

**GLOUCESTER CITY COUNCIL CALENDER OF BUSINESS
TUESDAY, MARCH 10, 2009 - 7 P.M.
KYROUZ AUDITORIUM, CITY HALL
COUNCIL MEETING #2009-005**

Attendance: Bruce Tobey, Council President; Sefatia Romeo Theken, Council Vice President, Councilors Joe Ciolino, Steve Curcuru, Phil Devlin, John "Gus" Foote, Sharon George, Jason Grow, Jacqueline Hardy
Also: Mayor Kirk, Jim Duggan, Robert Coakley, Bob Corcoran, John Corcoran, Jeff Carp, Jeff Towne, Greg Verga, Valerie Gillman and Melissa Teixeira.

Absent:

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

FLAG SALUTE & MOMENT OF SILENCE

ORAL COMMUNICATIONS

COUNCILLOR'S REQUESTS TO THE MAYOR

09-031 (Romeo) Request that the Mayor instruct the Police Department to post a policeman at the rotary from 8 am to 8:45 am. It is an accident waiting to happen - people coming on the rotary and getting off the line up blocks the exit going toward the Fuller school and buses have difficulty getting through, and trying to take the exit going toward hospital because people waiting to get onto highway is backed up. Also request if the city can get reimbursed from State on this.

09-032 (Romeo) Request that the Mayor instruct the Police Department to assign a police officer, not a crossing guard, because the one there is not doing the job, to the West Parish School from 8 am to 8:30, its getting worse each day. The person who is directing traffic is holding up the traffic on Essex Avenue to let traffic on Concord Street go into the school which now backs up traffic on Essex Avenue to the flashing lights. People coming around the corner are bumping into each other, right now its minor but if this continue it will get worse. I tried telling the person and got nothing. I believe Councilor Devlin has brought this up also and nothing has happened.

09-033 (Tobey) Request the Mayor to instruct the DPW to please clear a partially obstructed culvert located on Thatcher Road on the right hand side of the road approximately 25 feet beyond the paved parking lot belonging to the Long Beach Dairy Maid.

09-034 (Grow, Tobey) Request that the Mayor immediately appoint a new member to the Planning Board to restore full membership and stability to this critical committee.

09-035 (Hardy) Request that the Mayor furnish the City Council with a detailed report as to the number of employees hired by the City of Gloucester (School and City side) since the "hiring freeze" went into effect on January 1, 2008. Said report should include the employee name, job title, department hired into, date of hire, pay grade, salary and benefits.

EMERGENCY REQUESTS

09-036 (George) Request the Mayor instruct the DPW to fill the potholes at the corner of Pleasant and Middle Streets; this is a high volume walking area.

Councilor Romeo Theken referred to a letter dated 2/26/09 to the congressional delegation asking for support of the full City Council regarding recent actions by

National Marine Fisheries. Robert Whynott, City Clerk read the letter into the record. *(copy in file)*.

MOTION: On motion of Councilor Romeo Theken, seconded by Councilor Foote the City Council voted 9 in favor, 0 opposed to endorse the letter to the congressional delegation regarding National Marine Fisheries.

Discussion. Councilor Foote stated it is important we get involved and support this.

Council President Tobey the Clerk has requested that meeting. He asked for a congressional field hearing with driven conversation where all of us who are available can weigh in.

09-037 (Foote) Request the Mayor instruct the DPW to repair the part of the walk broken away in the area where Washington Street intersects with Main Street.

09-038 (Romeo Theken) Request the Mayor instruct the DPW to repair the road area from the intersection of Washington Street, up Prospect Street to School Street (in front of McPherson Park).

Announcements from Council President Tobey

1. A recurring joint meeting of the School Committee and City Council on the budgetary situation to be held Tuesday, 3/17th at 7 p.m. hosted by East Gloucester Elementary School.
2. Due to difficult times with staff reductions in the City Clerks office and the many statutory requirements, starting the week of 3/16th the office will be closed to public Tuesday, Wednesday, Thursday, and Friday from 8:30 to 10:30 a.m.
3. O&A discussed the need to fill boards and commissions vacancies and he instructed the Clerk work with the Mayor's secretary to come up with a list of vacancies and advertise those vacancies annually, posting on the website and in the newspaper.
4. Thanks to P&D and all the volunteers on a successful community dialogue in this weekend's Harbor Plan Charrette.

