

GLOUCESTER CITY COUNCIL CALENDER OF BUSINESS

TUESDAY, APRIL 21, 2009 - 7 P.M.

KYROUZ AUDITORIUM, CITY HALL

COUNCIL MEETING #2009-008

Attendance: Bruce Tobey, Council President; Sefatia Romeo Theken, Council Vice President; Councilors Joe Ciolino, Jason Grow, Jacqueline Hardy

Also: Erica Hanson, Betsy Works, Ros Frontiero, Kathy Leahy, Tim Purinton, Dave Sargent, Mary Jo Montagnino, Richard Pratt, Diane McGlynn, Mike Hale, Karen Andrews, Karen Gallagher, Veronica P. Hayes, Rob Russell, Mary Ann Peterson, Peter Carbone, Shawn McNally, Les Belcheck,

Absent: Councilors Phil Devlin, John "Gus" Foote and Steve Curcuru, Sharon George

The meeting is called to order at 7:00 p.m. Agenda items taken out of order.

FLAG SALUTE & MOMENT OF SILENCE

ORAL COMMUNICATIONS

COUNCILLOR'S REQUESTS TO THE MAYOR

09-046 (Hardy) Requested the Administration for the status of the summer internship program.

09-047 (Grow) Requested the Administration provide a response on the list of unaddressed requests.

09-048 (Ciolino) Requested the Mayor instruct the DPW to replace light bulbs in the Kyrouz Auditorium.

Council President Tobey noted the following items to be continued: The special council permit for 81 Rocky Neck Avenue, and the transfers for the Police Department.

APPOINTMENT

1. Appointment of Acting City Clerk

Council President Tobey noted the City Clerk is on medical leave but is exploring a status of partial leave. He conferred with Councilor Foote who has requested the status of the Clerk going forward be discussed at the O&A meeting of 5/11. Councilor Tobey then called a Special Council meeting for Thursday, 4/30 at 6 p.m. in the Council Conference Room regarding the Clerks office and their capacity to be open to public. He asked Mr. Bain to attend, as well as someone from the office of the Mayor.

He then reminded the council of two upcoming meetings: The Special Council meeting for Tuesday, 4/28th is on the possible matter of shifting sewer and water

charges to the tax rate and the regular Council meeting of 5/5th will begin with a presentation from Sheriff Cousins on regional 911 dispatch. On another note, the Mayor will be giving neighborhood presentations on the state of the city and he asked the Administration to share any written materials with the council.

**FOR COUNCIL
VOTE**

ACTION

1. CC20009-020 (Tobey) Inclusive Communities
Resolution **FCV**

MOTION: On motion of Councilor Hardy, seconded by Councilor Romeo Theken the City Council voted 5 in favor, 0 opposed to adopt the partnership for working towards inclusive communities.

PRESENTATIONS:

2. Citizen Participation and Public Information (CPPI)
Mayor Carolyn Kirk provided an introduction to the Citizen Participation and Public Information (CPPI) initiative the administration has been working on and referenced page 118 of Plan 2001 which specifically discusses the office of citizen participation and identifies the 10 tasks for the CPPI taken from Plan 2001.

Erica Hanson joined by **Betsy Works and Ros Frontiero** provided a handout to the council outlining the 10 tasks taken from Plan 2001 as follows:

1. Ensure that citizens have accurate information.
2. Ensure that citizens have opportunity to participate in planning and related activities.
3. Assist boards and commissions in coordinating activities and communicating with the public.
4. Work with neighborhood organizations.
5. Facilitate city problem-solving meetings.
6. Serve as Central repository and purveyor of information.
7. Manage and improve the City's web site.
8. Produce a city news-outlet.
9. Explore the use of GIS and emerging technologies to improve distribution of information.
10. Conduct periodic polls of citizen opinion and conduct other actions, as need arises.

Councilor Grow asked if CPPI will be a board or commission or is it ad hoc and how does one become a member? Who are you ultimately accountable to and how will CPPI remain transparent to the public.

