

City Council Minutes  
Tuesday, December 8, 2015  
City Hall Auditorium  
7:00 p.m.

1. **Call to Order @ 7:00 pm**

2. **Pledge of Allegiance – Councilor Ferguson**

3. **Roll Call – Councilor Ferguson, Councilor Lavoie, Councilor McClure, Councilor Moavenzadeh, Councilor Sickorez, Councilor Bartley, Councilor McMilleon and Councilor Sherwood arrived at 7:04pm.**

Councilor Bezanson had an excused absence.

4. **Act on minutes – October 13, 2015 and November 10, 2015**

Councilor Ferguson moved to approve minutes from October 13, 2015 and November 10, 2015 as submitted. Councilor McClure seconded and it was voted Unanimous.

5. **Correspondence**

a. President/Vice President Communications

Councilor McMilleon commented that the Clerk's Office has submitted a 2016 City Council regular meeting schedule and asked for approval from the Council.

Councilor Sickorez moved to approve the 2016 City Council meeting schedule. Councilor McClure seconded and it was voted Unanimous.

Councilor McMilleon read a letter from Cindy Roberts to the Mayor regarding the water quality at Lake Attitash. (Copy is on file in the Clerk's Office.)

Rob Desmarais, Director of Public Works stated that he has responded and explained the process of the treatment plant to Ms. Roberts and assured that there is no risk to the public health. Further testing is being done as per her request and that is being pursued now. He stated that we are in compliance with all state guidelines.

Councilor Ferguson stated that she was concerned with one statement made in the letter about toxins being released with the treatment process and is unsure where that information comes from but she feels it is an inflammatory statement as a resident.

Mr. Desmarais explained that the algae cells contain the toxin within them and if the treatment process were to tear the cells or the cells die and release the toxin at a specific point in the treatment process then it could potentially contaminate the water. We have not detected any before or after in the past. We have multiple layers; the process is set up to not disturb the cells. The unit takes the cells out without disturbing them; it floats them to the top and we take them out and it goes into the sludge.

b. Communication from Elected Officials, Boards and Commissions

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c. Council Communications, Announcements and Committee Reports

**6. Mayoral Appointments**

**2015-082** Appointment of Jim Lynch as Chief Financial Officer. – Mayor Gray sponsor

Jim Lynch stated that most of his experience has been in public accounting for the last twelve to thirteen years. He stated that he has had some municipal experience and thanked Mike Basque for working with him.

Councilor Lavoie moved to approve the appointment of Jim Lynch as Chief Financial Officer. Councilor McClure seconded and it was voted Unanimous.

**7. Licenses & Permits – FYI-attached list**

**8. Public Comment**

Anne Ferguson, new resident of 24 Oak Street stated that in the transition of moving she called to get a final water reading and the cost was \$100.00 for the water and \$100.00 for the sewer and feels it is price gouging. Fees are set by the Mayor's Office and she would like to have the fees re-evaluated. The other issue is the water hearing, she would like to see it done closer to the end of the fiscal year.

Jim Thivierge commented on the Mayor's proposed tax rate. He stated the Mass Taxpayers came out with their annual report and their average tax base for all the cities and towns is \$15.71 which is about \$4.50 less than us. He feels there is room to get the single family homeowner some disposable income. The Council needs to work harder this year to mine revenue and be more transparent. The local estimated receipts have not yet been disclosed. He commented that he proposed a bill to the state on disclosing the end of the year position and will be heard on Thursday. He is unhappy that the annual report is unavailable.

Jane Snow thanked the Council for the hours and hours they have put in for the city.

**9. Council Response to Public Comment**

Councilor McMilleon thanked Ms. Snow for the work that she has done for the community as well.

Councilor Sherwood commented that the fees bring up an interesting point and asked that they make a mental note for review of the fee schedules across the board in the next session.

