse second. Voted – 7 Yes

Correspondence

a. President/Vice President Communications

b. Communication from Elected Officials, Boards and Commissions

2013-027 2013 Election Calendar for the City of Amesbury - approved

2013 – 2018 Financial Forecast

2014 – 2018 Capital Improvement Plan

FY 2012 Annual Water Report

FY 2012 Annual Sewer Report

Councilor Lavoie suggested to refer the Financial Forecast, Capital Improvement, Water Report and Sewer Report to the Finance Committee for review. Councilor Kelcourse moved Councilor Lavoie's suggestion, Councilor Kimball second. Voted 6 Yes, 1 No (Ferguson)

Councilor Kimball requested to have Representative Costello or Senator Ives update the Council, in person or by e-mail, on the State budget status prior to the April 9th City Council meeting.

c. Council Communications, Announcements and Committee Reports

Public Comment

Mary Chatigny, 164 Elm Street – Ms. Chatigny stated it has taken 20 years and many people working towards the redevelopment of the Lower Millyard and an increased tax base. She urged the Council to fully support the Heritage Park Lower Millyard project.

Ken Gray, 60 Merrimac Street – Mr. Gray stated the city leadership every year absolves their self from any responsibility in increased taxes blaming it on lower values and the bad economy. He believes increased spending is to blame and it is controlled by the city leadership. He feels the Mayor should have used free cash to help lower taxes.

James Thivierge, 106 Friend Street – Mr. Thivierge spoke about high taxes and property values.

Jane Snow, Fern Ave – Ms. Snow passed out a list of questions she has regarding the Heritage Park project.

Robert Fowler, 25 Clinton Street – Mr. Fowler is concerned about the number of projects the City has going on. He feels the City is spending beyond its means. He is in favor of Heritage Park but not at this time.

Matt Sherrill, 156 Elm Street – Mr. Sherrill spoke on behalf of the Amesbury Carriage Alliance Group, owners of 29 Water Street. The city will not be paying to move the building. The realignment of Water Street is changing and will be less expensive. The Heritage Park project is a unique opportunity for the City and State government coming together. Amesbury Carriage Alliance is hoping to build a Carriage Museum at 29 Water Street along with a visitor's center and offices for the Chamber of Commerce. He strongly encourages support of this project.

Melissa LaChance, North Hunt Rd. – Ms. LaChance, Executive Director of the Amesbury Chamber of Commerce. She stated on behalf of the Amesbury Chamber of Commerce and their membership she urges the City Council to support the development of the Lower Millyard. She feels if the project is not supported it will be decades before State funding, private investment and development momentum will come together again.

Claude Gonthier, 112 Kimball Rd. – Mr. Gonthier does not believe the Lower Millyard project is the answer to Amesbury's high tax rate, he feels it is a beautification project that everyone will enjoy.

Council Response to Public Comment

President Ferguson responded to several questions raised by Mr. Michael Greaney at the last council meeting. First; handicapped accessibility at the City Hall. She stated It is through the side door to the Auditorium. There is a desk with a phone on it where you can call the department you are looking for and someone will come down. He also inquired about the Fire House and Police Station project. She stated they both are stalled in the Planning Board. Regarding the appearance of cracking of the masonry at the Middle School it is caused by the metal flashing on the gutters dripping down.

Councilor Lavoie told Mr. Gray he would be happy to meet with him anytime to discuss Amesbury's taxes.

Councilor Kelcourse, in response to Mr. Gray, stated there were a number of Councilors in favor of using free cash to help off set some of the tax burden. It was the decision of the Mayor and he chose not to.

Councilor Kimball would like someone from the State to come to one of their meetings before the budget process to discuss Local Aid.

Public Hearings

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.

President Ferguson read 2013-018 into the record.

Councilor Lavoie read the recommendation of the Finance Committee to accept 2013-018 as submitted.

President Ferguson opened the Public Hearing.

Iain McGregor, President Amesbury Firefighters – Mr. McGregor stated this is a non matching grant they usually get awarded every year. It provides for in school education, supplies and Fire Prevention Week in October every year.

President Ferguson closed the Public Hearing.

Councilor McClure motioned to approve 2013-018 as submitted, Councilor McMilleon second. Roll Call Vote – 7 Yes (Kimball, Lavoie, McClure, McMilleon, Scorzoni, Kelcourse, Ferguson)

Second Readings

2013-019 An Order to Amend City Council Rules and Procedures 5D – Councilor Lavoie sponsor. President Ferguson read 2013-019 into the record.

Councilor Lavoie explained this rule deals with the filing deadline for items to be included on the agenda. Currently filing dead line is 12 noon on Friday, eleven days before the Council meeting. The change proposed would be 10am to 3pm and 7 business days to 7 calendar days. Councilor McClure would also like to include; late files would not be accepted unless it was agreed to unanimously.