PRESENTATIONS:

1. **Mayor Carolyn Kirk** – Budget (referred to B&F for 3/19 meeting).
The Mayor recommended mid-year changes to FY09 budget in terms of expenses and revenues, along with an update of FY10. She recommended taking \$100,000 from Ambulance Revenues to fund Fire Department training and equipment while refraining from funding staffing and overtime. \$1.6 million of the Federal stimulus is slated to go to the schools but we have to be careful about how we fund programs. We are also offering an early retirement incentive targeting all five major unions to obtain five retirements per union group. We need to come together as an administration and council to tackle some of the tough issues on generating revenue. Jobs, city services, education and the prosperity of Gloucester absolutely depend on us coming to consensus.

Councilor Grow stated there is a snow and ice deficit of nearly \$1 million and we came up with roughly \$1 million in favorable balances that should be tapped for snow and ice deficits.

Mayor Kirk agreed that snow and ice is almost \$1 million in liability and we put in place a spending freeze as of today. Some of those favorable balances are spoken for, yet not encumbered. We are hoping for some relief on snow and ice through the state legislature allowing us to take it on the recap over a couple of years. She explained the early retirement program and encouraged the City Council to support that.

Councilor Tobey stated we have received a legal opinion from General Counsel (*copy in file*) on our role of process of review; to treat each of these requests to reconcile the reduced revenues as a request akin to an appropriation request.

Councilor Hardy asked for an explanation of “flipping the buyout”.

Mayor Kirk explained that the payroll obligation of sick leave and vacation has to be paid this or next fiscal year. The incentive is a voluntary arrangement and doesn't carry the same weight as that payroll obligation.

Councilor Hardy is concerned that people are planning on the \$10,000 incentive and longevity in this fiscal year and now we are hearing it may be paid in FY10. She wants to make sure the people signing those resignation agreements get their money when they are expecting to get it.

Mayor Kirk stated those with agreements will get the \$10,000 in this fiscal year.

Councilor Hardy asked if this doesn't go through will people be allowed to withdraw their resignation letters.

Jeff Towne, CFO explained that the issue is when it is reported in the accounting system.

Councilor Hardy feels this is a question that needs to be asked before 3/16th.

Mayor Kirk stated this is a difficult time and we are trying to minimize the fiscal cuts in FY10. We are asking for 25 positions to be vacated, making sure we fulfill our commitments to our employees and to the citizens of Gloucester.

Council President Tobey stated the reality is whether they retire or they are laid off, then it is a question of how we structure it. He suggested this is the best we can do right now and trusts this is moving forward in good faith. He asked if there is some give on an extension.

Mayor Kirk stated our preference is to hold to the schedule and wants to see where we are after the guidance tomorrow. The worst case is the administration coming before the Council to tap the stabilization fund which would be replenished in FY10.

Councilor George referred to the stimulus package and stated we can't count this money until we actually have it.

Mayor Kirk stated we have confirmation on the school stimulation funds of \$1.6 million. The other stimulus money is coming in dribs and drabs.

Council President Tobey recognized School Committee members Greg Verga, Valerie Gillman and Melissa Teixeira.

Councilor Grow clarified his concern was over which year we would have to report that money, not whether or not there would be money available to retirees.

Council President Tobey provided an MMA update looking at the probability that in mid-April we will see both a local aid resolution and a municipal relief package that will tackle four or five issues; giving local governments more control over health insurance plans, closing the telecommunications tax loop hole, dealing with local option meals and lodging taxes and fixing the flaws in the way charter schools are financed, as well as the possibility of dealing with recap lagging on picking up snow and ice deficits over a period of years, rather than a single one.

Greg Verga, School Committee Chair explained that typically there are strings attached to stimulus monies and he noted that the \$300,000 has been identified for FY09. The Gloucester School Committee provides a preview of what we will talk about at our public hearing next Wednesday night (3/18). We have put forward an honest budget with a projected 12.7% increase. For the first time athletics will be 100% self funding. Bus fees will bring in between \$150,000 and \$300,000, going with the new bus policy. We also propose a building use fee increase and have also identified \$36,000 in energy savings.