**10. Public Hearings:**

**2015-062A** An Order to renew the Audit agreement for the years ending June 30, 2015, June 30, 2016 and June 30, 2017 with Melanson Heath as outlined in the May 14, 2015 Memorandum of Understanding to Mayor Gray from Melanson Heath - Mayor Gray Sponsor

Summary: To renew the Auditor to annually conduct the Audit of the City's financial position for FY2015 through FY2017.

Councilor McMilleon stated that they don't need a public hearing on this as they have already had this before them and it was objected to so it should have just been a second reading and all they need to do is take a vote.

Councilor McClure read the Finance Committee recommendation.

Councilor McClure moved to approve 2015-062A as read. Councilor Sickorez seconded.

Councilor Lavoie moved to amend the main motion so as to renew the audit agreement for just the 1 year ending June 30, 2015. Councilor Ferguson seconded.

Councilor Sherwood stated he recalls the concern that they have been with the same firm for over a decade and would prefer a fresh set of professional perspective on our books and asked if there was any new information or fact finding that could be shared.

Councilor Lavoie stated that the best practice is that you shouldn't have the same auditors forever but this is not the year to propose change because of the transition of our second new CFO. We should renew this contract for the one year and then go from there. He is not in favor of a three year renewal.

Councilor McClure stated that she feels they should keep it as written.

Councilor Ferguson questioned that presently the agreement for the year ending June 30, 2015 which is passed are we looking to June 30, 2016.

Councilor Lavoie stated that the audits are always in arrears, so the audit currently ready to commence would be for the Fiscal Year ending June 30, 2015.

Councilor McMilleon stated that this has been discussed at other meetings. We had it referred to the Finance Committee and in turn the Finance Committee Chair spoke with Mike Basque who recommended we stay with them. If there was a problem with this contract we would have heard of it before tonight. He is opposed to the amendment tonight but would be okay at a later date doing this on an annual basis.

A vote on the amendment was taken: IN FAVOR (4) Ferguson, Moavenzadeh, Lavoie, Sherwood; OPPOSED: (4) Sickorez, McMilleon, McClure, Bartley MOTION FAILS

A Roll Call vote on the main motion was taken: Ferguson-Y, Lavoie-N, McClure-Y, Moavenzadeh-N, Sherwood-Y, Sickorez-Y, Bartley-Y, McMilleon-Y; IN FAVOR (6) OPPOSED (2)

**2015-070** 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. – Mayor Gray Sponsor

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 McMilleon opened the public hearing.

Jim Thivierge stated the purpose for classification is to stop the shift from business on to residential. He gave a handout that explains income capitalization and the cost approach and market value. He thanked the staff for answering his requests on tax titles, tax possessions and the LA4 which identifies the whole tax base by status code. He stated that free cash is supposed to be used to reduce the tax rate and none has been used to reduce the tax rate or the tax burden. He stated he asked the Assessor for aggregate expense. The income formula is net income over capitalization is present value. If you factor this tax rate, this burden, you will give benefit to the residential

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homeowners at \$.04 a factor under this tax base arrangement. Every factor will cost business \$.20. He proposed \$1.20 to \$1.50. You have the highest most oppressive tax rates in the state.

Councilor McMilleon closed the public hearing.

Councilor McClure read the Finance Committee recommendations.

**1. The Selection of a Residential Factor:**

**Councilor Sherwood moved to select a residential factor of one. Councilor Bartley seconded. Roll Call Vote 8-Yes**

**2. An Open Space Discount:**

**Councilor Lavoie moved to take no action on Open Space. Councilor Sickorez seconded. Roll Call Vote 8-Yes**

**3. Residential Exemption:**

**Councilor Sherwood moved to not extend the residential exemption. Councilor Sickorez seconded. Roll Call Vote 8-Yes**

**4. Commercial Exemption:**

**Councilor Sickorez moved to not extend the commercial exemption. Councilor McClure seconded. Roll Call Vote 8-Yes**

**2015-071** An Order to request the City Council vote to increase the exemption amount of qualified applicants. – Mayor Gray Sponsor

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.

