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20 USC 9121 LIBRARY SERVICES AND TECHNOLOGY ACT
42 USC 2000d, discrimination in federally assisted programs
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42USC S. 1758 Dept. of Agriculture, School Lunch Program
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42 USC S. 3001 P.L. 89 - 73 Older Americans Act of 1965
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P.L. 111 - 5 2009 (AMERICAN RECOVERY AND REINVESTMENT ACT):
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5 USC section 706 Administrative Procedures Act, Scope of
Review, ...interpret constitutional statutory provisions: (2b)
contrary to constitutional right, power, privilege or
immunity;
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the authorization
P.L. 111-117 One of the twelve annual appropriation's laws by
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Older Americans Act of 1965, 42 USCA SECTION 2001 ET Seq;
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24 CFR 570.486 - LOCAL GOVERNMENT REQUIREMENTS

(2) ENSURE THAT CITIZENS WILL BE GIVEN REASONABLE AND TIMELY
ACCESS TO LOCAL MEETINGS, INFORMATION, AND RECORDS RELATING TO
THE UNITS OF GOVERNMENTS PROPOSED AND ACTUAL USE OF CDBG FUNDS.

24 CFR 570.508, CDBG, subpart j, grant administration
public access to records;

24 CFR 85.442(f) recipients shall provide citizens with
reasonable access to records regarding the past use of CDBG
funds consistent with applicable state and local laws
regarding privacy and obligations of confidentiality;

20 USC 72, MUSEUM AND LIBRARY SERVICES

20 USC 9121 LIBRARY SERVICES AND TECHNOLOGY ACT

Massachusetts General Court: Acts and Resolves: chapter ??? of
the acts of 2010, the general appropriations act for the
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Declaration of Independence (1776) - *Access the Public Record
" and distant from the depository of public records."*

*The Constitution of Massachusetts (1780) Preamble, Part the
First the Declaration of Rights of the Inhabitants, and
Article 89 of the amendments to the Massachusetts Constitution*

United States Constitution (1787): *The Constitutional Issues -*

Article 1, section 8, "to make all laws necessary and proper for carrying into execution the foregoing powers;" section 9 clause 8; "no money shall be drawn from the Treasury but in consequence of appropriations made by law;

Article 2 "the duty that laws are faithfully executed;

Article 3 "the judiciary the right to determine cases and controversies arising under those laws;

Article 4 section 1 "records"; section 2 "the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states"

Article 5, "amendments to this constitution...shall be valid to all intents and purposes, as part of this constitution , when ratified:" Amendment 1, speech, assembly, the press, and the petition; Amendment 5, due process of law; Amendment 7, Trial by Jury; Amendment 9, unenumerated rights; amendment 14, due process under the law, equal protection under the law; amendment 15, voting rights; Amendment 19,; Amendment 24,; and Amendment 26.

The bill of rights ratified by the several states on December 15, 1791. The first 10 amendments to the Constitution proposed to the legislatures of the several states by the First Congress September 25, 1789, 1 STAT 97.

Article 6 "this constitution and all laws made pursuance thereof", "shall be supreme law of the land" .

Tale of Authorities: OTHER AUTHORITIES

The Writings of Madison: Letter from Madison to Jefferson October 17, 1788; Speech in Congress proposing Constitutional amendments June 8, 1789 Remarks in Congress on proposed Constitutional amendments August 15, 1789.

The Federalist Papers, written by Madison, Jay, and Hamilton(1788) #69 & #73 - Federalist 69 and 73, AND OTHERS: Number 69, _Written by Hamilton - Subject the propose executive But that it would be precisely the same with that of the governor of Massachusetts, whose constitution, as to this article, seems to have been the original from which the convention have copies; Number 73, Written by Hamilton, _The chief magistrate and the judiciary - I have in another place remarked that in the convention, in the formation of this part of their plan, has departed form the model of the constitution of this state in favor of that of Massachusetts.

ANNUAL REPORT OF THE TOWN OF AMESBURY JULY 1, 2007 - JUNE 30, 2008

ANNUAL REPORT OF THE TOWN OF AMESBURY JULY 1, 2008 - JUNE 30, 2009

Amesbury Home rule charter 1996, section 1-4, 2-2, 8-8. all three sections section cited in the December 24 2007 brief to the Newburyport district court, then the next week to the Newburyport Superior Court

Black's Legal Dictionary, Ninth Edition, West Publishing, St. Paul Minnesota

STATEMENT REGARDING ORAL ARGUMENT

The Petitioner, the Plaintiff - Appellant, James N. Thivierge requests oral argument for following reasons: to preserve my liberties and civil rights under the under the United States Constitution and those un-enumerated rights granted by other constitutional sources and those of 'A Constitution or form of Government for the Commonwealth of Massachusetts, especially its Preamble, and Part the First, A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts, and those provided a resident of Amesbury under the Amesbury Home Rule Charter as a resident of the Municipal Corporation, a citizen of the Commonwealth of Massachusetts, and these United States of America; and as a Veteran of the United States Navy with an Honorable Discharge with Good Conduct. The Petitioner, the Plaintiff-Appellant, James N. Thivierge will take every opportunity provided the United States Court of Appeals needs further explanation and or clarification.

STATEMENT OF SUBJECT MATTER AND APPELLATE JURISDICTION

This is an appeal from a final judgment entered by the United States District court for the District of Massachusetts (Saris, P.B.). The judgment entered on February 8, 2010. The Plaintiff filed a notice of appeal on March 9, 2010. The Court has jurisdiction with respect to claims under the United States Constitution and 28 USC SECTION 1983.

STATEMENT OF THE ISSUES PRESENTED FOR REVIEW

The Plaintiff-Appellant, JAMES N. THIVIERGE, raises the following substantial and procedural issues within his appeal to regain full access to public facilities, forums and functions versus the Town of Amesbury et.al.: whether the

Plaintiff-Appellant, JAMES N. THIVIERGE, Constitutional due process rights and equal protection under the law rights under the fourteenth amendment were upheld throughout this process, especially in the removal of the case from the Lawrence district court where the Plaintiff-Appellant, JAMES N. THIVIERGE, writ of mandamus was sent to stay the order of the "no trespass letter" of December 17, 2007 and allowing the Plaintiff-Appellant's access to the facilities having done no wrong, committed no crime, and the town's action in violation, stated, in his brief of the civil rights Act of 1964, title VI; and that the focus of this case changes from title VI to Title VII: and the seventh amendment to the United States Constitution and "trial by jury," the facts I presented to the Newburyport Superior Court were not tried by the jury, and a switch occurs; whether during the time frame from December 17, 2007 and the presidential preference primary held on February 5, 2008 did "the no trespass order" and its requirement to seek permission "abridge the plaintiff-appellant's, JAMES N. THIVIERGE, right to vote" under the Voting Rights Act of 1965; defendant motion for summary judgment denied the plaintiff appellant believes he was dispositive, immediately prior to the jury trial the plaintiff-defendant's was dispositive and because of the time frame was not allowed to seek summary judgment; that during the jury trial the plaintiff-appellant's, JAMES N. THIVIERGE, ability to enter evidence on his behalf on two occasions, the annual town report, a public record, the acceptance of municipal council rule 20, and the acceptance of grants plus enter into evidence "authorizations" that promote the appropriations that fund federal financial assistance seriously affected the outcome of the verdict for the Plaintiff-Appellant, James N. Thivierge, and a civil rights violation under the 1964 civil rights act; and that during the jury trial the plaintiff-appellant, James N. Thivierge, questions both the jury instructions and jury questions; and that the return of "inconsistent verdict" one the jury questions demonstrates the aforementioned; and the judges ruling returning the plaintiff-appellant to the library and including a policy on sexual harassment policy demonstrates my civil rights have been violated; that the plaintiff-appellant has libel and slandered during this ordeal; that under the 1964 civil rights Act of 1964 the plaintiff-appellant believes that due to lack of training of staff on this issue, that the executive, the mayor acting on behalf of the municipal corporation, and failing to train his employees to recognize what sexual harassment is and what it is not, violates the Amesbury Home rule charter, Article V of the Massachusetts Declaration of Rights, and that of the Ninth amendment of the United States Constitution, and the unenumerated right of the Accountability of our public officials and places the municipality liable for its actions;

and finally that the mayor and former mayor acting as a library consultant during this time conspired and damage the plaintiff-appellant's reputation and character with the written libels and slanders noted above that emanate from First amendment, the Fourteenth amendment, and that the mayor as the executive office of the municipal corporation under second 2-2 is accountable and that its actions violates the Declaration of Rights of 1780 of the Massachusetts Constitution as outlined in my brief to the Newburyport Superior Court December 26, 2007 and other issues.

Constitutional Issues from the United states Constitution, the constitution of massachusetts, and the Amesbury Home rule Charter: "amendments to this constitution...shall be valid to all intents and purposes, as part of this constitution , when ratified:" Amendment 1, speech, assembly, the press, and the petition; Amendment 5, due process of law; Amendment 7, Trial by Jury; Amendment 9, unenumerated rights - sourced from the Declaration of Rights as source; amendment 14, due process under the law, equal protection under the law; amendment 15, voting rights; Amendment 19,; Amendment 24,; and Amendment 26.