Ms. Hanson replied that CPPI is a self initiated ad hoc committee with weekly open meetings. Minutes are to be posted on website and semi-annual and annual report to submit to City Council.

Councilor Grow asked if they anticipate that CPPI may become more permanent.

Ms. Hanson replied it could become an actual physical office within Community Development.

Councilor Grow asked how people get information to the CPPI.

Ms. Hanson replied this is an opportunity for boards and commissions to highlight items on their agenda.

Councilor Grow asked how many members they have.

Ms. Hanson replied they are the leadership but there will be no cap on number of members.

Councilor Ciolino asked for attendance records on boards and commissions.

Ms. Frontiero stated we do have volunteers and each week we gain a new volunteer for the city.

Council President Tobey is delighted to hear of the interest in updating the website and stated the MMA has resources available to share. He asked if they could find resources to help the Clerks office shoulder some of their responsibility in dealing with management of records, posting, etc. The annual report is a powerful vehicle to communicate with the public and he saluted them for the polling piece, as a chance to get a sense of what folks want, it helps create consensus. He suggested the CPPI meet with O&A

Councilor Grow noted some of the things mentioned will require funding and asked if they have started talking with the Administration about potential sources of funding. He is in favor of bringing more transparency of government to the public.

3. Little River Restoration Project – Mass Audubon- Kathy Leahy, Mass Riverways- Tim Purinton, Shellfish Warden- Dave Sargent

David Sargent, Shellfish Warden, Kathy Leahy and Tim Purinton provided an Introduction for a presentation on the Little River Restoration Project
“I’m Dave Sargent the Gloucester Shellfish Constable and the City’s Alewife Warden.

Council President Tobey and City Councilors, thank you for inviting us here this evening.

Kathy Leahy; Director of North Shore Audubon Advocacy and Tim Purinton; Acting Director of the Massachusetts Riverways Program will be giving a brief overview of the planned restoration project for the Little River fish run here in Gloucester.

This project proposes to remove the existing concrete fish ladder and the abandoned sludge lagoon that once serviced the West Gloucester Water Filtration Plant. In their place will be a low flow stream channel with a flood plain, an associated freshwater wetland as well as a replicated saltwater wetland.

Upon completion, this project will help restore passage for alewife and american eel as well as spawning habitat for rainbow smelt; all of which are at critically low numbers. By creating a flood plain, it will also help alleviate intermittent flooding that occurs at the Water Filtration Plant and the adjacent Wellspring House property.

If there is a watchword for tonight it would have to be counts. It’s understood that all of you up here are pretty good at figuring vote counts and Kathy Leahy will be talking about volunteer fish counts that have been taking place in the Little River since 2000. But these fish count also. Not only are they a vital part of the food web (providing food for striped bass, cod, haddock and other

commercially important fish), they also count because they are indicator species telling us how well we are managing the many different environments that they must pass through twice during their epic journey.

That being said, I would like to turn this over to Kathy Leahy who will be talking about fish counts.”

Kathy Leahy, Mass. Audubon spoke about fish counts. (power point presentation on file).

Tim Purinton, US Fish and Wildlife, Div. of Marine Fisheries Dir. of the Riverways restoration project stated there are currently 19 active river restoration projects. This project is basically naturalizing a stream section. Wellspring House has been a fantastic partner. (copy of power point on file). The estimated cost of this project is \$270,000 to \$310,000 plus thousands in kind time. The goal is to restore the channel to its natural conditions, as well as day lighting the upper section of the culvert. We are also proposing to restore the existing sludge lagoon to a salt marsh. Part of the state and federal obligation is Section 106 – historical review. We met with the Historic Commission and they are supportive of the project.

Council President Tobey asked how the City Council can be of assistance. He requested the Clerks office draft a letter of endorsement from the City Council and if to inquire if CDBG money could be used for something like this.

