

City Council Meeting Minutes
June 28, 2022
7:00 PM

City Council President Nicholas Wheeler called the meeting to order at 7:09 PM

Councilor Roger Deschenes led the Pledge of Allegiance.

Roll call was taken, and present were Councilor Michael Hogg, Councilor Peter Frey, Councilor Steven Stanganelli, Councilor Jon Hickok, Councilor Anthony Rinaldi and Council President Nicholas Wheeler.

Also present: City Clerk Amanda Haggstrom, Asst. City Clerk Jennifer Smith

Councilor Adrienne Lennon and Councilor Scott Mandeville were absent.

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Minutes for approval

April 26, 2022 and June 14, 2022

**Councilor Rinaldi moved to approve the minutes of April 26, 2022, as amended. Councilor Deschenes seconded, and the motion passed unanimously 7-0.**

**Councilor Hogg moved to approve the minutes of June 14, 2022, as amended. Councilor Frey seconded, and the motion passed 6-0-1 (Councilor Deschenes abstained).**

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Mayoral Appointments

None submitted

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Licenses and Permits

1. Murphy Crafts and More
2. Aumnii Emporium

**Councilor Stanganelli moved to approve the monthly list of licenses as presented. Councilor Rinaldi seconded, and the motion passed unanimously 7-0.**

**2022-052** Pole Hearing – National Grid 30504434 – Continued from June 14, 2022

- President Wheeler stated that this item was continued from the May 24, 2022 City Council meeting to the June 14<sup>th</sup> meeting of the City Council in order get more information from the City Planner. The City Planner provided for the June 14<sup>th</sup> meeting conformation that the pole location would not violate city zoning by-laws. No one was present to represent National Grid, so the matter was continued until June 28, 2022. President Wheeler further stated that the public hearing on this matter was opened and closed during the June 14, 2022 City Council meeting.

- Paulo Sathler, Electrical Designer, came forward to inform the City Council that he would be representing National Grid regarding the various pole requests on this meeting's agenda.

**Councilor Rinaldi moved to approve 2022-052 as presented. Councilor Hogg seconded, and the motion passed unanimously on a roll call vote of 7-0.**

**2022-053** Pole Hearing – National Grid 30504434 – Continued from June 14, 2022

- President Wheeler stated that this item was continued from the June 14<sup>th</sup> City Council meeting as its approval is predicated on 2022-052 being approved. The public hearing on this matter was opened and closed during the June 14, 2022 meeting.

**Councilor Frey moved to approve 2022-053 as presented. Councilor Hogg seconded, and the motion passed unanimously on a roll call vote of 7-0.**

**2022-064** Pole Hearing – National Grid 30545248

- Mr. Sathler stated that National Grid received reliability complaints from All Saint's Anglican Church. The current design for service in their area is antiquated. Adding a pole on Allen's Court will improve reliability, without the need to remove a lot of trees.

President Wheeler opened the public hearing at 7:22 PM

- Kristin Ciarametaro, 8 Allen's Court, spoke in favor of approving National Grid's pole request.

President Wheeler closed the public hearing at 7:24 PM

- President Wheeler stated that the City Council received correspondence from City Engineer Peter Manor on May 12, 2022, in which he expressed concerns. Mr. Manor advised that National Grid confirm, before work begins, the pole and anchor proposed locations are within the city's right-of-way, as well as notifying Dig Safe and any applicable city departments of the pole installation.
- Councilor Stanganelli questioned how the public hearings for 2022-064 and 2022-065 could take place if these bills were not posted to the city's website.
- City Clerk Haggstrom responded that all abutters were properly notified.

**Councilor Rinaldi moved to approve 2022-064 as presented. Councilor Hickok seconded. Councilor Stanganelli offered a friendly amendment to approve 2022-064 subject to the City Engineer's stipulations. Councilor Rinaldi accepted the friendly amendment and the motioned carried on a roll call vote of 6-1 (Councilor Stanganelli opposed).**

**2022-065** Pole Hearing – National Grid 30572849

- Mr. Sathler stated this was initiated by a customer's request to relocate a pole on Boie Ave so the customer can widen his driveway safely.

President Wheeler opened and closed the public hearing at 7:31 PM.

- President Wheeler noted for the record that the council has received a memo dated June 3, 2022 from City Engineer Peter Manor, in which Mr. Manor expressed any approval of this item should be conditional upon conformance with existing stipulations included in his memo, including coordination with existing utility companies, DIG safe and applicable city departments.
- Councilor Stanganelli stated that he would not be voting to approve this item because it was not recorded on the city's website.

