

**GLOUCESTER CITY COUNCIL CALENDER OF BUSINESS
TUESDAY, FEBRUARY 24, 2009 - 7 P.M.
KYROUZ AUDITORIUM, CITY HALL
COUNCIL MEETING #2009-04**

Attendance: Bruce Tobey, Council President; Sefatia A. Theken, Council Vice President; Councilors Joe Ciolino, Steve Curcuru, Phil Devlin, John “Gus” Foote, Sharon George, Jason Grow, Jacqueline Hardy

Also: Mayor Carolyn Kirk, Jim Duggan, Ron Geary, Lisa Mead, Pauline Bresnahan, Bob Hastings, Ann Molloy, Bill Johnson, Damon Cummings, Rosalee Parisi, Shep Abbott, Marcia Hart, Michael Faherty, Sunny Robinson, Jean Gallo, Ernest Morin, Robert Whynott, Sarah Buck, Mary Parisi

Absent:

The meeting is called to order at 7:00 p.m.

FLAG SALUTE & MOMENT OF SILENCE

ORAL COMMUNICATIONS

Ron Geary, E. Gloucester sought procedural guidance on closing Main Street from the Bank to Blackburn from 5:30 to closing during the summer season to help revitalize Main Street to complete with Gloucester Crossing and downtown parking meters – in regards to Gloucester Crossing, parking meters do create an issue for the downtown merchants.

Council President Tobey referred this to the Mayor to be vetted in the appropriate administrative channels with a copy to the council.

COUNCILLOR’S REQUESTS TO THE MAYOR

09-023 (Grow) Request the administration provide a complete and timely update on the status of the East Gloucester Elementary and Beeman boiler replacements and a timetable for their installation/completion. Further request an accounting of and plan for the remaining LNG grant that was given to the city.

09-024 (Foote) Request the Mayor instruct the DPW to turn the heat on for City Council meetings.

09-025 (Hardy) Request Mayor Kirk instruct Legal Counsel, Suzanne Egan, or “outside” counsel hired by the city, to update the City Council on any and all pending legal matters in which the City or City Councilors are named as defendants, third parties or interested parties.

09-026 (Grow) Request that the administration increase enforcement of rules pertaining to dog owners cleaning up after their animals on the public beaches.

09-027 (Tobey) Request that the Mayor and her financial team, which includes the City Auditor, provide a written report to the council at its March 10th meeting on the process the administration and the council are required by law to follow to account for the recently announced 9(c) cuts.

09-028 (Hardy) Request the Mayor, through the IT Director, immediately place the (now) public document known as: Fire Service, After Action Report (AAR) - Lorraine Apartment Building, City of Gloucester, MA - Final Report, February 2009, as prepared by Municipal Resources, Inc. on the City Web Page in the Publications and Documents section.

09-029 (Devlin) Request the Mayor instruct the appropriate department to establish and post a weight limit on the Walker Street bridge until the appropriate repairs are made.

09-030 (Hardy) Request that the Mayor submit to the City Council the name of the individual who the Mayor recommends to fill the position (currently known as) Civil Defense Director.

EMERGENCY REQUEST (Foote)

MOTION: On motion of Councilor Foote, seconded by Councilor Ciolino the City Council voted 9 in favor, 0 to request that the City Clerk contact the National Marine Fisheries Service and petition them to hold a hearing, in Gloucester, regarding the controversial regulations, and interpretations of which, have severely affected our Fisherman and the industry as a whole; and further that our two US Senators, Congressman Tierney, our two State Legislators, and Mayor Kirk be asked to join us in this request and attend (or send a representative to attend) when such hearing takes place.

Discussion. Councilor Foote stated one of the reasons for this is that every boat will have to stay in for 120 days; if anything this will continue to add to putting Gloucester Harbor out of business.

Councilor Ciolino also agrees with Councilor Foote and fully supports this.

Council President Tobey recognized newlywed Sefatia Theken.

Councilor Theken is an advocate for the fishermen and asked what will this hearing be for.

