



CITY OF AMESBURY
IN THE YEAR TWO THOUSAND TWENTY-ONE

SPONSORED BY: Kassandra Gove BILL No. 2021-039
Kassandra Gove, Mayor

An Order to amend the by-laws of the Amesbury Disposition Committee (ADC).

Summary: The ADC was established in 2014 to assist the City with developing and executing a process to surplus municipal sites. In June 2020, Order 2020-051 was passed to surplus, procure a development proposal and sell (the former) Trader Allen's Truck Stop. After reviewing the original order that created the ADC, inconsistencies and errors in the bylaws were found. This order will amend the bylaws to clarify the process for adding Ad Hoc Members, clean up archaic references, and add Section H to evaluate the effectiveness of the Committee.

Be it Ordered by the City Council of the City of Amesbury assembled, and by the authority of the same, as follows:

That the City Council hereby amends the by-laws of the ADC per the attached document.

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PCO-1506



CITY OF AMESBURY
IN THE YEAR TWO THOUSAND TWENTY ONE

APPROVED BY: *[Signature]*
MAYOR

The Mayor is asked to present to the Amesbury Board of Selectmen the following:

WHEREAS, the City of Amesbury is a member of the New England Water Resources Council (NEWARC) and has been a member since 1981; and

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WHEREAS, the City of Amesbury is a member of the New England Water Resources Council (NEWARC) and has been a member since 1981; and

Be it Ordained by the City Council of the City of Amesbury, Massachusetts, that the Mayor be and he is hereby authorized to execute the following:

That the City Council does hereby request the Board of Selectmen to...

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CITY OF AMESBURY

**Amesbury Disposition Committee
Bylaws**

A. COMMITTEE PURPOSE AND COMPOSITION

These bylaws describe the duties and operation of the Amesbury Disposition Committee, hereafter referred to as ADC. The ADC members are appointed by the Mayor to collaboratively develop strategies to reuse municipal sites. The ADC coordinates with the appropriate Departments and City Boards and Committees, as well as abutters, to achieve a reuse recommendation and release a request for proposals (RFP) to the public.

Comment [Amesbury1]: Renamed from Purpose

These bylaws do not limit the actions of the Office of the Mayor in exercising authority over the ADC. Pursuant to the establishment of the ADC, the committee shall be comprised of Core Members and Ad Hoc Members. The Core Members shall remain the same with every site. The Ad Hoc Members will be appointed to assist with disposing of specific sites. This allows the membership to adapt based on the municipal site that is being disposed, and encourages relevant expertise and appropriate representation.

Comment [Amesbury2]: Cleaned up language to be more succinct.

Core Members

1. City Council member
2. Planning Board member
3. Director of the Office of Community and Economic Development

Comment [Amesbury3]: Created more clarity on the difference between the Core Members' term vs. Ad Hoc Members' term

Comment [Amesbury4]: Reduced to one City Councilor from the relevant Committee. The previous Bylaws referenced a Building Committee, which doesn't exist anymore

Ad-Hoc Members

1. District Councilor in which the property resides.
2. An abutter, which is defined as anyone with a principal residence or business located within 300 feet of the site.
3. Up to three people who have in interest in the property. These members shall be appointed by the Mayor and will help provide specific direction as it relates to the social, economic and environmental aspects of the site.

Comment [Amesbury5]: Added as a Core Member

Comment [Amesbury6]: Changed from Sub-Committee to Ad-Hoc members to provide further clarification of the scope of these member's terms.

Comment [Amesbury7]: Added an abutter as an additional member

The appointments for the Core Members shall be two-year terms. Ad Committee Members will be appointed commensurate with an applicable site. There terms will end commensurate with the last step for the process outlined in section G below. Given the possibility of multiple sites in the process of deposition the Core Committee may have multiple subcommittees in progress.

Comment [Amesbury8]: Allows for specific interests to be represented that might craft a more appropriate RFP. For example, a wetland scientist for a sensitive parcel, an architect or historian for a historic property, etc.

B. ORGANIZATION

1. Responsibilities of Members

All members shall make every effort to attend each scheduled meeting. Members of the ADC have authority only when acting as an ADC legally in session. The ADC shall not be bound by any action or statement of any individual ADC member except when such statement or action is pursuant to instructions from the ADC.

2. Officers

- (a) Election - A **Chair, Vice-Chair** and Secretary shall be elected at the first regularly scheduled meeting of each year. Election shall be by a majority vote of those present. Only Core Members shall serve as officers.

Comment [Amesbury9]: Throughout the rest of the document, Chairman was changed to Chair

Vacancies in membership created during the year shall be filled by the Board of Selectmen pursuant to municipal ordinances and policies.

- (b) Duties - The Chair shall preside at all meetings of the ADC and perform all duties required. In the absence of the Chair, the Vice-Chair shall preside and assume all duties and responsibilities of the Chair.

The Secretary shall preside in the absence of the Chair and Vice-Chair. The Secretary is the custodian of the official minutes and shall sign them as revised and approved and shall forward them to the Board of Selectmen.

3. Committees

The Chair may delegate members of the ADC to investigate matters pertinent to the mission of ADC, to serve on committees, and to perform other duties.

