

City Council Minutes
Tuesday, December 9, 2014
City Hall Auditorium
7:00 p.m.

Councilor McMilleon called the meeting to order at 7:02 p.m.

Councilor Lavoie led the Pledge of Allegiance.

Roll Call was taken and the following were present: Councilor Lavoie, Councilor McClure, Councilor Moavenzadeh, Councilor Sherwood, Councilor Sickorez, Councilor Bartley, Councilor McMilleon, and Councilor Ferguson

Absent: Councilor Kelcourse

Councilor Lavoie left three (3) handouts for members in the audience, Council members, and the Clerk's Office for viewing for the proposed City ordinance 2014-107 (chickens as pets).

Councilor McMilleon entertained a motion to act on minutes of November 18, 2014. Councilor Ferguson moved the motion to accept the minutes of November 18, 2014, as submitted. Councilor Sickorez seconded. It was voted unanimous.

There were no Mayoral Appointments at this time.

A list of the annual renewals of Licenses & Permits was given to the Council.

There were no correspondence, President/Vice President communications, or communication from Elected Officials, or Boards and Commissions.

Councilor McMilleon opened the public comment.

James Thivierge, commented on the tax increment finance (TIF) program.

Councilor McMilleon closed the public comment.

Councilor McMilleon opened the Council response to the public comment.

Councilor Lavoie responded to Mr. Thivierge about the purpose of the tax increment (TIF) program.

Public Hearings:

2014-107 – 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. – Councilors Kelcourse, McMilleon, Sherwood and Ferguson 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 Lavoie read the report from the Ordinance Committee. There was no recommendation made. He passed out a three (3) page stapled packet to the Council, which included 14 key points of the ordinance and reviewed it.

There were no comments from the Council.

Councilor McMilleon opened the hearing.

Paul Jancewicz, 19 Whittier Ave., thanked the Council. He said he has chickens and he spoke in favor of having chickens. There are no complaints from his neighbors. He is in favor of the bylaw changes.

Candace Platt, 131 Friend St., is a chicken owner and is in favor of the bylaw. She passed out petitions in favor of the bylaw and those were passed on to the City Clerk.

Larry Brescio, 38 Greenwood St., is in favor of having chickens. He said that this is a popular movement right now. He said that there are some concerns with noise and odor, so he checked with abutting neighbors and others in the neighborhood and has signed statements and petitions from them that they have no issues.

Alyssa Hudson, 22 Hillside Ave., she lives adjacently behind Mr. Brescio, and he has never spoken to her. She has a problem with hawks flying over her house and she doesn't want to put her dog in the yard. She is not in favor of chickens in residential areas.

James Thivierge, 8 School St., he said that he doesn't see a 10,500 sq. ft. area in the R8 zone. He read the purpose of the zoning bylaw. He is concerned for safety.

Robin Bondar, 25 Cedar St., she doesn't own chickens, but doesn't have a problem with people owning them. She has friends that have them and haven't had any problems.

Linda Connell, 37 Greenwood St. and Michelle Tommasino, 34 Greenwood St. both approached the podium to speak.

Linda Connell asked how this ordinance would be regulated. She is not in favor of chickens in residential areas. She filed a complaint with Mr. Nadeau on July 21, and he issued a violation. She was told that Mr. Kelcourse later had given the chickens a stay of execution.

Michelle Tommasino, 34 Greenwood St., said this is a bigger issue than chickens and ownership of them. She is not in favor of chickens in residential areas. There needs to be a healthy regard for the law. She would like this looked at in-depth.

Councilor Lavoie had a point of order. Councilor Kelcourse acted as a peacemaker, and did nothing inappropriate. Councilor McMilleon agreed, and on Councilor Kelcourse's behalf, he said the comments were unfair.

William Connell, 37 Greenwood St., is not in favor of chickens and a neighborhood just isn't appropriate for livestock and chickens. If people would like to keep chickens he feels that they should have one (1) acre of land and land in an appropriate area.

Matt Lovett, 5 Wells Ave., said the changes seem to make sense, he cautioned not to make a decision in haste, and said to keep consideration of the prevalence of predators.

Brooke Guilbault, 33 Greenwood St., said the people who have the chickens took them from a neighbor who needed them to. The issue is a neighbor/neighbor issue, not a chicken issue.

Christine Brescio, 38 Greenwood St., said the chickens are never let out at 5:30 a.m.

Mark Boland, 40 Greenwood St., a direct abutter, said he has no issues with noise, odor, or mess. He said they are great neighbors.

Erica Spanger-Siegfried, 175 Lions Mouth Rd., said she owns chickens and people own them all over town. She said that the only issues are stemming from Greenwood St. She said this bill addresses concerns.

Councilor McMilleon closed the public hearing at 8:10 p.m.

Councilor Sickorez asked what happens to chickens after they stop laying eggs.

Councilor Lavoie responded that the testimony he heard was that they are disposed of.

Councilor Ferguson heard from many people in support of chickens as pets.

Councilor McMilleon entertained a motion.

Councilor Lavoie moved that 2014-107 be adopted in the format that he presented and paraphrased.

Councilor Sherwood seconded.

Councilor Lavoie objected.

Councilor McMilleon seconded the objection.

The ordinance 2014-107 will be carried over to the meeting on January 13, 2015.

There was a 5 (five) minute recess.

Councilor McMilleon called the meeting back to order at 8:30 p.m.

