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City of Amesbury
Office of the City Clerk
62 Friend St.
Amesbury, MA 01913

MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 30A §§18-25
Version 7.1.10

City Council Meeting Agenda
Tuesday, September 27, 2022
City Hall Auditorium- 62 Friend St.
7:00 PM

1. Call to Order
2. Pledge of Allegiance – Councilor Hickok
3. Roll Call
4. Act on Minutes- none at this time
5. Mayoral Appointments-

2022-123 Appointment of Lisa Craig to the position of member of the Board of Assessors for a term to expire March 8, 2023

2022-124 Appointment of Diana Caswell to the position of member of the Board of Assessors for a term to expire March 9, 2023

6. Monthly list of licenses- none at this time

2022-122 National Grid Pole Hearing # 30476488 South Hunt Rd.

7. Correspondence

- President/Vice President Communications
- Communication from Elected Officials, Boards and Commissions
 - Presentation on 2022-087 from Mayor Gove
- Council Communications, Announcements and Committee Reports

8. Public Comment- Public comment can be done in person during the meeting, or by emailing your comments to clerk@amesburyma.gov by 12:00 p.m. the Friday before the Council meeting, per City Council Rule 5G. Subject line PUBLIC COMMENT. Your comments will be read aloud at the appropriate time in the agenda and entered into the public record.

9. Council Response to Public Comment

10. Second Readings

Public Hearings:

2022-059 An Order to create five (5) new, permanent fifteen (15) minute parking spaces throughout downtown Amesbury. -Mayor Sponsor

Summary: In 2020, many businesses adapted to COVID restrictions by offering curbside delivery. The City created nine (9) temporary parking spaces throughout downtown to help businesses deliver their products to customers curbside or allow customers to pick up their items quickly. After reaching out to the businesses, we heard back from five of them that the 15-minute space was helpful to their business and they would like it to be a permanent parking space. The five (5) new permanent parking spaces are proposed at: 15 Friend Street, 36 Friend Street, 35 Friend Street, 25 Main Street, 40 Market Street.

2022-085 An Order of the Amesbury City Council to approve the acceptance of the Conservation Commission of a Quitclaim Deed for Open Space at the Locke Hill Lane Subdivision, being a portion of property located off South Hampton Road, Amesbury and to authorize the Mayor to execute said approval on behalf of the City of Amesbury. -Mayor Sponsor

Summary: The Planning Board issued a Special Permit, dated August 25, 2014, for a Definitive Cluster Residential Development at South Hampton Road, Amesbury, described on a plan entitled "Definitive Subdivision Plan for Locke Hill Lane Located in Amesbury, Mass.," dated April 1, 2014, recorded with the Essex South Registry of Deeds at Plan Book 447, Plan 29. The Special Permit states that the Open Space shall be held, in perpetuity, in its natural state, with no alteration except for forestry management purposes, constructing or maintaining pedestrian access trails and bridges, stormwater management maintenance and permitted agricultural or passive recreational uses. The intent of this Order is to obtain the authorization of the City Council to approve the acceptance by the Conservation Commission and authorize the Mayor to approve and execute the deed for the open space property.

2022-086 An Ordinance to amend the Amesbury Zoning Ordinance to allow restaurant use at marina facilities in the City of Amesbury. -Mayor Sponsor

Summary: Communities along the Merrimack River are increasing their appreciation of this natural resource and exploring ways to increase access to the River for the enjoyment of residents and visitors alike. One of the uses that Amesbury is exploring is allowing restaurants. In this proposed amendment, the restaurant use would only be allowed if it is connected to an active marina. The proposed ordinance seeks to amend certain provisions of the Amesbury Zoning Ordinance as follows:

1. Amend Section II by adding a definition of "Banquet Hall"
2. Amend Section V – Table of Use Regulations, by allowing restaurant use at active marina facilities by Special Permit from the Planning Board (S1) and Site Plan Review in the zoning districts where marinas are allowed and adding a new note after current note #14.

