

City Council Minutes  
Tuesday, July 9, 2013  
City Hall Auditorium  
7:00 p.m.

1. **Call to Order** @7:05 p.m.
2. **Pledge of Allegiance** was lead by Councilor Neale
3. **Roll Call:** Councilor Neale, Councilor Kimball, Councilor Lavoie, Councilor McClure, Councilor McMilleon, Councilor Ferguson, Councilor Kelcourse arrived at 7:07 pm and Councilor Scorzoni arrived at 7:21 p.m.  
Councilor Gilday had an excused absence.
4. **Act on minutes** – Councilor McMilleon moved to approve the minutes of April 9, 2013, May 14, 2013 and June 11, 2013. Councilor Neale seconded and it was voted Unanimous
5. **Mayoral Appointments** – Councilor Ferguson read the list.  
**2013-082** Board of Health, Dr. James Schaepe and Douglas Joslin (2016)  
Cemetery Advisory Committee, Geoffrey Butler (2016)  
Conservation Commission, Madeleine Howard, Michael Bik and Jack Tremblay (2016)  
Council on Aging, Frankie Lallemant, Gayle Yarnall and Paul Rogers (2016)  
Cultural Council, Carley Monell (2016)  
Fence Viewer, Bret Green, M. Bernice Nagle (2014)  
Healthcare Trust Commission, Rosemary Werner, Sandra Jutrus, Joanne McCarthy (2016)  
Historical Commission, Joseph Finn and Juliann MacDonald (2016)  
Lakes and Waterways, Bruce Georgian and Ken Aspeslagh (2016)  
Landry Stadium, Stephen Bibeau (2016)  
Parks & Recreation, Karen Davis (2016)  
Tree Board, Joanne Sullivan (2016)  
Zoning Board of Appeals, Olyce Moore and Robert Orem (2018)

Councilor Neale moved to accept 2013-082 as presented. Councilor McMilleon seconded and it was voted Unanimous.

6. **Licenses & Permits** –  
**2013-074** Pole Hearing – National Grid for Main and Old Merrill St.

Mr. David Boucher, Sr. Design Technician spoke on behalf of National Grid. He gave an overview of where the pole would be placed for two new homes to be built on Old Merrill St. He stated that there is however a correction that needs to be made on the original sketch as the wrong pole number was referenced. The

original sketch referenced pole 9-1 and it should actually be 10-1 which was brought to his attention by a memorandum from Peter Manor, Amesbury City Engineer. Mr. Boucher handed out a revised sketch and topography map that shows the location and mapping that the town has of Old Merrill St. He hopes that this is sufficient enough to pass this tonight to get power to the homes.

Councilor Ferguson questioned if the abutters need to be notified again. There was discussion and it was determined that because there is a difference in the location of the pole that new notices should be mailed via certified mail and give the abutters a period of time to appeal.

Councilor Ferguson opened the public hearing.

Charles Goodwin, 15 Old Merrill St. stated that he did notice that the wrong pole was listed and that is why he was here. He stated that it makes more sense that it is pole 10. He agrees that we should send the abutter list and give them some time to respond if they want.

Councilor Lavoie moved that with respect to 2013-074 the pole placement petition that the petition as modified this evening by a hand written adjustment to the plan dated May 29, 2013, #14796886, which corrections modify the plan to show it a s pole 10-1 accompanied by the topographical sketch showing its location between lots 4 and 5; #18 & 16 Old Merrill in the right of way be approved subject to the following conditions:

1.) That the provisions of the City Engineers July 8, 2013 memorandum to the Council be adhered to including without limitation the requirement that National Grid shall adhere to all local and state laws as needed pertaining to tree removal.

2.) That at National Grid's expense that all the appropriate abutters be notified of the action tonight and that the action approving this pole petition become effective 14 calendar days after the mailing of the new notice by the City Clerk at National Grid's expense by certified mail to all of the abutters and would become effective as long as no objection is raised within the 14 day period.

Councilor Ferguson closed the public hearing.

Councilor Kelcourse seconded the motion and it was voted Unanimous.

**2013-075 General Business License – Leary's Fine Wines**

Todd Baltich stated that he will be opening up a small store in the Stop & Shop Plaza next to Papa Ginos. It will be similar but smaller than the Newburyport store.

Councilor Lavoie moved to accept as submitted subject to the usual stipulations. Councilor Neale seconded and it was voted Unanimous.

**2013-076** Dine, Dance & Entertainment License – Crave

Sean Toomey stated that he would like to have some entertainment like someone playing guitar after the dinner rush.

Councilor Neale moved to approve 2013-076 with the usual stipulations. Councilor Lavoie seconded and it was vote Unanimous.