**Councilor Hickock moved to approve 2022-065 subject to the provisions and conformance with the letter of June 3, 2022 from the City Engineer. Councilor Hogg seconded, and the motion passed on a roll call vote of 6-1 (Councilor Stanganelli opposed).**

Correspondence

President/Vice President Communications:

- President Wheeler provided an update on the new Voting Act, S.2924, which modifies the process of assigning police officers to work at election locations. The Act now requires the City Council appoint police officers. Chief Bailey has been asked to assign the requisite number of officers to the task of supervising the elections in accordance with this new provision. President Wheeler thanked all those participating in the ongoing Amesbury Days festivities and also noted that the City Council will be meeting on August 23, 2022 in order to vote on the warrant for the State Primary Election of September 6, 2022.

Councilor Lennon entered the meeting at 7:34.

Communications from Elected Officials, Boards, and Commissions:

- Councilor Deschenes opined that given the Supreme Court's recent decision regarding Roe vs. Wade, the final phrase of the Pledge of Allegiance does not apply to about half the people.
- Councilor Hickock stated that the next Budget & Finance Subcommittee meeting is tentatively scheduled for September 20, 2022 at 7:30pm.
- Councilor Stanganelli stated that the Amesbury Housing Trust Committee currently has 2 vacancies that need to be filled, the Committee's trust account balance is currently \$144,164.94, and the city is in receipt of grant monies from FY20 in the amount of \$37,000 that will be used for emergency affordable housing rent assistance.
- Councilor Frey announced that the next meeting of the Ordinance & Administration Committee will be held on September 19, 2022 at 7:00 PM.
- Councilor Stanganelli asked that in the future the Council President and City Clerk remove him from the Pledge of Allegiance rotation and stated why he chose not to stand for the Pledge of Allegiance at the opening of the meeting (see attached statement).

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Public Comment

- Cynthia Yetman, 6 Newton Rd., spoke in favor of the City Council's resolution to support the Fair Share Amendment.
- Jen Meagher, 17B Pleasant St., spoke in favor of the City Council's resolution to support the Fair Share Amendment.
- Chris Ney, 2 Westminster St., spoke in favor of the City Council's resolution to support the Fair Share Amendment.
- Brad Matthews, 40 Pamela Lane, spoke in opposition to the possible development of affordable housing on Cynthia Lane.
- Pantelis Nikitas, 32 Pamela Lane, spoke in opposition to the possible development of affordable housing on Cynthia Lane.
- Constance MacLeod, 24 Pamela Lane, spoke in opposition to the possible development of affordable housing on Cynthia Lane.
- David Olsen, 19 Pamela Lane, spoke in opposition to the possible development of affordable housing on Cynthia Lane.

Council Response to Public Comment

- Councilor Stanganelli thanked the residents of Pamela Lane for their comments and stated that the Housing Trust Committee is aware of concerns regarding erosion, retaining walls, etc., and encouraged the public to attend Housing Trust Committee meetings, as well as any other subcommittees this matter may be referred to in the future.
- Councilor Lennon asked her fellow councilors to indulge her and requested that anyone who was not the owner of a uterus remove themselves from the dais. Councilor Lennon remained the sole councilor at the table and opined that “representation is the problem”. Councilor Lennon stated that even among a group of colleagues who are supportive, it is not a great feeling to be the only one. Councilor Lennon further stated she never ignores the fact that in the council chambers the people who are uterus owners, the administrators producing the work for the decision makers to vote on, sit off to the side of the dais. Councilor Lennon closed by inviting councilors to return to their seats.
- Councilor Hickok stated that there is a Disposition Committee which will coordinate with appropriate departments, boards, and abutters to achieve a reuse recommendation for surplus properties to release an RFP to the public. Councilor Hickok expressed his appreciation for the residents’ participation during Public Comment and encouraged the public to stay involved during this process.

Public Hearings

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

- Councilor Lennon read the summary of the bill.
- President Wheeler stated the Planning & Development Committee recommended to approve the bill with a request to revise the location of the space outside the Busy Bee due to a fire hydrant.
- Councilor Frey read the Ordinance & Administration Committee’s recommendation to continue this matter until its next meeting on September 19, 2022, to change this bill from an order to an ordinance, and to amend the existing ordinance to include a table of all existing 15-minute parking spots located in the city.

President Wheeler opened and closed the public hearing at 8:28 PM

- Councilor Stanganelli requested that City Council members in attendance at subcommittee meetings be included in the minutes.
- Ann Marie Casey, Chief of Staff, stated that the Mayor’s Office is currently working on a comprehensive list of 15 minute parking spaces.
- Councilor Stanganelli asked if the President could leave the public hearing on this matter open until the September 27, 2022 meeting.
- President Wheeler stated that the public hearing could not be reopened as it was closed at 8:28 PM.

Councilor Rinaldi offered a motion to continue 2022-059 to the City Council meeting of September 27, 2022. Councilor Frey seconded and said motion passed unanimously on a roll call vote of 8-0.

