

GLOUCESTER CITY COUNCIL CALENDER OF BUSINESS

TUESDAY, APRIL 7, 2009 - 7 P.M.

KYROUZ AUDITORIUM, CITY HALL

COUNCIL MEETING #2009-007

Attendance: Sefatia Romeo-Theken, Council Vice President; Councilors Joe Ciolino, Steve Curcuru, John “Gus” Foote, Sharon George, Jason Grow and Jacqueline Hardy

Also: Bob Ryan, Bill Sanborn, Phil Dench, Rayna Tulysewski

Absent: Councilors Bruce Tobey, Phil Devlin

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

FLAG SALUTE & MOMENT OF SILENCE

ORAL COMMUNICATIONS

COUNCILLOR’S REQUESTS TO THE MAYOR

09-043 (Devlin) Request the Mayor begin the process of looking into the possible sale of the Magnolia School house, and until such time the School house property is properly maintained so that it does not continue to become an eyesore in the neighborhood (People are starting to dump at this site and residents have been trying to keep the grounds clean).

09-044 (Devlin) Request the Mayor provide an update on where we currently stand on the West Gloucester Railroad crossing “quiet zone” at the next regularly scheduled meeting. After several request and conversations, and nearly (2) years since the Council voted for a quiet zone at Stanwood Ave., I must strongly urge the Administration to take immediate action to complete this process in a timely manner, that would include a set timeframe for completion for June 2009. I do understand our fiscal crisis, and the lack of staffing, however outstanding matters such as this must take precedent.

09-045 (Tobey) Request the Administration provide to the Council within two weeks, water pressure flow test results as conducted by Fire Department and report on the sewer system status from the Engineering Department as it exists now at the FORT.

CONFIRMATION OF APPOINTMENTS

1. Nicole Pitts
02/14/2012

Conservation Commission

TTE

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council the appointment of Nicole Pitts to the Conservation Commission for a term to expire 2/14/12.

MOTION: On motion of Councilor Foote, seconded by Councilor George the City Council voted 7 in favor, 0 opposed the appointment of Nicole Pitts to the Conservation Commission for a term to expire 2/14/12.

CONSENT
AGENDA

• ***MAYOR'S REPORT***

1. Two Special Budgetary Transfer Requests from Police Department
(Refer B&F)
2. Memo from Library Director re: "Tweens and Teens" Grant
(Refer B&F)
3. Request from Community Development Director re: Establish Two New Accounts (Refer B&F)
4. Memo from Recycling Coord. re: Acceptance of Mass DEP Municipal Sustain. Grant (Refer B&F)
5. Memo from DPW Director re: Approval of contract terms for upcoming RFP's for O&M Serv. (Refer B&F)

6. Memo from DPW Director re: Contract terms for RFP for Municipal Solid Waste/Recycling Collection (Refer B&F)

7. Memo from City Auditor re: Accounts having expenditures which exceed their appropriations (Refer B&F)

8. Memo from Building Inspector re: Draft Ordinance for trench excavation permits (Refer O&A)

9. Appointments:

a. Robert Francis Traffic Commission
(TTE 02/14/2012) (Refer O&A)

b. Karen Gallager Planning
(TTE 02/14/2014) (Refer O&A)

Board

• ***INFORMATION ONLY***

1. Letter from Neptune LNG re: Project Activities of the Neptune LNG Deepwater Port (Info Only)

• ***APPROVAL OF MINUTES***

1. Special City Council Meeting 03/24/09
(Approve/File)

2. City Council Meeting

03/24/09

(Approve/File)

• **APPLICATIONS/PETITIONS**

1. PP2009-005 Pole Petition on School House Road1

(Refer P&D)

• **ORDERS**

1. CC2009-019(Foote) Amend Sec 19, Div 1 and 2 of GCO re:
Secondhand Goods **(Refer O&A)**

2. CC2009-020(Tobey) Inclusive Communities Resolution
(FCV 4/21/09)

• **COMMUNICATIONS**

1. COM2009-016 Request Road Closure and use of City Land for
Beacon St. Block Party **(Refer P&D)**

FOR COUNCIL VOTE

1. Decisions to Adopt:

a. SCP2009-001: 3 Pirmi Lane f/k/a 343 Washington St., Sec.

