

City Council Minutes
Tuesday, April 14, 2015
City Hall Auditorium
7:00 p.m.

1. Call to Order @ 7:04 pm
2. Pledge of Allegiance was led by Councilor Bartley
3. Roll Call – Present was Councilors Bartley, Bezanson, Lavoie, McClure, Moavenzadeh, Sherwood, Sickorez and McMilleon. Councilor Ferguson had an excused absence.
4. Councilor Lavoie moved to accept the minutes of March 10, 2015 as submitted. Councilor Sickorez seconded and it was voted Unanimous.
5. Correspondence
 - a. President/Vice President Communications
 - b. Communication from Elected Officials, Boards and Commissions

2015-034 2015 Election Calendar – Board of Registrars

Councilor McMilleon read the letter from City Clerk, Bonniyo Kitchin regarding obtaining nomination papers for the upcoming election.

Councilor Sherwood moved to accept the election calendar and Councilor McClure seconded. It was voted Unanimous.

6. Mayoral Appointments

2015-026 Appoint Sandra Morrissey to the Amesbury Cultural Council for a term to expire June 30, 2016

Sandra Morrissey stated that she is an artist with a studio at her home. She has participated in the Studio Tours and had a fabulous turnout and would love to see the Studio Tours continue and to help create other opportunities like that for the community.

Councilor Sherwood moved to accept 2015-026 to appoint Sandra Morrissey to the Cultural Council. Councilor Bartley seconded and it was voted Unanimous.

2015-027 Appoint Suzanne Egan to the Conservation Commission for a term to expire June 30, 2017

Suzanne Egan stated that she has been a resident for the last 20 years. She has been involved in Municipal Law for the same amount of time and is very familiar with land use and permitting and environmental law and would like to volunteer on the Conservation Commission.

Councilor McClure moved to approve the appointment of Suzanne Egan to the Conservation Commission with a term to expire June 30, 2017. Councilor Bartley seconded and it was voted Unanimous.

7. Licenses & Permits – (see attached list)

8. Public Comment

Peter Hoyt spoke as a member of the School Committee and also as a member of the School Committee Policy Subcommittee regarding a handout (attached) that he passed out from Dierdre Farrell which recommends an audit or a financial review of the Business Office to have a closer look at how functions and efficiencies are taking place in that office. They have chosen to work with John Crafton of MASBO (Massachusetts School Business Offices) to provide this service and they have suggested that they move forward with a financial review and the cost would be approximately \$5,900.00 and will be looking at School Committee expenses to pay for that. He gave an overview of the scope of services which are listed on the handout. He stated they will be onsite for 2 consecutive days and then approximately 4 weeks after the site visit we will receive a draft report of their findings. On the basis of those findings they will point out the areas where there are inefficiencies and make their recommendations for improvements. This was unanimously accepted by the Policy Subcommittee and has been referred to the Budget/Finance Subcommittee to determine where the \$5,900.00 will be found in the School Committee Expenses.

Jim Thivierge spoke to a handout which includes a graph of Amesbury's Economic Cycles and also a highlight of 5 years of real estate transactions and their impact. He is asking the Administration to reduce debt. He commented on Amesbury's high taxes.

9. Council Response to Public Comment – No comments

10. Public Hearings:

2015-019 An Order that the Amesbury City Council hereby takes action for the purpose of authorizing the Mayor to execute the Agreement for Payment in Lieu of Taxes for Personal Property – Solar Facility Pilot (Agreement) for Citizens Enterprises Corporation (Developer) for the site located at 56 South Hunt Rd Map 95 parcel 5 (Site) as described herein and further described in the attachments which are incorporated herein by reference – Mayor sponsor

Councilor McMilleon opened the public hearing.

Jim Thivierge stated that the chart on this is wrong and that the data is all inaccurate. He wants a better deal for the town.

Councilor McMilleon closed the public hearing.

Councilor Bartley asked about payments after the 20th year. What happens for the next five years as solar lasts approximately 25 years? What is the payment going to be after the 20 years is over?

William Scott, Community and Economic Development Director, stated that in the agreement they added a clause that within 120 days prior to the end of the agreement if the proponent does not renegotiate another agreement it is automatically extended by three years. That is in the final draft that is before you tonight which reflects the changes by Ordinance.

Councilor Sherwood asked for assurance that there is no question on the formula in the final agreement.

Mr. Scott stated that they have looked at ten different agreements with five different methodologies. The methodology is a demonstration to determine what we might achieve in normal taxation to determine the value divided by 20. This is a 2 ½ percent escalator on the tax rate because you want to put escalation in but you don't know what it is. Each year there will be fluctuation on valuation and rate up or down. In this case we don't know what that is so we added a 2 ½ % to the tax rate column.