2022-087 An Order to authorize the Mayor to surplus, procure a development proposal, and then sell the public properties located at 58 Cynthia Road (Parcel 22-72) and 63 Cynthia Lane (Parcel 23-163) which combined consist of approximately 3.11 acres of residentially zoned land (R-40). -Mayor Sponsor

Summary: The Mayor seeks to sell and encourage affordable residential development of two vacant properties to remove the obligation of maintenance costs and liability by the City and to place the site on the tax rolls to increase revenue. These parcels were both taken through tax foreclosure: 58 Cynthia Road, which is 1.51 acres, was taken in 1987; 63 Cynthia Lane, which is 1.6 acres, was taken in 2003. Both properties are located in the R-40 Zoning District. Disposition of these parcels shall follow the process outlined in *Bill No. 2021-039 An Order to Amend the By-Laws of the Amesbury Disposition Committee*.

2022-100 An Order to Conserve Certain City-Owned Properties on Cynthia Road. - Free Petition

Summary: A measure to protect certain City-owned properties, in order to preserve open space and provide for passive recreational use that promotes the quality of life of Amesbury residents and for the preservation of natural resources, under the provisions of M.G.L. c. 40, §8C, as it may hereafter be amended; M.G.L. c. 45, §3, as it may hereafter be amended; and Article 97 of the Amendments to the Massachusetts Constitution, as amended. Land would be placed under the care and custody of the Conservation Commission and would be reserved for conservation and passive recreation purposes.

2022-110 An Ordinance to amend City Code, Chapter 400 Streets and Sidewalks, § 400-5, titled “Snow removal” and § 400-7, titled “Enforcement; violations and penalties.”- Councilors Frey & Wheeler Sponsor
Summary: These revisions are intended to strengthen the City’s ability to enforce the regulations for clearing of sidewalks. The City’s budget is annually impacted by higher than anticipated snow removal costs. Consistent enforcement of City ordinances will ensure compliance with requirements and ensure DPW resources are available to more efficiently clear areas the department is responsible for. This ordinance to amend the City Code relative to snow removal will:

1. Revise language, specifying the removal of snow and the treatment of ice.
2. Create a procedure for a published municipal snow and ice plan.
3. Provide information about resources for snow removal- either paid or complimentary based on physical ability and financial hardship.
4. Increase the fines for failure to remove snow and ice within the defined time frame and add the Director of Inspectional Services and their agents to enforce this article.

2022-111 An Order to authorize the Mayor to accept and expend a FY23 Legislative Earmark Grant Award from the Commonwealth of Massachusetts in the amount of \$50,000 for a feasibility study to repurpose the Amesbury Elementary School. - Mayor Sponsor

Summary: This funding is to conduct a feasibility study at the current Amesbury Elementary School, located at 20 S. Hampton Road, so that it can be re-purposed as quickly as possible once vacant. The study would provide the City with “test fit” floor plans and site plan options for a limited number of potential uses.

2022-112 An Order to approve payment from the FY23 general fund operating budget for the below listed prior year invoices in the amount of \$12,538.16. - Mayor Sponsor

Summary: The below listed invoices are for operating expenses related to supplies or services rendered in FY22 but for which funds were not encumbered by the corresponding city department at fiscal year-end. This order requests payment be made to the listed vendors from the corresponding department’s current year (FY23) operating budget in accordance with M.G.L. c. 44 s. 64. This vote requires a two thirds approval of the City Council.

2022-113 An Order to authorize the Mayor to accept and expend a grant in the amount of \$19,729.00 from the Massachusetts Department of Transportation’s FY23 Shared Streets and Spaces Program to fund equipment costs for the Amesbury Police Department’s “Neighbors Against Speeding Cars (NASCar)” program. - Mayor Sponsor

Summary: This grant award will be used to fund equipment costs for the Amesbury Police Department’s “Neighbors Against Speeding Cars (NASCar)” program. Equipment includes a Radar Message Sign, Trailer, Traffic Suite application and other associated equipment costs, which are detailed in the attached estimate. The NASCar program entails placing and moving the Radar Message Sign between various locations, based on reported complaints of speeding vehicles. The goal of this project is to have accurate speed data to use when distributing patrol resources. This is a reimbursement- based program.