**2013-077** General Business License – House Bear Brewing, LLC

Carl Hirschfeld and Elizabeth Borges stated that they will be making mead which is wine from honey and they will be working in the old Cody Brewing facility.

Councilor Kimball moved to approve 2013-077 with the usual stipulations. Councilor McMilleon seconded and it was voted Unanimous.

**2013-078** Weekday Bowling License – Riverwalk Lanes – Transfer of Ownership

Sean Roberts, Brian Bazylinski and Melissa Caissie stated that they are just transferring ownership to add Melissa Caissie.

**2013-079** Sunday Bowling License– Riverwalk Lanes – Transfer of Ownership

Councilor Neale moved to accept 2013-078 and 2013-079 as submitted with the usual stipulations. Councilor McMilleon seconded and it was voted Unanimous.

**2013-080** Common Victualler License – Kate’s Catering, LLC

Kate O’Connell stated she has been catering for 10 years and will be moving from Newburyport to Amesbury and will be working out of Kitchen Local at 14 Cedar St.

Councilor Lavoie moved to approve 2013-080 with a correction to the address as 14 Cedar St subject to the usual stipulations. Councilor Neale seconded and it was voted Unanimous.

**2013-081** Common Victualler License – James Noyes d/b/a Jim’s Clam Stand

Jim Noyes stated that he has had Jim's Clam Stand for the past 17 years which he worked out of a Newburyport restaurant that he owned and has since sold and would now like to relocate to Kitchen Local at 14 Cedar Street. He stated that he has a mobile cart and only does festivals.

Councilor Neale moved to approve 2013-081 as submitted with the usual stipulations. Councilor McMilleon seconded and it was voted Unanimous.

**7. Correspondence - None**

## **8. Public Comment**

Paul Sicorez of 13 Riverfront Rd plugged his candidacy for District 1 Councilor.

Eric Bezanson of 115 Whitehall Rd plugged his candidacy for Councilor at large.

Jim Thivierge of 106 Friend St reviewed a report he received from the Conference Committee and the impact on tax rates.

Melissa LaChance of 5 North Hunt Rd thanked the Council for their participation at the Block Party on June 27. She stated that over \$7,000 was raised and 100% will go towards the beautification of downtown. She also stated that they would be having a tribute to Ron Fuller who is closing his business on Monday, June 15 at 4:45 at Jon Moors studio.

Public Comment was closed.

## **9. Council Response to Public Comment - None**

## **10. Public Hearings**

**2013-060** An Order to amend Amesbury Code Chapter 20 Section 20-8 – Councilor Ferguson sponsor

Summary: This ordinance seeks to amend Chapter 20-8 and add section 20-8A. This order would require grant applications that require a match from the City to be submitted to the clerk and council at the time of filing.

Councilor Lavoie read the Ordinance Committee Recommendation which was to send to the Council with amendments for approval

Councilor Ferguson opened the public hearing.

Jane Snow of 44 Fern Ave stated that we already have something similar that doesn't work now.

Jim Thivierge of 106 Friend St stated that any public information that is given for grants whether federal or state should be linked directly to the state budget for the public to track.

Councilor Ferguson closed the public hearing.

Councilor McMilleon stated that he feels that the process to apply for a grant should begin with the council so that we know what we are getting into.

Councilor Scorzoni stated that it is a balancing act and they should know ahead of time for the potential of a match.

Councilor McMilleon stated that he supports this but is unsure that this will get us anywhere and that the Administration knows when applying for a grant if a match is needed.

Councilor Lavoie stated that we and every future council will have to be very vigilant when requested to show by a resolution that it supports a grant. We need to make sure we have sufficient information to make an informed decision. He stated that he feels the Ordinance Committee has crafted replacement language that works.

Councilor McClure stated that she thinks this is a great idea but does not see how this solves the complete lack of transparency from the corner office with regards to this Council. We have repeatedly asked for information and we don't get it.

Councilor Ferguson stated that she feels strongly that it is not the Council's responsibility to micromanage the Department Heads. She appreciates the hard work that the department heads put in but would appreciate a heads up when there is a matching grant over \$5,000.00. This is legislation that they use in Newburyport and has been quite effective there and she hopes it will be here as well.

Councilor Lavoie moved that the Council adopt the recommendation of the Ordinance Committee of July 2, 2013. Councilor Kimball seconded and it was voted Unanimous

Councilor Neale moved to take 2013-073 out of order. Councilor Kelcourse seconded and it was voted Unanimous

**2013-073** An Order to authorize a transfer to the School Department Budget.

Summary: Transfer \$50,000 from Free Cash to the School Department Budget to cover replacement of the condensate tank in the boiler room at the Amesbury Middle School.

Deirdre Farrell, Assistant Superintendent of Schools stated that a request has been made through the Mayors office to reimburse the School Department for \$50,000 for a condensate tank that was replaced over the Christmas holiday break in December. The need had been incorporated in capital plans that had been submitted along with other items that assessments indicated that capital improvements are needed in the school buildings. The tank could not wait. Last June there was discussion to move forward the request at the School Committee level and in July a formal process as to how to get the replaced from the Capital

perspective. I have provided to you through the Mayors Office a list of various meetings from the School Committee that outline the process taken in regards to that condensate tank. It certainly included the required bid process which is a require procurement process. The bid was awarded to the low bidder who could not provide the tank that was specified in the bid specification therefore the next lowest bid was awarded. The work was done in December and the bill was paid in the fiscal year FY13 and then the discussions are how we will be reimbursed for those funds.

Councilor Lavoie stated that he feels there should be a better way to do capital planning for the schools.

Councilor Scorzoni stated that the Green Community Designation is exactly what this is for; energy efficiency cost savings which helps to procure grants.

Councilor McMilleon stated that this has been an ongoing effort and it was discussed at one time that we needed a coordinator for this effort.

Mayor Kezer gave an update on the Green Community Designation. The deadline to submit the final two actions is October 31 and they are very mindful of that. Once they submit by then there is a process at the state to certify it and then it makes us eligible to apply for grants and that deadline is January 31, 2014. Currently on the vehicle policy we have our inventory in place and the policy itself is basically a letter from the Mayor establishing a policy in regard to the purchase of energy efficient vehicles. The Superintendent of Schools would be expected to submit a similar letter for vehicles on the school side. There are some exempt vehicles. The energy reduction of 20% is already in place with our current energy use. And then we will establish an action plan going forward. We schedule our time to make sure we hit those numbers.

We had to move forward quickly to replace the system to avoid an emergency replacement which could have caused shutting down the school for a number of weeks and it was done knowing that we would have to come to back fill the accounts that were hit in the school budget.

Councilor Neale read the Finance Committee recommendation which was to transfer \$50,000 from Free Cash to the School Department budget to cover the cost of the replacement of the condensate tank at the Amesbury Middle School. Councilor Ferguson opened the public hearing.

Jim Thivierge stated that there is no question that it has to be approved.

Councilor Ferguson closed the public hearing.

Councilor Neale moved the motion of the Finance Committee. Councilor McMilleon seconded.

Councilor Ferguson urged the Mayor not to miss the deadline for the Green Communities Designation because there are other things that the \$150,000 can be used for.

Ms. Farrell stated that there are at this time approximately \$480,000.00 worth of projects on the capital plan that can be considered Green Community projects.

A Roll Call vote was taken: Neale-Y, Scorzoni-Y, Kelcourse-Y, Kimball-Y, Lavoie-Present, McClure-Y, McMilleon-Y and Ferguson-Y

**2013-070** An Order to authorize a transfer between general department funds.

Summary: Transfer \$330,900 between General Department funds to cover FY13 expenditures.

Councilor Neale read the Finance Committee recommendation which was to transfer as submitted.

Councilor Ferguson opened the public hearing.

Mr. Thivierge commented on this transfer and the tax rate.

Councilor Ferguson closed the public hearing.

Councilor Neale moved the recommendation of the Finance Committee.

Councilor Lavoie seconded.

A Roll Call vote was taken: Neale-Y, Scorzoni-Y, Kelcourse-Y, Kimball-Y, Lavoie-Present, McClure-Y, McMilleon-Y and Ferguson-Y

**2013-071** An Order to authorize a transfer to Snow and ice Removal to cover FY2013.

Summary: Transfer \$190,000 from Free Cash to Snow & Ice Removal to cover FY13 expenditures.

Mr. Basque stated that this is the usual end of the year transfer for snow & ice.

Councilor Neale read the Finance Committee recommendation which was to transfer \$190,000.00 as submitted.

Councilor Ferguson opened and closed the public hearing.

Councilor Neale moved the Finance Committee recommendation. Councilor McMilleon seconded.

A Roll Call vote was taken: Neale-Y, Scorzoni-Y, Kelcourse-Y, Kimball-Y, Lavoie-Present, McClure-Y, McMilleon-Y and Ferguson-Y

**2013-072** An Order to authorize a transfer within the Landry Stadium Fund.

Summary: Transfer \$9,000 within the Landry Stadium fund to cover FY13 expenditures.

Councilor Neale read the Finance Committee recommendation which was to approve as submitted.

Councilor Ferguson opened and closed the public hearing.

Councilor Neale moved the Finance Committee recommendation. Councilor Kelcourse seconded.

A Roll Call vote was taken: Neale-Y, Scorzoni-Y, Kelcourse-Y, Kimball-Y, Lavoie-Present, McClure-Y, McMilleon-Y and Ferguson-Y

## **11. First Readings**

**2013-083** An Ordinance to Request the City Council to vote that the City of Amesbury hereby designates certain properties along Water Street and Chestnut Street in the “Lower Millyard and Carriage Hill Urban Park” as a Priority Development Site.

*Summary:* The existing uses in the industrial buildings in the Lower Millyard and Carriage Hill neighborhood are evolving and changing with the needs of the time and economy. As more and more conventional manufacturing industrial uses decline, the property owners seek to revitalize these buildings for mixed residential and commercial uses.

Councilor Kelcourse moved to send to the Ordinance Committee and the Planning Board for a recommendation and public hearing. Councilor Lavoie seconded.

Councilor Kimball asked the City Planner be present for Ordinance and Planning as well.

It was voted Unanimous.

**2013-084** An Ordinance to request that the City Council vote to amend the Amesbury Zoning Bylaw (X.I. R.) and the Overlay District Zoning Map

*Summary:* The City of Amesbury currently has one designated Priority Development Site, Golden Triangle and is proposing to designate another Priority Development site, the Lower Millyard and Carriage Hill Urban Park, located in the Central Industrial and Light Manufacturing Districts off of Elm Street.

Councilor Lavoie moved to send this to the Ordinance Committee for a recommendation and the Planning Board for compliance with zoning amendments under Chapter 40A and that a public hearing be scheduled.

Councilor Kimball seconded.

It was voted Unanimous.

**2013-085** An Ordinance to Request that the City Council vote to amend the Amesbury Zoning Bylaw (X.I. Q.) and the Overlay District Zoning Map

*Summary:* The City proposes to establish two new Smart Growth Overlay Districts. These Smart Growth Districts created pursuant to M.G.L. Chapter 40R allow mixed uses to revitalize dilapidated buildings and vacant parcels.

Councilor Kimball moved to send to the Ordinance Committee and the Planning Board for a recommendation and schedule a public hearing.

Councilor Kelcourse seconded and it was voted Unanimous.

**2013-086** An Ordinance to Request the City Council to vote to amend the Amesbury Zoning Bylaw (V and VI)

*Summary:* The proposed zoning amendments would allow the City to make the existing dimensional controls more flexible and integrate the additional requirements within the permit approval process through the Planning Board. It encourages the economic revitalization of existing historic structures and maximizes the potential of under utilized assets and infrastructure in the zoning districts.

Councilor Lavoie moved to send this to the Ordinance Committee and the Planning Board for recommendations and to schedule a public hearing. Councilor Neale seconded and it was voted Unanimous.

**2013-087** An Order that the City Council vote to accept the Quitclaim deed from D.E.C.M. LLC for Parcel A located off Lions Mouth Road.

*Summary:* This order will accept the quitclaim deed from D.E.C.M.LLC for a parcel of land known as Parcel A, consisting of 8,622 square feet, located off Lions Mouth Rd. as shown on a plan entitled "Definitive Subdivision Plan for Quimby Lane and prepared by Professional Engineers & Land Surveyors, Christiansen & Sergi, Inc. 160 Summer Street, Haverhill, MA 01830" and recorded with the Essex South Registry of Deeds in Plan Book 429, Plan 16.

Councilor Kelcourse moved to send to the Ordinance Committee and the Finance Committee and to schedule a public hearing. Councilor Lavoie seconded and it was voted Unanimous.

**2013-088** An Order to require that the City Council vote to approve the grant of Quitclaim Deed to the Conservation Commission from Albert Coulliard and Roland A. Coulliard for parcel B located off Quimby Lane, Amesbury and to authorize the mayor to accept said gift of property.

*Summary:* This order will accept the Quitclaim deed from D.E.C.M. LLC for a parcel of land known as Parcel B, consisting of 641,571 square feet (14.7284 acres), more or less (the "Property"), on a plan of land entitled "Definitive Subdivision Plan for Quimby Lane located in Amesbury, MA." Dated November 15, 2010, prepared by Christiansen & Sergi, Inc., and recorded with the Essex South Registry of Deeds in Plan Book 429, Plan 16.

Councilor Lavoie moved to send to the Ordinance Committee and the Finance Committee and to schedule a public hearing. Councilor Neale seconded and it was voted Unanimous.

## **12. Adjourn**

Councilor McMilleon motioned to adjourn at 9:10 p.m. and it was seconded by Councilor McClure and voted Unanimous.

Respectfully submitted,

Sharon Dunning  
Assistant City Clerk