Petitioner's Reply Brief Petitioner, The Appellant-Plaintiff, James N. Thivierge, notes the cover of the Town of Amesbury's and the apparent mislabeling and mis-reference to the Petitioner, the Appellant-Plaintiff, James N. Thivierge, as the plaintiff/Appellee. At first I thought it may be a cross-appeal; however after checking the manual/rules it appears to be a mislabel. the plaintiff-appellant notes this point on the cover of the red covered answer.

The Petitioner, the Plaintiff-Appellant, James N. Thivierge, has broken no law, committed no crime, the honorable judge Plaintiff-Appellant back into the library. I believe substantiates that my rights mentioned in opening brief have been violated. I did enter enter the public library as he has since the 1950's and signed to use the computers to grab email and search for information; and while waiting, descend to the reference room to read multi-volume biographies of Madison and Marshall and Hartt's History of Massachusetts, a page at a time, while waiting for the computer at various times of the day, over the course of a week, sitting in the same seat whenever possible since receiving adult privileges at the Amesbury Public Library in 1960 entering high school where he delivered newspapers in the morning, the Globe,

Herald and Record-American. I have acted no different than I have since the beginning in the 50's but the people and attitudes changed.

And, in addition, from time to time, since the change in government run for office 'the highest form of free speech' and make public comment allowed by the charter in municipal council rules 3.5c "shall provide for a period of public comment at regular meeting of the municipal council in discussion and contention of the current issues, free speech and public assembly. Also, during that time period I did run for public office as I did from 1973 thru 1996 while serving as a town meeting member, a school committee member a member of the by-law committee and finance committee and time term member and five time chairperson of the board of selectmen as both an appointed and elected official.

During the day time I worked for the department of taxation and corporations as a senior computer programmer working on tax systems for the bureau of programs an analysis for almost time five year leaving for the division of banks after completing the requirements out lined by the Supreme Judicial Court's "Sudbury Decision" on a 100 percent equalized valuation prior to over twenty-two years with the division of banks and loans agencies. At the banking I worked developing electronic systems on the statement of condition, the balance sheet, income statement and subsidiaries for the state chartered banking industry. Also, I either initiated or assisted the development of systems for CRA, interest rates carried in the Sunday globe business page for over ten years, what is the non financial services industry today, with numerous federal and state agencies, schooling at the Federal Reserve and FDIC both in Boston and Washington District of Columbia. but merely appeared before the municipal council under Pubic comment and made a knowledgeable three presentation on a monthly basis based on public sector experience gained from 1973 to the present invoving practical experience in both public and private sector but within the former sphere from practical meeting experience, over eighteen graduate course in public administration culminating in 2002 with a Masters of Arts I Public Adminsiotation. I have taught both state and local government at Quincy College and the "Analysis and Design of Relational Database" with a contract to teach American Government that did not happen. With numerous work with local association, nearly a hundred credits in lifelong learning, over 50 to 60 work related courses with taxation and banking in management, computers, a union steward with classes at the Labor Guild, plus I've taken the sexual harassment classes in graduate school twice and at

the banking commission twice, so I knew what it was and what it was not.

This unwarranted action constrains my liberties and access to petition, my access to the public record, without the unnecessary burden and acquiescence to a policy unfounded, and violated my rights because of the municipal corporation's lack of understanding and training of this issue. It has no foundation but the politics of exclusion. In basketball parlance it is a "box and one" with a "full court press!" And over ten years working 24 x 7 for the most part, since I started my little entity to save money and created resources for municipal corporations, it has been a "full court press" nearly costing me everything. The insecurity of these administrations has been very costly to the people of my community, politics is very expensive even at the local level.

I undertook this odyssey to protect rights and those of others who can fall under this oppressive tactic. One third of Publius of The Federalist Papers, James Madison, talks this oppression of government as a major reason for having a bill of rights in his letters to Jefferson and others plus his allusions during his remarks in his submission of the bill of rights to the First Congress. The Ninth Amendment is as important as the others and maybe more, because it acknowledges the fact that there are other rights that are not enumerated but appear in the previous 13 state constitutions of government prior to the convention in Philadelphia in 1787 and discussed during the ratification phase of the current Constitution, later in Washington DC as amended over the years, in effort to clarify the major questions of this country.

The Honorable Judge Patti B. Saris said on the concluding day "you can tell the library that the no-trespass order is no longer in effect." I am back in library as the local newspapers duly noted! Therefore with no law broken, no crime committed, I've taken the courses on title VII my case is Title VI, and I know the municipal corporation has violated my rights in this instances and many others as noted in the opening brief. I cede nothing the town of Amesbury has constrained my liberties wrongly, kept me from the public record and public activities, tarnished my character and reputation because they did not know what sexual harassment was and what it was not, the town harassed me. Essentially, this has taken over four years to get to this point and ambush requiring time, law libraries, and cases for something that the town administration knew nothing about and has no training in most instances on either side of the law. I basically cannot do anything till this case is over. I am a lifelong

resident growing up across from the fire station. Government has been my life, protecting my rights serves a purpose for me because I will not allow anyone to do this who knows nothing or very little about public administration on behalf of the people. WE the people lose or as the Massachusetts Preamble states, "We, therefore, the people." The common good erodes in Massachusetts, and the promotion of the general welfare wanes. In Federalist #45, the "public good, is the real welfare."

1. The appeal of James N. Thivierge is timely. I have broken no law, I have committed no crime and on day 4 of the trial 2-4-2010 the Honorable Judge Saris's ruling stated that "you can tell the library that the no-trespass order is no longer in effect." Had there been sexual harassment, I wouldn't be allowed there. Neither the executive authority nor his subordinates were sufficiently versed to really know placing the community jeopardy.

2. The removal of the case from Lawrence to United States District Court courts district court the result of a request for mandamus initiated on December 24, 2007 before the presiding judge in the Newburyport District court and sent to the Lawrence Superior Court. A writ of mandamus outstanding.

3. Jury verdict - evidence - I did not get te chance to finish my closing argument before the jury. (don't forget closing argument and the evidence) the opposing counsel's rendition has taken a new vocabulary with hyperbole. The petitioner could not place the public record the acceptance and assurances of the federal monies into evidence the cases noted in the Petitioner's Appellant-Plaintiff opening brief of James N. Thivierge. (See *Appendix*)

4. objections to jury instructions and verdict form

Conclusion: I broke no law, committed no crime, but simply attend meetings and learned a little more of local and state government than the average person and therefore excluded by the action by the town depriving me access to the public record, activities etc. plus the during course my voting rights were abridged on February 5, 2008 during a Presidential Preference Primary. neither the town clerk, the municipal council, the mayor nor the registrars of voters made note of what appears a total breakdown of the voting process.

I

The relief sought by the Petitioner Plaintiff-Appellant.

A return to my natural day to day activity and access to all public buildings and activities from which I have been excluded with damages. I owe a great deal of money largely due to the activities of the local government, as I see it. The public record of the Plaintiff-appellant blemished by this wrongful action, the Town of Amesbury must correct.

I have spent my whole adult life in government doing what I consider things that are in the best interest of the community as an appointive and elective volunteer for expense money only but helping people get essential services: water/sewer for neighborhoods without since the 1950's so that they sell their at their properties advance ages to provide for their posterity; helping people with naturalization becoming citizens; filing legislation that becomes public safety law preventing the use of cell phones in school buses while underway and many many other positive accomplishments.



Paul George W. Saffler
1911

Plaque by Jim Thomey: "Josiah Bristoll" sign, Declaration of Independence, born Kneeling, 1776.

Article 107 of the amendments to the Massachusetts' Constitution

Article CVII. Section 2 of Article LXIII of the Articles of Amendment to the Constitution of the Commonwealth is hereby annulled and the following is adopted in place thereof:-P>

***Section 2. The Budget.* - Within three weeks after the convening of the general court the governor shall recommend to the general court a budget which shall contain a statement of all proposed expenditures of the commonwealth for the fiscal year, including those already authorized by law, and of all taxes, revenues, loans and other means by which such expenditures shall be defrayed. In the first year of the term of office of a governor who has not served in the preceding year said governor shall recommend such budget within eight weeks after the convening of the general court. The budget shall be arranged in such form as the general court may by law prescribe, or, in default thereof, as the governor shall determine. For the purpose of preparing his budget, the governor shall have the power to require any board, commission, officer or department to furnish him with any information which he may deem necessary.**

Article LXIII. Section 1. *Collection of Revenue.* - All money received on account of the commonwealth from any source whatsoever shall be paid into the treasury thereof.