2022-114 An Order to authorize the Mayor to accept and expend a grant in the amount of \$133,000 from the Massachusetts Association of Council on Aging and Senior Center Directors, Inc. to fund the Amesbury Council on Aging’s FY23 Elder Mental Health Outreach Team (EMHOT). - Mayor Sponsor

Summary: An Elder Mental Health Outreach Team (EMHOT) performs assessment and evaluation services, connects older adults with primary care and mental health providers, and delivers brief interventions designed to return elders to their previous state of mental and social health. Funds awarded by this grant will be used to supplement salaries, fringe and transportation costs for Amesbury’s behavioral health clinicians and administrators as well as supplement relevant allowable program expenses.

2022-115 An Order to authorize the Mayor to accept and expend funding in the amount of \$238,460.21 from the Winter Recovery Assistance Program (WRAP) administered by the Massachusetts Department of Transportation. - Mayor Sponsor

Summary: In April 2022, Governor Charlie Baker approved \$100M in funding for the Winter Recovery Assistance Program, also known as WRAP. The program is administered by the Massachusetts

Department of Transportation. WRAP provides supplemental funding for cities and towns to improve their transportation networks in response to harsh winter weather. Program funding is allocated using a formula based on a municipality's share of local roadway mileage. Amesbury's WRAP funding apportionment is \$238,460.21 based on its locally owned mileage.

2022-116 An Order to authorize the Mayor to accept and expend a grant in the amount of \$200,000 from the Massachusetts Department of Transportation's FY23 Shared Streets and Spaces Program for the "Amesbury Point Shore Bike and Pedestrian Improvement Project." - Mayor Sponsor

Summary: The Amesbury Point Shore Bike and Pedestrian Improvement Project will create a bike lane from the Whittier Bridge to Merrimac Street. This grant award will primarily be used to support funding for bike lane striping along Main Street. This project has been discussed at many public forums over the last few years. Residents of the neighborhood have shared concerns about traffic volume and behavior in the area, and this grant will allow the City to make progress towards mitigation and pedestrian and cyclist safety along a popular and scenic roadway. This is a reimbursement-based program.

2022-117 An Order to authorize the Mayor to accept and expend a grant in the amount of \$100,000 from the Massachusetts Department of Transportation's FY23 Municipal Small Bridge Program Phase 1 for the costs of design and permitting for bridge number A-07-020 (BW1) on Kimball Road over Tuxbury Pond Outlet. - Mayor Sponsor

Summary: The Municipal Small Bridge Program provides funding to municipalities for the replacement, preservation, and rehabilitation of eligible bridges. For this Phase 1 Grant, the City of Amesbury has retained TEC, Inc. (TEC) to provide engineering services for the replacement of the Kimball Road Bridge over Tuxbury Pond Outlet (A-07-020). The proposed scope of work is based on a full replacement of the structure using a full road closure and detour. The project will maintain profile, approach grades and roadway drainage throughout the corridor to the greatest extent practical and anticipates that the replacement structure shall be a precast-concrete box culvert, with a span greater than ten feet. It is anticipated that no alterations to the adjacent State Line Dam shall be necessary as part of this project. MassDOT is compensating design firms directly. Therefore, no funds are provided to the municipality for Phase 1 grants.

2022-118 An Order to request the City Council to vote to declare as surplus various municipal vehicles and equipment.

Summary: This order will authorize the surplus of the following vehicles belonging to the Fire Department: (see attached).

2022-119 An Order to authorize the Mayor to accept and expend a FY21 Assistance to Firefighters Grant (AFG) from the Department of Homeland Security in the amount of \$209,428.57.

Summary: The purpose of the Assistance to Firefighters Grant (AFG) program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. This grant will be used to purchase 29 SCBA Units, which include Air PAK Harness/Backpack, Face Piece, and cylinders. Six (6) additional Face Pieces will also be purchased to accommodate 35 members of the Department. The total cost of this equipment is \$219,900.00, and this grant has a cost-sharing requirement of 5%.

2022-120 An Order to authorize the Mayor to accept and expend a grant in the amount of \$134,400 from the Massachusetts Department of Conservation and Recreation Mass Trails Grant Program for the Amesbury Carriagetown Connector project.