Jim Thivierge asked what the amount of money is that is going to be spent on this exemption. He noted that the CDBG grant was to mitigate homelessness yet the Tax Collector added 65 more accounts to tax titles bringing it up to 168 tax titles and 53 tax possessions. That impacts the revenue stream. Our financial position can be better if you lower the tax rate.

Councilor McMilleon closed the public hearing.

Councilor McClure read the Finance Committee recommendation.

Councilor Sickorez moved 2015-071 be accepted. Councilor McClure seconded. A Roll Call vote was taken Ferguson-Y, Lavoie-Y, McClure-Y, Moavenzadeh-Y, Sherwood-Y, Sickorez-Y, Bartley-Y, McMilleon-Y (Unanimous)

**2015-072** An Order to authorize the Mayor to accept and expend a grant in the amount of \$6,200 from the Massachusetts Cultural Council. – Mayor Gray Sponsor

Summary: The Massachusetts Cultural Council is allocating \$6,200 from the FY 2016 Local Cultural Council Funds to the Amesbury Cultural Council's local fund.

Councilor McMilleon opened and closed the public hearing.

Councilor McClure read the Finance Committee recommendation.

Councilor Ferguson moved to accept 2015-072 as recommended by the Finance Committee. Councilor Sickorez seconded. A Roll Call vote was taken Ferguson-Y, Lavoie-Y, McClure-Y, Moavenzadeh-Y, Sherwood-Y, Sickorez-Y, Bartley-Y, McMilleon-Y (Unanimous)

**2015-076** An Order to authorize a transfer from Salary Reserve to various OPEIU Salaries. – Mayor Gray Sponsor

Summary: Transfer \$18,235 from Salary Reserve to OPEIU Salaries to cover FY2016 increases.

Councilor McMilleon opened the public hearing.

Jim Thivierge spoke regarding occurrences from 1997 to date. He stated if you are a CFO and you don't come from town and you have a Master's Degree you can keep the unfunded ratio above 70%. If you are a CFO and you come from town and you don't have a Master's Degree it goes from .80% to .49%. There is a significant drop off. After we make this and the Police transfer it looks like there will be \$26,632.00 left in that account. Unfunded liability is \$126 million dollars and we need someone to look after what is going on here.

Councilor McMilleon closed the public hearing.

Councilor McClure read the Finance Committee recommendation.

Councilor Ferguson moved to accept 2015-076 as set forth by the Finance Committee. Councilor Sickorez seconded.

Councilor Lavoie asked if the CFO could confirm that there are sufficient funds in that account.

Jim Lynch, CFO confirmed that there are sufficient funds.

A Roll Call vote was taken Ferguson-Y, Lavoie-Y, McClure-Y, Moavenzadeh-Y, Sherwood-Y, Sickorez-Y, Bartley-Y, McMilleon-Y (Unanimous)

**2015-077** An Ordinance to request the City Council to accept updated Traffic & Parking regulations. – Councilor Ferguson Sponsor

Summary: The original Traffic Regulations were adopted on October 19, 1964 and updated on November 9, 1999. The Traffic Commission has recently updated these regulations to include changes since 1999.

Councilor McMilleon opened and closed the public hearing.

Councilor Lavoie read the Ordinance Committee recommendation with an amendment to line 2 after the word updated that the rest of the paragraph read; to accept the updated schedules to the Traffic and Transportation Regulations as submitted by the Traffic and Transportation Commission and attach to this bill with a further recommendation that the Council specify the date to which the schedules have been updated in 2015 together with a recommendation that the schedules be updated on an annual basis which would be June 30, 2015.

Councilor Lavoie moved to adopt the recommendation of the Ordinance Committee. Councilor Bartley seconded. A Roll Call vote was taken Ferguson-Y, Lavoie-Y, McClure-Y, Moavenzadeh-Y, Sherwood-Y, Sickorez-Y, Bartley-Y, McMilleon-Y (Unanimous)

**2015-078** An Order to request that the City Council vote to appropriate two hundred fifty thousand dollars (\$250,000.00) from the 40R stabilization funds for public improvements and planning. – Mayor Gray Sponsor

Summary: To provide for public improvements and planning pursuant to the guidelines set forth in Order 2007-075 as voted on by the City Council on September 25, 2007, and as further detailed in the letter from the Community Development Director dated October 29, 2015 to Mayor Ken Gray, which is attached hereto and incorporated herein by reference.