Councilor Ciolino stated the message we would like to get across is that Marine Fisheries is putting the port of Gloucester out of business.

Councilor Theken asked to send a letter to with the coalition ask what they would like us to do for them and how they would like us to go about it.

Council President Tobey stated the City Council is hosting a conversation for the community with help of Mayor's office so all advocacy groups are invited.

1. Police, Fire and Civilian Commendations – Gas Explosion Eastern Avenue
Council President Tobey presented the commendations to four civilians and the police and fire departments.

A three minute recess was called at 7:25 p.m.

The meeting reconvened at 7:28 p.m.

Council President Tobey stated the Red Cross will soon be honoring these same people. He stated that a number of Councilors directed the City Clerk to reach out to National Grid to request they attend a City Council meeting within the next cycle of three meetings to fully brief us on the state of gas distribution infrastructure in the city and their asset management plan.

CONSENT AGENDA

• ***MAYOR'S REPORT***

1. Memo from CDD re: acceptance of a Priority Dev Grant (Refer B&F)
2. Memo from CDD re: acceptance of a Seaport Grant for Economic Dev. (Refer B&F)

3. Memo Pln Dir re: Little River Stream Naturalization and Restoration Project
(Refer B&F)
4. Special Budgetary Request from Mayor's Office (Refer B&F)
5. Memo Building Inspector re: proposed fee adjustments (Refer B&F)
6. Report City Auditor re: accts having expenditures exceeding their appropriations (Refer B&F)
7. Appointments:
 - a. Robert Chandler Historic District Commission(TTE 02/14/2012)
(Refer O&A)
 - b. Arlene Hill Board of Registrars (TTE 02/14/2012)
(Refer O&A)
8. Communication from Richard C. Hingston, CPA
(Refer B&F)

APPROVAL OF MINUTES

1. Joint City Council and School Committee Meeting 1/26/09 **File**
2. City Council Meeting 02/10/09 **File**

COMMUNICATIONS

1. COM2009-008 Extension of Special Permit: 201, 205 and 233 Main Street (a/k/a Main St. Plaza) (Refer P&D)
2. COM2009-009 Request from St. Peter's Fiesta Committee for use of City Land (Refer P&D)

ORDERS

1. 2009-008 (Ciolino/Curcuru) Banning Motor Vehicles and Trailers during events at Stage Fort Park (Refer O&A)
2. 2009-009 (Hardy) Creating Enterprise Account for Solid Waste and Recycling
(Refer B&F)

ADDENDUM TO THE MAYOR'S REPORT

MOTION: The Addendum to the Mayor's Report was referred to O&A by **UNANIMOUS consent of the City Council.**

ITEMS REMOVED FROM CONSENT AGENDA

Councilor Hardy removed from the consent agenda the first paragraph of the Mayor's report regarding the regionalization of Veteran Services.

MOTION: The consent agenda was adopted by **UNANIMOUS consent of the full City Council with the exception of the regionalization of the state veteran's benefits.**

Councilor Hardy stated since Gloucester has a population over 12,000 are we required to have a Veteran's agent and if allowed, the City Charter requires a process.

MOTION: On motion of Councilor Hardy, seconded by Councilor Devlin the City Council voted 9 in favor, 0 opposed to refer the regionalization of state veteran's benefits to O&A.

ITEMS TAKEN UNDER UNANIMOUS CONSENT:

MOTION: On motion of Councilor George, seconded by Councilor Hardy the City Council voted 9 in favor, 0 opposed to refer the request from the Community Development Director regarding the land conservation grant application to B&F.

MOTION: On motion of Councilor Ciolino, seconded by Councilor Hardy the City Council voted 9 in favor, 0 opposed to refer Mayor's Addendum regarding prohibition of public consumption of marijuana to O&A.

Discussion. Councilor George feels this is redundant as it is already a state law and most communities are now collecting the \$100 fines.
Council President Tobey urged O&A to be mindful that 68% of Gloucester voters voted for this change in state law.