CONSENT **AGENDA**

MAYOR'S REPORT

1. Memo and Pertinent Info from Mayor re: FY09 Budget Cuts and FY10 Budget Status **(Refer B&F)**
2. Report from City Auditor re: accts having expenditures exceeding their appropriations **(Refer B&F)**
- ***INFORMATION ONLY***
 1. Letter from Comcast regarding New Comcast Contract for City of Gloucester **(Info Only)**
- ***APPROVAL OF MINUTES***
 1. Council Meeting 02/24/09 **(Approve/File)**
- ***APPLICATIONS/PETITIONS***
- ***COMMUNICATIONS***
 1. COM2009-013 Licensing Board Chair Pasquina re: Cape Ann Brewing Company, 27 Commercial Street
 2. COM2009-014 Request from Lanesville Emergency Action Program Road Race **(Refer P&D)**
 3. COM2009-015 Request from Susan M. Ragon for Fr. Bullock 5 Miler and 2 Mile Walk **(Refer P&D)**
- ***ORDERS***
 1. CC2009-010 (Hardy) Investigating costs incurred from groups that use City resources **(Refer B&F)**
 2. CC2009-011 (Hardy) Installing computer in City Council Committee Room **(FCV)**
 3. CC2009-012 (Curcuru) Amend GCO Sec. 22-287 re: 10 Orchard St. handicapped parking **(TC & O&A)**
 4. CC2009-013 (Grow) Home Rule Petition re: remove/rescind Fire Chief position from Civil Service **(FCV)**
 5. CC2009-014 (Devlin) Changing Banjo Way listing from Public to Private **(Refer P&D)**
 6. CC2009-015 (Hardy) Reorganization of Civil Defense Department **(Refer O&A)**
 7. CC2009-016 (Tobey) O&A and Committee for the Arts create ordinance re: Poet Laureates and City Arts **(Refer O&A)**
 8. CC2009-017 (Foote) Amend GCO Sec. 22-287 re: 11 Pearl St. handicapped parking **(TC & O&A)**

ITEMS REMOVED FROM THE CONSENT AGENDA

Councilor Grow removed #1 from the Mayor's report and #4 from Orders.

Councilor Devlin removed his order regarding Banjo Way from the consent

agenda

MOTION: The consent agenda is adopted by unanimous consent of the full City Council with the noted exceptions of Mayor's report #1, order 09-013 and 09-014.

Councilor Grow asked that the Mayor's memo and information regarding FY09 budget cuts and FY10 budget status revenue be referred to B&F for the meeting of 3/19.

MOTION: On motion of Councilor Grow, seconded by Councilor George the City Council voted 9 in favor, 0 opposed to refer the memo and pertinent information from the Mayor regarding FY09 budget cuts and FY10 budget status to B&F.

Discussion. Councilor Grow referred to his Order 09-013 home rule petition regarding removing/rescinding Fire Chief's position from Civil Service. He feels the time is now to get this in front of the general court.

Councilor Ciolino feels this should be taken up under committee reports.

Councilor Foote agrees.

There was no objection to holding this until committee reports.

Councilor Devlin referred to his Order 2009-014 regarding changing Banjo Way listing from Public to Private, amending it to be "private to public", not "public to private".

MOTION: On motion of Councilor Hardy, seconded by Councilor Ciolino the City Council voted 9 in favor, 0 opposed to refer Order CC2009-014 to P&D.

SCHEDULED PUBLIC HEARINGS

Public Hearing #1

PH2009-006 SCP2009-001: 3 Primi Lane f/k/a 343 Washington St., Sec. 3.2.2.a

The public hearing is opened.

Speaking in favor. Robert Coakley, Attorney representing Corcoran Bros. Development, provided a handout. (*copy in file*) The original permit was granted in 2005 to CES design to construct 10 units at the Babson Farm House site under Sec. 5.6 allowing housing for people 62 and over, also granting a reduction in parking and open space per unit and a reduction of lot area per unit. There was no need for a reduction in parking on the original application because it had the required parking. In 2007 the permit was extended because the prior developer wasn't able to move forward. That was in October 2007 and in December 2007 Corcoran Brothers purchased the property. The place is fully constructed. He reviewed the HOPA guidelines. With the requirement of 62 and over and despite the marketing efforts we only have two units under agreement. People have expressed a desire for 55 and over. There are no criteria in the ordinance for 55

and over and we are looking at following the federal regulations of HOPA which only require that one occupant be over 55. The city ordinance requires both occupants to be over 62. It is the expectation of the general public that it is always over 55. Traffic wise there is no difference between a 55 and a 62 project and there is no demand on city services. We have provided nine parking spaces on Dr. Osman Babson Road, as well as a new sidewalk. The prior development proposed 15 spaces on site and we have 23, with a more creative layout of the open space including one fully handicapped van accessible space underneath. He urged the City Council to endorse the request to remove the over 62 criteria which eliminates the benefit for open space and lot area per unit. We are asking for a reduction in the amount of relief requested (*handout page 3*). He reviewed the special permit criteria (*also provided in the handout*).