Section 2. *The Budget.* - Within three weeks after the convening of the general court the governor shall recommend to the general court a budget which shall contain a statement of all proposed expenditures of the commonwealth for the fiscal year, including those already authorized by law, and of all taxes, revenues, loans and other means by which such expenditures shall be defrayed. This shall be arranged in such form as the general court may by law prescribe, or, in default thereof, as the governor shall determine. For the purpose of preparing his budget, the governor shall have power to require any board, commission, officer, or department to furnish him with any information which he may deem necessary.] [See Amendments, Arts. LXXII and LXXV.] [Annulled by Amendments, Art. CVII.]

Section 3. *The General Appropriation Bill.* - All appropriations based upon the budget to be paid from taxes or revenues shall be incorporated in a single bill which shall be called the general appropriation bill. The general court may increase, decrease, add or omit items in the budget. The general court may provide for its salaries, mileage, and expenses and for necessary expenditures in anticipation of appropriations, but before final action on the general appropriation bill it shall not enact any other appropriation bill except on recommendation of the governor. The governor may at any time recommend to the general court supplementary budgets which shall be subject to the same procedures as the original budget.

Section 4. *Special Appropriation Bills.* - After final action on the general appropriation bill or on recommendation of the governor, special appropriation bills may be enacted. Such bills shall provide the specific means for defraying the appropriations therein contained.

Section 5. [*Submission to the Governor.* - The governor may disapprove or reduce items or parts of items in any bill appropriating money. So much of such bill as he approves shall upon his signing the same become law. As to each item disapproved or reduced, he shall transmit to the house in which the bill originated his reason for such disapproval or reduction, and the procedure shall then be the same as in the case of a bill disapproved as a whole. In case he shall fail so to transmit his reasons for such disapproval or reduction within five days after the bill shall have been presented to him, such items shall have the force of law unless the general court by adjournment shall prevent such transmission, in which case they shall not be law.] [See Amendments, Art.XC, Sec. 4..]

"Direct debt limit", the sum of the principal amounts of all direct debt issued by the commonwealth for the purposes of financing state projects and purposes with the exception of debt issued on a short-term basis in anticipation of receipts from taxes and other sources.

"Federal grant", any financial assistance available to a state agency from the United States government, either directly or through an intermediary, whether a project, formula, or block grant, a subvention, a subsidy, an augmentation, or a state plan. For the purposes of this chapter "federal grant" shall not mean such financial assistance provided pursuant to Titles XVIII or XIX of the Social Security Act or other reimbursements received for state entitlement expenditures and credited to the General Fund nor does it mean federal financial assistance from the United States government for direct payments to individuals, or for other purposes as provided for in section thirty-four of chapter ninety, section two of chapter one hundred and thirty-one, section ten of chapter one hundred and thirty-two A, section two E of chapter twenty-nine, chapter ninety-two, and section forty-eight of chapter one hundred and fifty-one A.

"Fund", an accounting entity established by general or special law to record all the financial resources or revenues together with all related expenditures or liabilities that are segregated for a particular purpose.

"Prior appropriation continued" or "PAC", a phrase used to reappropriate unexpended and unencumbered monies from one fiscal year for the subsequent fiscal year.

"Retained revenue", the income of state agency or other public instrumentality from its operations which by law it is allowed to expend for a particular purpose up to a specified limit without further appropriation which would otherwise be subject to direct appropriation.

"Revenue retention account", an account which allows a state agency or other public instrumentality to use retained revenue during the fiscal year in which such revenue is received to maintain all or a portion of its operations.

"Revolving account", a revenue retention account in which the retained revenues unspent or unencumbered at the end of a fiscal year are carried over into the next fiscal year for expenditure.

"Secretary", the officer in charge of each executive office established by chapters six A and seven; provided, however, that secretary shall mean the board for the board of regents of higher education and the board of education; and provided, further that secretary shall mean the court for the supreme judicial court.

"State agency", a state agency, board, bureau, department, division, section, or commission of the commonwealth.

[Definition of "State Authority" effective until August 1, 2010. For text effective August 1, 2010, see below.]

"State Authority", shall include the following: Bay State Skills Corporation, Boston Metropolitan District, Centers of Excellence Corporation, Community Economic Development Assistance Corporation, Community Development Finance Corporation, Government Land Bank, Massachusetts Bay Transportation Authority, Massachusetts Business Development Corporation, Massachusetts Convention Center Authority, Massachusetts Corporations for Educational Telecommunications, Massachusetts Educational Loan Authority, Massachusetts Health and Educational Facilities Authority, Massachusetts Horse Racing Authority, Massachusetts Housing Finance Agency, Massachusetts Industrial Finance Agency, Massachusetts Industrial Service Program, Massachusetts Port Authority, Massachusetts Product Development Corporation, Massachusetts Technology Development Corporation, Massachusetts Technology Park Corporation, Massachusetts Department of Transportation, Massachusetts Water Resources Authority, Pension Reserves Investment Management Board, State College Building Authority, Southeastern Massachusetts University Building Authority, Thrift Institutions Fund for Economic Development, University of Lowell Building Authority, University of Massachusetts Building Authority, and the Water Pollution Abatement Trust.

[Definition of "State Authority" as amended by 2010, 240, Sec. 64 effective August 1, 2010. See 2010, 240, Sec. 206. For text effective until August 1, 2010, see above.]

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Section 2C. All federal grant funds, which shall include grants in aid and subventions, received by any department, institution, board, commission, agency, officer or employee of the commonwealth from the federal government, whether directly or through an intermediary, other than grants for capital improvements, as provided in section two B, shall be paid into the treasury of the commonwealth and credited to a separate special revenue fund, to be known as the General Federal Grants Fund. Each such grant shall be kept in a separate account and subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

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Section 6 Operating budget

PREV NEXT

Section 6. The budget director shall study and review all estimates and requests for appropriations and other authorizations for expenditures of state funds filed with him as provided by sections three and four, and shall make such investigations as will enable him to prepare an operating budget for the governor, setting forth such recommendations as the governor shall determine. The governor may call upon the comptroller for information relative to finances and for assistance in the preparation of the operating budget. The operating budget shall embody all estimates, requests and recommendations for appropriations, distributions of state revenues and other authorizations for expenditures by the commonwealth in accordance with existing law, other than for capital facility projects and prior-year appropriations, but including those from revolving and revenue retention accounts and those from federal grants, as submitted by each officer having charge of any state agency which receives a periodic appropriation from the commonwealth. The budget recommendations of the governor shall not assume future continuing appropriation of the unspent balances of current or previous appropriations.

The operating budget shall be set out in accordance with the provisions of section six D and classified and designated so as to show separately estimates and recommendations for: (a) expenses for administration, operation and maintenance; (b) deficiencies or overdrafts in appropriations for former years; (c) interest on the public debt and sinking fund and serial bond requirements; and (d) all requests and proposals for expenditures for new programs and other undertakings, and shall include in detail definite recommendations of the governor relative to the amounts which should be appropriated therefor. The operating budget shall show the estimated state revenue of each state agency. The operating budget shall indicate the number of positions proposed to be authorized for each state agency or such other public instrumentality for the ensuing fiscal year, the number of positions for each state agency in the current and ensuing fiscal years and such other information as may be held to explain the anticipated results of the proposed expenditures.

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Section 6D. Each appropriation account or other authorization to expend monies of the commonwealth contained in the general appropriations and as any supplemental or deficiency appropriations acts shall include the following information: (a) the account number of the appropriation, (b) the purpose of the appropriation and other restrictive language; and (c) the amount of the appropriation or the maximum expenditure allowed, set out in numeric figures. No appropriation otherwise set out in any act shall be valid and the comptroller shall not allow monies to be expended on any appropriation not conforming to the requirements herein established.

The general appropriations act shall include the following sections: (a) section 2 which shall include all direct appropriations and authorizations to retain revenue, (b) section 2B which shall include all appropriations from the Intergovernmental Service Fund; (c) section 2C which shall include all authorizations to continue a prior appropriation, including an amount set forth in numeric figures of the prior appropriation continued, and (d) section 2D which shall include all appropriations of federal grants.

Supplemental and deficiency appropriations acts shall include separate sections for: (a) direct appropriations and authorizations to retain revenue which do not require changes to the purpose of the appropriation or other restrictive language; (b) direct appropriations and authorizations to retain revenue which require new or amended language regarding the purpose of the appropriation or other restrictive language; (c) all appropriations from the Intergovernmental Service Fund; and (d) all authorizations to continue a prior appropriation.

The provisions of this section shall apply to all appropriations of commonwealth funds, including direct appropriations, retained revenue authorizations, federal grant appropriations, accounts with prior appropriations continued and appropriations from the Intergovernmental Service Fund.

This section shall not apply to appropriations which are included as part of a capital budget.