3.2.2a **(Adopt)**

MOTION: On motion of Councilor Hardy, seconded by Councilor George the City Council voted by ROLL CALL 7 in favor, 0 opposed to recommend to the full City Council to adopt the special council permit decision for 3 Pirmi Lane, f/k/a 343 Washington Street, pursuant to Gloucester Zoning Ordinance, Section 3.2.2a.

b. Extension of Special Permit: 201,205 and 233 Main St (a/k/a Main St. Plaza) **(Adopt)**

MOTION: On motion of Councilor Hardy, seconded by Councilor George the City Council voted by ROLL CALL 7 in favor, 0 opposed to recommend to the full City Council to adopt the special council permit decision for 201, 205 and 233 Main Street (a/k/a Main Street Plaza).

SCHEDULED PUBLIC HEARINGS

Public Hearing #1

09-004: Amend GCO Sec. 22-270 "Parking Prohibited at All times" and Sec. 22-291 "Tow-Away Zones" by adding Columbia St. **(cont'd from 03/24/09)**

The public hearing is opened.

Speaking in favor. Bob Ryan, Traffic Commission Chair stated the Traffic Commission recommends amending Columbia Street 140' to 75' on the southerly side. Traffic Commission also suggests 2 no parking signs on School Street at the intersection of Columbia Street to delineate the 20' no parking zone per state.

Rayna Tulysewski, 5 Columbia Street thanked the Traffic Commission and the City Council for addressing this.

Speaking in opposition. No one spoke in opposition.

Communications. None.

Questions. Councilor Romeo Theken asked about the signs removed.

Robert Ryan, Traffic Commission stated after the ordinance is passed all signs will be legal.

The public hearing is closed.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council that Gloucester Code of Ordinances, Section 22-270, entitled "Parking Prohibited at All Times" and Sec. 22-291, entitled "Tow-Away Zones" be amended by ADDING Columbia Street, southerly side, at its intersection with School Street, in a westerly direction for a distance of 195 feet (to pole #3278 which would be to move the existing sign in an easterly direction 25 feet) and southerly side, at its intersection with Church Street, in an easterly direction for a distance of 140 feet (left of the gate to house #7) and northerly side, for its entire length.

AMENDMENT TO THE MAIN MOTION: On motion of Councilor Grow, seconded by Councilor Foote the City Council voted 7 in favor, 0 opposed to DELETE 140 feet (left of the gate to house #7) and ADD 75 feet (current sign to remain on pole #3280).

Discussion. Councilor Foote spoke in support.

Councilor Ciolino asked these be checked on to make sure they are followed through.

MAIN MOTION AS AMENDED: On motion of Councilor Foote, seconded by Councilor the City Council voted 7 in favor, 0 opposed to amend Gloucester Code of Ordinances, Section 22-270, entitled "Parking Prohibited at All Times" and Sec. 22-291, entitled "Tow-Away Zones" be amended by ADDING Columbia Street, southerly side, at its intersection with School Street, in a westerly direction for a distance of 195 feet (to pole #3278 which would be to move the existing sign in an easterly direction 25 feet) and southerly side, at its intersection with Church Street, in an easterly direction for a distance of 75 feet (current sign to remain on pole #3280) and northerly side, for its entire length.

Public Hearing #2

09-007 Amend GCO Section 5-15 Building Permit Fees

The public hearing is opened.

Councilor Curcuru recused himself from the hearing due to a conflict of interest.

Speaking in favor. **Bill Sanborn, Building Inspector** research found our permit fees appeared to be a little on the low side. We came up with an average of \$10 per thousand building permit fees. Plumbing fees \$3 per thousand total project cost, same as electrical permits. New house total permit fee is \$16 per thousand compared to other communities \$18 to \$20 per thousand.

Speaking in opposition. No one spoke in opposition.

Communications. None.

Questions. **Councilor Hardy** asked before and after the changes are initiated what would it cost to change over a toilet.

Mr. Sanborn replied \$35 before and \$70 after and those fees are in line with other communities.

Councilor Romeo Theken asked if these permit fees are included in the cost of hiring a plumber.

Mr. Sanborn replied yes, they should be.

Councilor Hardy asked is there a fine associated with not obtaining a permit.

Mr. Sanborn replied yes.

The public hearing is closed.

MOTION: The Budget and Finance Committee voted 2 in favor, 0 opposed to recommend to the full City Council to Amend Gloucester Code of Ordinances, Section 5-15 Building Permit Fees: Proposed fee adjustments to Section 5-15(a), (d), (e), (f), and (g).