Councilor McMilleon opened the public hearing.

William Scott, Community and Economic Development Director stated that the memo from him to the Mayor explains the entire proposal. He also handed out a letter articulating how they are going to group the funding in the accounts; a Planning category, and Energy category and a Grants category and the important aspect of that is as we save money in one project we want to be able to push it to another project within that category without having to come back to you every time we have a change in a budget in each line item. The original memo outlines the use of the funds. We are looking at two issues here; savings and leverage. From a savings perspective we are looking at some lighting in the Fire Station and the Parking Garage. In the leverage perspective a lot of these studies are going to establish a foundation or groundwork for grants and other future investments. The intent is to use the 40R money in a manner that covers the issues with the 2007 order and also the legislation but do that in a manner that provides us with forward momentum on several categories such as recreation, open space and energy and things like that.

Councilor McClure read the Finance Committee recommendation.

Councilor Sherwood commented that he feels this is good use of the stabilization money.

Councilor Ferguson moved to accept 2015-08 as recommended by the Finance Committee. Councilor Sickorez seconded. A Roll Call vote was taken Ferguson-Y, Lavoie-Y, McClure-Y, Moavenzadeh-Y, Sherwood-Y, Sickorez-Y, Bartley-Y, McMilleon-Y (Unanimous)

**2015-079** An Order of the City Council to grant an Easement to Hatter's Point Capital LLC within Merrimac Street, a Public Way, to Construct, Install, Maintain and Repair Improvements to Protect the Structural Integrity of Merrimac Street and the Buildings within Hatter's Point Condominium. – Mayor Gray Sponsor

Summary: In order to construct Phase II of the Hatter's Point Condominium, Hatter's Point Capital LLC requires Easement rights within Merrimac Street to construct a support system for both Merrimac Street and the new buildings within Hatter's Point Condominium.

Councilor McMilleon opened the public hearing

Rob Desmarais, Public Works Director handed out a copy of his plan. He explained where the easements would be to allow construction to occur at Hatter's Point. He explained the elevation issues and does not feel this is a risk to the facility.

Councilor Sherwood asked if future utility work would have any impact.

Mr. Desmarais stated that he did not see any reason to ever have to dig as deep and did not see any future impact.

Councilor McMilleon closed the public hearing.

Councilor Lavoie read the Ordinance Committee recommendation with an amendment that the easement agreement be made an exhibit to the bill and that the plan referenced in the easement document be available to the council at the time it takes its vote.

Councilor Sickorez moved to accept 2015-079 as recommended by the Ordinance Committee. Councilor Lavoie seconded. A Roll Call vote was taken Ferguson-Y, Lavoie-Y, McClure-Y, Moavenzadeh-Y, Sherwood-Y, Sickorez-Y, Bartley-Y, McMilleon-Y (Unanimous)

**2015-080** An Order of the City Council to Amend a Water Main Agreement between the City and Hatter's Point Capital, LLC Related to the Development of Phase II of Hatter's Point Condominium. – Mayor Gray Sponsor

Summary: In connection with the construction of the Hatter's Point Condominium the original developer was required to install approximately 4780 linear feet of new water line. However, due to design improvements, the Planning Board has modified the obligations of the new developer, Hatter's Point Capital LLC, necessitating an amendment to the original Water Main Agreement.

Councilor McMilleon opened the public hearing.

Rob Desmarais stated this is an amendment to the existing water line agreement. They will run the water main from Beacon St to the end of the project. The original agreement required them to go from Route 150, down Beacon along Merrimac St. to Main St. which was phase 1. This is phase 2 and essentially they are required to construct the water main from where they left off to Main St. The developer considered that quite onerous so he renegotiated to do just past his development. He stated that one thing that complicates this is the Merrimac St. is extremely narrow; it is the oldest street in town and the infrastructure is the oldest in the town and will probably be the most difficult project taken.