MOTION: On motion of Councilor Hardy, seconded by Councilor Theken the City Council voted 9 in favor, 0 opposed to refer the request from the Downtown Block Party Committee for street closure to P&D.

SCHEDULED PUBLIC HEARINGS

Public Hearing #1

08-049: GZO Sec. 1.5 Proposed Rezoning: The Fort (see attached Communications) (cont from 1/13/09)

The public hearing is opened.

Council President Tobey noted a petition has been filed under MGL, Ch. 40A, Sec. 5 whereas 20% or more of the landowners submit their opposition in writing then an extraordinary majority of the City Council would be required. We have been advised by the Board of Assessors that in fact more than 20% of the landowners have signed this petition in opposition. Therefore any change to be enacted to the zoning ordinance would require seven out of nine to vote in favor. He then reviewed the public hearing procedures.

Speaking in favor. Mayor Kirk spoke in favor of the Planning Board's recommendation for the rezoning of Commercial Street and Fort Square areas. The overlay concept has struck a balance between the needs of the city and the needs of the neighborhood. There are two alternatives for the area encompassing the Birdseye building – allowance for a hotel by special permit with a residential component and allowance for a hotel by special permit without a residential

component. The administration supports either of those alternatives so long as the possibility for a hotel remains. If the City Council doesn't wish for that particular use on this site, she doesn't think this City Council should tie the hands of future City Councils by limiting this. This is about opening the door of possibilities for property owners, the downtown and expanding the commercial and residential tax base of the city to support city services. She stated she has spoken to a potential developer for a hotel on that site. Regarding IC42, in her estimation we are probably three years away from any movement beyond marine industrial on that site if at all. She urged the Council to accept the recommendation of the PB on the rezoning of Commercial Street and the Fort Square area.

Lisa Mead, Attorney representing 1907, LLC, 33 Commercial Street spoke in favor of the proposed overlay district. She feels it provides options for property owners, the flexibility to allow for mixed use and retains control in the city as a special permit granting authority. She requests the Council act favorably on the Planning Board's recommendation.

Pauline Bresnahan, Essex Avenue hopes the City Council will leave this door open. It is important to look towards the future. This may be something we can use.

Ron Geary, E. Gloucester spoke about the James Hook Lobster Company; a Boston icon located in the middle of the financial district that was destroyed last May in a fire. They stored 250,000 pounds and sold 50,000 pounds of lobster per day. They said the hotels and other businesses were very receptive to them and they felt it was an opportunity to supply lobsters to the hotels.

Bob Hastings, Executive Director of the Cape Ann Chamber of Commerce spent years as a real estate developer and spoke to the success that a hotel brings to the downtown. Our downtown needs a strong supporting business. He asked that the City Council not throw impediments into potential developments. Please give us the opportunity to try to develop this site.

Speaking in opposition. Ann Molloy, Ocean Crest Seafoods and Neptune Harvest Fertilizer spoke in opposition. It is shocking to see that the Mayor still wants the hotel put back in the plan. She has three properties down in the Fort and feels the way this was originated was disrespectful. We believed we were not contributing to the tax base but have contributed more than most nine acre pieces of land in the city by far. Fishing is the life blood of Gloucester and it is in on the rebound. Is this rezoning about creating new taxes and more jobs or creating a pretty façade that pleases the eye. The city is trying to bring in new business without regard for existing businesses. The overlay district does not work for anyone down the Fort; it allows too many conflicting uses. It will keep us coming to City Hall for the rest of our lives to fight things that will hurt our businesses. She asked the council to look at the suggested Marine Industrial plus district that created more opportunities for underutilized lots. We are not against change; we want smart change that makes sense. She also questioned the hiring of two consultants before the design committee met and would like that addressed.