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 7 in favor, 0 opposed to amend Gloucester Code of Ordinances, Section 5-15 Building Permit Fees: fee adjustments to Section 5-15(a), (d), (e), (f), and (g).

COMMITTEE REPORTS

1. O&A 03/30/09

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council to amend GCO, Sec. 22-270 entitled “No Parking Anytime” and Sec. 22-291, entitled “Tow Away Zone” by ADDING Bray Street located off of Atlantic Street become “No Parking Either Side” for its entire length and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

Discussion. Robert Ryan stated the Traffic Commission suggested that Bray Street be designated as East and West to save confusion for the Police and Fire Departments and 50% or more on the street petition of neighbors agreeing to the changes.

MOTION: On motion of Councilor Ciolino, seconded by Councilor George the City Council voted 7 in favor, 0 opposed to amend Gloucester Code of Ordinances, Sec. 22-270 entitled “No Parking Anytime” and Sec. 22-291, entitled “Tow Away Zone” by ADDING Bray Street located off of Atlantic Street become “No Parking Either Side” for its entire length and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council to amend GCO, Sec. 22-287, entitled “Disabled handicap/vet parking by ADDING 10 Orchard Street, one space and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion of Councilor Ciolino, seconded by Councilor George the City Council voted 7 in favor, 0 opposed to amend Gloucester Code of

Ordinances, Sec. 22-287, entitled “Disabled handicap/vet . parking by ADDING 10 Orchard Street, one space and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council to amend GCO, Sec. 22-287, entitled “Disabled handicap/vet. parking by ADDING 11 Pearl Street, one space and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion of Councilor Ciolino, seconded by Councilor Foote the City Council voted 7 in favor, 0 opposed to amend GCO, Sec. 22-287, entitled “Disabled handicap/vet . parking by ADDING 11 Pearl Street, one space and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council to accept the standard services contract by and between the City of Gloucester and the Eastern Essex District Department of Veterans’ Service for consulting services as they pertain to the required submission of benefits paperwork to the Massachusetts Department of Veterans Services for Gloucester veterans.

Discussion. Councilor Ciolino stated this is a result of the reorganization of the Veteran’s Department; in January a new Veteran’s agent will be hired.

MOTION: On motion of Councilor Ciolino, seconded by Councilor Foote the City Council voted 7 in favor, 0 opposed to accept the standard services contract by and between the City of Gloucester and the Eastern Essex District Department of Veterans’ Service for consulting services as they pertain to the required submission of benefits paperwork to the Massachusetts Department of Veterans Services for Gloucester veterans.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council to amend GCO, Chapter 14, entitled “Offenses and Miscellaneous Provisions” Article 1, by ADDING Section 14-15, entitled “Public Consumption of Marijuana or Tetrahydrocannabinol Prohibited” 1) No person shall smoke or consume marijuana or tetrahydrocannabinol as defined in G.L. c. 94C section 1, as amended, while in or upon any public way, park, playground, public building or land owned or under control of the City of Gloucester or in any

bus or other passenger conveyance operated by a common carrier or in place accessible to the public. 2) This ordinance may be enforced by any police officer through any lawful means including non-criminal disposition pursuant to G.L. c. 40 section 21D. The fine for a violation shall be one hundred dollars for the first offense, two hundred dollars for the second and three hundred dollars for each offense thereafter. Any penalty under this ordinance shall be in addition to any civil penalty imposed under G.L. c. 94C, Section 32L; and by amending Section 1-15, entitled "Penalty for violation of certain specified sections of Code" by ADDING the following paragraph: Chapter 14-15 Public Consumption of Marijuana or Tetrahydrocannabinol Prohibited: Penalty First Offense: One Hundred dollars (\$100.00), Second Offense: Two Hundred dollars (\$200.00), Third Offense: Three Hundred dollars (\$300.00) Enforcing Person: Police Officers and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion of Councilor Ciolino, seconded by Councilor George the City Council voted 7 in favor, 0 opposed to amend GCO, Chapter 14, entitled "Offenses and Miscellaneous Provisions" Article 1, by ADDING Section 14-15, entitled "Public Consumption of Marijuana or Tetrahydrocannabinol Prohibited" 1) No person shall smoke or consume marijuana or tetrahydrocannabinol as defined in G.L. c. 94C section 1, as amended, while in or upon any public way, park, playground, public building or land owned or under control of the City of Gloucester or in any bus or other passenger conveyance operated by a common carrier or in place accessible to the public. 2) This ordinance may be enforced by any police officer through any lawful means including non-criminal disposition pursuant to G.L. c. 40 section 21D. The fine for a violation shall be one hundred dollars for the first offense, two hundred dollars for the second and three hundred dollars for each offense thereafter. Any penalty under this ordinance shall be in addition to any civil penalty imposed under G.L. c. 94C, Section 32L; and by amending Section 1-15, entitled "Penalty for violation of certain specified sections of Code" by ADDING the following paragraph: Chapter 14-15 Public Consumption of Marijuana or Tetrahydrocannabinol Prohibited: Penalty First Offense: One Hundred dollars (\$100.00), Second Offense: Two Hundred dollars (\$200.00), Third Offense: Three Hundred dollars (\$300.00) Enforcing Person: Police Officers and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