Speaking in opposition. None.

Communications. None.

Questions. Councilor Ciolino asked why they want to market to 55 and older.

Attorney Coakley stated the whole project has been designed and constructed to be handicapped accessible and fills a need in the city. The 55 opens it up to more qualified buyers.

Bob Corcoran noted we have a number of buyers who have expressed interest who are between 55 and 62. We are not getting the buyers at age 62 and over.

Councilor Ciolino explained that when this first came forward we were desperate for an assisted living facility. The discussion at P&D was to put handrails in the corridors, call buttons in the bathrooms and one of the rooms would be smaller for a caretaker.

Council Curcuru asked if one of the spouses is less than 55 does it matter how much younger.

Jeff Carp, Attorney explained that under federal and state law in order not to discriminate against families you can have over 62 or you can select a 55 or older which has more flexibility because only one of the occupants has to be 55 and older. These owners have had a vision for this property from the beginning and are committed to keeping it at 55 and older.

Councilor Grow stated the original application and relief granted was predicated on it being an elderly persons housing. If you were to open it up you would change the dynamics. He asked for explanation of the relief requested.

Attorney Coakley explained that based upon material submitted to General Counsel, Suzanne Egan and because we don't have criteria in our ordinance, her position was that she didn't believe this Council should regulate an age criteria that isn't in our ordinance. We are asking to take away the 62 criteria becoming silent on the age under the special permit.

Councilor Grow asked how you maintain the restriction of some level of age requirement if not conditioned by the council.

Attorney Coakley stated we already have two buyers under contract that are over 62 and the interior of the building wasn't designed for children.

Bob Corcoran added that the condo association will police this.

Council President Tobey ruled an amendment to remove the age requirement out of order.

Councilor Grow stated Ms. Egan opinion is that the city is not in a position to regulate the age but asked would it be included in the condo documents.

Councilor Romeo Theken stated when we don't have a local ordinance we follow the state statute. She asked for the sizes of the units.

John Corcoran replied they are 1,300 to 2,300 sq. ft. and they are all two bedrooms.

Bob Corcoran stated we are in compliance under the 62 ordinance and if we reduce the age we will be out of compliance and we are requesting that relief.

Councilor Ciolino stated this council is not against children but the history of that was because of the density of the property. He needs to understand how the children will be dealt with.

Attorney Carp explained that a draft of the condo documents have been provided to prospective buyers and that is the way the project has been envisioned. In any six month period children under the age of 18 could stay for 30 days. We are open to making that less restrictive.

Councilor Ciolino asked for assurance that buyers will be well aware.

Attorney Carp explained that buyers sign a form acknowledging these key provisions and getting drafts of the condo documents.

Councilor Devlin asked if the 55 and over is just for marketing purposes.

Attorney Carp replied it is to allow these units to be marketed to this population to meet state and federal anti-discrimination laws.

Councilor George used the scenario and asked if a 55 and 30 year old decided to have a child would they have to move out.

Attorney Carp replied federal and state law allows for 20% of the units to be occupied by children.

The public hearing is closed.

MOTION: The Planning and Development Committee voted 2 in favor, 0 opposed to recommend that the City Council approve amending the multi family special permit issued in 2005 for 3 Pirmi Lane, now known as The Seasons, to allow a ten unit multi family dwelling without restricting the age of the residents to 62 years and older, and further, that the City Council find on the basis of the character of the neighborhood and density of the neighborhood that the dimensional requirements for this project be reduced from 5,000 square feet per dwelling unit to 3,400 square feet per dwelling unit and that the open space per dwelling unit be reduced from 3,500 square feet per unit to 1,770 square feet per unit, and further, that the units be marketed to age 55 years and older residents; and the units be occupied by at least one person who is 55 or older and further, that all of conditions of the original permit remain in full force and effect.

Discussion. Councilor Hardy stated the question came up at P&D, what happens to someone whose older spouse passes away and the younger spouse remains; how is that enforced and how long does that person get to stay. With HOPA documents and 55 and older not being in our ordinances she finds it difficult that the City Council would have to be the enforcer.

AMENDMENT: On motion of Councilor Hardy, seconded by Councilor Devlin the City Council voted by ROLL CALL 8 in favor, 1 opposed (Foote) to include the HOPA requirements through the condominium documents and deed restrictions.

Discussion. Councilor Hardy stated this should be restricted by the condo documents.

Councilor Ciolino feels the 55 and older works. We are protecting the people living in Gloucester but we can't police condo documents.

Councilor Grow referred to HOPA and asked if the state regulations, which mirror federal regulations allow for the provision of an under 55 spouse to remain in their unit if 80% of the units are occupied by 55 and older.

Council President Tobey replied the answer is yes.

Councilor George stated our ordinance is silent and the state law super cedes.

Councilor Foote asked who is going to police this.

Councilor Romeo Theken feels it is the condo association. The reason she doesn't want to amend this is that you will have to re-advertise for a new public hearing.

Council President Tobey stated the notion is to require the condo association to assume that responsibility of enforcement.

Councilor Hardy stated this protects the buyers so they know through their condo documents what the restrictions are.

Councilor Grow is asking they include the provisions of HOPA that relate to 55 restrictions in the condo documents and deeds.

Councilor Hardy stated the neighbors are in support and the project meets the six special permit criteria.

MOTION AS AMENDED: On motion of Councilor Hardy, seconded by Councilor Romeo the City Council voted by ROLL CALL 9 in favor, 0 opposed approve amending the multi family special permit issued in 2005 for 3 Pirmi Lane, now known as The Seasons, to allow a ten unit multi family dwelling without restricting the age of 62 years and older, and further, that the City Council find on the basis of the character of the neighborhood and density of the neighborhood that the dimensional requirements for this project be reduced from 5,000 square feet per dwelling unit to 3,400 square feet per dwelling unit and that the open space per dwelling unit be reduced from 3,500 square feet per unit to 1,770 square feet per unit, and further, that all of conditions of the original permit remain in full force and effect and to include the HOPA age restriction through their own condominium documents and deed restrictions.

MOTION: The City Council voted by UNANIMOUS consent to refer the SCP amendment for 3 Pirmi Lane to the Legal Department for written decision to adopt.

COMMITTEE REPORTS

1. O&A 02/23/09

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend that the full City Council place the following binding question on the November ballot: Shall the City of Gloucester rescind the provisions of Chapter 31, section 48 and section 59, formerly section 20 of the General Laws thereby the position of Chief of Police in the City of Gloucester shall be exempt from civil service law.

Summary of Question #1 Section 48 of Chapter 31 provides that the position of Police Chief is subject to the civil service law. By rescinding the civil service law for the position, the position is no longer subject to the rules and regulations of civil service law. Section 20 required the position to be filled from within the

department. By rescinding section 20, the position of the Police Chief will be open to all qualified candidates.

Discussion. Councilor Foote feels this should be put on the ballot and let the people decide.

Councilor Ciolino co-authored this with Councilor Foote. This works because we have an election coming up in November and he would like to see the process go out to the people. Civil Service was put in place by referendum and should be left in or taken out by a vote of the people.

Councilor Grow is pleased this will be put on the ballot and decided on once and for all. We are in the middle to an intensive public safety audit and he believes the voters will see the wisdom in opening up the opportunity to choose the best possible candidate.

Council President Tobey also supports this option of a binding referendum.

Councilor Romeo Theken feels that no matter which way this goes we can't terminate positions that should be if we don't document complaints.

MOTION: On motion of Councilor Foote, seconded by Councilor George the City Council voted 9 in favor, 0 opposed to place the following binding question on the November ballot: Shall the City of Gloucester rescind the provisions of Chapter 31, section 48 and section 59, formerly section 20 of the General Laws thereby the position of Chief of Police in the City of Gloucester shall be exempt from civil service law.

Summary of Question #1 Section 48 of Chapter 31 provides that the position of Police Chief is subject to the civil service law. By rescinding the civil service law for the position, the position is no longer subject to the rules and regulations of civil service law. Section 20 required the position to be filled from within the department. By rescinding section 20, the position of the Police Chief will be open to all qualified candidates.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend that the full City Council place the following non-binding, advisory question on the November ballot: Shall the City of Gloucester rescind the provisions of Chapter 31, section 48 and section 59, formerly section 20 of the General Laws thereby the position of Fire Chief in the City of Gloucester shall be exempt from civil service law.

