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

City Council Meeting Minutes
July 9, 2024
7:00 PM

President Scott Mandeville called the meeting to order at 7:00 PM.

Councilor Pam Gilday led the Pledge of Allegiance.

Roll call was taken, and present were Councilor Steven Stanganelli, Councilor Nicholas Wheeler, Councilor Owen Corcoran, Councilor Claudel Frederique, Councilor Pamela Gilday, Councilor Michael Hogg, Councilor Jessica Redfern, Councilor Anthony Rinaldi, and President Scott Mandeville.

Also present: Administrative Assistant Jess Manning, Minute Recorder Jasmine Looney

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Minutes for approval

June 25, 2024

- Councilors Redfern and Corcoran noted a few corrections to be made to the minutes.

**Councilor Wheeler offered a motion to approve the minutes from June 25, 2024 incorporating the amendments from Councilors Corcoran and Redfern. Councilor Redfern seconded, and the motion passed 7-0-2, Councilors Corcoran and Frederique abstained.**

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Mayoral Appointments-

None

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Licenses and Permits

None

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Correspondence

President/Vice President Communications:

- President Mandeville shared that the council will be on recess for the month of August and reconvene the second Tuesday in September.
- Councilor Gilday noted that City Hall will be operating with different summer hours and that the dangerous dog hearing scheduled for July 25th is no longer happening. Councilor Gilday also stated that she will suggest taking 2024-088 out of order.

Communications from Elected Officials, Boards, and Commissions:

None

Council Communications, Announcements and Committee Reports:

- Councilor Rinaldi shared that the Amesbury Chamber of Commerce puts on a show every Thursday night. Councilor Rinaldi also complimented the Chamber of Commerce and the Amesbury Days Committee for putting on terrific events.
- President Mandeville complimented the police and fire departments on managing crowds at the fireworks.
- Councilor Frederique shared that he is an Amesbury representative for the Whittier Regional Agreement Working Group, and that at the last meeting on June 26th the group agreed to create three subcommittees. Councilor Frederique also noted that the mayor of Haverhill has no desire to change the current agreement.
- Councilor Stanganelli extended his gratitude to the Amesbury Days Committee and reflected on recent events that transpired with the Supreme Court.

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Public Comment

None

Council Response to Public Comment

None

Councilor Gilday offered a motion to take 2024-088 out of order. Councilor Wheeler seconded, and the motion passed 8-0-1, Councilor Stanganelli abstained.

**2024-088 A Resolution to Support the Application by the City of Amesbury for a State of MA PARC Grant to Assist in Funding Renovations to the Brian Eldridge Memorial Skate Park. – Councilors Gilday and Wheeler Sponsors**

- President Mandeville read the summary.
- Councilor Gilday stated that she and Councilor Wheeler were asked to sponsor the resolution in support of the application by the City. Councilor Gilday provided further background on the submission of the PARC Grant.
- Councilor Stanganelli asked if there is information about how much has been raised to date. Councilor Wheeler stated that the funds are still held by the nonprofit, but his understanding is that between \$100,000 and \$140,000 has been raised.

**Councilor Wheeler offered a motion to approve 2024-088 as presented. Councilor Hogg seconded, and the motion passed unanimously, 9-0.**

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Second Readings

2024-002 - Session 14 City Council Rules & Procedures

- President Mandeville provided background on steps the council has already taken with this matter.
- Councilor Stanganelli noted that there are some typographical issues, asked how the chair would like to handle these changes.

President Mandeville called a brief recess at 7:32 PM.

The meeting resumed at 7:42 PM.

- President Mandeville reviewed Councilor Stanganelli's proposed changes.

Councilor Wheeler offered a motion to approve with the four corrections just reviewed. Councilor Hogg seconded. After a roll call vote, the motion passed unanimously, 9-0.

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First Readings

**2024-085** An Ordinance to amend the Amesbury Zoning Ordinance to modify the provisions of Section XI.D – Cluster Residential Special Permit and Section XIV – Water Resource Protection District (WRPD).-

**Mayor Sponsor**

- President Mandeville read the summary.

**Councilor Wheeler offered a motion to refer 2024-085 to the Ordinance and Administration Committee, Planning and Development Committee, and Planning Board, with a second reading and public hearing on September 24, 2024 . Councilor Gilday seconded, and the motion passed unanimously, 9-0.**

**2024-086** An Ordinance to amend the Amesbury Zoning Ordinance to modify the provisions of Section XI.J2, Historic Preservation - Special Permit. – **Mayor Gove and Councilor Hogg Sponsors**

- President Mandeville read the summary.