Councilor Hardy asked what attributes to the tremendous increase in fish counts this year.

Mr. Sargent stated the existing fish ladder can only accommodate moderate flows and two or three of the last five years we have had heavy flows. This year we have flows that are just right, that is the reason for the increase.

CONFIRMATION OF APPOINTMENTS

1. Karen Gallager

Planning Board

TTE 02/14/2014

MOTION: The Ordinances and Administration Committee voted 2 in favor, 0 opposed to recommend to the full City Council the appointment of Karen Gallager to the Planning Board for a term to expire 2/14/14.

MOTION: On motion of Councilor Romeo Theken, seconded by Councilor Ciolino the City Council voted 5 in favor, 0 opposed the appointment of Karen Gallager to the Planning Board for a term to expire 2/14/14.

2. Robert Francis

Traffic

Commission

TTE 02/14/2012

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

MOTION: On motion of Councilor Romeo Theken, seconded by Councilor Ciolino the City Council voted 5 in favor, 0 opposed the appointment of Robert Francis to the Traffic Commission for a term to expire 2/14/12.

3. Richard White Historical Commission
TTE 02/14/2012

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

MOTION: On motion of Councilor Romeo Theken, seconded by Councilor Ciolino the City Council voted 5 in favor, 0 opposed the appointment of Richard White to the Historical Commission for a term to expire 2/14/12.

CONSENT AGENDA

ACTION

• ***MAYOR'S REPORT***

1. Letter from National Grid re: Contribution to the City of Gloucester **(Info Only)**
2. Memo from Interim Grants Administrator re: 2009 CDBG & HOME Grants **(Refer B&F)**
3. Memo from Principal Assessors re: Overlay Surplus for Fiscal Year 2008 **(Refer B&F)**
4. Appointments: Catherine "Cate" Banks Waterways Board (TTE 02/14/2012) **(Refer O&A)**
5. Responses to Council Requests

• ***INFORMATION ONLY***

1. Quarterly Report of the Assessors' Department **(Info Only)**

• ***APPROVAL OF MINUTES***

1. City Council Meeting
04/07/2009

(Approve/File)

• ***APPLICATIONS/PETITIONS***

1. PP2009-005 Pole Petition re: Gloucester Crossing Road **(Refer P&D)**
2. SCP2009-003: Sam Park & Company, LLC, Modification of SCP Gloucester Crossing **(Refer P&D)**

COMMUNICATIONS

- COM2009-017 Request for Street Closure for Cape Ann Farmer's Market **(Refer P&D)**
- COM2009-018 Request for Street Closure for Gloucester Sidewalk Days **(Refer P&D)**
- COM2008-019 Request for Street Closure for North Shore Tour de Cure **(Refer P&D)**

• ***ORDERS***

1. CC2009-021(Ciolino/Foote) Amend GCO Sec. 22-287 re: 186 Main Street **(Refer O&A & TC)**

ITEMS REMOVED FROM THE CONSENT AGENDA

Councilor Hardy asked that Communications 20 and 21 be removed.

Councilor Grow asked to remove #1 and #2 of the Mayors report.

MOTION: The consent agenda is adopted by UNANIMOUS consent of the full City Council with the exceptions of Mayor's report #1 and #2 and Communications 2009-020 and 2009-021.

MOTION: On motion of Councilor Hardy, seconded by Councilor Ciolino the City Council voted 5 in favor, 0 opposed to refer the memo from Planning Board regarding the draft 2009 Harbor Plan to P&D.

MOTION: On motion of Councilor Hardy, seconded by Councilor Ciolino the City Council voted 5 in favor, 0 opposed to refer the memo from Planning Board regarding the Fort to P&D.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 5 in favor, 0 opposed to refer Mayor's report item 1 to B&F and that General Counsel be present.

Councilor Grow requested General Counsel and a representative from DPW, Fire and Police be present at the B&F meeting.

