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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, October 25, 2022
City Hall Auditorium- 62 Friend St.
7:00 PM

1. Call to Order
2. Pledge of Allegiance – Councilor Lennon
3. Roll Call
4. Act on Minutes- September 13, 2022
5. Mayoral Appointments- (see late files)
6. Monthly list of licenses
7. Correspondence
 - President/Vice President Communications
 - Communication from Elected Officials, Boards and Commissions
 - 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

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.

Public Hearings:

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 is requesting authorization to surplus up to two (2) City-owned parcels to enable the creation of no more than four units of affordable housing constructed by an experienced non-profit housing developer. The sale of one or both of these parcels will remove the obligation of maintenance costs and liability by the City, place the site back on the tax rolls and increase revenue. These two parcels were taken through tax foreclosure: 58 Cynthia Road, which is 1.51 acres, was taken in 2005; 63 Cynthia Lane, which is 1.6 acres, was taken in 2004. Both properties are located in the R-40 Zoning District. Disposition of one or both 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*.

2022-125 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.

2022-130 An Ordinance to amend City Code, Chapter 158 “Reports”- Councilor Wheeler Sponsor
Summary: These revisions are intended to bring the Chapter 158 of the City Code into conformity with the requirements of the City Charter (as adopted under Charter amendments approved by in November of 2011). Updates include replacement of outdated references of “*Municipal Council*” with “*City Council*”, as well as updating the filing deadline for the Annual City Report.

2022-131 An Ordinance to amend City Code, Chapter 118 “Meetings”- Councilor Wheeler Sponsor
Summary: These revisions are intended to bring the Chapter 118 of the City Code into conformity with the City Council’s new meeting schedule adopted in May of 2022. The revisions proposed also include replacement of outdated references of “*Municipal Council*” with “*City Council*” (as adopted in the City Charter amendments approved by in November of 2011), and finally these revisions remove additional outdated language.

2022-134 An Order for the Amesbury City Council to vote to accept Massachusetts General Laws, Chapter 41, section 110A: Office hours on Saturday. -Mayor Sponsor
Summary: Acceptance of Massachusetts General Laws, Chapter 41, section 110A, would allow any public office in the City of Amesbury to remain closed on any or all Saturdays as may be determined from time to time by the Amesbury City Council, subject to the provisions of the City Charter, and the provisions of Chapter 4, section 9 shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday. Acceptance of this statute will allow the City Clerk’s office to treat Saturdays as a legal holiday when calculating filing deadlines, such as voter registrations or submittal of nomination papers. Further, where the provisions of the Votes Act of 2022 changed the voter registration deadlines to 10 days prior to all elections, instead of 20, such deadlines will fall on Saturdays. Acceptance of the provisions of Chapter 41, section 110A would apply to municipal elections only, and not state or federal elections, and would allow the City Clerk to hold voter registration sessions on Fridays, avoiding the extensive costs that would otherwise be incurred through Saturday office opening.

2022-135 An Order to approve payment from the FY23 general fund operating budget for the below listed prior year invoices. -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.

2022-136 An Order to authorize a transfer of \$2,000 from Conservation Commission Salaries & Wages to Conservation Commission Other Expenses. -Mayor Sponsor
Summary: This order requests a budget transfer in the amount of \$2,000 from Conservation Commission Salaries & Wages to Conservation Commission Other Expenses to cover the costs of the Recording Secretary. The Recording Secretary is a vendor, not a City employee.

2022-137 An Order to authorize a transfer of \$5,000 from Department of Public Works Salaries & Wages to Department of Public Works Other Expenses. -Mayor Sponsor

Summary: This order requests a budget transfer in the amount of \$5,000 from Department of Public Works Salaries & Wages Training account to Department of Public Works Other Expenses Training account, because this item should be an expense item rather than a payroll item.

2022-138 An Order to fund the employment agreement between the City of Amesbury and the Amesbury Superior Officers Union, I.B.P.O., Local 99-629 dated July 1, 2022 to June 30, 2025. -Mayor Sponsor

Summary: This appropriation will transfer \$65,464.23 from FY23 Reserves to the Police Department Personal Services to fund the FY 2023 portion of the 3-year labor contract between the City of Amesbury and the Amesbury Superior Officers Union, I.B.P.O., Local 99-629.

Pursuant to Chapter 95, Section 95-2 of the City Ordinances, the initial request for appropriations for funding of a labor contract agreement must be submitted by the Mayor as a unique measure separately from the annual operating budget and be accompanied by a copy of the contract for which funding is requested.

2022-139 An Order to fund the employment agreement between the City of Amesbury and the Amesbury Patrol Officers Union, I.B.P.O., Local 629 dated July 1, 2022 to June 30, 2025. -Mayor Sponsor

Summary: This appropriation will transfer \$104,387.51 from FY23 Reserves to the Police Department Personal Services to fund the FY 2023 portion of the 3-year labor contract between the City of Amesbury and the Amesbury Patrol Officers Union, I.B.P.O., Local 629.

Pursuant Chapter 95, Section 95-2 of the City Ordinances, the initial request for appropriations for funding of a labor contract agreement must be submitted by the Mayor as a unique measure separately from the annual operating budget and be accompanied by a copy of the contract for which funding is requested.

2022-140 An Order to appropriate \$355,121.34 from free cash for the purpose of funding old permanent fund deficits (\$289,284.20) and deficits in liability accounts (\$65,837.14). -Mayor Sponsor

Summary: This order will authorize an appropriation and transfer from free cash to the funds as listed herein to address old permanent fund deficits and deficits in liability accounts.

11. First Readings- None

12. Late Files

2022-143 Appointment of Diana Caswell to the position of Chief Assessor

2022-141 Appointment of Diana Caswell to the position of member of the Economic Incentives Committee for a term to expire October 18, 2025- Mayor Sponsor

2022-144 Appointment of Steve Hare to the position of Information Technology Director

2022-145 Appointment of Aimie Westphal to the position of Director of the Amesbury Public Library

2022-146 Appointment of Vinny Tirone to the position of Director of Inspectional Services

13. Adjourn

Amanda Haggren

October 19, 2022