Councilor Sherwood asked if there is potentially any work the city will need to do.

Mr. Desmarais stated that the remaining of the work is at least \$250,000 if not more. Every service there is made out of brick so you pretty much have to do everything over again. It is not something that you can just ask someone to go in and just lay one pipe because you are going to break everything going through. It is a complicated project and the city should take it on at some point as part of a major reconstruction of the whole area.

Councilor Ferguson asked if that work has to be done in order for the Hatter's Point project to be done.

Mr. Desmarais stated that this only obligates the owner to lay the water main in front of the project. There is no time constraint on the city's portion.

Councilor McMilleon closed the public hearing.

Councilor Lavoie read the Ordinance Committee recommendation.

Councilor Bartley moved to approve 2015-080 as written. Councilor Sickorez seconded. A Roll Call vote was taken Ferguson-Y, Lavoie-Y, McClure-Y, Moavenzadeh-Y, Sherwood-Y, Sickorez-Y, Bartley-Y, McMilleon-Y (Unanimous)

**2015-081** An Order of the City Council to Amend Bill No. 1998-140 Establishing the Traffic and Transportation Commission and to Repeal Bill No. 2001-35 Amending the Authority and Duties of the Traffic and Transportation Commission. – Mayor Gray Sponsor

Summary: The City Council shall vote its intent to amend Bill No. 1998-140 and Bill No. 2001-35 to revise the makeup and authority of the Traffic and Transportation Commission to allow for greater efficiency and accountability with respect to the regulation of traffic control in the City.

Councilor McMilleon opened the public hearing.

David Martin, new owner of 77 Elm St., stated that it affects his project over there. He stated that he has several million dollars going into the building in which he sat with the Mayor and Mr. Scott and designed the building before he purchased it and was unaware that Clark St. was going to turn into 1-way. They found out the day he signed papers that it was one-way and the design of the parking lot out back is not conducive to traffic and has since had most of his tenants back out. It has kind of taken the wind out of my sales and might become a storage warehouse at this point. He hopes it can go back to a two way street to get his building back on track.

Councilor McMilleon closed the public hearing.

Councilor Lavoie read the Ordinance Committee recommendation with amendments (red-line version).

Evan Kenney, Mayor's Aide handed out copies of the red-line version and the final version from the Ordinance Committee that was held tonight. He stated that this bill is not about Clark St but it will help with what happened at Clark St. This legislation is based on concerns heard from residents over the last two years. The Mayor and Evan met with Eric Eby of the Traffic and Transportation Commission to work on this. He stated that they want more transparency, accountability and communication but don't want to burden the Council with every no parking sign request, every Yield sign request or every sign request that comes because there would be too many every meeting. We have broken it out by category requests and only major requests will come to Council for a decision. The first major change is to alter the authority of the Traffic and Transportation Commission. It is rare for a T&T Commission to have autonomous authority over all traffic decisions. Most communities they make recommendations and that is what we are trying to do here. The second major change is to change the composition of the Traffic & Transportation Commission to add the DPW and the Fire Department and add another member appointed by the Mayor to make it 7 members instead of 5. The reason they are doing this is to provide the checks and balances that this government is based on. The City Council and the Administration have shared interests in traffic laws and our public ways in general and that should be reflected in the structure we use to make these decisions. While all of

the members currently are appointed by the Council we are proposing 3 members be appointed by the Mayor and 4 appointed by the City Council. Another important thing is abutter notification. It is something that is arguably the most important part to improve communication much like other boards and commissions do. We did not include it in this ordinance because we did not want to tie their hands as to what their process is for abutter notification. We want the T&T Commission to experiment with different ways and figure out which way is most effective to notify abutters.

Councilor Sherwood commented about not wanting the Council going back to re-processing everything that the Commission was recommending. He asked where the regulator is that the Council would not get everything.

Mr. Kenney stated that it is in a couple of different paragraphs.

Councilor Lavoie stated that if they look at the cheat sheet that he did it might help answer questions.