Council President Tobey asked General Counsel for a legal opinion on the \$25,000 piece of this to be used as the Mayor sees fit.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 5 in favor, 0 opposed to refer Mayor's report item #2 regarding the 2009 CDBG and HOME grants, requesting an accounting of the 2008 CDBG grants in addition to the 2009 CDBG grants for B&F.

Council President Tobey requested a statement from Mr. Duggan assuring it is appropriate for him to receive a substantial amount of his salary from the CDBG grant for serving as Grants Administrator.

SCHEDULED PUBLIC HEARINGS

Public Hearing #1

08-056: Renewal of Permit Pursuant to MGL Ch. 148, Sec. 56 and GCO Sec. 22-153 re: Richard Pratt **(cont from 12/16/08)** (see attached communications).

The public hearing is opened.

Speaking in favor. Attorney **Mary Jo Montagnino** is representing Richard Pratt in application for renewal of his beach parking permit. P&D voted unanimously to increase the number of cars from 194 to 225. In prior years the number of cars allowed was 250. This permit goes back a number of years; the family has had this permit in excess of 50 years. She presented pictures of the prior hotel located on the beach showing the parking area behind the hotel permitted for 120 cars and the area adjacent. Rockport Road ends to the left of the Cape Ann Motor Inn where the City of Gloucester has a 40' right of way down to the low water mark. Another picture shows the expanse of beautiful

beaches, numerous cottages on the boardwalk at Long Beach. This is one beach that really hasn't changed over the years and has a long history of public access. Her client is trying to eliminate problems for the area by allowing parking. He provides restroom facilities, showers and rubbish removal. She resubmitted a petition previously submitted to the P&D - over 28 people who live closest signed in favor of this parking lot. She re-submitted a letter from Brad Pierce of the Cape Ann Motor Inn in support of the application. She read the letter into the record. (copy in file). There is also a right of way on the left hand side of the Cape Ann Motor

Inn extending from Twilight Road down to the low water mark. The area in question is a

small area to the right of Twilight Road. She provided a copy of a topographical map showing the area that is claimed to be private and indicates the area in question (copy in file). Basically, at the high tide mark most of the 30,000 sq. ft. of land is under water and the minority of the area is exposed. She also submitted to P&D a map showing the restroom facilities, showers, picnic areas and continued intention to keep the place orderly clean and safe. A sign at the head of Long Beach Road indicates when the lot is full. There is a very small area from the high water mark down indicating the area in dispute. (copy in file). She submits this is a benefit to the neighborhood. We have support from businesses in the area dependent on people coming into the area. This additional 31 cars is actually something that would be used only on very few days in the season. For most of the time there would only be 100 or so cars. Packets provided of photos showing no backup on the street. This feels the City Council has to consider that some of the people are fairly new and have come to a place where the public has been coming for over 100 years. There is recognition by the people of Gloucester that we preserve our public access to the beaches. Mr. Pratt has agreed to all the requests that are within his power. He has been working with the people in the area and the people have been very appreciative of his cooperation.

Veronica P. Hayes, 21 and 23 Rockport Road spoke in strong support of the application.

Speaking in opposition. Attorney Diane McGlynn representing neighborhood people impacted by this license application. Her clients are not opposed to the license renewal but opposed to the license increase. She doesn't have proof or significant evidence of the increase in cars, but feels it was a short period of 2 to 3 years and it was corrected when the mistake was discovered. A vast majority of Long Beach is located in Rockport. We are not trying to impede public access. The Gloucester portion of Long Beach is very small.