Section 6D Appropriations

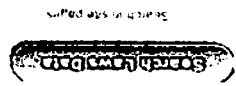
CHAPTER 29 STATE FINANCE

TITLE III LAWS RELATING TO STATE OFFICERS

PART I ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)

PREV NEXT
PREV NEXT
PREV NEXT
PREV NEXT

Print



General Laws

Keyword/Phrase | Chapter | Section

- Bills & Laws
- Bills
- Existing Laws
- Drafting Manual
- Senate Calendar
- House Calendar
- Joint Rules
- Senate Rules
- House Rules
- Journals

BILLS & LAWS | PEOPLE | COMMITTEES | EVENTS | EDUCATE & ENGAGE | MASS. BUDGET

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ADVANCED GO

The State Budget: A Brief Explanation

The Constitution of the Commonwealth of Massachusetts requires the Governor to present a budget to the legislature within three weeks of the beginning of the new session in January. This budget must contain all recommended expenditures for the state, balanced against revenues brought in by state agencies and other incoming moneys. These figures are based on information presented to the Governor by the Secretary of Administration and Finance.

The budget, once submitted by the Governor, is known as House Bill No. 1. It must be passed by both the House of Representatives and the Senate. If the two houses do not pass identical versions, the legislative leadership appoints a Conference Committee to settle their differences. The final version is then sent back to the Governor for signature. According to the state's Constitution, the Governor has the power of the "line-item veto," as it is commonly called, over any bill appropriating money. Therefore, s/he can veto or alter portions of the budget, reduce or eliminate specific amounts, and delete or alter language, while approving the remainder. However, all changes must be returned to the legislature within ten days for a potential override, which can be accomplished with a two-thirds majority vote in both branches. If the Governor does not present changes within ten days, the budget, as passed by the legislature, becomes law. Only when the legislature is not in session can the Governor use a "pocket veto" which is to veto the entire bill by not signing it. In any case, the final decision agreed to by the Governor and the legislature becomes the Fiscal Budget.

The budget itself is broken down into a few main components. Section 1 simply states that all money appropriated must be covered by revenues taken in. In Section 1A are the sources of state revenue, the amount collected and the portions of that money that go into the General Fund, the Highway Fund, the Local Aid Fund, and other state funds. Section 1B presents non-tax revenues reported by state agencies to the Executive Office of Administration and Finance for comparison with projected figures.

Section 2 is the roster, by line-item, of each agency and its budgetary needs, noting what portion will come from any fund other than the General Fund, as well as programs funded by the General Federal Grants Fund, along with the amount of federal grant money required. Section 2B lists the agencies permitted to collect money from other state agencies and the amount.

Section 3 is a list of the cities and towns along with their Local Aid provisions. The remaining sections, called "outside sections," beginning with Section 4 and continuing through to the end, do not make specific appropriations of money. These sections may, however, impose conditions on the collection and expenditure of state funds or make other changes in the law.

When actually reading the budget, one can identify the final steps it must endure before it becomes official. The numbered sections are the enacted version placed before the Governor by the legislature. After this is a list of the line-items and language that s/he has vetoed. Finally, the vetoed items that were overridden by the legislature appear, completing the budgetary process.

Forming the budget is perhaps the most important and most demanding duty of state government. Once a final version is signed into law, the process begins again for the next budget. Government officials must determine fiscal policy which could have effects well beyond the current fiscal year.

This explanation of the state budget was prepared by:
William Francis Galvin, Secretary of the Commonwealth
Citizen Information Service
(617) 727-7030
1-800-392-6090 (in Massachusetts only)
TTY: (617) 878-3889
www.sec.state.ma.us/cis

SECTION 1A. In accordance with Articles LXIII and CVII of the Articles of Amendment to the Constitution of the Commonwealth and section 6D of chapter 29 of the General Laws, it is hereby declared that the amounts of revenue set forth in this section by source for the respective funds of the commonwealth for the fiscal year ending June 30, 2010 are necessary and sufficient to provide the means to defray the appropriations and expenditures from such funds for said fiscal year as set forth and authorized in sections 2 and 2B. The comptroller shall keep a distinct account of actual receipts from each such source by each such fund to furnish the executive office for administration and finance and the house and senate committees on ways and means with quarterly statements comparing such receipts with the projected receipts set forth herein and to include a full statement comparing such actual and projected receipts in the annual report for said fiscal year pursuant to section 13 of chapter 7A of the General Laws. The quarterly and annual reports shall also include detailed statements of any other sources of revenue for the budgeted funds in addition to those specified in this section.

Fiscal Year 2010 Revenue by Source and Budgeted Fund (in Millions)

Source	All Budgeted Funds*	General Fund	Commonwealth Transportation Fund	Other**
Alcohol. Bev.	69.5	69.5	0.0	0.0
Cigarettes	483.9	483.9	0.0	0.0
Corporations	1,455.8	1,455.8	0.0	0.0
Deeds	95.9	95.9	0.0	0.0
Estate Inheritance	211.4	211.4	0.0	0.0
Financial Institutions	270.8	270.8	0.0	0.0
Income	10,372.2	10,372.2	0.0	0.0
Insurance	351.4	351.4	0.0	0.0
Motor Fuels	638.2	0.0	637.3	0.9
Public Utilities	88.9	88.9	0.0	0.0
Room Occupancy	104.1	67.7	0.0	36.5
Sales-Regular	2,755.3	2,755.3	0.0	0.0
Sales-Meals	627.6	627.6	0.0	0.0
Sales-Motor Vehicles	440.2	440.2	0.0	0.0
Miscellaneous	2.7	2.7	0.0	0.0
UI Surcharges	21.1	0.0	0.0	21.1
Total Consensus Tax Revenues:	17,989.0	17,293.3	637.3	58.5

H 4129

Transfer to School Modernization and Reconstruction Trust (SMART) Fund for School Building Authority	(607.1)	(607.1)	0.0	0.0
Transfer to MBTA State and Local Contribution Fund	(767.1)	(767.1)	0.0	0.0
Transfer to Pension Reserves Investment Trust Fund for Pension Contribution	(1,376.6)	(1,376.6)	0.0	0.0
Total Consensus Tax Revenue for Budget:	15,238.2	14,542.5	637.3	58.5
Revenue Changes				
Sales Tax increase to 6.25%	759.0	759.0	0.0	0.0
Sales Tax Dedicated to Transportation	(275.0)	(275.0)	0.0	0.0
Elimination of Alcohol Sales Tax Exemption	78.8	78.8	0.0	0.0
Annualized Value of Additional Auditors	26.0	26.0	0.0	0.0
Satellite Television Tax	25.9	25.9	0.0	0.0
Film Tax Credit Modification	20.0	20.0	0.0	0.0
Total Taxes Available for Budget:	15,872.9	15,177.2	637.3	58.5
Non-Tax Revenue				
Federal Reimbursements	8,278.0	8,272.7	0.0	5.3
Departmental Revenue	2,644.8	2,099.7	523.2	21.9
Consolidated Transfers	413.1	706.3	(77.1)	(216.1)
GRAND TOTAL	27,208.9	26,255.9	1,083.5	(130.4)

* Includes revenue deposited into and transfers out of the Workforce Training Fund, Mass Tourism Fund, Inland Fish and Game Fund, and Stabilization Fund.

** Includes tax revenue of \$21.1 M into the Workforce Training Fund, \$36.5 M into the Mass Tourism Fund and \$0.9 M into the Inland Fish and Game Fund

SECTION 1B. The comptroller shall keep a distinct account of actual receipts of non-tax revenues by each department, board, commission or institution to furnish the executive office for administration and finance and the house and senate committees on ways and means with quarterly statements comparing such receipts with projected receipts set forth herein and to include a full statement comparing such receipts with projected receipts in the annual report for such fiscal year pursuant to section 13 of chapter 7A of the General Laws. The quarterly and annual reports shall also include detailed statements of any other sources of revenue for the budgeted funds in addition to those specified in this section.

PART V Financial Procedures

Section 5-1 Budget Policy

The mayor after consultation with the members of the municipal council, school committee, and others deemed appropriate by the mayor, shall call a meeting of the municipal council prior to the commencement of the budget process to review the financial condition of the town, revenue and expenditure forecasts and other relevant information. The purpose of the meeting is to provide information on the financial condition of the town. The mayor shall be assisted by the chief financial officer established under Section 6-3 of this charter, in performing this responsibility.

Section 5-2 Submission of Operating Budget; Budget Message

In accordance with the laws of the commonwealth before the commencement of the ensuing fiscal year, the mayor shall submit to the municipal council a proposed operating budget for all town agencies for the ensuing fiscal year with an accompanying budget message and supporting documents. The budget message submitted by the mayor shall explain the budget in fiscal terms and in terms of work programs for all town agencies. It shall outline the proposed fiscal policies of the town for the ensuing fiscal year; describe important features of the proposed operating budget and indicate any major variations from the current budget, fiscal policies, expenditures and revenues together with reasons for such change. The proposed operating budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the mayor deems desirable.

The operating budget as adopted by the school committee shall be submitted to the mayor at least thirty days prior to the submission of the proposed operating budget to the municipal council. The mayor shall notify the school committee of the date by which the operating budget of the school committee shall be submitted to the mayor. The chief financial officer shall coordinate the preparation of the budget preparation process with the superintendent of schools and the school committee's budget process in accordance with the laws of the commonwealth.