C. OPERATION

The ADC process is intended to be focused and within the constraints of the proposed scheduling and direction. Every effort by the ADC members and staff shall be made to prepare for meetings to maintain the schedule and program for the production of a high quality recommendations to the benefit of the City of Amesbury. Extraneous dialogue, discussions, reports, which raise matters that are not within a reasonable interpretation of the relevant topics, and jurisdiction of ADC, shall be considered as not meeting the intent of a focused and productive process.

1. Meetings

- a. Organizational Meetings - An organizational meeting to elect officers shall be held in June of each year. The ADC may adopt the previous policies and procedures, subject to amendment as provided in these bylaws. The ADC shall establish a schedule for meetings.
- b. Program Meetings - The ADC shall develop formalized sequential meeting agendas for the entire year toward meeting regular goals and objectives. Business shall generally be conducted in accordance with the order of the approved agenda's.
- c. Workshop Meetings - This is a meeting that is less formalized and generally conducted for the purpose of providing ADC members with a more detailed understanding of a limited number of issues or to permit discussion of issues in greater depth. These meetings may be conducted offsite as site visits.

Comment [Amesbury10]: Cleaned up any old references to AEC, which cropped up in a couple of places in the old bylaws

Comment [Amesbury11]:

d. Non-Public Meetings -A non-public meeting would be held for the purpose of City legal issues in accordance with applicable laws.

e. Special Meetings - This type of meeting can be called by the Chair in accordance with applicable laws, upon demand of three (3) members of the ADC; or at the request of the Mayor through the Chair. The Chair shall notify each member in accordance with applicable laws.

f. ~~Sub-Committee Meetings - Meetings shall be called by the Chair of the ADC committee under the rules governing special meetings.~~

Comment [Amesbury12]: Not relevant anymore

2. **Schedule of Meetings**

The schedule shall be published after the first organizational meeting for the entire year. Each meeting shall be posted in accordance with applicable laws. The posting of such schedule shall not limit the ability of the ADC to post and hold additional meetings, amend and post meeting dates, or cancel meetings. The annual ADC schedule is a general guide created to ensure the orderly annual production of an annual report.

3. **Reports of Committees**

Written/Oral reports from committees received by the ADC shall be filed with and distributed with the minutes of the ADC.

4. **Review of Reports, Projects, Submittals**

The ADC shall review reports, projects, submittals and other relevant materials in the course of developing recommendations for the Office of the Mayor and City Council as applicable. Such review shall be in accordance with applicable criteria and policies as contained herein and as may be amended.

D. RULES OF ORDER

1. **Quorum**

A quorum shall consist of two members of the ADC when meeting as only a Core Group and the majority of members when meeting with ad-hoc members.

2. **Agenda**

Agendas are required to outline the business of the ADC for each meeting.

a. Persons, including ADC members, wishing to place an item on the agenda must notify the Office of Community and Economic Development two weeks prior to the meeting date. If the person is going to make a presentation s/he must provide a copy of all presentation material and documentation to be included in each ADC "packet" to be delivered prior to the scheduled meeting.

b. The agendas will occur with specific tasks and anticipated outcomes.

- c. Adjournment - A motion for adjournment will usually not be in order until after the completion of the order of business, unless a motion has been made at the start of the meeting to adjourn at a specified time.

3. **Role of the Chair**

The Chair's duties are as follows:

- To open the session at the time at which the ADC is to meet by calling the members to order; to announce the business before the ADC in the order in which it is to be acted upon;
- to recognize members entitled to the floor;
- to state and put to vote all the questions which are regularly called or necessarily arise in the course of the proceedings and to announce the result of the vote;
- to assist in expediting all business in every way compatible with the rights of the members, as by allowing brief remarks when un-debatable motions are pending or by calling a brief recess to permit restoration of order or clarification of an obscure point if he thinks it advisable;
- to manage the members when engaged in debate within the rules or order;
- to enforce on all occasions, the observance of order and decorum among the members, deciding all questions of order (subject to an appeal by any two (2) members) unless he prefers to submit the question for the decision of the Board;
- to inform the ADC on a point of order or practice pertinent to pending business;
- to authenticate by his signature, when necessary, all acts, orders and proceedings as directed by vote of the ADC.

The Chair shall vote as a member of the ADC.

Discussions which are not addressing the business before the ADC, or which are conducted in a disorderly or disrespectful manner, shall be ruled out of order. The Chair shall take whatever action is necessary to achieve and maintain order, including ordering the removal of any person who continues disorderly conduct.

4. **Conduct of Meetings**

Meetings shall be conducted in accordance with generally accepted practices of order and decorum. In the event of dispute regarding procedural matters Roberts Rules of Order shall serve as a guideline with a vote of the ADC being the final deciding authority.

5. **Recording of Votes**

Votes shall be by a show of hands or by a roll call. The vote of each member present shall be recorded. No action shall be considered at a subsequent meeting in the same calendar year except by majority vote of the members present and voting.