Councilor Sherwood stated that the heart of the matter and the biggest change is not so much the composition but the authority of the commission itself and he wants to know what they can act on and what they can only recommend on to understand the proposed revision to the commission and to also understand what we would have to face as a Council.

Councilor Lavoie reviewed his document of amendments that he prepared for the Ordinance meeting.

Councilor Sickorez asked how this change to this bill helps Mr. Martin and his issue on Clark St.

Councilor McMilleon stated that as concerned as we are about Mr. Martin's situation, that is not the issue. The issue before us is a change in the Traffic and Transportation Commission responsibilities and the way they operate.

Councilor McClure stated that every other board or commission makes recommendations and this essentially has Traffic making recommendations which gives the public another chance to hear about it and see it on television. There is more transparency if people can be made aware. She feels this change helps take the burden off T&T and gives a further look through Mr. Scott's Office, Mr. Desmarais office and then a recommendation made to us.

Mr. Kenney stated that they have already contacted Verizon/National Grid about the pole so they are beginning that process with this particular pole.

Councilor Ferguson stated that she sent a letter out about this whole situation in general. The Traffic & Transportation Commission has felt frustrated because there has been an issue about getting the point across in advance. The day that road became a one-way was at least one month after that decision was made. The formation of the Commission was because the City Council could not bear the burden of listening to all these traffic issues. They meet at least 8 times a year and they last about 2 to 3 hours and talk about long drawn out complaints from neighbors. We only deal with complaints. We are not looking for more work than we already have. The issue on Clark St. was a specific complaint, multiple complaints and they have valid issues being the difficult turn that Councilor Lavoie talked about; trucks and cars getting stuck going up and completely blocking the road off. Those issues don't go away. The Commission knew nothing about negotiations going on for the sale of that property and it is not their intention to impact negatively any businessman or any business downtown. This legislation is a way to help Mr. Martin but it is not immediate and it makes her nervous that even

with all of the questions tonight we are rushing it through to get it done by the end of the year. This legislation has been needed to be done for years and rushing it through makes her uncomfortable. Mr. Martin should have been instructed on the day he was made aware of the one-way to make an appeal to the City Council immediately. We want to try to make it work but the issue at hand is a safety issue and that is what I have a problem with. She stated that she feels this needs more discussion and more information and will not support this as she feels it is being rushed to take care of Mr. Martin's issue.

Councilor Sherwood stated there are several unelected but fully autonomous boards in town such as the Board of Health and Conservation Commission which are not elected but anyone who has had to respond to those bodies knows they have an awful lot of power and those are appointed positions as is the Traffic Commission. It is not as Councilor Lavoie pointed out early on it is not a sub-committee of the council like the Finance Committee. It is more analogous to other unelected but autonomous bodies such as the Con Com or the Board of Health that have under state statutes and they are not in conflict with that they are more empowered by state statute. He is all in favor of revisiting the scope and mission of the boards, committees and commissions that we have. We should have done this a long time ago in a comprehensive manner. If the Traffic Commission's scope is independent of the City Council is related to public complaints in most everything if not everything that comes out of the traffic commission including the response to the Clark Street issue as a public complaint, going to that as a test case what would have changed with that. Would that not have still been under the Traffic Commissions autonomy to have made that decision?

Councilor Lavoie stated he did not believe it would have. The complaint section is the only autonomous piece left to them. What this re-write does is in response to that complaint if it falls within one of the other regulated categories like Traffic Control or signage that resolution would have to follow that path like advisory.

Mr. Kenney stated that decisions related to such public complaints made by vote of the Traffic and Transportation Commission shall be final and shall not require ratification by the City Council provided that no other method or process for the making of such decisions is identified by law, regulation, ordinance, bylaw or otherwise superseding authority. That modifier is something that we added to clarify Councilor Sherwood's question.