Section 5-3 Action of the Budget

(a) Public Hearing

The municipal council shall publish, in at least one newspaper of general circulation in the town, a summary of the proposed operating budget as submitted by the mayor by a notice stating: (1) the times and places where copies of the entire proposed operating budget are available for inspection by the public, and (2) the date, time and place not less than fifteen days after such publication, when a public hearing on said proposed operating budget will be held by the municipal council. For the purpose of this section, the summary of the proposed operating budget that is required to be published shall contain proposed appropriations, funding sources and any narrative summary deemed necessary by the municipal council.

(b) Adoption of the Budget

The municipal council shall adopt the operating budget, with or without amendments, within forty-five days following the date the budget is filed with the clerk of the council. In amending the operating budget, the municipal council

*Part V
part V provides for
detailed financial
procedures for the
town.*

*Procedures are
provided for the
submission of an
operating budget, a
budget hearing
process, a formalized
financial planning
process requiring
financial forecasting
and the development
of a capital budget.
Documents are also
to be made available to
the public.*

may delete or decrease any amounts except expenditures required by law, but except on the recommendation of the mayor, the municipal council shall not increase any item in or the total of the proposed operating budget, unless otherwise authorized by the laws of the commonwealth.

If the municipal council fails to take action with respect to any item in the operating budget within forty-five days after receipt of the budget, such amount shall, without any action by the municipal council become a part of the appropriations for the year, and be available for the purposes specified.

Section 5-4 Financial Planning

(a) Financial Planning Practices

The chief financial officer established in accordance with Section 6-3, shall assist the mayor in financial planning and shall annually prepare a capital improvements program and a financial forecast. The capital improvements program and a financial forecast shall be prepared under the direction of the mayor, and shall be submitted to the municipal council and shall be available to the public for inspection.

(b) Capital Improvements Program

The chief financial officer shall annually prepare and submit a capital improvement program to the municipal council at least ninety days prior to the date for submission of the operating budget, unless some other time is provided by ordinance. The capital improvement program shall include: an itemization of all capital improvements proposed to be undertaken for at least five fiscal years: supporting data; cost estimates; method of financing; estimated effect of such plan on the tax rate; and other features as deemed necessary by the mayor or requested by the municipal council.

(c) Financial Forecast

The chief financial officer shall annually prepare a long-term financial forecast of town revenue, expenditures and the general financial condition of the town. The forecast shall include, but not be limited to, an identification of factors which will impact on the financial condition of the town, revenue and expenditure trends; potential sources of new or expanded revenues and any long or short term actions which may be taken that will enhance the financial condition of the town.

Section 5-5 Annual Audit

The municipal council shall provide for an annual audit of the books and accounts of the town and the school department to be made by a certified public accountant, or firm of certified public accountants who shall have no personal interest, direct or indirect in the fiscal affairs of the town government. The municipal council shall publish in at least one newspaper of general circulation in the town a notice stating the availability of the final audit report for public inspection.

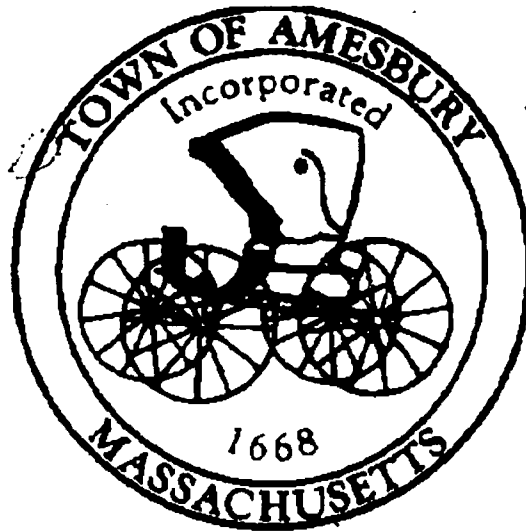
Section 5-6 Public Access to Financial Documents

Copies of the annual budget, capital improvements program, financial forecast, and the annual audit shall be available for public inspection and copies of such documents shall be filed in the office of the town clerk and the library.

ANNUAL REPORT

Of The

TOWN OF AMESBURY



July 1, 2007 – June 30, 2008

Mayor Thatcher W. Kezer III

54, 57, 53, 162
2007-10000
49 39-207-078
46

Fairway

AVAILABLE
01-13-07

MUNICIPAL
Council
meeting

In receipt
6 months has
statutory
clearing
governor

Book of Resolutions
How long to be in the
One will remain in force
in the town of Amesbury
- sit large number

→ page 54 (2008-02)
→ page 28

January 8, 2008
The President Pringle
February 5, 2008
Subcommittee
relate to the

**COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH**

WARRANT FOR PRESIDENTIAL PRIMARY

SS.

her of the Constables of the Town of Amesbury

GREETING:

the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in Primaries to vote at

1, 2, 3, 4, 5, 6,
(precinct numbers)

Town Hall Auditorium, 62 Friend Street
(polling locations)

TUESDAY, THE FIFTH DAY OF FEBRUARY, 2008, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Presidential Primary for the candidates of political parties for the following offices:

PRESIDENTIAL PREFERENCE FOR THIS
COMMONWEALTH
STATE COMMITTEE MAN SENATORIAL DISTRICT
STATE COMMITTEE WOMAN SENATORIAL DISTRICT
WARD OR TOWN COMMITTEE CITY OR TOWN

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 8th day of January, 2008.
(month)

Municipal Council of: Amesbury
(Town)

February	
President	
Blanks	
John R. Edwards	
Hillary Clinton	
Joseph R. Biden	
Christopher	
Mike Gravel	
Barack Obama	
Dennis J. Kucinich	
Bill Richardson	
No Preference	
Write-ins	
John McCain	
Ron Paul	
Mitt Romney	
TOTAL	

State Committee	
Blanks	
James J. Fiore	
Write-ins	
Kevin Jones	
Thatcher Keener	
Arthur Lawler	
Tom Lloyd	
Ann Carrier	
No Preference	
Robert Lavoie	
Joshua J. Issa	
Laurence Crow	
Anybody Else	
Ron Paul	
No Entry	
Herman Benson	
James Thivier	
Red Slavit	
TOTAL	

	District 1	District 2	District 3	District 4	District 5	District 6	TOTAL
State Committee Woman - DEM							
Blanks	263	182	230	152	212	167	1,206
Louise C. Bevilacqua	347	351	345	242	334	335	1,954
Write-Ins	1						
Kezer							
Debra Bibeau			1				
Ann Carrier			1				
Lauran Lloyd				1			
No Preference				1	1		
No Entry					1		
Judith Priest							
TOTAL	611	533	577	396	548	502	3,100

	District 1	District 2	District 3	District 4	District 5	District 6	TOTAL
Town Committee - DEM							
Blanks	439	370	413	283	394	339	2,238
Group	172	163	164	113	154	163	839
TOTAL	611	533	577	396	548	502	3,100
Blanks	20,457	17,769	19,259	13,200	18,275	16,691	105,641
Thatcher W. Kezer III	390	366	373	235	346	342	2,052
Roger S. Benson	261	253	269	193	280	265	1,521
Kate Broughton	268	232	265	187	254	248	1,454
Rebecca Jordan	1	2	1			2	6
Scott Jordan	1	2				2	6
Lewis Rubinfeld	1						1
Barbara Hathaway	1						1
Maria Messner	1	2	1	9	3		16
Cynthia Costello	1	2	1	9	3		16
Debra Bibeau	1						1
Eileen F. Lacerda	1						1
Roger Deschenes	1						1
Gene Hammel		1					1
Jane Siebecker		3	2	2	2	1	11
John Siebecker		2	2	1			5
Ben Siebecker		3	2	2	1	1	10
Bernadette Lucas		2	1	2			5
Ann Langlois		2	1	1			4
Linda Germano		1	1		2	2	6
Robert Gaudet		1					1
Jacob Darnell Jr.		1					1
Arthur Lawler		2					2
Mary Ellen Lawler		1				1	2
Russ Davenport		1					1
Meg Costello		1	1				2
Ted Van Alt		1					1
James Thivierge		1					1

	District 1	District 2	District 3	District 4
Leo Norton				
Alison Lindstrom		1		
Bernadette Georgian		1		
Ben Lahey				1
Mark Georgian				1
Charlene McDonald				1
Ann Connolly King				1
Mickey Mouse			3	
Sheila Casey			1	
Anybody		1		
Ann Carrier				1
David Hildt				1
Don Meskie				1
Chris Hyde				1
Don Bakerian				1
Glen Germanowski				1
Robert Lavoie				1
Joshua Issa				1
Laurence Cronin				1
Keith McMahon				1
Henry Fournier				1
Nicholas Costello				1
Andrew Benson				1
Niele				2
Norman Cynewski, Sr.				1
Joseph Costello				2
David Donahue				1
Deborah Carey				1
Greg Hogan				1
Janet Geanoulis				1
Samuel Lambert				1
Tom Iacobucci				1
Scott Lacava				1
Tara K. Nelson				1
Phil Cronin				1
Richard Thompson III				1
Kathleen Thompson				1
Shella Casey Durkin				1
Raymond Cynewski				1
Lucella Cynewski				1
Jon Sherwood				1
Leater Weiner				1
Rebecca Boyer McDonald				1
TOTAL	21,385	18,655	20,195	13,860