2. B&F 04/02/09

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council acceptance of the State 911 Department Support and Incentive Grant from the Commonwealth of Massachusetts in the amount of \$49,778.

There is no city match required.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 7 in favor, 0 opposed acceptance of the State 911 Department Support and Incentive Grant from the Commonwealth of Massachusetts in the amount of \$49,778.

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council payment of an FY08 invoice dated 4/18/08, invoice 1602 to L.W. Bills in the amount of \$2,850 from FY09 funds.

Discussion. Councilor Grow explained this was part of a Chapter 90 reimbursement project. There was a partial payment made in 2/07; this is the final billing by LW Bills for the work done on Thatcher Road.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 7 in favor, 0 opposed payment of an FY08 invoice dated 4/18/08, invoice 1602 to L.W. Bills in the amount of \$2,850 from FY09 funds.

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council Transfer 09-19 in the amount of \$12,000 from Personnel, Veteran's Services – Salaries to Personnel, Contractual Services. PERSONNEL

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 7 in favor, 0 opposed Transfer 09-19 in the amount of \$12,000 from Personnel, Veteran's Services – Salaries to Personnel, Contractual Services. PERSONNEL

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council a supplemental appropriation in the amount of \$15,000 from DPW, Highway Force Account to DPW, Highway Paving Materials. DPW

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 7 in favor, 0 opposed a supplemental appropriation in the amount of \$15,000 from DPW, Highway Force Account to DPW, Highway Paving Materials. DPW

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council acceptance of lease agreement #99133 for the Witham Street Parking Area between the City of Gloucester and Good Harbor Beach Inn Corporation as presented.

Discussion. Councilor Grow stated this is the lease for the parking area adjacent to Good Harbor Beach. It is a three year lease at \$6,500 per year. **Councilor Hardy** stated other communities build in an escalator clause or "until such time beach fees increase". **Councilor Grow** explained B&F talked about that and Mark Cole noted that past year beach revenues were significantly less; he felt this was a good balance.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 7 in favor, 0 opposed acceptance of lease agreement #99133 for the Witham Street Parking Area between the City of Gloucester and Good Harbor Beach Inn Corporation as presented.

3. P&D 04/01/09

MOTION: The Planning and Development Committee voted 2 in favor, 0 opposed to recommend to the full City Council the granting of a SCP for 81 Rocky Neck Avenue, (applicant) Gloucester Marine Railway Wharf Removal/Repair & Extension, (owner) Grace Morceri, President, Map 128, lot 40, zoning classification Marine Industrial for a lowlands requirement pursuant to Sec. 5.5.4 of the Gloucester Zoning Ordinance and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion of Councilor Hardy, seconded by Councilor Ciolino the City Council voted 7 in favor, 0 opposed the granting of a SCP for 81 Rocky Neck Avenue, (applicant) Gloucester Marine Railway Wharf Removal/Repair & Extension, (owner) Grace Morceri, President, Map 128, lot 40, zoning classification Marine Industrial for a lowlands requirement pursuant to Sec. 5.5.4 of the Gloucester Zoning Ordinance and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

COUNCILLOR'S REQUESTS OTHER THAN TO THE MAYOR

Councilor Hardy asked the Administration for the status of the summer internship program.

Councilor Grow requested the Administration provide a response on the list of unaddressed requests.

It was moved and seconded to adjourn the meeting at 8:05 p.m.

Respectfully submitted,

June Budrow
Clerk of Committees