Representations with regard

to the right of way are not disputed. We acknowledge public access to the beach. Good Harbor Beach is located entirely in Gloucester and has an ample parking lot. In our opinion this is not a public access issue; it is the impact of a commercial enterprise on a neighborhood. We agree Mr. Pratt's operation should be forced to comply with the license issued. We have evidence there have been times where the conditions have not been complied with. We agree there are a small number of owners affected, but feel that all property owners should be allowed to enjoy their property in a fair and equitable manner. In any commercial enterprise there is always a benefit and a burden. The benefit should be used to offset the burden. What happens when there are 225 cars parked on that lot and people can't get in and out of their own property. She stated the photo submitted with the package clearly shows there are conservation issues on this property. This board can only issue a license - there are state laws that need be adhered to. She asked this board to

consider the overall circumstances of this case so that the issues that do come up don't come up again. She submitted a photo showing almost 260 cars and noted there is no reason for a property owner to violate a license. She also asked that the Conservation Commission review this before any increase is allowed. Her understanding is that the Conservation Commission must hold a public hearing if an increase is requested. There is also concern about safety and she is asking Mr. Pratt engage the services of Police detail on days when the lot is full. Cars should line up in the lot and signs should be posted out on the main road when this lot is full. She is also suggesting the hiring of a life guard to patrol the public parts of the beach in front of the Cape Ann Motor Inn. If Mr. Pratt and the hotel owner hire a lifeguard and police detail it will reduce the likelihood of people trespassing onto the private property. The increase of the license doesn't benefit the city at all and it is her position that the increase should not be given regardless.

Rob Russell, 40 Rockport Road, Gloucester spoke about the operator crowding the Gloucester end of the beach while protecting the Rockport side of the beach parking. He did give Mr. Pratt high marks for trash collection. He asked there be a formal, professional sign placed at the top of the street. He does endorse the carry in and carry out policy and is pro-Gloucester over pro neighborhood. He welcomes the public but feels that part of that should include Gloucester residents. He also noted that the Fire Department has no objection to the parking lot as long as it remains the same number of parking spaces.

Mary Ann Peterson, 3 Briarneck Avenue feels there can be a compromise here regarding capacity and that the safety issues need to be resolved. She spoke highly of Mr. Pratt as a good neighbor. With regards to life guards and they work in pairs doesn't know how that will be resolved.

Peter Carbone, 2 High Rock Terrace is concerned about safety.

Shawn McNally, 20 Twilight has two young children and safety is the biggest concern. Many nights he cannot exit his property because of the back up on Rockport Road.

Les Belcheck, 15 High Rock Terrace is not opposed to the parking lot, it is the expansion. Everyone congregates within 100 yards of Rockport Road and at high tide it becomes a highly congested area. There were two incidents of drowning in this portion of Gloucester last summer. The issue is there has to be a correlation between the number of cars and the number of people coming from those cars.

Rebuttal. Attorney Montagnino presented copies of prior licenses asserting there were licenses for 250 cars, going back to the 1980's through 1992. She reiterated that in years past there was an additional lot that allowed 125 cars which is now the Long Beach condos. The small area on the right hand side of the Cape Ann Motor Inn has been used by prescriptive right. Every one of us went through the path over this property now declared as private. That is the history – we have an obligation to preserve rights as well. The number of cars was sought so there would be no violation on peak days. Mr. Pratt is trying to work with the neighborhood and has no objection for additional parking to be provided by the city. They will address the issue of the barrels. We have a great asset in Long Beach and they have received no complaints or official problems from this permitted parking.

Attorney McGlynn stated no one has addressed the issue of non-compliance with the license. She feels the reason isn't good grounds to be granted. The issue needs to be presented to the Conservation Commission and a public hearing be held so this is done in a proper manner. There are no provisions for a penalty if there is a violation; this board is responsible for issuing the license and should do so with the full facts before you. She feels safety belongs in the hands of the

private owners gaining the benefit and asked for recommendations of other boards, the Fire Chief, Police Chief and P&D.

Communications. Two communications in support. Owners of Amelia's Restaurant in favor read into the record. (copy in file) and an e-mail communication from Donald Hayes – also read into the record (copy in file).

Questions. Councilor Ciolino to Attorney McGlynn referenced the dangers on the public end of Long Beach and asked how you determine all the safety hazards on the beach are Mr. Pratt's problem.