6. **Requests for Information**

Should it become apparent to the Chair or an individual ADC member, in the interim between meetings, that additional information relative to a specific item may be needed for ADC to use at the next regularly scheduled meeting, a request for this information shall be submitted to the Office of Community and Economic Development (OCED) before the

agenda is set. Any information provided to any individual ADC member shall be provided to all other members of the ADC.

E. EMPLOYEES

1. Duties

The Secretary shall be the Recording Officer of the ADC and an official copy of the records are to be filed in the Office of Community and Economic Development and open to inspection by any person at reasonable times. In addition to keeping the minutes of the meetings, it is the duty of the Recording Officer to keep a roll of members and to call the roll when required. The Recording Officer shall record the essentials called "the minutes" of the proceedings as follows:

- a. The kind of meeting - regular, special, work session, or recessed.
- b. Time of meeting and place of meeting
- c. The presence/ absence of ADC members
- d. Whether the minutes of the previous meeting were approved or amended.
- e. All main motions and points of order and appeals, whether sustained or lost, and all other motions that were not lost or withdrawn.
- f. The hour of adjournment.

The Recording Officer shall record the essentials of the proceedings, the name of the member who introduced a main motion or amendment and the name of the second, and should enter the number and names of votes on each side.

In addition to the strict record of what is done, the public minutes should contain the list of speakers on each side of every question with an abstract of all relevant points.

Reports of committees should be printed exactly as submitted. The minutes should show what action was taken by the ADC in regard to them.

F. AMENDMENT PROCEDURE

An amendment to these bylaws may be moved at one ADC meeting but shall not be voted upon until the next regularly scheduled meeting, not less than seven (7) days later. A copy of any amendment shall then be certified and submitted to the Mayor's Office, and the office of the City Clerk for inclusion in the City Records.

Comment [Amesbury13]: Made Recording Officer the consistent term throughout rest of document. It referenced a Clerk in previous bylaws

G. DISPOSITION PROCESS

Property disposition is not solely related to the revenue associated with the sale or leasing. There are other factors that should be appropriately reviewed by the ADC during the disposition process which begins with the property surplus. Amesbury's objectives for disposition of properties are outlined:

1. Eliminate the obligations and costs of maintenance, fees paid, and legal liability to the City for underutilized publicly owned property.
2. Create new opportunities in a manner that seeks the highest and best use for the economy and/or housing that is appropriate to the applicable neighborhood.
3. Create new opportunities for increased tax revenue by guiding the type and nature of the planned improvements during the procurement process.
4. Respect the site and its contextual character by considering the design approach, and proposed use, as a means to aid in proposal selection.
5. Consider long term tax revenue and the inherent value of the sale as may be applicable.

The steps below outline the process for disposing of a site. The advantage is that the City can methodically move through a transparent process that allows developers to efficiently move forward because the property has been released for action. The outline below contains an estimated timeline, however some projects may take longer, others could move more rapidly. Prior to moving forward, the City could begin with a specific property or explore multiple properties for surplus based on factors such as: condition, need for City use, and continuing costs.

Comment [Amesbury14]: Cleaned this up to be more succinct.

1. Months 1 and 2: File Surplus Order with City Council and obtain rights to the site for disposition.
2. Months 2 and 3: Establish a Disposition Committee for the site. The Committee will consist of the Core Members and Ad Hoc Members. The Ad Hoc Members will vary depending on the site as both the applicable District Councilor and abutters will change.
3. Months 3 and 4: Determine reuse for site. The Disposition Committee will hold a public meeting to gain input from applicable abutters and or interested parties to establish a list of acceptable uses. OCED staff will assist in presentation and meeting organization to facilitate a dialogue.
4. Month 5: Make recommendations to Mayor. The Disposition Committee will recommend at least two reuse options for the site. The OCED will assist in the development of the reuse approaches.
5. Months 6 and 7: Project Development: Subsequent to the review by the Mayor's office, OCED will create a project scope for the selected uses and draft the RFP. This would include timing the project to take advantage of grants or other resources where the prospective use aligns with programs. Therefore, if grants or other funding sources are necessary the project schedule could be altered.
6. Months 7 and 8: Procurement: The City would follow Chapter 30B and other laws as

required and assume a process of about two months for procurement.

7. Month 9: Proposal Review: The Disposition Committee would review the proposals and make recommendations to the Mayor for the best two proposals. The Mayor would select the proposal and execute the appropriate purchase and sale and or contract.

Comment [Amesbury15]: In my opinion a much more realistic Disposition timeline

The above process provides transparency, the ability to take definitive action with a vote to surplus the property, ample time for scope development, involvement by elected officials and parties in interest, and enough opportunity to coordinate with other applicable programs to leverage better outcomes. The process will consider no more than three properties at a time (depending on their complexity) with additional properties in development as prior round properties are nearing completion.

H. EVALUATION OF EFFECTIVENESS

To ensure that the Disposition Committee effectively adds value to the disposition process the City Council shall annually evaluate the role, outcomes, and significance, of the committee. Such review will provide recommendations to the Office of the Mayor which may contain amendments to these bylaws including dissolution of the committee.

Comment [Amesbury16]: Addition of the missing Section H from the previous Bylaws found by Attorney Raffa