Bill Johnson, 26R Fort Square thinks the overlay is a bad idea; it is not necessarily complete and is not necessary. We don't want a large hotel or luxury dwelling units, restaurants or boutique/retail. Our homes are pre-existing, non-conforming structures. What are we really trying to accomplish. This is about a hotel. He feels we need something in this city that pays more middle class wages and to bring money into the city. He feels we are driving this property to be the next IC42 because it is only being advertised as a hotel opportunity. Why are we working to add more residential units that tend to be a net loss for the city

in services provided. He submitted potential changes for consideration. 1. Change the overall height restriction to 30’.

2. Ensure all new buildings require a special council permit; not just uses provided in the overlay. 3. Make provisions for simple structure building permits without the need for a special permit. We don’t need to make the Fort a destination; why don’t we make improvements to what is already there. He objects to the Times notion that we are holding the city hostage and would like to bring focus to get a productive business in the Birdseye building.

Damon Cummings, 1063 Washington Street stated if the city wants a downtown hotel – why don’t they put the hotel downtown. As a group we didn’t think the Fort Square residential structures belonged in Marine Industrial but made no recommendations except that the city take the matter up. Since the city took the matter up, matters have gone from bad to worse. We need to take another look at the neighbor’s proposal.

Rosalee Parisi, 108-100 Commercial Street (apron property) spoke in opposition to the proposed overlay district. She will continue to make the first floor available to the commercial fishing industry. She asked what specifically is the interior of the Fort and is her property excluded from this area.

Shep Abbott, 30 Leonard Street is in favor of development in Gloucester primarily for the public school system and for making Gloucester a truly sustainable community. He asked the City Council if they were as shocked as he was when it was suggested that a hotel be put at the Fort. It defies logic, sense and sensitivity. When the Mayor proposed the Fort she quoted the Marriott people as saying “once the people come to the hotel where are they.” There is no reasonable traffic or way to upset a traditional community and a public community beach, for the trucks to come and go, for the commercial businesses in that community.

Marcia Hart, E. Gloucester asked if we are Gloucester or are we not? Don’t create problems; appreciate value and support success of existing businesses. The city should be finding ways to support the struggling businesses.

Attorney Michael Faherty representing Mortillaro Lobster, LLC and Jeff Amero stated his clients have individual distinctions. Mortillaro would be the only lot that would not benefit from this overlay and Amero owns the only lot not built on. He feels the Planning Board was given a difficult assignment within an existing limited timeframe. This proposal will only encourage additional conflict between the commercial and residential areas of the Fort. He addressed the standards upon which these permits are granted and the three additional requirements under Sec. 5.25.5. The requirement of 25% for non-commercial activity is unrealistic. This zoning plan is ahead of itself and we should first look at what is going to be the harbor plan. The proper resolution to this is to turn it down and start again.

Sunny Robinson, 20 Harvard Street spoke in opposition to the overlay proposal and asked that it be rejected tonight. A downtown hotel might be a good idea but first we ought to take a look at all the possibilities for a downtown hotel. It should be downtown and not in a Marine Industrial (MI) district. No neighborhood ought to be subject to an overlay district where all possible uses are allowed. We should also not compromise the potential in terms of a working waterfront. We already have an MI district and ought to be trying to improve that for the future, expanding MI uses and not shrinking them. The Designated Port Area doesn’t allow hotels or residential and she also believes we ought not to be doing any zoning changes on one part of the harbor until we have reviewed

the entire harbor plan. She urged the City Council to turn the entire overlay proposal down tonight.

Jean Gallo, 20 Harvard Street as a citizen of this community is against the hotel and the overlay. She has worked with communities that were struggling in maintaining the place where they lived. She urged the Council to think about the people - they are the important thing. What is the impact on the people who live here – it is clear from listening to them that they don't want this proposal.

Ernest Morin, 238 Main Street feels the overlay itself is not a bad idea but this particular overlay still needs work. Something should be done for Fort Square itself but don't put conflicting uses on top of MI uses. He doesn't feel the entire thing should be scrapped tonight but feels it should be amended.

Communications. Robert Whynott, City Clerk entered a communication from Michael David Rubin into the record and a petition in opposition.