2014-124 An order to authorize the Mayor to exercise Amesbury's right of first refusal under M.G.L. Chapter 61A and to execute the Purchase and Sale for Assessor's Map 38, Lot 1 and Lot 1A, and further to raise and appropriate, transfer, or borrow all necessary funds. - Mayor sponsor

Summary – The Mayor is requesting that the City Council vote to exercise the City's right of first refusal pursuant to G.L. c.61A, §14 to purchase certain property on Whitehall Road; to raise and appropriate, transfer or borrow the sum of \$400,000.00 to acquire said property; and to authorize the Mayor to execute any and all documents to acquire said property.

Councilor McClure read the Finance Committee's recommendation for approval.

Councilor Lavoie read the Ordinance Committee's recommendation for approval.

Councilor McMilleon opened the public hearing.

David Saums, 100 High St., 14 year resident, is in favor of this proposal.

Bruce Georgian, 19 Unicorn Cir., is supporting the Mayor on this proposal.

Bernadette Lucas, 19 Unicorn Cir., supports the Mayor's proposal.

Kinsey Boehl, who serves on the Conservation Commission, is in support of the Mayor's proposal.

Rosemary Cashman, 5 Winkley St., supports the Mayor's proposal but only with certain funding sources and with discussions on the City's priorities.

James Thivierge, 8 School St., said he supports this using free cash. He also said he wants the Mayor to veto any action on 2014-107.

Councilor McMilleon closed the public hearing.

Councilor Sherwood asked Chuck Benevento to review the payment options.

Mr. Benevento responded with those options, except that this cannot be changed as it what the Mayor submitted to the Council for approval.

Councilor Sherwood said this is not a simple issue and that there are risks involved.

Councilor Bartley feels strongly that the City should buy it.

Councilor Lavoie is in favor.

Councilor Ferguson is in favor.

Councilor McClure is in favor.

Councilor Lavoie moved for approval as presented. Councilor Ferguson seconded. Roll Call Vote - 8 Yes, Councilor Kelcourse not present

2014-125 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 McClure read the Finance committee recommendations for approval of a factor of 1 (one).

Councilor McMilleon opened the public hearing.

James Thivierge, 8 School St., spoke regarding his choice for an exemption of 1.5 and urged the Council to reconsider.

Claude Gonthier, 112 Kimball Rd., said he is in favor of this.

Councilor McMilleon closed the public hearing.

1. Councilor Lavoie moved to approve a Factor of one (1) to establish a single rate. Councilor Sherwood seconded. Roll Call Vote - 8 - Yes, Councilor Kelcourse not present

2. An Open Space Discount:

At this time, our community does not have any properties classified as such.

Councilor Lavoie moved to confirm and acknowledge that since our community does not have any properties classified as such that we do not vote and open space discount. Councilor Sickorez seconded. Roll Call Vote - 8 -Yes, Councilor Kelcourse not present

3. Residential Exemption:

This would allow a reduction in value to a qualifying parcel of up to \$53,736; however, the cost must be borne within the residential class.

Councilor Sherwood moved to not allow a residential exemption. Councilor Bartley seconded. Roll Call Vote - 8 Yes, Councilor Kelcourse not present

4. Commercial Exemption:

This is similar to the above exemption, in that qualifying parcels would receive a discount of up to 10%, again the cost must be borne with the Commercial, Industrial and Personal Property classes.

Councilor Sherwood moved to not provide for a commercial exemption. Councilor Sickorez seconded. Roll Call Vote - 8 Yes, Kelcourse not present

2014-126 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 McMilleon opened the public hearing.

Jason DiScipio, Assessors Office, spoke.

Councilor McMilleon closed the public hearing.

Councilor Lavoie moved to adopt as submitted to increase the exemption amount of qualified applicants. Councilor Ferguson seconded. Roll Call Vote - 8 - Yes, Councilor Kelcourse not present.

2014-127 An Order to authorize the Mayor to accept and expend a grant in the amount of \$5,520 from the Massachusetts Cultural Council.

Summary – The Massachusetts Cultural Council is allocating \$5,520 from the FY 2015 Local Cultural Council Funds to the Amesbury Cultural Council's local fund.

Councilor McClure read the Finance Committee's recommendation for approval.

Councilor McMilleon opened and closed the public hearing, there was no comment from the public.

Councilor Sherwood moved to accept 2014-127 as submitted. Councilor Ferguson seconded. Roll Call Vote - 8 - Yes, Councilor Kelcourse not present.

2014-132 An Order to establish bylaws for the purposes of defining and governing the operation, organization and authority of the Board of Trustees of War Memorials.

Summary – The Board of Trustees of War Memorials was established by Town Meeting by virtue of acceptance of M.G.L. C. 41 §105, but the article did not establish detailed bylaws defining and governing the operation, organization and authority of the Board. The proposed bylaws address issues related to membership, duties, authority, and operation of the Board for the purposes of providing stronger, clearer and more localized guidance to the Trustees.

Councilor Lavoie read that there was no recommendation given from the Ordinance Committee.

Councilor McMilleon opened and closed the public hearing, there was no comment from the public.

Councilor Lavoie moved to accept as presented. Councilor Bartley seconded. Roll Call Vote - 8 - Yes, Councilor Kelcourse not present.

There were no First Readings at this time.

Councilor Ferguson motioned to adjourn at 9:27 p.m. Councilor Sherwood seconded. It was voted unanimous.

The meeting adjourned at 9:27 p.m.

Respectfully submitted,

Dawne Warren
Administrative Assistant
Office of the City Clerk