Attorney McGlynn replied that Mr. Pratt engages in an activity, the purpose being usage of Long Beach and there should be some type of provision where there is a person watching that activity (swimming). Another danger is blocking the road. That can be solved by recessing the entrance. The other issue in terms of danger is the sheer number of people invited to use the beach.

Councilor Ciolino asked if the parking lot is gone, who has the liability for the beach use.

Attorney McGlynn is not asking Mr. Pratt to shut down but that he complies with the 194 cars. The government is responsible for public lands and if someone gets hurt on private land, it is the private land owner's responsibility.

Councilor Grow asked if there is a legal remedy for trespassing is.

Attorney McGlynn replied the private property owner has a legal remedy for trespassing.

Councilor Grow asked do they need to mark private property.

Attorney McGlynn replied it is difficult for someone to come to Long Beach to know what areas are public and what are not.

Councilor Grow stated it is a relatively small portion of the beach that is private.

Attorney McGlynn stated we aren't asking Mr. Pratt to be responsible for anything that extends to where it becomes unreasonable.

Councilor Grow asked what would happen if there was an injury to someone on the Rockport side of the beach.

Attorney McGlynn replied Rockport is not responsible for the Gloucester end of the beach.

You usually have a life guard every couple of hundred feet and because there are a large group of unsupervised people, there should be a life guard on duty. We are only suggesting Mr. Pratt and the hotel owner engage the services of a lifeguard to supervise the front part of that hotel.

Attorney Montagnino stated there is no contract between Mr. Pratt and the Cape Ann Motor Inn. Mr. Pierce of the Cape Ann Motor Inn supports people using the beach. Mr. Pratt agrees there should be no stacking.

Councilor Grow referred to the notice of intent from the Conservation Commission in 2008.

Mr. Pratt stated the Conservation Commission and he have worked out an agreement and has three years to comply. We are in a three year period of restoration. The Conservation Commission has signed off on this.

Councilor Grow questioned how 260 cars were parked on a lot that was only supposed to contain 194 cars. Compliance with the permit is a huge issue here.

Mr. Pratt believes the addition of 30 more spots will assure he will not be in front of the City Council for being out of compliance.

Councilor Grow respects Mr. Pratt and his business.

Council President Tobey referred to Section 22-151b permits can be suspended or revoked by the City Council. This is an enforcement issue.

Councilor Romeo Theken for Attorney McGlynn asked why wasn't there any opposition at the P&D meeting.

Attorney McGlynn replied many of the owners in this area live elsewhere in the winter and a lot of them were not aware of the meeting. It is her understanding

from communicating with the Conservation Commission that they wouldn't allow expansion prior to this going before them.

Ms. Montagnino stated 33 abutters were sent notice and it was certified at the P&D meeting. She noted her client has been trying to address all the issues.

Councilor Romeo Theken stated it wasn't continued, there was a reduced number of council members as well.

Attorney McGlynn was engaged late December and did contact Attorney Montagnino as well. There was no agreement made to her, with regards to the packet and when it was made available to Mr. Pratt and Attorney Montagnino.

Councilor Hardy replied she has the certification for the notice of P&D.

Minutes clearly indicate there was no one in opposition to the meeting. We are legally meeting our requirements for noticing. As it relates to the order of conditions dated 12/4/08, those have been on file with the City Clerks office. Anything the Council would allow does not negate what the Conservation Commission approves.

Councilor Grow asked about signage indicating the lot is full.

Attorney Montganino explained that when the lot is full the sign is put up at the corner of Rockport Road and Thatcher Road.

Councilor Grow asked if there is something we can do to mitigate the overnight use of barrels to make them secure.

Attorney Montagnino stated Mr. Pratt will agree to pick up the barrels at night.

Councilor Grow asked if there has ever been a complaint to the fire and police chiefs.

Attorney Montagnino received letters in support by Fire Chief and Police Chief.