Summary of Question #2 Section 48 of Chapter 31 provides that the position of Fire Chief is subject to the civil service law. By rescinding the civil service law for the position, the position is no longer subject to the rules and regulations of civil service law. Section 20 required the position to be filled from within the department. By rescinding section 20, the position of the Fire Chief will be open to all qualified candidates.

Discussion. Councilor Foote feels that no matter who is in charge they have the message that something has to change.

Councilor Grow asked to substitute the motion with the order he put forward under the consent agenda for a home rule petition.

MAIN MOTION AS AMENDED: On motion of Councilor Grow, seconded by Councilor George the City Council voted b y ROLL CALL 6 in favor, 3

opposed (Romeo, Ciolino, Foote) to substitute the main motion with the following: Ordered that the City Council and the Mayor petition the general court for a home rule petition to remove and/or rescind the position of Fire Chief from civil service protection. MOTION CARRIES.

Discussion. **Councilor Grow** explained the key difference between a home rule petition and a non-binding referendum is that it delays the effectiveness of this. If there is a favorable vote on this tonight we can move it forward to the legislature and to the general court. Right now we have a rare opportunity to effect a profound and substantial change in the Fire Department and he doesn't see the benefit in delaying the process.

Councilor Ciolino feels this is a rush. We have terrible problems in our Fire Department. We have a very competent Chief and the reality is there probably won't be an appointment of a new Chief for another year to year and one half once the dust settles. We are here to make the hard decisions and he feels the timing is perfect. Why is it we can't take the time to listen to the opinion of the people of Gloucester? He urged the City Council to vote down this amendment.

Councilor Curcuru asked if this is voted down can we still put it on the ballot as a non-binding question.

Council President Tobey clarified if this is voted by the City Council but the Mayor does not agree we can then revisit the nonbinding ballot question.

Councilor George agrees with Councilor Grow that we have a small window of opportunity and this is an action that needs to be taken now. This is a professional position and she feels that neither the police chief nor fire chief should be in civil service.

Councilor Romeo Theken stated the Fire Chief has been here for 26 years and until the Lorraine Fire after action report there is nothing in his file. She asked will this non civil position be solely under the Mayor. She feels that you have to start at the top.

Councilor Foote defended Chief McKay, whose whole heart was in Gloucester. He feels sending this to the legislature is wrong. He supports the motion to rely on the voters.

Councilor Ciolino stated we need to look at the continuity of the change by having both on the ballot. People need to be educated and we can trust the people to make the right decision. It won't look good to go to the state legislature without a unanimous vote. This can be put on the first Council agenda after the election to send to the legislature.

Councilor Grow argued there are times you need to make leadership decisions. You can put every question on the ballot for public vote but he feels we have a window of opportunity right now.

Councilor Hardy asked why we can't put this on the ballot as a binding question.

Councilor Ciolino replied the City Solicitor explained it was because the Fire Chief was put into civil service through a home rule petition it has to be taken out that way.

Councilor Hardy asked is there anybody else who has a different opinion on that.

Council President Tobey referred to Sec. 9-7 of the Charter under the provision for advisory questions. To put things on as binding is not a right of the City Council except if required by state law or by citizen petition.

Councilor Grow read the 2/26/09 e-mail opinion from General Council, Suzanne Egan on civil service status. (*copy in file*)

Councilor Hardy stated that still doesn't say we can't put it on the ballot as a binding question.

Council President Tobey asked are we able to place a binding question on the ballot whereby it would be removed from civil service or would have to file the home rule petition.

MOTION TO CONTINUE. On motion of Councilor Ciolino, seconded by Councilor Hardy the City Council voted by ROLL CALL 3 in favor, 6 opposed (Curcuro, Devlin, Foote, George, Grow, Tobey) to continue the matter of the non-binding referendum vote for the removal of fire chief from civil service. MOTION FAILED.

2. B&F 03/05/09 (under separate cover)

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council acceptance of a Priority Development grant in the amount of \$60,000 from the Massachusetts Interagency Permitting Board under the Chapter 43D program.

Discussion. Councilor Grow stated this is a result of the grant for streamlining the permitting process. Every time we permit a project under 43B we are allowed to apply for these grants.

MOTION: On motion of Councilor Grow, seconded by Councilor Devlin the City Council voted 9 in favor, 0 opposed acceptance of a Priority Development grant in the amount of \$60,000 from the Massachusetts Interagency Permitting Board under the Chapter 43D program.

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council acceptance of a grant from the Seaport Advisory Council in the amount of \$150,000 for an Economic Development Plan.

Discussion. Councilor Grow explained that \$250,000 of this will be coming forward in FY10. We voted to accept FY09 appropriation all for harbor planning; it is not for any tangible or capital.

Councilor Devlin asked Mr. Duggan if there will be a panel picked by the Mayor.

Jim Duggan, CAO replied yes.

Councilor Devlin asked if it is possible for the City Council to have some say in the members on that committee. He would like the Council to have 50% of the pick of the six member body.

Councilor Hardy thanked Councilor Devlin for bringing that forward - that was a subject mentioned at the Charrette on Saturday. People feel shut out and would like input.

AMENDMENT TO MOTION: On motion of Councilor Devlin, seconded by Councilor Hardy the City Council voted 9 in favor, 0 opposed to amend the motion to include the condition that three members of a harbor planning

panel be appointed by the City Council and three members be appointed by the Administration.

Discussion. Council President Tobey stated this is under the purchasing agent. Councilor Romeo Theken stated if it is an advisory committee then the Council has a say.

Mr. Duggan replied it is advisory.

MOTION AS AMENDED: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 9 in favor, 0 opposed acceptance of a grant from the Seaport Advisory Council in the amount of \$150,000 for an Economic Development Plan with the condition that three members of a harbor planning panel be appointed by the City Council and three members be appointed by the Administration.

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council Transfer 09-18 in the amount of \$196.11 from Mayor, Contingency/Emergency account to Mayor, Salary/Wage Permanent Positions. MAYOR

MOTION: On motion of Councilor Grow, seconded by Councilor George the City Council voted 9 in favor, 0 opposed Transfer 09-18 in the amount of \$196.11 from Mayor, Contingency/Emergency account to Mayor, Salary/Wage Permanent Positions. MAYOR

MOTION: The Budget and Finance Committee voted 2 in favor, 0 opposed to recommend to the full City Council the proposed fee adjustments for the Building Department and that the matter be referred to Legal for amendment language to the Code of Ordinances and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

Councilor Curcuru left the meeting at this time.

MOTION: On motion of Councilor Grow, seconded by Councilor George City Council voted 8 in favor, 0 opposed the proposed fee adjustments for the Building Department and that the matter be referred to Legal for amendment language to the Code of Ordinances and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

Councilor Curcuru returned to the meeting at this time.

4. P&D 02/18/09

MOTION: On motion of Councilor Devlin, seconded by Councilor George 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.

Councilor Grow asked that a Clerk of the Works or engineer be hired to supervise the job with the existing funds that have been allocated.

Mr. Duggan stated there are plans to hire a construction manager and a part time field engineer to oversee the operation.

Councilor George asked why we need to take out a \$2 million bond if the project is coming in at \$1.2 million.

Councilor Grow explained we can go back and reduce the unspent portion of the bond.

MOTION: On motion of Councilor Hardy, seconded by Councilor Devlin the Planning and Development Committee voted 0 in favor, 9 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. MOTION FAILED.

MOTION: The Planning and Development Committee voted 1 in favor, 2 opposed to recommend to the City Council that the City of Gloucester, by the authority of the provisions of Chapter 79 of the MGL, as amended, and for the public purpose of facilitating the installation of a water and sewer system in a portion of the City of Gloucester, known as Page Street and Way Road Sewer Project, take in the name of the City of Gloucester, permanent easements for the purpose of installing, maintaining and repairing sewer and water lines in the private ways described below. Said easements shall extend along the full width of the private ways and or within the traveled ways. Further that said easements shall be taken at the following described property of land owners at locations as recorded at the Essex South Registry of Deeds at Book and Page listed and shown on Gloucester Assessors' Maps as indicated and attached hereto:

1. Bass Rocks Golf Club, 9 Moorland Road, Map 71, Lot 10
2. Bass Rocks Golf Club, 11 Moorland Road, Map 71, Lot 11
3. Bass Rocks Golf Club, 12 Moorland Road, Map 73, Lot 1
4. Bass Rocks Golf Club, 28 Moorland Road, Map 74, Lot 5
5. Bass Rocks Golf Club, 19 Moorland Road, Map 74, Lot 6
6. Bass Rocks Golf Club, 18 Moorland Road, Map 74, Lot 7
7. Bass Rocks Golf Club, 2 Way Road, Map 74, Lot 9
8. Elenor Winslow, 10 Way Road, Map 74, Lot 10
9. Kenneth S. and Royce M. Leonards, 16 Way Road, Map 74, Lot 12
10. James V. and Mary Jo Montagnino, 24 Way Road, Map 74, Lot 14
11. Marcia J. and Derek J. Pregent, 28 Way Road, Map 74, Lot 15
12. Amy E. Montagnino, 32 Way Road, Map 74, Lot 16
13. Frederick and Joan T. Bishop, 26 Way Road, Map 74, Lot 18
14. Caroline R. Paine, Trustee, 29 Way Road, Map 74, Lot 20
15. Robert L. Paterson and Louise Grindrod, 19 Way Road, Map 74, Lot 21
16. John M. and Mary Ann McCormick, 15 Way Road, Map 74, Lot 23
17. Judith M. Masciarelli, 23 Way Road, Map 74, Lot 24
18. Vahe Haytayan, 17 Way Road, Map 74, Lot 26
19. John M. and Mary Ann McCormick, 13 Way Road, Map 74, Lot 27
20. Katherine A. Hamilos, 11 Way Road, Map 74, Lot 28
21. J. M. McCormick, 5 Way Road, Map 74, Lot 30
22. Daniel G. Allen and Ellen Veenstra, 3 Way Road, Map 74, Lot 31

23. Janet G. Mitnik, 1 Way Road, Map 74, Lot 32
24. Robert W. and Sonia M. Brownlee, III, 17 Page Street, Map 74, Lot 34
25. John H. Brennan, 15 Page Street, Map 74, Lot 37
26. Karen G. Koch-Weser, 13 Page Street, Map 74, Lot 38
27. Judith Winslow Walcott, 9 Page Street, Map 74, Lot 39
28. Peter C. and Phyllis E. Kelleher, 5 Page Street, Map 74, Lot 40
29. Leonard J. and Jacqueline Bolonsky, 3 Page Street, Map 74, Lot 41
30. Allen F. Estes, 2 Mt. Pleasant Way, Map 74, Lot 42
31. Claire A. Hurst Trustee, 12 Mt. Pleasant Avenue, Map 74, Lot 43
32. Brian J. Shore, 27 Way Road, Map 74, Lot 50
33. Kenneth R. and Jennifer Schaefer, 7 Page Street, Map 74, Lot 51
34. Judith Winslow Walcott, 11 Page Street, Map 74, Lot 54
35. J. Kermit Glenys G. Birchfield, 33 Way Road, Map 75, Lot 19
36. Karen G. Koch-Weser, 13 Page Street, Map 74, Lot 35

Further that compensation in the amount of one dollar (\$1.00) shall be paid to the owners of each parcel affected by the taking of the permanent easement in the private ways and that this compensation shall be deducted from the betterment charge. MOTION FAILED.

MOTION: On motion of Councilor Hardy, seconded by Councilor Grow the City Council voted by ROLL CALL 8 in favor, 1 opposed (George) that the City of Gloucester, by the authority of the provisions of Chapter 79 of the MGL, as amended, and for the public purpose of facilitating the installation of a water and sewer system in a portion of the City of Gloucester, known as Page Street and Way Road Sewer Project, take in the name of the City of Gloucester, permanent easements for the purpose of installing, maintaining and repairing sewer and water lines in the private ways described below. Said easements shall extend along the full width of the private ways and or within the traveled ways. Further that said easements shall be taken at the following described property of land owners at locations as recorded at the Essex South Registry of Deeds at Book and Page listed and shown on Gloucester Assessors' Maps as indicated and attached hereto:

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35. J. Kermit Glenys G. Birchfield, 33 Way Road, Map 75, Lot 19
36. Karen G. Koch-Weser, 13 Page Street, Map 74, Lot 35

Further that compensation in the amount of one dollar (\$1.00) shall be paid to the owners of each parcel affected by the taking of the permanent easement in the private ways and that this compensation shall be deducted from the betterment charge. MOTION FAILED.

4.P&D 03/04/09 - complete

COUNCILOR'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 Committee