Rebuttal. Sarah Buck, Community Development Director spoke on ways to bring in jobs and tax revenue. From listening posts in June, the Fort rezoning came to the City Council the first week after January 7th. For our future as a community what we need is trust. The city doesn't want a big community of condos on the waterfront and the Planning Board's recommendation reflected their concern about public access to Pavilion Beach for everyone that uses it. She addressed the question of design service committee review and stated between \$5,000 and \$25,000 does not fall under the requirement for a design committee review.

Mary Parisi, Essex Avenue asked how many of those 600 people came from the Fort.

Questions. Councilor Theken was told at the last meeting we cannot stop condos.

Gregg Cademartori explained we create dwelling units, not condos.

Council President Tobey asked if the Council were to reject this proposal but wished to see the good work that has been done taken back, where would that go and how would that proceed.

Mr. Cademartori replied the Planning Board could reinitiate a new proposal and certainly it would not be an identical proposal and therefore would not have to abide by the two years. If voted down, the special council permit and amendments to the zoning ordinance typically have a restriction that it cannot be brought back before the permit granting authority within a two year period.

Councilor Curcuru asked if there is a smoother process to amend what we have here at P&D.

Mr. Cademartori replied it is really the will of the City Council and can be done in an overlay district.

Councilor Grow asked how different is the overlay, as presented without the hotel, to MI plus.

Mr. Cademartori stated the overlay wasn't a huge departure from the existing MI.

Councilor Grow asked if it were to pass tonight as an overlay district the overlay can be reviewed and submitted for amendments and asked are additional conditions discretionary for the Council.

Mr. Cademartori replied the City Council needs to make a finding for all its conditions.

Councilor Grow asked who would be responsible for establishing a baseline.

Mr. Cademartori stated that depends on the type of project and the applicable standards that need to be applied.

Councilor Grow stated it may be somewhat discretionary based on the scale of the project. He asked Sarah Buck to address the issue of the design selection committee, pursuant to Sec. 5-4 of the Charter

Sarah Buck, Community Development Director a designer review selection committee is used when we build a building as defined in Mass. General Law for designing a structure properly. It is not used for planning work. This was not a design for a building; we hired this firm as a planning firm, not as an architect for design services for anything that is going to be built in the city.

Councilor Grow asked about the sources of funding.

Ms. Buck replied it was in the \$5,000 to \$25,000 range. The funding came from the EDIC money that paid for the tourism coordinator position and the remainder of which was used for this.

Councilor George asked if there have been studies on water flow and sewer, have those been reviewed.

Mayor Kirk replied it is her understanding that this is in the early planning stages and should an applicant come before the City Council for permitting that it would be on a project specific basis.

Councilor George asked whose responsibility would the sidewalks, streets, water flow and sewer if the Marriott came in to propose their hotel.

Mayor Kirk replied if the applicant were to come forward and got more information about the infrastructure they may decide not to proceed. We have a declining revenue environment and don't have the resources to get ahead with infrastructure investments that are needed in many areas of the city. We don't have the resources to provide the services we provide, not to mention making investments in future opportunities.

Councilor Devlin asked if someone wanted to put a hotel there right now, where would that process begin?

Mr. Cademartori replied they would have to rezone.

Councilor Devlin stated they could potentially go through the process to rezone the area of a hotel.

Mr. Cademartori replied yes, they could potentially.

Council President Tobey is having a hard time dismissing this concern that if we enact this amendment to the zoning ordinance and give folks access to a special permit approach, we are setting them up to fail because the check list we have to use as a council to grant that special permit can't be met. There are traffic, sewer and water issues and sidewalk deficiencies. How could we give a special permit to a hotel? How could we give a special permit for expanded uses, given the traffic?

Mr. Cademartori doesn't think this proposal allows a lot more intense use of that property. We do need some baseline information and for a more intense use the applicant has to prove it to the Council.

Council President Tobey asked is this the best way to throw an economic lifeline to the businesses down there.