Mr. Pratt stated the expanded parking spaces also include the need for handicapped parking spots – there are 8 handicapped parking spaces.

Councilor Ciolino asked about trash receptacles.

Attorney Montagnino replied they are secured on the sight.

The public hearing is closed.

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council renewal of a special council permit pursuant to Gloucester Code of Ordinances Sec. 22-153, entitled, "privately owned open-air parking spaces" for 2 Beachland Avenue, owner Richard Pratt, with the following conditions:

1. 225 cars
2. Hours of operation shall be posted.
3. An attendant shall be on duty for those hours.
4. Hours which restrooms are open shall be posted.
5. Shrubs along the front of the property shall be maintained.
6. Fees for parking shall be posted.
7. Prior to the issuance of the permit by the City Clerk, the applicant shall pay over to Cape Ann Motor Inn the sum of \$100.00 for the maintenance of the Gloucester portion of Long Beach.
8. Approval of the Board of Health and Fire Chief.
9. The number of cars allowed by this permit shall be posted.
10. The City of Gloucester will not be held liable for any claims incurred by the parking lot operation.
11. A counter be used to count the number of cars coming onto the lot.

Discussion. Councilor Hardy read into the record the e-mail from Acting Fire Chief, Phil Dench asking that the grass be kept cut in an around the lot. She asked that be added in a friendly amendment as an additional condition – that the grass be cut in and around the parking lot at all times. Councilor Hardy stated she grew up at Long Beach and finds Mr. Pratt's operation to be first rate. She

does have concerns about overstepping the bounds with too many cars and will not be supporting 225 cars at this point.

Councilor Ciolino sympathizes with all the neighbors but supports public access to the beaches. He asked what the repercussions would be if that parking lot was not there. This certainly fulfills a need in that area. One common thread heard tonight is that Mr. Pratt is a good neighbor who provides a public service. He will be supporting this tonight.

Councilor Grow asked about barrels.

FIRST AMENDMENT: On motion of Councilor Grow, seconded by Councilor Romeo Theken the City Council voted 5 in favor, 0 opposed to add the condition that barrels be brought in end of day and be brought out in the morning.

Discussion. **Councilor Grow** has an issue with compliance and with that in mind appreciates the need for more cars. He suggested this is a three years permit and if perfect compliance applicant can ask for an amendment but he would like to see one year with compliance.

Councilor Ciolino would like to see this go to 225 and would like to see some enforcement.

Councilor Romeo Theken also will not support this. She is upset about compliance.

SECOND AMENDMENT: On motion of Councilor Grow, seconded by Councilor Hardy, the City Council voted 1 in favor, 4 opposed to reduce the request for 225 cars to 200 cars and if in compliance, an amendment can be requested for additional spaces for the duration of a three year term.
MOTION FAILS.

MAIN MOTION WITH AMENDMENT: On motion of Councilor Hardy, seconded by Councilor Ciolino the City Council voted by ROLL CALL 5 in favor, 0 opposed the renewal of a special council permit pursuant to Gloucester Code of Ordinances Sec. 22-153, entitled, “privately owned open-air parking spaces” for 2 Beachland Avenue, owner Richard Pratt, with the following conditions:

1. 225 cars
2. Hours of operation shall be posted.
3. An attendant shall be on duty for those hours.
4. Hours which restrooms are open shall be posted.
5. Shrubs along the front of the property shall be maintained.
6. Fees for parking shall be posted.
7. Prior to the issuance of the permit by the City Clerk, the applicant shall pay over to Cape Ann Motor Inn the sum of \$100.00 for the maintenance of the Gloucester portion of Long Beach.
8. Approval of the Board of Health and Fire Chief.
9. The number of cars allowed by this permit shall be posted.
10. The City of Gloucester will not be held liable for any claims incurred by the parking lot operation.