Community Develop Block Grant

Councilor Lavoie moved to adopt revisions as set forth in the document dated 12/11/07 with respect to changes in Section 1. VI and Section 2. XI.O. Voted 7-Yes, 1-No, Thone
Councilor Lavoie moved to adopt Section 3. XIV as revised in document 12/11/07. Voted 6-Yes, 2-Abstained Iacobucci & Benson

2007-124 2008 Municipal Council Meeting schedule - Voted

At the meeting of the Amesbury Municipal Council held on Wednesday, January 2, 2008 in the Town Hall Auditorium the following action was taken:

Municipal Council President - Councilor Roger S. Benson -Voted Unanimous
Municipal Council Vice President - Councilor Robert W. Lavoie - 8Yes, 1-Abstain

Adopted 5th Session Rules and Procedures as 6th Session Rules and Procedures until the Rules workshop - Voted Unanimous

At the meeting of the Amesbury Municipal Council held on Tuesday, January 8, 2008 in the Town Hall Auditorium the following action was taken:

2008-002 February 5, 2008 Presidential Primary Election Warrant - Voted

2008-004 Amesbury Police Department Accreditation - Read into record

At the meeting of the Amesbury Municipal Council held on Tuesday, January 29, 2008 in the Town Hall Auditorium the following action was taken:

2008-006 Auctioneer License - John McInnis, 76 Main Street - Voted

2008-005 A Resolution that the Amesbury Municipal Council support the Town's application for \$800,000 in Community Development Block Grant monies - Councilor Sherwood and Ferguson sponsored

BE IT RESOLVED: That the Amesbury Municipal Council fully supports the Town of Amesbury's application for \$800,000 in Community Development Block Grant monies, inasmuch as the proposed uses, listed here, meet key objectives in Amesbury's integrated Community Development Strategy:

Housing rehabilitation, including sanitary, building code and lead-paint compliance; Completion of a four-year Infrastructure Improvement project in the Aubin-Nayson Neighborhood, that will replace and repair neighborhood streets and sidewalks; Tuition subsidies to low income families so that their children may attend the Amesbury After School Program; and A Down Payment and Closing Cost Program for First-time Homebuyers. Councilor Chatigny made a motion to accept the resolution with the full support of the Municipal Council for the Community Development Block Grants as presented. Councilor McMilleon seconded.

VOTED - UNANIMOUS

Housing - Economic Development + Community Dev
354 2/1/0
54
→ Fed Grant, Small Bus CD Block Grant



At the meeting of the Amesbury Municipal Council held on Tuesday, January 2, 2008 in the Town Hall Auditorium the following action was taken:

2008-007 Amesbury Municipal Council Sixth Session Rules & Councilor Lavoie motioned to approve 2008-007 as submitted with require a second and Rule 11A-2 Audit & Oversight to be a Councilor Dunford second. Voted Unanimous

2008-003 An Order to request the Municipal Council authorize the ice budget for FY2008 - Mayor sponsor
Be it Ordered by the Municipal Council of the Town of Amesbury authority of the same as follows: that the Municipal Council authority in accordance with M.G.L. Chapter 44, Section 31D, to overspend the FY2008 in order to protect the life and safety of its inhabitants. Councilor Lavoie moved to close the Public Hearing and adopt 2008-003 overspending, Councilor McMilleon second. Voted - Unanimous

At the meeting of the Amesbury Municipal Council held on March 11, 2008 in the Town Hall Auditorium the following action was taken:

2008-010 Accept a \$5,400 donation from the Newburyport Five Cent Savings Charitable Foundation

Be it Ordered by the Municipal Council of the Town of Amesbury authority of the same as follows: That a \$ 5,400.00 donation from the Newburyport Five Cent Savings Charitable Foundation for the Amesbury Men's Breakfast Group. Councilor Neale moved the Finance Committee recommendation for a \$5400.00 donation from the Newburyport Five Cent Savings Charitable Foundation submitted. Councilor Chatigny seconded. Roll Call - 9-Yes, Councilor Gilday, Councilor Lavoie, Councilor McMilleon, Councilor Neale, Councilor Chatigny, Councilor Dunford, President Benson

2008-013 Transfer \$40,000 from Reserve for Unforeseen to Legal Services
Be it Ordered by the Municipal Council of the Town of Amesbury authority of the same as follows: to authorize the following transfer:
From: 132 Reserve for Unforeseen \$ 40,000
To: 151 Legal Services General \$ 40,000
to cover FY2008 expenditures.

Councilor Lavoie moved the recommendation of the Finance Committee to transfer \$40,000 from Reserve for Unforeseen to Legal Services General. Councilor Chatigny seconded.

Roll Call - 9-Yes, Councilor Ferguson, Councilor Gilday, Councilor Lavoie, Councilor McMilleon, Councilor Neale, Councilor Sherwood, Councilor Chatigny, Councilor Dunford, President Benson

13,910.25
40,000.00
53,910.25



Federal Fire Grant

Motion: Councilor Iacobucci moved to take bill 2007-097 back from Ordinance Committee and approve as amended. Roll Call Vote: Unanimous.

2007-098 An Order to transfer \$20,200.00 from Ambulance Receipts to purchase software and hardware for the Ambulance Billing and Data Collection program - Mayor Kezer sponsor

Be it Ordered by the Municipal Council of the Town of Amesbury assembled, and by the authority of the same as follows: That \$ 20,200.00 be transferred from the Ambulance Receipts fund (4120) for the purpose of purchasing software and hardware for the Ambulance Billing and Data Collection program. Councilor Iacobucci moved the recommendation of the Finance Committee for approval as submitted. Roll Call Vote: Unanimous

2007-099 An Order to accept a \$4,000.00 donation from Amesbury Healthcare Charitable Trust - Mayor Kezer sponsor

Be it Ordered by the Municipal Council of the Town of Amesbury assembled, and by the authority of the same as follows: That a \$ 4,000.00 donation be accepted from the Amesbury Healthcare Charitable Trust for the purpose of outfitting the Council on Aging Health Office with medical equipment. Councilor Benson moved the recommendation of the Finance Committee for approval as submitted. Roll Call Vote: Unanimous

2007-100 An Order to accept \$207,176.00 Federal Fire Act Grant - Mayor Kezer sponsor

Be it Ordained by the Municipal Council of the Town of Amesbury assembled and by the authority of the same, as follows: That the Municipal Council votes to accept a donation from the Federal Emergency Management Agency in the amount of \$207,176 for the purpose of replacing breathing apparatus and breathing air compressor. This donation will be used to complete project number 6.0 of the Capital Improvement Plan. There is a match requirement of \$10,904 from the town. The match will be funded through Ambulance Receipts as the equipment is used in ambulance operations. Councilor Iacobucci moved the Finance Committee recommendation for approval. Roll Call Vote: Unanimous

2007-104 Order to surplus Municipal Vehicles - Mayor Kezer sponsor

Be it Ordained by the Municipal Council of the Town of Amesbury assembled, and by the authority of the same as follows: that the Municipal Council vote to declare as surplus the following Police Department vehicles:

- (403) 1999 Ford Crown Victoria, VIN 2FAFP71W2XX235468
- (407) 2004 Ford Crown Victoria, VIN 2FAFP71W64X130508
- (409) 2004 Ford Crown Victoria, VIN 2FAFP71W24X121899
- (410) 1998 Ford Crown Victoria, VIN 2FAFP1WXWX172277
- (411) 1995 Ford Crown Victoria, VIN 2FALP71W1SX182791

Councilor Benson moved the Finance Committee recommendation for approval as submitted. Roll Call Vote: Unanimous

2007-108 Resolution Confirming Confirmation of Golden Triangle as a 43D Priority Development Site - Councilor's Lavoie, Iacobucci

NOW THEREFORE, be it resolved by the Municipal Council assembled and by the authority of the same as follows:

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Section 1: Amesbury hereby confirms its previous adoption on September 11 of Chapter 205 of the Acts of 2006 (said previous adoption appears in Ordinance 2007-078);

Section 2: Amesbury hereby designates the following properties within a Priority Development Site as approved by the Interagency Permit on September 13, 2007.

ASSESSORS MAP	LOT	ADDRESS
68	12	265 Elm St rear
68	13	277 Elm St
68	14	283 Elm St
68	15	287 Elm St
68	20	281 Elm St
69	1	293 Elm St rear
80	3	287 Elm St
80	4	287.5 Elm St
80	8	291 Elm St
80	9	293 Elm St RR
80	10	293 Elm St
80	11	295 Elm St
80	12	297 Elm Street

Section 3: Amesbury hereby accepts the award by the Interagency Permit Chapter 43D Technical Assistance Grant (TAG) for \$120,000 and the Mayor and appropriate Town Staff are hereby authorized to receive and utilize said TAG for the purposes.