**Councilor Wheeler offered a motion to refer 2024-086 to the Planning Board, Ordinance and Administration Committee, and Planning and Development Committee, with a second reading and public hearing on September 24, 2024. Councilor Hogg seconded.**

**Councilor Wheeler amended the motion to also refer 2024-086 to the Historical Commission.**

**Councilor Hogg seconded, and the motion passed unanimously, 9-0.**

**2024-087** An Ordinance to amend the Amesbury Zoning Ordinance and Zoning Overlay Map to renumber the Adult Use Marijuana Establishments section and extend the Retail Marijuana Overlay District (RMOD) to include certain parcels and land area in the Central Business (CBD) and Central Industrial (IC) zoning districts within the City as shown on attached Exhibit -01.- **Mayor Gove, Councilors Stanganelli, Rinaldi and Hogg Sponsors**

- President Mandeville read the summary.

**Councilor Wheeler offered a motion to refer 2024-087 to the Planning Board, Ordinance and Administration Committee, and Planning and Development, with a second reading and public hearing on September 24, 2024. Councilor Corcoran seconded, and the motion passed unanimously, 9-0.**

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Adjourn

Councilor Frederique offered a motion to adjourn at 7:54 PM. Councilor Wheeler seconded, and the motion passed unanimously, 9-0.

Respectfully Submitted,

Jasmine Looney

Amesbury

City Councilor



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July 9, 2024

Statement Regarding the Pledge of Allegiance (extended remarks)

This past week we celebrated our 248th Independence Day as a nation. Our Amesbury Days coincided with this celebration. And I want to extend my gratitude to the Amesbury Days Committee, its volunteers, and sponsors that organized the events which also included a stirring reading at the Amesbury Friends Meetinghouse of the famous speech made by Frederick Douglass on July 5, 1852.

On this occasion when we celebrate freedom, I had time to reflect on the words of his speech and reflect on the threats to our freedom today.

Earlier last week, the Supreme Court of the United States, SCOTUS, published rulings on a number of matters, which taken together, show the threats to our very democracy and expose the fragility of our constitutional republic where minority rule, bought and paid for by dark money, is now the order of the day.

Once before, I explained why I would not be reciting the Pledge of Allegiance to this Flag in this Council. Last week's Supreme Court rulings reinforce my decision.

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

Last week, through perverse logic a majority of the Supreme Court ignored more than 235 years of history and elevated the Office of the President to that of a monarch. When any "official act" can now be used as cover to break laws, we are indeed on a slippery slope.

In another decision, the Supreme Court ruled that it is legal to pay "gratuities" and tips to public officials.

Back in June 2022, the Supreme Court overturned a nearly 50-year-old precedent demolishing any pretense of 'stare decisis,' the bedrock of our judicial system and put half

of my constituency at risk. It also shattered the separation of church and state in two different decisions that year requiring public funding of religious schools (Carson v Makin, 2022) and allowing religious activities on public property (Kennedy v Bremberton School District).

With this kind of legal “reasoning” I’ll say again what I said two years ago: I see risks to other civil rights that our constituents have now.

When these rulings were made then, Justice Thomas noted that other precedents that were based on the same underlying premise of “privacy” should all be reviewed with the possibility that they, too, be overturned.

This would mean that aside from bodily autonomy, rights that our constituents enjoy right now as members of the LGQTQ+ community are now at risk. Interracial marriage is now at risk. Same-sex marriage is now at risk.

These are matters that are or should be accepted as universal rights not left to elected or unelected officials.

The accumulation of these rulings last week and back in 2022 shows how fragile civil liberty is and how quickly it can be overturned by a determined minority of people with access to nearly unlimited funds as a result of an earlier decision in Citizens United. Our constituents are now at greater risk here at home or wherever they may choose to travel to work or go to school as efforts to impose a national ban on certain medications as well as procedures begin to play out.

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. I do not need to recite a pledge for people to know that I will be doing my best to represent them.

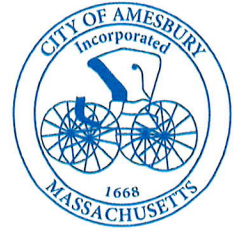
So, I shall not condone these legal decisions. I cannot stand for this, and for these reasons shall not stand for this flag in this Council.

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. And sometimes representation requires protest – as uncomfortable and unpopular as it may be.

So, regretfully, I reiterate that I cannot stand for this Pledge here.

Amesbury

City Councilor



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"Standing Up By Sitting Down"

At the Amesbury City Council meeting of June 28, 2022, I made a statement for my reasons why I will no longer be participating in the Pledge of Allegiance at the beginning of Council meetings.

Recent events prompted this protest. And I feel compelled to act in the limited way that I can on behalf of the children and women of Amesbury (including those in my own household).

My extended remarks follow:

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.