2022-078 An Order to authorize the mayor to accept and expend a grant from the Massachusetts Association of Council on Aging, and Senior Center Directors, Inc. (MCOA) for FY22.- Mayor sponsor

- Councilor Lennon read the summary of the bill.
- Councilor Hickok read the Budget & Finance Committee’s favorable recommendation.

- Councilor Stanganelli asked if the positions being funded are temporary.
- Ms. Casey responded that these are current city employee positions, and this is a onetime reimbursable ARCA allocation.

President Wheeler opened and closed the public hearing at 8:37 PM.

Councilor Lennon offered a motion to approve 2022-078 as presented. Councilor Frey seconded and said motion passed unanimously on a roll call vote of 8-0.

2022-079 An Order to approve payment from the FY22 Fire Other Expenses Budget to John Guilfoil Public Relations for a prior fiscal year invoice, totaling \$300.00.-Mayor sponsor.

- Councilor Lennon read the summary of the bill.
- Councilor Hickok read the Budget & Finance Committee's favorable recommendation.

President Wheeler opened and closed the public hearing at 8:39 PM

Councilor Hogg offered a motion to accept 2022-079 as presented. Councilor Stanganelli seconded and said motion passed unanimously on a roll call vote of 9-0.

2022-080 An Order to request the City Council vote to authorize the mayor to enter into a three-year or less lease or loan purchase agreement for new cruisers for the Amesbury Police Department. -Mayor sponsor

- Councilor Lennon read the summary of the bill.
- Councilor Hickok read the Budget & Finance Committee's favorable recommendation.

President Wheeler opened and closed the public hearing at 8:41 PM

Councilor Deschenes left the meeting at 8:42 PM.

Councilor Lennon offered a motion to approve 2022-080 as presented. Councilor Hogg seconded, and the motion passed unanimously on a roll call vote of 7-0.

2022-081 An Ordinance to amend Section 20-24 of the City ordinances, titled "Establishment of Revolving Funds." -Mayor sponsor

- Councilor Lennon read the summary of the bill.

Councilor Deschenes returned to the meeting at 8:43 PM.

- Councilor Hickok read the Budget & Finance Committee's favorable recommendation with a further recommendation that the program be geared towards self-funding.
- Councilor Frey read the Ordinance & Administration Committee's favorable recommendation which included changing the wording in the fourth paragraph from "add" to "replace with the following table".
- Councilor Rinaldi stated that the program is working towards self-funding.

President Wheeler opened and closed the public hearing at 8:45 PM

Councilor Lennon offered a motion to approve 2022-081 pursuant to the recommendations of the Ordinance & Administration Committee.

Ms. Casey stated that a read line revision was submitted on June 28, 2022 at 12:28 PM.

Councilor Lennon amended her motion to approve 2022-081 to reflect the amendments shown in the red line version submitted by the administration today. Councilor Frey seconded and said motion passed on a roll call vote of 7-1-0 (Councilor Stanganelli opposed).

2022-082 An Ordinance to amend the Amesbury Health Care Trust Commission (AHCTC) program description and application. -Mayor sponsor

- Councilor Lennon read the summary of the bill.

President Wheeler stated that it has been requested that this item be withdrawn from the agenda.

- **Councilor Deschenes offered a motion to withdraw 2022-082. Councilor Lennon seconded, and the motion passed unanimously on a roll call vote of 8-0.**

2022-083 An Order to authorize inter-departmental transfers of general fund appropriations in accordance with MGL c.44 Section 33B. -Mayor sponsor

- Councilor Lennon read the summary of the bill.
- Councilor Hickok read the Budget & Finance Committee's favorable recommendation.
- Councilor Stanganelli questioned if line #210 for \$60,000 was for Chief Scholtz and if line #220 for \$49,346 was for Chief Berkenbush.
- Ms. Casey responded "yes".
- Councilor Stanganelli opined that the line item amount for overtime and training is typically the same each year.
- Councilor Deschenes noted for the record that Fire Chief Berkenbush has advised the city that it is unsustainable to continue funding Mutual Aid services as the city currently is.

President Wheeler opened and closed the public hearing at 8:58 PM

Councilor Stanganelli offered a motion to approve the revised version of 2022-083 as presented. Councilor Hogg seconded and said motion passed unanimously on a roll call vote of 8-0.

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First Readings

**2022-084** A Resolution to Support the Fair Share Amendment- Councilors Wheeler, Lennon, Rinaldi, & Deschenes Sponsor

- Councilor Lennon read the summary of the bill.
- Councilor Lennon spoke in favor of the bill.
- Councilor Rinaldi spoke in favor of the bill.
- Councilor Deschenes spoke in favor of the bill.
- President Wheeler spoke in favor of the bill and stated the state legislature is also in favor of this resolution.
- Councilor Stanganelli offered some statistics in support of bill 2022-084 (see attached).