Councilor Lavoie moved to adopt 2007-108 as submitted. Roll Call Vote: Unanimous

At the meeting of the Amesbury Municipal Council held on November 13, 2007, in the Town Hall Auditorium the following action was taken:

2007-112 An Order to increase the exemption amount of qualified applicants - Mayor Kezer sponsor

Be it Ordered by the Municipal Council of the Town of Amesbury assembled, and by the authority of the same as follows: That the Town of Amesbury increase the exemption amount of qualified applicants under the provisions of M.G.L. Chapter 59, Section 5, Clause 22 through 22E, Clause 37A, Clause 41D, Clause 42 and Clause 43I of the Acts of 1986, as amended by Chapter 73, Section 4 of the Acts of 1986 as amended by Chapter 112 as submitted. Roll Call Vote - Unanimous (8 members)

2007-113 - An Order to hold the annual Classification Hearing - Mayor Kezer sponsor
Be it Ordered by the Municipal Council of the Town of Amesbury assembled, and by the authority of the same as follows: That the Municipal Council vote on the issue of a residential factor which will determine the percentage of tax burden to be borne by residential property.

Federal Fire Grant

: Councilor Iacobucci moved to take bill 2007-097 back from Ordinance Committee and re as amended. Roll Call Vote: Unanimous

098 An Order to transfer \$20,200.00 from Ambulance Receipts to purchase software and hardware for the Ambulance Billing and Data Collection program – Mayor Kezer sponsor

Be it Ordered by the Municipal Council of the Town of Amesbury assembled, and by the authority of the same as follows: That \$ 20,200.00 be transferred from the Ambulance Receipts fund (4120) for the purpose of purchasing software and hardware for the Ambulance Billing and Data Collection program.

Councilor Iacobucci moved the recommendation of the Finance Committee for approval as submitted. Roll Call Vote: Unanimous

-099 An Order to accept a \$4,000.00 donation from Amesbury Healthcare Charitable Trust – Mayor Kezer sponsor

: Ordered by the Municipal Council of the Town of Amesbury assembled, and by the authority of the same as follows: That a \$ 4,000.00 donation be accepted from the Amesbury Healthcare Charitable Trust for the purpose of outfitting the Council on Aging Health Office with medical equipment.

Councilor Benson moved the recommendation of the Finance Committee for approval as submitted. Roll Call Vote: Unanimous

7-100 An Order to accept \$207,176.00 Federal Fire Act Grant – Mayor Kezer sponsor

Be it Ordained by the Municipal Council of the Town of Amesbury assembled and by the authority of the same, as follows: That the Municipal Council votes to accept a donation from the Federal Emergency Management Agency in the amount of \$207,176 for the purpose of purchasing breathing apparatus and breathing air compressor. This donation will be used to complete project number 6.0 of the Capital Improvement Plan. There is a match requirement of \$10,904 from the town. The match will be funded through Ambulance Receipts as the equipment is used in ambulance operations. Councilor Iacobucci moved the Finance Committee recommendation for approval. Roll Call Vote: Unanimous

Councilor Iacobucci moved the Finance Committee recommendation for approval. Roll Call Vote: Unanimous

207-104 Order to surplus Municipal Vehicles – Mayor Kezer sponsor

: Be it Ordained by the Municipal Council of the Town of Amesbury assembled, and by the authority of the same as follows: that the Municipal Council vote to declare as surplus the following Police Department vehicles:

- (403) 1999 Ford Crown Victoria, VIN 2FAFP71W2XX235468
- (407) 2004 Ford Crown Victoria, VIN 2FAFP71W64X130508
- (409) 2004 Ford Crown Victoria, VIN 2FAFP71W24X121899
- (410) 1998 Ford Crown Victoria, VIN 2FAFP1WXWX172277
- (411) 1995 Ford Crown Victoria, VIN 2FALP71W1SX182791

Councilor Benson moved the Finance Committee recommendation for approval as submitted. Roll Call Vote: Unanimous

207-108 Resolution Confirming Confirmation of Golden Triangle as a 43D Priority Development Site – Councilor's Lavoie, Iacobucci

NOW THEREFORE, be it resolved by the Municipal Council assembled and by the authority of the same as follows:

Section 1: All provisions of 11 of Chapter Ordinance 2007-097 Section 2: Amended as a Priority Development Site September 13

Section 3: Amend Chapter 43D Technical Ordinance appropriate Town purposes. Councilor Lavoie

At the meeting of the Town Hall Audit

2007-112 An Ordinance
Kezer sponsor
Be it Ordered by the authority of the same as follows: that the authority of qualified applicants be provided by Chapter 43D of 1988.
Councilor Iacobucci moved the recommendation for approval as submitted. Roll Call Vote: Unanimous

2007-113 – An Ordinance
Be it Ordered by the authority of the same as follows: that the residential factor w

2008-017 Appointment of William W. Rudolph – Lakes & Waterways Associate term to expire 6/30/10 – Voted Unanimous

2008-018 Appointment of Normand Pare – Board of Registrars term 4/1/08 – 3/31/11 – Voted Unanimous

2008-019 Appointment of Deborah Comick – High School Building Committee – voted Unanimous

At the meeting of the Amesbury Municipal Council held on April 8, 2008 in the Town Auditorium the following action was taken:

2008-027 Dough Raise Me, 4 Belmont St. – Common Vistualler License - Voted

2008-028 2008 Renewal - Junk Dealers License - Voted
Deco Reflections, 44 Market Street
Ashley & Barnes, Inc., 206 Elm Street
N.A. Nichols, Inc., Railroad Ave
Yesterday's Charms & Redesign, 87 Rear Elm Street
Embellishments, 35 Main Street, Unit 4
Fancy Schmancy, 41 Main Street

2008-029 2008 Renewal - Sunday/Weekday Pool - Voted
St. Jean Baptiste Club, 61-67 Main Street
Lafayette Club, 11 High Street
The Barn, 5 Ring Street
Polish National Alliance Inc., 14 1/2 Mill Street

2008-030 2008 Renewal - Sunday/Weekday Bowling - Voted
Lafayette Lanes, 11 High Street
Leo's Superbowl, 84 Haverhill Road

2008-011 Appropriate \$22,500,000 to upgrade Water Treatment Plant – Mayor sponsor

Councilor Lavoie read the following order in full and moved that the Municipal Council a 2008-011 as amended. Councilor Neale seconded.

Be it Ordered by the Municipal Council of the Town of Amesbury assembled, and authority of the same as follows: Ordered: that \$15,000,000 is appropriated for the of financing the upgrade of the Town's Water Treatment Plant, including without limit cost thereof as defined in Section 1 of Chapter 29C of the General Laws; that to r appropriation the Treasurer with the approval of the Mayor is authorized to \$15,000,000 and issue bonds or notes therefore under G.L. c.44 and/or Chapter 29 General Laws; that such bonds or notes shall be general obligations of the Town u Treasurer with the approval of the Mayor determines that they should be issued ; obligations and may be secured by local system revenues as defined in Section 1 o 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or

of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

Roll Call Vote - Unanimous - 7-Yes Gilday, Lavoie, Neale, Chatigny, Dunford, Ferguson, Benson

2008-012 Appropriate \$5,076,000 for Water System Improvements - Mayor Kezer sponsor
Councilor Lavoie read the following order in full and moved that the Municipal Council approve as submitted. Councilor Neale seconded.

Be it Ordered by the Municipal Council of the Town of Amesbury assembled, and by the authority of the same as follows: Ordered: that \$5,076,000 is appropriated for the purpose of financing the following projects: (a) the rehabilitation of the Powow Street water storage tank (b) the replacement of water mains on Elm Street, Route 150 and Highland Street and (c) the upgrade of and improvements to the Challis Hill water pump station, including without limitation all cost thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet the appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$5,076,000 and issue bonds or notes therefore under G.L. c.44 and/or Chapter 29C of the General Laws that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the projects.

Roll Call Vote - Unanimous - 7-Yes Gilday, Lavoie, Neale, Chatigny, Dunford, Ferguson, Benson

2008-015 An Order to Accept \$2,400 grant from the Provident Bank - Mayor Kezer sponsor

Be it Ordered by the Municipal Council of the Town of Amesbury assembled, and by the authority of the same as follows: That a \$ 2,400.00 grant be accepted from the Provident Bank for the Amesbury Council on Aging for the Ride Ticket Subsidy Program to help Amesbury elders and disabled adults.