11. A counter be used to count the number of cars coming onto the lot.
12. Permit to expire 4/30/2012.
13. Grass to be cut in and around the parking lot at all times.
14. Barrels to be brought in end of day and brought out in the morning

Public Hearing #2

09-008: SCP2009-002: 81Rocky Neck Avenue, Section 5.5.4 Lowlands.
The public hearing is opened and continued to 5/5/09.

Public Hearing #3

09-009: Proposed Beach & Stage Fort Park Regulations pursuant to Section 7-16 of City Charter.

The public hearing is opened.

Speaking in favor. No one spoke.

Speaking in opposition. No one spoke.

Communications. None.

Questions. None.

The public hearing is closed.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council approval of the proposed changes to the Beach and Stage Fort Park Regulations pursuant to Section 7-16 of the City Charter and any amendments to relevant sections in the Gloucester Code of Ordinances.

MOTION: On motion of Councilor Romeo Theken seconded by Councilor Ciolino the City Council voted 5 in favor, 0 opposed approval of the proposed changes to the Beach and Stage Fort Park Regulations pursuant to Section 7-16 of the City Charter and any amendments to relevant sections in the Gloucester Code of Ordinances.

Public Hearing #4

09-010: Amend GCO, Chapter 14 "Offenses and Miscellaneous Provisions" Article 1

The public hearing is opened and continued to 5/5/09 at the request of Lt. Aiello.

COMMITTEE REPORTS

1. O&A 04/13/09 - Complete

2. P&D 4/15/09

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council that the private access road of Cape Ann Animal Aid Association, Inc., as shown on Griffin Engineering Group,

LLC's Plan of Land marked C-1 and dated 7/15/08, further referenced on Gloucester Assessors Map 228, Lot 43, also known as 401A Essex Avenue, be named Paws Lane, further that the future home of Cape Ann Animal Aid Association Inc. be numbered 4 Paws Lane.

MOTION: On motion of Councilor Hardy, seconded by Councilor Romeo Theken the City Council voted 5 in favor, 0 opposed that the private access road of Cape Ann Animal Aid Association, Inc., as shown on Griffin Engineering Group, LLC's Plan of Land marked C-1 and dated 7/15/08, further referenced on Gloucester Assessors Map 228, Lot 43, also known as 401A Essex Avenue, be named Paws Lane, further that the future home of Cape Ann Animal Aid Association Inc. be numbered 4 Paws Lane.

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council that the private access drive shown on the Planning Boards 2/23/2009 ANR Map, as prepared by Rural Land Surveys dated 1/5/09, be named Fortune Lane, further that property shown on Map 141, Lot 1 be known and numbered as #3 Fortune Lane; that Map 141, Lot 21 be known and numbered as #6 Fortune Lane, and that Map 141, Lot 26 be known and numbered as #10 Fortune Lane.

MOTION: On motion of Councilor Hardy, seconded by Councilor Ciolino the City Council voted 5 in favor, 0 opposed that the private access drive shown on the Planning Boards 2/23/2009 ANR Map, as prepared by Rural Land Surveys dated 1/5/09, be named Fortune Lane, further that property shown on Map 141, Lot 1 be known and numbered as #3 Fortune Lane; that Map 141, Lot 21 be known and numbered as #6 Fortune Lane, and that Map 141, Lot 26 be known and numbered as #10 Fortune Lane.

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council to grant a permit to Lanesville Emergency Action Program (LEAP) to host the 2nd Annual Whistleblowers 4 Kilometer road race and 1 Mile Fun Run, Saturday, July 4, 2009, 10:00 a.m. and 10:45 a.m. respectively ending at 11:15 a.m. from the Lanesville Community Center; requesting that Washington Street (from the Langsford Street intersection to the Andrews Street intersection) be turned into a one-way street for 1 hour.

MOTION: On motion of Councilor Hardy, seconded by Councilor Ciolino the City Council voted 5 in favor, 0 opposed to grant a permit to Lanesville Emergency Action Program (LEAP) to host the 2nd Annual Whistleblowers 4 Kilometer road race and 1 Mile Fun Run, