

City Council Minutes
Tuesday, November 12, 2013 7:00 p.m.
City Hall Auditorium

1. **Call to Order: Meeting called at 7:02pm**
2. **Pledge of Allegiance: Councilor Gilday led the pledge of allegiance.**
3. **Roll Call: Council Present: Councilor Gilday, Councilor Kelcourse, Councilor Kimball, Councilor Lavoie, Councilor McClure, Councilor McMilleon, Councilor Scorzoni and Councilor Ferguson. Councilor Neale was absent.**
4. **Act on minutes: Councilor McMilleon moved to accept the minutes of September 10, 2013 and October 8, 2013 as presented. Councilor Gilday seconded and it was voted Unanimous.**
5. **Mayoral Appointments – None at this time**
6. **Licenses & Permits –**

2013-112 Common Victualler License – Wolf Meadow Farm, 91 High St., Amesbury, MA

Christina Barbieri, Director of Marketing and Day to day operations. They are a sustainable cheese making company. They have two Italian Cheese Makers who were born and raised in Italy and are here to share their passion of cheese making. We are trying to replicate the traditional cheese making here with everyone. It is a trade that is falling out of popularity in Italy. She stated that they are working with the Health Inspector to fence in the dumpster and plan to follow all the rules for dumping.

Councilor Kelcourse moved to approve subject to the usual stipulations. Councilor McMilleon seconded and it was voted Unanimous.

2013-113 General Business License – Over the Edge Barbershop, 46 Friend St., Amesbury, MA

Mr. Rosario and Mr. Pellot representing the barbershop stated that they plan to keep it a barbershop as it has been for over 80 years.

Councilor Lavoie moved to approve subject to the usual stipulations. Councilor Kelcourse seconded and it was voted Unanimous.

2013-114 General Business License – The Home Care Connection Network, 45 Lafayette St., Ext., Amesbury, MA

Jill Glencross spoke as the Network Coordinator for the business. She stated that she is trying to start a business to get home care professionals for private duty work. She is working with CNA's and Home Health Aides and LPN's in their search and together they are advertising and she is the main person to contact for the match. There would be no patients brought to her home.

Councilor Kimball moved to approve subject to the usual stipulations. Councilor McMilleon seconded and it was voted Unanimous.

2013-115 Common Victualler License – The Wooden Spoon Catering Company, LLC, 14 Cedar St (Kitchen Local)

Christina Perron, Head Chef and owner of the Catering Company and doing business out of Kitchen Local on 14 Cedar St.

Councilor Gilday moved to approve subject to the usual stipulations. Councilor Lavoie seconded and it was voted Unanimous.

2013-126 General Business License – PL & JC, LLC dba Guard-A-Kid, 22 Stover Ct.

Paul Lenz, Jr. represented his business and handed out a pamphlet. The core business is producing ID's for children and he offers other products to help keep kids safe. He stated that the ID's are done at Schools and community events. His home is only for the accounting.

Councilor Kimball moved to approve with the usual stipulations. Councilor McClure seconded and it was voted Unanimous.

7. Correspondence

a. President/Vice President Communications

Councilor Ferguson mentioned that she received a communication from the Mayor and asked that an appointment of Richard Ross to the Adhoc Lower Millyard Revitalization Task Force be taken up as a communication as this will fill the final opening.

Mr. Ross stated that he moved here from Washington DC where he practiced law for 25 years representing Real Estate and Business. He stated that he has time that he would like to contribute to the town.

Councilor Kelcourse moved to accept the appointment of Mr. Richard Ross to the Lower Millyard Revitalization Task Force. Councilor McMilleon seconded and it was voted Unanimous.

Councilor Ferguson stated that the first meeting will be the first Thursday in December and that he would need to be sworn in by the City Clerk, Bonnijo Kitchin before then. She stated that she would pass this appointment on to the Chair of the committee who is Keith Radmore and have him contact Mr. Ross.

b. Communication from Elected Officials, Boards and Commissions

c. Council Communications, Announcements and Committee Reports

8. Public Comment

Jane Snow spoke regarding the filing for Medical Marijuana. She stated that it cited how many people voted for it and they voted for it. She feels that we should realize that they voted the concept but they didn't vote for it necessarily to be in Amesbury. She does not feel this should be voted on before the public and the Council has become educated.

Claude Gonthier stated that he agrees with Jane, there needs to be more public discussion.

9. Council Response to Public Comment

Councilor Ferguson stated that she will comment when we get to that issue.

10. Public Hearings

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.

Nipun Jain, City Planner read the Planning Boards recommendation for approval of 2013-085.

He stated that the current Zoning Bylaw was reviewed to include two new smart growth overlay districts to make amendments to the existing framework to incorporate different aspects of permitting development in the two new overlay districts. He highlighted what some of the amendments are; to Amend the Title; Provide a description of the boundaries of those districts; Allowed uses, including language for density and dimensional control and some minor edits to the performance standards as it relates to the two new smart growth districts.

Councilor Lavoie stated that the Ordinance Committee had recommended that it be approved as submitted however since the Planning Board has made changes he has a suggestion for a better way of articulating something than the way the Planning Board had decided.

Councilor Ferguson opened and closed the public hearing.

Councilor Lavoie questioned section 5.2D and recommended that it read shall be located only on the upper floors of the building and not below grade or street level floor of the building(s).

There was no further questions of Mr. Jain or discussion from Council.

Councilor Lavoie moved to approve the Planning Board recommendation to include the amendment to 5.2 (d) Multi-family residential use. In the Heritage Park, residential use shall be located only on the upper floors of the building(s) and not below grade and not on the street level floor of the building(s). Councilor Kelcourse seconded. Roll Call Vote 8-Yes (8 Members present)

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.

Nipun Jain, City Planner stated that these changes are aimed at the existing properties in the Central Business District and the Central Industrial Area which is also the Village Core Area as referred in the Master Plan. All if not most of them are properties that are non-conforming or would not readily comply with the dimensional density requirements. There are already certain reliefs already available but as we enlarge the development opportunity in those areas we came across a few other reliefs that would help to facilitate the development process. Changes are proposed in section 6 for front yard setbacks and also for accessory parking on parcels that may not be contiguous with the principle parcel. They are also concerned about how performance standards for lighting and screening would affect accessory parking so they made further recommendations to the landscaping and lighting section pertaining to such permits.

Councilor Ferguson opened and closed the public hearing.

Councilor Lavoie moved to adopt as amended by the Planning Board (Attached). Councilor Kelcourse seconded. Roll Call Vote 8- Yes, (8 members present, Councilor Neale absent)

11. First Readings –

2013-116 An Ordinance requesting the Municipal Council vote to amend the provisions of the Amesbury Zoning Bylaws to allow for the limited use of maintaining chickens as pets and for egg production in residential areas. Councilor Scorzoni sponsor

Summary: The purpose of this ordinance is to balance the desire of residents to own backyard chickens while protecting abutting neighbors from noise, odor, damage or threats to health and public safety.

Councilor Kelcourse moved to send to the Ordinance Committee for a public hearing and get a recommendation from the Board of Health. Councilor Scorzoni seconded and it was voted Unanimous.

2013-117 An Order to request the City Council vote to hold the annual Classification hearing to vote on four (4) separate items in order to establish the tax burdens for each class of property.

Summary: On an annual basis, the City Council must vote on the issue of selecting a residential factor which will determine the percentage of the burden to be borne by each class of property.

Councilor Lavoie moved to send this to the Finance Committee for a recommendation and for the Council to hold the public hearing at the December meeting. Councilor Kelcourse seconded and it was voted Unanimous.

2013-118 An Order to request the City Council vote to increase the exemption amount of qualified applicants.

Summary: On an annual basis, the city council must vote to decide if the city of Amesbury shall increase the exemption amount of qualified applicants under the provisions of M.G.L.

Councilor Kelcourse moved to send this to the Finance Committee and a public hearing be scheduled at the next Council meeting. Councilor McClure seconded and it was voted Unanimous.

2013-119 An Order that the City Council vote to provide snow and ice removal from Quimby Lane.

Summary: this order will provide the residents of Quimby Lane with municipal snow and ice removal services while the street acceptance process is pending.

Councilor McMilleon moved to send this to the Finance Committee and the Ordinance Committee and the Planning Board for a recommendation and a public hearing at the next City Council meeting. Councilor Kelcourse seconded and it was voted Unanimous.

2013-120 An Order to reduce the FY2014 Water Budget

Summary: Reduce the FY201 Water Budget by \$505,000.