Councilor Chatigny moved to accept 2008-015 a \$2400.00 grant from Provident bank for the Council on Aging as submitted. Councilor Dunford seconded. Roll Call Vote - 7-Yes Gilday, Lavoie, Neale, Chatigny, Dunford, Ferguson, Benson

2008-022 An Order to accept \$300 settlement for the Public Library - Atty General's Compact Disc Antitrust Litigation - Mayor Kezer sponsor

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ANNUAL REPORT

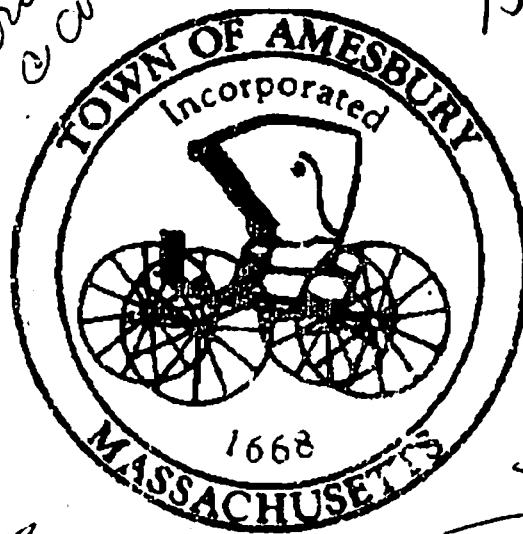
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TOWN OF AMESBURY

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*Environment
& Comm. Serv.*

617-954-1501



*W. Courtney
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July 1, 2008 – June 30, 2009

Mayor Thatcher W. Kezer III

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not to exceed 3%. Wheelabrator is a trash to energy facility. Amesbury's solid waste will be collected curbside and in municipal dumpsters and converted at the North Andover facility to electricity as submitted. Councilor Neale seconded. Roll Call Vote – Unanimous (9-members)

2008-074B An Ordinance to Create an Energy Resources Task Force

Councilor Lavoie moved to approve 2008-074B to create an energy resource task force as a resolution of the Council. Councilor McMilleon seconded. Voted – Unanimous (9 members)

2008-093 November 4, 2008 State Election Warrant – Approved unanimously

At the meeting of the Amesbury Municipal Council held on November 18, 2008 in the Town Hall Auditorium the following action was taken:

*2008-094 report
14*

Licenses and Permits - Approved

2008-094 Common Victuallers – Plum Island Roasters, 32 Rear Elm Street

Mayoral Appointments - Approved

2008-097 Appoint Karen Davis – Parks & Rec Commission – term to expire 6/30/13

2008-098 Appoint Pam Gilday – Cultural Council – term to expire 6/30/11

2008-099 Appoint Annmary Conner – Council on Aging – term to expire 6/30/10

2008-087 Accept a \$7,500 grant from the Mass Board of Library Commissioners

Councilor Sherwood moved to approve the finance committee recommendation to accept the grant in the amount of \$7500 as submitted. Councilor McMilleon seconded. Roll Call Vote - Unanimous – 9-Yes

2008-088 Accept a \$5,000 grant from the Mass Board of Library Commissioners

Councilor Ferguson moved the finance committee recommendation to accept the grant in the amount of \$5000 from the MA Board of Library Commissioners. Councilor Dunford seconded. Roll Call Vote – Unanimous -9 Members

2008-089 Authorize the Mayor to enter into a five year agreement with the option for two additional five year terms for the collection of municipal solid waste and collection and of municipal solid waste and collection and processing of municipal recycling

Councilor Ferguson moved to accept the request to authorize the Mayor to enter into a five year agreement with the option for two additional five year terms for the collection of municipal solid waste collection and processing of municipal recycling as submitted. Councilor Chatigny seconded. Roll Call Vote – Unanimous 9 – Yes

2008-090 To appropriate \$600,000 for Capital Expenditures to the Public Safety Buildings

Councilor Lavoie moved the finance committee recommendation Ordered that \$600,000 is appropriated for the remodeling, reconstructing and making extraordinary repairs to public safety buildings, including original equipment and related site improvements and that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$600,000 under G.L. c.44, §7 or any other enabling authority; and that the Mayor is authorized to take any other action necessary to carry out this project Councilor Neale seconded. Roll Call Vote – Unanimous – 9 – Yes

2009-008 Order to accept a \$4,464.62 grant from Executive Office of Public Safety for the S.A.F.E Program – Mayor Kezer sponsor

Councilor Neale moved the motion of the Finance Committee to accept 2009-008 as submitted, Councilor McMilleon second. Roll Call Vote – Unanimous

2009-014 Order to overspend the FY2009 Snow & Ice budget – Mayor Kezer sponsor

Councilor Sherwood motioned to accept the Finance Committee recommendation to approve 2009-014, Councilor Neale second. Roll Call Vote - Unanimous

2009-021 A Resolution of support for Amesbury's CDBG grant application – Councilor Sherwood sponsor

Councilor Neale moved to adopt 2009-021 as submitted, Councilor McMilleon second. Voted – Unanimous

At the meeting of the Amesbury Municipal Council held on March 10, 2009, in the Town Hall Auditorium the following action was taken:

Licenses and Permits Approved

2009-024 Bennie's Catering – Common Victualler License, Town Ways

2009-025 General Business License – Hive, 14 Cedar St.

2009-026 General Business License – Soleil Hair Designs, 24 School St.

2009-030 Common Victualler License – Davis Jack's Inc., 36 Main St.

2009-031 - Councilor Gilday withdrew his late file

2009-020 Accept \$11,400 grant from the Executive Office of Public Safety

Councilor Lavoie moved to accept a grant from the Executive Office of Public Safety in the amount of \$11,400 for traffic enforcement and related equipment with a twenty percent in-kind match. Councilor McMilleon seconded. Roll Call Vote -Unanimous

At the meeting of the Amesbury Municipal Council held on April 14, 2009, in the Town Hall Auditorium the following action was taken:

2009-012 Joint Meeting with the Planning Board to fill vacancy

Roll Call Vote: Ann Hebert – 10 Yes (McMilleon, Neale, Chatigny, Dunford, Gilday, Benson, Wollitz, Kelcourse, MacDonald, Sanentz); Lars Johannessen - 2 Yes (Ferguson, Sherwood)

Licenses and Permits Approved

2009-032 Common Victualler License – Pleasant Valley Marina LLC d/b/a Rick's Riverfront Café, 14 Pleasant Valley Rd

Mayoral Appointments Approved

2009-037 Jim Chapman – Conservation Commission – unexpired term to expire 6/30/11

2009-038 Joyce O'Connell – Historical Commission – term to expire 6/30/12

2009-036 William Croteau – Board of Registrars – reappointment term 4/1/09 – 3/31/12

Council Appointments

2009-033 Craig Berard – Traffic & Transportation term to expire 4/14/12

Hits on the Library's website increased 31%, and despite an IT upgrade and the installation of wireless Internet access, the waiting list for public access computers increased by 17%.

Circulation staff registered over 600 new patrons in FY09, and there were over 55,000 visits to the Library.

The Children's Room had 420 registrants for the Summer Reading Program, whom combined read over 3,200 hours during the summer. The Children's Room started new after school programs: The Foodie Club and The Mystery Club. In all, there were 133 programs in FY09 with a combined attendance of 2479, a 17% increase over FY08.

Babytime programming increased greatly thanks to a \$7500 grant from the federal Institute of Museum and Library Services and the Massachusetts Board of Library Commissioners to start a Mother Goose on the Loose program for ages 0 -23 months. Beginning in January, there were three sessions with an average of 27 attendees at each program. The grant also included programs for parents and educators.

The Young Adult Department offered programs every week for teens, including a Manga Club, video games, and a Wii Bowling League that met every week from September through December, with an increase in program attendance of 7%.

To help meet the ever-increasing demand for public computer access, the Library underwent an IT upgrade that included the addition of two public workstations and wireless connectivity throughout the building for users of laptops and other devices. WiFi access has become particularly popular, as more and more patrons make themselves comfortable and work in the Library without time limits or reservations. In addition, resume-building software has been added to all public computers – a valuable resource for the current needs of many patrons.

The Amesbury Public Library made a concerted effort this year to reach out to Amesbury's adult population, offering a new menu of programs and services just for them. A federal grant led to the development of "ThinkAhead Amesbury," a series of programs for adults. The popular series included: guest authors, consumer awareness and tax advice programs, gardening and cooking workshops, film screenings, a monthly technology training night for the public, and a regular conversation group for non-native speakers of English. Average attendance per program was 35. New events are being scheduled all the time, and Amesbury is recognizing its Library as a place for social connections and lifelong learning.

In order to address mid-year budget cuts from the state, and sagging revenues from the economic downturn, the city laid off the administrative assistant in the Library and left vacant two positions covering reference and circulation. This, combined with significant increase in circulation, led to a reduction in evening hours and the end of public hours on Monday, so staff could catch up on shelving, collection development and planning for programs.

The Library Trustees voted to update the Library Building Program developed in 2000 as a first step toward planning for new library space. As part of this process, the consultant visited Amesbury and interviewed Library patrons, staff, and Trustees. The updated building program is expected in the last half of 2009.

Federal Grant