Mr. Cademartori replied if we could have come up with by right uses, we would have done that. Already many uses allowed in the MI district are allowed by special permit.

The public hearing is closed.

MOTION: The Planning and Development Committee voted 2 in favor, 0 opposed to recommend to the full City Council the Planning Board's recommendation of a Fort Overlay District, in accordance with Section 5.25.3 of the Gloucester Zoning Ordinance with the elimination of number 3, the elimination of number 4 and the reference to hotel in number 6.

Discussion. **Councilor Theken** asked that three, four and six be read into the record.

Councilor Hardy stated to be eliminated from Sec. 5.25.3, #3 references hotel without residential dwelling units, use table 2.3.1 #11 or #12; also eliminated would be #4, referencing the hotel; hotel with residential dwelling units not to exceed 10% of the total floor area and also as it relates to #6, dining or shops wholly within a business or commercial school or hotel, we would be eliminating the reference to the word "hotel".

Councilor Hardy feels we are very close to coming up with something that is going to work for the neighbors and the city but to sit up here and amend without the benefit of planning staff. She would be willing to send this back to the Planning Board or P&D level.

Councilor Foote respects the Mayor for bringing this forward and is absolutely against postponing this tonight. This zoning change will change life down the Fort and will hurt the fishing industry. He commended the neighbors for taking their position and the Mayor for trying to move this city forward.

Councilor George agrees with Councilor Hardy. She does feel we are close but also feels there is also a lot of contradiction in this overlay and that it needs to be looked at further. She feels there needs to be some kind of mixed use solution. There are businesses on the Fort that aren't doing well and a mixed use change would be good. She will vote to give this back to the Planning Board and have them take another look at this.

Councilor Grow feels it would be a simpler process to vote this down and refer a new order to Planning Board.

Council President Tobey stated it is his understanding that the zoning law allows the Council 90 days to cast their vote. There could be more meetings for the kind of refining some are hoping

Councilor Hardy strongly suggests that the format of a round table discussion be implemented to make it more informal to get on the table exactly what is getting worked out.

Councilor Grow asked about significant changes.

Council President Tobey stated unless there is a substantial change we are able to super cede.

Sarah Buck, Community Development Director stated if the City Council is going to reconsider anything over the next 90 days and make changes, it may find in the position of not taking any public hearing but you can also continue this hearing.

Councilor Hardy explained when the Planning Board closed their public hearing it closed off the public's ability for input.

Robert Whynott, City Clerk explained that the City Council can take public comment outside the public hearing. It is up to the Chair whether there is a public hearing or not.

Councilor Foote objected to taking public comment after closure of the public hearing.

Councilor Ciolino stated we have heard the comments over and over. He feels this should be voted up or down but if we do go through another series of meetings that every councilor be present at those meetings.

Councilor Theken agrees with Councilor Foote. The Planning Board has jurisdiction over the harbor plan and we need to look at the whole harbor. The people need a voice and we aren't listening. She supports sending this back to P&D.

Councilor Grow spoke about the Charter School which will be coming to our community. In all fairness to the Council and the Planning Board, he feels you

can't walk away from this and not feel that you have been heard. He appreciates the difference of opinion. He supported the overlay and the option of a hotel. The hotel was not part of the original zoning proposal.

MOTION: On motion of Councilor Foote, seconded by Councilor Theken the City Council voted 8 in favor, 1 opposed (Theken) to move the question.

MOTION: On motion of Councilor Grow, seconded by Councilor Devlin the City Council voted by ROLL CALL 6 in favor, 3 opposed (Foote, Theken, Ciolino) to refer the FORT back to Planning & Development.

Council President Tobey stated the testimony he found particularly compelling this evening was Mr. Johnson's statement about meeting the neighborhood concerns. From the point of view of the business interests, with MI being something we want very much to protect, he feels Attorney Faherty is correct, in that nothing will change down there by way of businesses being eligible for special council permits under the options that might otherwise be available. So that by enacting this with that provision in there, no one in the industrial sector would be heard and he is fully expecting the hotel piece to be out.