Summary: Amesbury will be expanding its portion of the Coastal Trail Network. Picking up at the Amesbury Riverwalk at Carriagetown Plaza the trail will extend behind the shopping center, continuing along the shopping center entrance road to Elm Street. The new connector will allow a continuous path from downtown Amesbury to Salisbury via Salisbury's Ghost Trail and Old Eastern Marsh Trail, as well as to Newburyport via the Garrison Trail over the I-95 Whittier Bridge and the Clipper City Rail Trail. The project is valued at \$219,400. The balance of funding for this project will come from Coastal Trails Coalition, Amesbury Healthcare Charitable Trust and Department of Public Works (Chapter 90 Program).

2022-121 An Order to transfer \$18,113.54 from the Assessors Department Salaries and Wages and Stipends to the Assessors Department Other Expenses. -Mayor Sponsor

Summary: This order requests a budget transfer in the amount of \$18,113.54 from the Assessors Department Salaries and Wages and Stipends to the Assessors Department Other Expenses for the purposes of Utilities 504 Valuations required by DOR and consulting services during transition/hiring of new Chief Assessor.

11. First Readings-

2022-125 An Order to authorize the Mayor to expend a FY22 American Rescue Plan Act (ARPA) Spending Bill Earmark in the amount of \$75,000 to hire a consultant to inventory and prepare an operation and maintenance plan for Amesbury's open space and natural resources. – Mayor Sponsor
Summary: The Legislature's ARPA spending bill last year (Chapter 102 of the acts of 2021) included the following provision: "not less than \$75,000 shall be expended for the cleanup of contamination at the Microfab site on state route 110 in the city of Amesbury." Microfab is an EPA-funded Site and is currently receiving ample funding from the Superfund program to keep the remedial process moving forward. The Remedial Design (RD) for the selected remedy is not expected to begin until June 2024 and would run for at least a year, ending in June 2025. This timeframe would make these ARPA funds unable to be used on this project. At the request of the Mayor, former Representative Kelcourse filed an amendment in the General Governmental Bond Bill to repurpose this earmark, so that it could be used by the City immediately. Please see attached scope of service for an Open Space and Natural Resource Management Consultant. Once approved by City Council, an RFP will be issued.

2022-126 An Order to authorize the Mayor to accept and expend a grant in the amount of \$15,000 from the Amesbury Health Care Charitable Trust (AHCCT) for the Amesbury Carriagetown Connector project. – Mayor Sponsor

Summary: This \$15,000 grant is being awarded to the City of Amesbury for use by the Department of Public Works (DPW) to help pay for designing, engineering, and permitting the Carriagetown Connector, an off-road shared use path that will connect Amesbury's Riverwalk Trail to the Coastal Trails Network. The project is valued at \$219,400. The balance of funding for this project will come from the Massachusetts Department of Conservation and Recreation Mass Trails Grant program, Coastal Trails Coalition, and Department of Public Works (Chapter 90 Program).

2022-127 An Order to authorize the Mayor to accept and expend funding provided by a Consent Decree for Shea Concrete Products, Inc. Case No. 1:21-cv-10561 in the amount of \$32,500. – Mayor Sponsor
Summary: Per the consent decree entered into in the matter of Commonwealth of Massachusetts v. Shea Concrete Products, Inc. (D. Mass.) Case No. 1:21-cv-10561, the City of Amesbury has been provided funding in the amount of \$32,500. The settlement requires the funds to be spent on "projects to improve water quality in the Merrimack River Watershed." The City will use these funds to improve the drainage on 4th Street, a street with a grade over 12% to prevent ice buildup on the street. Two 12" infiltration drain lines will be installed on the shoulders of the road and a large leaching chamber will be installed to collect the water that breaks out and runs down the street. The persistent ice buildup caused by poor drainage results in the city using excessive amounts of deicing chemicals and sand to make the road safe for travel. These chemicals run off directly into Lake Attitash, part of the Merrimack River Watershed. The project would collect the water before it runs onto the street removing the need for excessive deicing.

12. Adjournment



September 20, 2022