He responded to Councilor Ferguson's letter. Mr. Martin was never told that he should appeal to the City Council, he was told by Councilor Ferguson that the issue would be worked out between him and the Traffic Commission. He also may well be hearing tonight for the first time that he could have appealed to the Council however the regulations as they currently are don't permit that and he should have known that earlier when he first went before the Traffic Commission. To address each point Councilor Ferguson made; as far as this being rushed, the bill has been before the Council for a month and has had a lot of discussion. As far as wasting the Council's time by over burdening the Council and it really doesn't do that at all. She stated that the input of the DPW and Fire was important and held up decisions, if they had been members of the Commission decisions would be made quicker and this bill addresses that by adding them. The letter states there has been no follow through and we agree and this bill provides that follow through. She also stated that acceptance of the Traffic and Transportation Commission minutes to the City Council would be sufficient to provide the oversight however the vote on the minutes is not a vote on the actual merits of a decision related to Traffic. We are fully in favor of a 60 day appeal period. Her letter stated that this was made urgent when Clark Street was made a one way. He feels this is false premise. It is not about Clark St that was just the most recent example of how things could be improved. That discussion should be had at a Traffic and Transportation meeting. We know that there were no intentions to negatively impact

anyone. The letter states that Traffic appeals will be vetoed by the Mayor monthly and the Mayor has only vetoed one in the past two years. We are trying to provide checks and balances the Mayor does not have ultimate authority in this bill. The Council has last word. The question was raised if this bill would cause traffic decisions to go on waiting for the Council and the Mayor to make a decision and it will add a month or two to the process but it is in the interest of the public process for more publicity and better chance of reaching more people.

Councilor Lavoie stated that he would respectfully disagree. This bill has been a rushed process. This bill was introduced 4 weeks ago, the Ordinance Committee normally would have carried this over to its next meeting but we did not have that luxury. We put a lot of time into the first meeting. If you asked me objectively if this bill is ready to be passed tonight, I would say no. However, even though I feel that way having already put the time in I want to get this done because our minds are focused on it.

Councilor McClure stated that if this does get passed tonight, it can't be looked at again and make more changes down the road.

Councilor Lavoie suggested that they use the final document that Evan handed out and on page 3 of that version on signage the last sentence needs to change from: "If a decision is so appealed" be changed to Any decision by the City Council shall be subject to section 2.8 of the City Charter. The DPW Director makes a decision on signage, anybody aggrieved can come to us and we make a decision. If the Mayor doesn't like our decision, then under 2.8 of the Charter he vetoes it and if we don't like the Mayor's veto we override it or we don't. Another thing that didn't get added to the document is at the very end of Councilor Lavoie's document he added a section 7 regarding abutter notices and strongly suggests that this be added. The Clerk also pointed out that the very beginning of the bill it should read an Ordinance to Amend.

**Councilor Lavoie moved to adopt the clean version with the 3 alterations set forth in Ordinance. 1.) Bill should read An Ordinance to amend bill #1998-140; 2.) the last sentence at the bottom of page 3 be struck and replaced with Any decision by the City Council shall be subject to section 2.8 of the City Charter; 3.) Below that a new paragraph to read; The Commission shall adopt regulations to provide for appropriate notification to Affected Abutters. Councilor Sherwood seconded. Roll Call 7-Yes, 1-No, Ferguson.**

## **11. New Business**

**2015-083** An Order to authorize a transfer \$5,500 from Salary Reserve to Police Sergeant's Salaries – Mayor Gray sponsor

Summary: Transfer 5,500 from Salary Reserve to Police Sergeant's Salaries to cover FY2016 Superior Officer's Contract increases

Evan Kenny stated that this filing is because it is Chapter 150E sec. 7B of M.G.L. which requires that within 30 days after a CBA is signed the administration has to file the request to fund it with the appropriate legislative authority.

**Councilor Lavoie moved to postpone 2015-083 indefinitely without prejudice. Councilor Sickorez seconded and it was voted Unanimous.**

Councilor McMilleon thanked the outgoing councilors for their service.

**12. Councilor Sickorez moved to adjourn. Councilor McClure seconded and it was voted unanimous.**

Respectfully submitted,

Sharon Dunning  
Assistant City Clerk