COMMITTEE REPORTS

1. B&F 02/19/09

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council acceptance of the request for proposals for the lease of Good Harbor and Wingersheek Beach Concessions with the following revisions:

1. That a minimum bid be established.
2. That the lessee be charged for water and sewer usage.
3. That existing equipment is removed.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 9 in favor, 0 opposed acceptance of the request for proposals for the lease of Good Harbor and Wingersheek Beach Concessions with the following revisions:

- 1. That a minimum bid be established.**
- 2. That the lessee be charged for water and sewer usage.**
- 3. That existing equipment is removed.**

MOTION: The Budget and Finance Committee voted 2 in favor, 0 opposed to recommend to the full City Council acceptance of a grant award from the State Equipment Grant in the amount of \$10,992.00 for new portable radios and accessories for the Fire Department.

MOTION: On motion of Councilor Grow, seconded by Councilor George the City Council voted 9 in favor, 0 opposed acceptance of a grant award

from the State Equipment Grant in the amount of \$10,992.00 for new portable radios and accessories for the Fire Department.

MOTION: The Budget and Finance Committee voted 2 in favor, 0 opposed to recommend to the full City Council Transfer 09-16 in the amount of \$2,000.00 from General Fund, Salary/Wage Retirement Buyback to Pensions, Non-contributory Pensions. AUDITOR

MOTION: On motion of Councilor Grow, seconded by Councilor Theken the City Council voted 9 in favor, 0 opposed Transfer 09-16 in the amount of \$2,000.00 from General Fund, Salary/Wage Retirement Buyback to Pensions, Non-contributory Pensions. AUDITOR

MOTION: The Budget and Finance Committee voted 2 in favor, 0 opposed to recommend to the full City Council Transfer 09-17 in the amount of \$16,868.16 from General Fund, Salary/Wage Retirement Buyback to Personnel, Retirement/Sick Buyback. AUDITOR

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 9 in favor, 0 opposed Transfer 09-17 in the amount of \$16,868.16 from General Fund, Salary/Wage Retirement Buyback to Personnel, Retirement/Sick Buyback. AUDITOR

2. P&D 02/18/09

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council that the Administration work with the private property owners to come up with the funds to hire an engineer to oversee the Way and Page sewer project.

Discussion. Councilor Hardy stated the motion for the easements failed and would like to make a compromise motion.

Councilor Curcuru asked will this incur any costs to the city.

Mr. Duggan spoke to the status of the sewer project. It has gone out to bid and is due March 5th. In terms of construction supervision and oversight there is a strong suspicion there will be money left on the table to be utilized for construction oversight but that will be better determined when the bids are open.

Councilor Ciolino stated the project was put forward by the DPW Director as a city project that will be bettered to the neighborhood.

Councilor George voted against the easements that night because there was nothing to show there would be an engineer to oversee the project.

Councilor Grow stated the expectation is there will be room in the existing loan authorization for engineering services. If need be we can expand the cost of an oversight engineer and that will be bettered to the property owner. The water pressure easement still needs to be addressed. The residents are picking up the entire project except for the water.

Councilor Devlin felt there were too many questions at P&D that night and it is important to have that oversight.

Councilor Curcuru stated his only concern is that the city can incur engineering services.

Councilor Theken wonders who is going to oversee it to make sure of any costs.

Council President Tobey asked for an administrative report on 3/10th on how the bids came in and if they left enough for the expense.

Mr. Duggan bids are anticipated at coming in at 5% under the total appropriation.

Councilor George feels that right now the DPW Director and Acting City Engineer are overworked already.

Councilor Hardy withdrew the motion and asked that the 2/18/08 minutes be placed in the next Council packet for 3/10.

COUNCILLOR'S REQUESTS OTHER THAN TO THE MAYOR

It was moved and seconded to adjourn the meeting at 10:30 p.m.

Respectfully submitted,

June Budrow
Clerk of Committees