Councilor Lavoie stated that this is an agreement that they give us something for something in return. He refutes Mr. Thivierge's analysis as following the logic of do not exceed \$25.00 per thousand, that means that the entire tax that we are trying to split into 20 equal parts gets much smaller and you end up with a worse deal. He stated he has no problem with exhibit B. Right now we are in a difficult time for solar in Massachusetts as the net metering cap has been hit. That will have a timing impact and it suggests that we should advocate as elected officials to the State Elected Officials that it is time to raise the net metering cap.

Mr. Scott stated that he felt that is correct. The key aspect to our mission now is to get into the net metering queue for when it is available again. By the city getting the pilot done means that we are ahead of a lot of projects in our own region. The more people we put that are viable in the queue the more pressure there is to increase the net metering credits. He mentioned that at the end of the order provided tonight there is a highlighted text that captures some of the councilors concerns and that the agreement itself is in draft and there are a few more things to add to it like attachments so what you are authorizing is the draft as it is in front of you now.

Councilor Lavoie read the Ordinance Committee recommendations which was unanimously voted to be sent back to the City Council for approval as amended from the March 18, 2015 Ordinance meeting.

Councilor McClure read the Finance Committee recommendation which was unanimously voted to send back to the City Council for approval.

Councilor Sherwood asked if there was any additional information from the Ordinance Committee or was is already covered.

Councilor Lavoie stated that Ordinance has directed Mr. Scott to incorporate the changes which he has done and Councilor Bartley brought up what happens at the end and that is an edit that now appears in item 1. He and Mr. Scott have worked together since the Ordinance meeting and he has worked to get the yellow highlighted legal wording to the City Council tonight. This authorizes the Mayor to sign the agreement but giving the Mayor reasonable discretion to finalize it. If anyone has any significant issues that they want preserved then we can add to the conditions but these two capture what is important.

Councilor Bezanson stated that there is a gentleman from Citizens in the audience tonight who presented at the Ordinance meeting and if the Council had questions, he was there.

Councilor McMilleon asked the Council if they had any questions and they did not.

Councilor Lavoie moved to adopt 2015-019 in the form of the order that was presented to them tonight with the various attachments. Councilor Bartley seconded. A Roll call vote was taken and it was unanimously voted IN FAVOR.

11. First Readings

2015-023 An Order to appropriate an insurance payment in the amount of \$31,804.24 from MIIA per MGL Ch44; §53
Summary: Amesbury has been reimbursed from Massachusetts Inter-local Insurance Association for Claim No. M15JM85091, damage to the 315BL Caterpillar, DOL 01/12/2015 – Mayor sponsor

Councilor Sherwood moved to send 2015-023 to the Finance committee meeting of April 28, 2015 and to the City Council for a public hearing. Councilor McClure seconded and it was voted Unanimous.

2015-028 An Order to request the City Council vote to appropriate \$200,000 from Free Cash for the repair and maintenance of streets

Summary: This order will provide the funding for repair and maintenance of streets per the DPW 2015 construction plan

Councilor McClure moved to send 2015-028 to the Finance Committee meeting on April 28, 2015 and to the City Council for a public hearing on May 12, 2015. Councilor Sherwood seconded and it was voted Unanimous.

2015-030 An Order to authorize the Mayor to enter into an inter-municipal agreement by and between the City of Amesbury, the City of Newburyport, the Town of Merrimac, and the Town of Salisbury for the provision of veterans' services – Mayor sponsor

Summary: In May of 2014, the City of Amesbury, the City of Newburyport, and the Town of Merrimac entered into an inter-municipal agreement (IMA) pursuant to M.G.L. c. 40, § 4A, with the City of Newburyport acting as lead community, for the provision of veterans' services to residents of Amesbury, Newburyport, and Merrimac who qualify for veterans' benefits under Massachusetts General Law. This order would authorize the Mayor to enter into an IMA that would expand the current agreement to include the Town of Salisbury, with the City of Newburyport continuing to act as lead community.

Councilor Lavoie moved to send 2015-030 to the Finance Committee meeting on April 28, 2015 and to the Ordinance Committee meeting on April 22, 2015 and to the City Council for a public hearing on May 12, 2015. Councilor McClure seconded and it was voted Unanimous.

2015-029 An Order to authorize the Mayor, on behalf of the City, to submit a Petition to the General Court of the Commonwealth of Massachusetts to enact an Act creating a new regional veterans' services district – Mayor sponsor

Councilor Sherwood moved to send 2015-029 to the Ordinance Committee meeting on April 22, 2015 and to the City Council for a public hearing on May 12, 2015. Councilor Bartley seconded and it was voted Unanimous.

2015-031 An Order to authorize the Mayor, on behalf of the City, to renew an inter-municipal agreement by and between the City of Amesbury and the Town of Salisbury for the provision of public health services – Mayor sponsor

Summary: The renewal of this agreement will allow the City to continue to provide public health services to the region, which consists of the City of Amesbury and the Town of Salisbury.