President Ferguson opened the public hearing.

Claude Gonthier, 112 Kimball Road – Mr. Gonthier is against all late files.

President Ferguson closed the public hearing.

Councilor Lavoie motioned to adopt 2013-019 with the following changes from what was presented.
 1) Instead of 3PM would be noon time and that 7 calendar would be 8 calendar days so that the first sentence of Rule 5D would now read: Any item of business to be presented to the City Council at its regular meeting for action shall be submitted in writing to the Clerk to the Council no later than 12 Noon, 8 calendar days preceding the regular Council meeting., Councilor Kelcourse second.

Councilor McClure amended the motion to read any late files require a unanimous vote of the City Council., Councilor Kimball second.

Vote – 3 Yes (Kelcourse, Kimball, McClure), 4 No (Scorzoni, Lavoie, Ferguson, McMilleon)
 Amendment fails

Original motion

Roll Call Vote – 5 Yes (Kimball, Lavoie, Scorzoni, Kelcourse, Ferguson), 2 No (McClure, McMilleon)

First Readings

2013-025 A Request to Establish A Local Option Meals Tax – Councilors Scorzoni, Gilday and Lavoie sponsor

Summary: To establish a special purpose stabilization fund for sidewalk construction and repairs to be funded through a local option meals tax.

Councilor Kelcourse motioned to send 2013-025 to the Finance Committee and Ordinance Committee for review and recommendation and a Public Hearing at the April council meeting, Councilor McClure second. – Voted Unanimous

2013-026 A Resolution to request that the Mayor timely update the Council's 2010 Citizens Study on spending comparisons – Councilor Kelcourse sponsor

Councilor McMilleon moved to approve 2013-026, Councilor Lavoie second.

Councilor Kimball amended: 3rd paragraph after commissioning a study (insert) “using the resources of the existing FY13 budget to determine how Amesbury stacks up to other similar communities in the state.” Councilor Kelcourse second.

Voted – 7 Yes

Councilor McMilleon motioned to adopt 2013-026 as submitted with the approved amendment, Councilor Lavoie second. Voted – 7 Yes (Kimball, Lavoie, McClure, McMilleon, Scorzoni, Kelcourse, Ferguson)

2013-028 An Order to accept from True Homestead Limited Partnership I a trail easement, located on Elm Street, for use as part of a public recreational trail – Mayor Kezer sponsor

Summary: This order will accept from True Homestead Limited Partnership I a trail easement on a certain parcel of land in Amesbury, Essex County, Massachusetts, located on Elm Street and shown as “Proposed Riverwalk Easement” on the plan entitled “Plan of Land of Riverwalk Easement to be deeded to the City of Amesbury,” prepared by Cammett Engineering, dated June 26, 2012, pursuant to G.L. c.40, §8C.

Councilor Lavoie motioned to refer 2013-028 to the Ordinance Committee for review and schedule a public hearing at the April City Council meeting, Councilor Kimball second. Voted - Unanimous

2013-029 An Order to amend the polling location for elections by replacing the words “Amesbury High School Cafeteria” with “Amesbury High School.”- Mayor Kezer sponsor

Summary: The purpose of this order is to be able to hold elections in the Amesbury High School with the ability to use different rooms within the school.

Councilor Lavoie motioned to send 2013-029 to the Ordinance Committee for review and schedule a public hearing at the April City Council meeting, Councilor McClure second
Voted – 7 Yes, Unanimous

2013-030 An Order that the City Council vote to accept the Quitclaim deed from Yvon Cormier Construction Corporation for land off of Goss Avenue. – Mayor Kezer sponsor

Summary: This order will accept the Quitclaim deed from Yvon Cormier Construction Corporation for a parcel of land known as Parcel 5-1, consisting of 104,058 square feet, located off Portsmouth Avenue Extension, at the cul-de-sac forming the end of Goss Avenue, as shown on a plan entitled “Plan of Land in Amesbury, Massachusetts Prepared for Applicant: John Cormier,” recorded with the Essex South Registry of Deeds in Plan Book 420, Plan 60.

Councilor Kelcourse motioned to send 2013-030 to the Ordinance Committee for review and schedule a public hearing at the next City Council meeting, Councilor McMilleon second.
Voted – 7 Yes, Unanimous

2013-031 An Order to transfer and convey the Horace Mann School located at 8 Congress Street and 10 Congress Street. – Mayor Kezer sponsor

Summary: To transfer the care, custody and control of the parcels of land located at 8 Congress Street and 10 Congress Street and shown on Assessors Map 54 as Parcels 14A and 14, respectively, which parcels the School Committee has determined to be no longer required for school purposes, from the School Committee for school purposes to the Mayor for the purpose of conveyance, and to authorize the Mayor to convey said parcels on such terms and conditions and for such consideration as the Mayor may deem appropriate.

Councilor Lavoie motioned to send 2013-031 to the Ordinance Committee and Public Buildings and Infrastructure Committee for review and schedule a public hearing at the April City Council meeting, Councilor Kelcourse second. – Voted 7 Yes, Unanimous

2013-032 Establishment of the Lower Millyard Revitalization Task Force – Mayor Kezer sponsor

Summary: The purpose of the Lower Millyard Revitalization Task Force is to focus the efforts on advancing the City’s interests in redevelopment and growth of the Lower Millyard.

President Ferguson stated she would like to be appointed to the Millyard Revitalization Task Force and that Councilor Lavoie expressed interest in being appointed.

Councilor Lavoie motioned to appoint President Ferguson and himself as representatives of the City Council to serve on the Millyard Revitalization Task Force, Councilor Kimball second.
Voted – 7 Yes, Unanimous

2013-033 An Order to request the Amesbury City Council to vote to appropriate Seven Hundred Twenty-Five Thousand dollars (\$725,000) to construct a public park at the Back and Powow Rivers on Water Street. – Mayor Kezer sponsor

Summary: To provide for the construction of a public park on property owned by the City of Amesbury on Water Street to include a canoe and kayak launch, public assembly area, historic panels, pathways, and sitting areas.

Councilor Lavoie motioned to send 2013-033 to the Finance Committee and Ordinance for review and schedule a public hearing at the April City Council meeting. Councilor Kimball seconded and it was voted Unanimous.

2013-034 An Order to request the City Council to vote to appropriate \$200,000 from Free Cash for various projects – Mayor Kezer sponsor

Summary: This order will provide the funding for the improvement of City parks, restoration of war memorials, a solar park development consultant and a branding consultant.

Councilor Kelcourse motioned to send 2013-034 to the Finance Committee for a recommendation and schedule a public hearing at the April City Council meeting, Councilor Lavoie second. Voted – 7 Yes, Unanimous

2013-035 An Order to request the City Council to vote to appropriate \$200,000 from Free Cash for the repair and maintenance of streets and sidewalks. – Mayor Kezer sponsor

Summary: This order will provide the funding for repair and maintenance of streets and sidewalks per the DPW Infrastructure and Pavement Plan.

Councilor Kimball motioned to send 2013-035 to the Finance Committee for a recommendation and schedule a public hearing at the April City Council meeting, Councilor Kelcourse second. Voted – 7 Yes, Unanimous

2013-036 A Resolution to accept a grant in the amount of \$400,000 from the Massachusetts Executive Office of Energy and Environmental Affairs – Mayor Kezer sponsor

Summary: The City of Amesbury was awarded a grant from the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs for the Parkland Acquisitions and Renovations for Communities (PARC) program for the creation and dedication of the Amesbury Heritage Park as a park and recreation facility in accordance with M.G.L Chapter 45 Section 3 to be located along the Powow and Back Rivers in the Lower Millyard.

Councilor Lavoie motioned to send 2013-036 to the Finance and Ordinance Committees and the Parks Commission for review and schedule a public hearing at the April City Council meeting, Councilor McMilleon second. Voted – 7 Yes, Unanimous

2013-037 An Order to authorize the Mayor to accept, on behalf of the City, a parcel of land located at 25 Water Street – Mayor Kezer sponsor

Summary: Authorize the Mayor to accept, on behalf of the City, by gift, the fee in and to the parcel of land located at 25 Water Street, shown on Assessors Map 53 as Parcel 110, owned by Louis Lavoie, Trustee of Water Street Realty Trust, which parcel of land is a portion of the property described in the deed recorded with the Essex South District Registry of Deeds in Book 14193, Page 292, for general municipal purposes.

Councilor Kelcourse motioned to send 2013-037 to the Ordinance Committee for a recommendation and schedule a public hearing at the April City Council meeting.

Voted – 7 Yes, unanimous

2013-038 An Order to create the Amesbury Heritage Park – Mayor Kezer sponsor

Summary: To designate an area of property on Water Street as the Amesbury Heritage Park and to dedicate it as a Public Park in accordance with MGL Chapter 45 Section 3.

Councilor Lavoie motioned to send 2013-038 to the Finance and Ordinance Committees, the Park Commission and schedule a public hearing at the April City Council meeting, Councilor Kelcourse second.

Voted – 7 Yes, Unanimous

Councilor McMilleon motioned to adjourn, Councilor McClure second.

Adjourn 9:00PM

Respectfully submitted,
Assistant City Clerk