Councilor Kelcourse moved to send this to the Finance Committee for a recommendation and to schedule a public hearing at the next City Council meeting. Councilor McMilleon seconded and it was voted Unanimous.

2013-121 An Order to appropriate \$505,000 of water retained earnings.

Summary: Appropriate \$505,000 of water retained earnings to the FY2014 Water Budget.

Councilor Kelcourse moved to send this to the Finance Committee for a recommendation and to schedule a public hearing at the next City Council meeting. Councilor Kimball seconded and it was voted Unanimous.

2013-122 An Order to request the City Council vote to authorize the mayor to enter into a twenty-five year lease agreement for the development of soccer fields at Woodsom Farm.

Summary: The Mayor seeks to offer leased space at Woodsom Farm for the relocation and development of quality soccer fields for the community's soccer programs. By offering an extended lease agreement, the awardee of the lease agreement would be able to secure long-term non-city funding for the construction of appropriate soccer fields.

Councilor Gilday moved to send to the Finance Committee and the Ordinance Committee, request a copy of the deed be submitted to the Council and schedule a public hearing at the next City Council meeting. Councilor McMilleon seconded and it was voted Unanimous.

2013-123 An Order to request that the City Council vote to layout and accept a certain road and easements within Spring Hill Subdivision, said road being Timber Lane, as a public way.

Summary: to accept Timber Lane as a public way.

Councilor Kelcourse moved to send this to the Finance Committee and the Ordinance Committee and Planning Board for recommendations and to schedule a public hearing for the next City Council meeting. Councilor McMilleon seconded and it was voted Unanimous.

2013-124 An Order that the City Council accepts a \$1,642,434 grant from the Mass Works Infrastructure Grant program for the Water Street Improvement Project.

Summary: The City of Amesbury has been awarded a \$1,642,434 grant from the Massachusetts Executive Office of Housing and Economic Development through the Mass Works Infrastructure Grant program. The program provides municipalities and other eligible public entities seeking infrastructure funding to support economic development and job creation. This grant will provide funding for various infrastructure improvements including but not limited to realigning Water Street improving pedestrian and traffic safety, improving sidewalks along the street, creation of new parking spaces, drainage improvements, and the installation of street trees and period lighting.

Councilor Lavoie moved to send to the Finance Committee for a recommendation and to have a representative from the Mayor's Office and the Economic Development Office present at a public hearing to be scheduled for the next City Council meeting. Councilor McMilleon seconded and it was voted Unanimous.

2013-125 An Order that the City Council accepts grant funding from the U.S. Department of Justice to support two School Resource Officer positions under the 2013 Community Oriented Policing Services (COPS) Hiring Program.

Councilor Kelcourse moved to send this to the Finance Committee for a recommendation and have a representative from the School Department and the Police Department present at a public hearing to be scheduled for the next City Council Meeting. Councilor McClure seconded and it was voted Unanimous.

12. Late File –

Councilor Gilday moved to accept the late file. Councilor Lavoie seconded and it was voted Unanimous.

2013-127 Amesbury City Council Resolution to authorize the City Council President to send a letter of non-opposition to Mass DPH on Medical Marijuana Cultivation Site.

Summary: This Resolution will authorize the Amesbury Council President, on behalf of the Amesbury City Council, to send a Letter of Non-Opposition to Massachusetts Department of Public Health relative to the proposal of Alternative Therapies Group, Inc. (ATG) to receive a license from Mass DPH to operate a Medical Marijuana Cultivation Site in the City of Amesbury, Massachusetts municipalities have been invited by Mass DPH to participate in the ongoing conversation about how the Citizens Initiative Petition passed by the voters in 2012 ought to be implemented relative to the state-regulated growing and dispensing of medical marijuana in accordance with all applicable regulations.

Councilor Lavoie stated that the reason it is necessary to ask for this authorization boils down to the way the DPH has promulgated regulations on this citizen's petition. He stated that he did not vote in favor of this bill. The time frame boils down to the fact that the DPH has set up regimented time frames for applicants to follow. By November 15, applicants that are interested in trying to qualify for a license from the Department of Public Health under duly promulgated regulations as ordered by the citizens have to provide proof that the community is welcoming them or that the community does not oppose the issuance of a license. He stated that he wants to state clearly that he is opposed to the fact of supporting any type of dispensary. The marijuana has to be grown somewhere in Massachusetts and then dispensed with prescription control. There can be no more than 5 dispensaries and 5 cultivation spots in each county. The growing facilities are controlled indoors in a large industrial building with lighting and security. The applicant that some of us have met with have been involved in complying with Maine who have already passed this and have some experience. What persuaded him was that it has some experience in Maine without too much difficulty; it will provide some revenue relief to the City of Amesbury; it all has to be non-profit business as per the statutes and regulations are written. The Attorney General has stated that the most that communities can do is adopt a brief 12 month moratorium so they can formulate where in the community it can go. If the Council does adopt this then the City Council President would be authorized to send the letter.

Councilor Ferguson stated that she has been working with ATG (Alternate Therapies Group) since the beginning of October or the end of September. She stated she has seen the benefits of this type of medication. She explained that this is different than what you would see smoked on the street. Mass Laws do not allow us to interfere with companies that are interested in locating in our city. The growth sites are very secure and you wouldn't even know it is there. She feels this process of letting this company go forward and research and look into it is just another step in finding out what is happening. In order to put a growth site in Amesbury they would have to do a zoning change which would then allow for public hearings. This resolution allows them to go forward in their next step in looking into locating a site in Amesbury. She does not feel that this will lower the standards of the city at all. This gives us the opportunity to move forward and work on seeing whether this site is appropriate or not and have another public hearing. We need to move forward with this.

Councilor McMilleon questioned the November 15 deadline from the Department of Public Health and when it was announced.

Councilor Ferguson stated that the law went into effect January of 2013. To get through the first phase they had to present certain criteria to the Department of Public Health. The DPH then accepted a quantity of people who went through the first phase and met the requirements. They

have to then go out and find communities that have real estate that could potentially be a growth site and or a distribution site. They then have to go out and talk to people and get several different sites and then go back.

Councilor McMilleon stated that he is concerned about the Council rushing to judgment on this because of a deadline that was imposed either by the Department of Public Health or the company who is interested in coming to our community. He states that he needs time to educate himself and does not feel that he can vote in favor of this tonight.

Councilor McClure questioned the letter that states that several Councilors have met with the ATG and wants to know why the rest of the Council is hearing about a deadline tonight. This is new to her. She questioned how you set the direction of a community without there being a public hearing and how do a number of Councilor's sit on this board and not bring it up at a meeting and say that it is coming down the pike. She stated that she is not opposed to the need for Medical Marijuana but she doesn't know how anyone else in the community feels and she is not comfortable voting on this tonight.

Councilor Kelcourse stated that his concern is the conflict between federal and state law. He hears that banks aren't even accepting money from dispensaries and growth facilities because they are governed by the FDIC and it is against federal law to be in this business.

Councilor Scorzoni stated that the Department of Justice has issues some sort of understanding and they are not moving forward on the enforcement of the marijuana laws. As a result of the ballot question the state has moved forward with a regulatory process so assuming all of that the DPH is moving forward with a regulatory scheme to award these 35 licenses. He feels this could be a very controversial issue but he feels we need to move forward with this. These are deadlines that have been put on our doorstep as a result of the Department of Public Health. He shares the concerns of whether or not this is the right thing for Amesbury and whether or not this is the right time but we cannot move forward on any of this without a zoning change which will require a very thorough process. This is just trying to keep a process moving forward while protecting Amesbury's interests too.

Councilor Kimball stated that he was not privy to the discussion and does appreciate anyone of them going out and gathering information for any topic that might be privy to the community, it's future, so he is not calling any fault on any fellow councilors in getting information but he does agree with the sentiment of most of the councilors that now is the time that by introducing this resolution you are probably putting this on the radar for the community. He stated that he does not think he would vote for this right now. We tend to fear things we don't know a lot about and would like to hear more about it and feels a public forum would be most beneficial whether it be on this Council's tenure or the next. He feels there is a lot of things within the law that the community would be better served with a public forum. He stated that he is probably not ready to vote for the resolution.

Councilor McClure moved to continue this to the next City Council meeting. Councilor McMilleon seconded and it was voted IN FAVOR (5) McClure, Gilday, McMilleon, Kelcourse, Kimball OPPOSED (3) Scorzoni, Lavoie, Ferguson; motion passes.

Councilor McMilleon moved to adjourn at 8:30. Councilor Kelcourse seconded and it was voted Unanimous.

Respectfully submitted,

Sharon Dunning
Assistant City Clerk