Councilor Sherwood moved to send 2015-031 to the Ordinance Committee meeting on April 22, 2015 and to the City Council for a public hearing on May 12, 2015 and to request the Board of Health to be present for the public hearing. Councilor Bartley seconded and it was voted Unanimous.

2015-033 A Resolution to conduct an audit of the funding and management practices of the School Department by an outside firm – President McMilleon and Councilor McClure sponsor

Councilor Sherwood moved to send 2015-033 to the Finance Committee meeting on April 28, 2015 and to the City Council for a public hearing on May 12, 2015. Councilor Lavoie seconded.

Councilor Lavoie stated that this being a resolution they could act on it tonight.

Councilor McClure stated that this being a resolution and there is no money attached to this bill so she would like to see this voted tonight and have discussion at the Finance meeting on the bill that does appropriate the money.

Councilor Sherwood stated that with the comments that he has heard tonight by Mr. Hoyt, he had questions if this effort and the efforts to be made by the School Committee were in concert and coordinated.

Councilor McMilleon stated that this does not have any effect on the next bill (2015-032). It is simply a statement, a consensus from the Council that we want an audit to be done.

Councilor Lavoie called a point of order and read the first three lines of the bill in which he translates it to read that this will come back to the City Council scoping out the audit. Otherwise we need to revise this resolution tonight to see if we can generate a majority of five councilors and pound out a scope tonight or it can come back as a separate order. It says to be directed by the City Council. We can either do it tonight or at Finance or we can do it in May as a separate order. For the record he feels it is good that the School is going to do the MASBO, \$5900 financial practices review. He also agrees that this Council as the authority are very concerned about what has come to be the financial operations of the school. He feels the scope of the audit needs to be done tonight or refer it to a committee to do it .and bring back a recommendation.

Councilor McMilleon stated that was only his interpretation.

Councilor Lavoie then stated that otherwise as Council President you are taking it upon yourself to determine the scope of the audit and he would object to that because unless you are authorized by the Council to do that then the Council would determine what the scope of the audit is.

Councilor McMilleon stated that the purpose of the resolution is that we want to communicate from the Council that we are in favor of an independent audit of the schools and it is as simple as that. He does not believe that we need to make it any more complicated than that.

A roll call vote was taken on the motion to send to the Finance Committee. Bartley-N, Bezanson-N, Lavoie-Y, McClure-N, Moavenzadeh-N, Sherwood-Y, Sickorez-N and McMilleon-N. IN FAVOR (2) OPPOSED (6) Motion failed.

Councilor McClure moved to approve 2015-033 as written. Councilor Sickorez seconded.

Councilor Lavoie moved to amend Councilor McClure's motion that the resolution end with the words "by an outside audit." And strike the rest of the paragraph.

Councilor McClure stated that she did not want her motion amended and Councilor McMilleon asked if there was a second to the motion to amend. There was no second made.

A Roll Call was taken on Councilor McClure's motion to approve as written. Bartley-Y, Bezanson-Y, Lavoie-Y, McClure-Y, Moavenzadeh-Y, Sherwood-Y, Sickorez-Y and McMilleon-Y. IN FAVOR (8) Unanimous. Motion passes.

2015-032 An Order to request the City Council to vote to appropriate \$50,000 from free cash for the purposes of funding the design and execution of a review and analysis of the financial operations of the Amesbury Public School District – Mayor sponsor

Summary: The City will utilize the \$50,000 from Free Cash for the purposes of contracting with an independent entity to design and execute a review and analysis of the financial operations of the Amesbury Public School District

Councilor McClure moved to send 2015-032 to the Finance Committee on April 28, 2015 and to the City Council for a public hearing on May 12, 2015. Councilor Sickorez seconded. It was voted Unanimous.

2015-024 An Ordinance to establish an increased Annual Salary for the Mayor – Councilor Lavoie sponsor

Summary: The purpose of this ordinance is to increase the Annual Salary for the Mayor from \$80,000 to \$98,000 per year.

Councilor Sherwood moved to send 2015-024 to the Finance Committee on April 28, 2015 and to the City Council for a public hearing on May 12, 2015. Councilor McClure seconded. It was voted Unanimous.

2015-025 An Order to Provide for Salary Increases for the City Council – Councilor Lavoie sponsor

Summary: The purpose of this ordinance is to increase the Annual Salary for City Councilors from \$3,000 to \$7,500 per year except that the Council President's annual salary shall always be \$2,000 higher

Councilor Sherwood moved to send 2015-025 to the Finance Committee on April 28, 2015 and to the City Council for a public hearing on May 12, 2015. Councilor Bartley seconded. It was voted Unanimous.

Councilor McClure moved to adjourn at 8:26 p.m. Councilor Sickorez seconded and it was voted Unanimous.

Respectfully submitted,

Sharon Dunning
Assistant City Clerk