**Councilor Lennon offered a motion to approve 2022-084 as presented. Councilor Hogg seconded.**

**Councilor Stanganelli offered a friendly amendment to the motion to include in the bill the recitals of page 2 as noted by him.**

**The friendly amendment failed for lack of a second.**

**City Clerk Haggstrom called the roll and the motion passed unanimously 8-0.**

**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

- Councilor Lennon read the summary of the bill.

**Councilor Stanganelli offered a motion to refer 2022-085 to the Planning Board, the Planning & Development Committee and the Open Space, Natural Resources & Trails Committee, with a public hearing to follow at the City Council September 27, 2022, meeting. Councilor Lennon seconded and said motion passed unanimously, 8-0.**

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

- Councilor Lennon read the summary of the bill.

**Councilor Stanganelli offered a motion to refer 2022-086 to the Planning Board, the Planning & Development Committee and the Open Space, Natural Resources & Trails Committee, with a public hearing to follow at the City Council September 27, 2022, meeting.**

**Councilor Lennon seconded said motion and offered a friendly amendment to send 2022-086 to the Ordinance & Administration Committee as well.**

**Councilor Stanganelli accepted the friendly amendment.**

**Councilor Hickok offered a friendly amendment to send 2022-086 to the Budget & Finance Committee.**

**Councilor Stanganelli accepted the friendly amendment and further included sending 2022-086 to the Traffic & Transportation Committee. The friendly amendment failed for lack of a second.**

**City Clerk Haggstrom called the roll and the motion to send 2022-086 to the Planning Board, the Planning & Development Committee, The Ordinance & Administration Committee and the Open Spaces, Natural Resources & Trails Committee passed 6-0 (Councilor Stanganelli and Councilor Hickok opposed).**

**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

President Wheeler recused himself from the vote and passed the gavel to the Vice President, Councilor Lennon.

- Councilor Lennon read the summary of the bill.

**Councilor Stanganelli offered a motion to refer 2022-087 to the Budget & Finance Committee, the Planning Board, the Planning & Development Committee, the Open Spaces, Natural Resources & Trails Committee, and the Amesbury Housing Trust Committee, with a public hearing to follow at the City Council September 27, 2022, meeting. Councilor Deschenes seconded, and the motion passed 7-0-1 (President Wheeler abstained).**

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Councilor Deschenes moved to adjourn the meeting at 9:26 PM. Councilor Rinaldi seconded and said motion passed unanimously, 8-0.

Respectfully Submitted,

Jennifer E. Smith
Assistant City Clerk

Amesbury

City Councilor



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Statement Regarding the Pledge of Allegiance (extended remarks)

As many of you here and at home may have noticed, I stayed seated during tonight's Pledge of Allegiance.

I respectfully request that the Council President and Clerk remove me from the rotation for the Pledge.

I cannot in good conscience stand to recite a pledge to a flag that purportedly represents liberty and justice for all after recent events.

I thought about this after the massacre in Uvalde, TX because of continued gun violence. But I refrained, slightly heartened by possible movement on reasonable gun controls by those in Washington, D.C.

But then last Friday (6/24/2022), the Supreme Court of the United States (SCOTUS) overturned a nearly 50-year-old case demolishing any pretense of 'stare decisis,' the bedrock of our judicial system and put half of my constituency at risk.

Bodily autonomy is or should be a universal right not left to elected or unelected state officials.

These same constituents are now at risk here at home as efforts to impose a national ban begin to play out. Even if that doesn't happen, they are at risk if they choose to go to school or college or work elsewhere.

The logic of this majority opinion fails to account for both the 9th Amendment which notes that not all rights are enumerated, and the 10th Amendment which further reserves rights "to the people".

The reasoning used ignores long-standing traditions that go back to British Common Law mainly that legal precedents stand.

And further, the concept that states may nullify or have sovereignty over federal decisions was decided in a Civil War.

Now that stare decisis has fallen, I see risks to other civil rights that were based on similar reasoning as Roe v Wade, namely privacy (*Griswold v Connecticut*, 1965), and consensual relationships including marriage between those of the same sex (*Obergefell v Hodges*, 2015) or different races (*Loving v Virginia*, 1967).

Further, this SCOTUS has also shattered the separation of church and state in two decisions this same week: requiring public funding of religious schools (*Carson v Makin*, 2022) and allowing religious activities on public property (*Kennedy v Bremerton School District*).

Those who know me know that the Constitution is my North Star. And in taking an oath for this office, I pledged to support that Constitution, the state Constitution, and this City's Charter.

I shall continue to do that in any capacity I can as long as I can.

But I shall not stand for this, and for these reasons shall not stand for this flag in this Council.

It pains me to say this. As a former Boy Scout and a Scout parent I want to instill the principles of the Scout Law to my kids. But those same Scout principles mandate a duty to others. So, I cannot be silent.

So, regretfully, I cannot stand for this pledge.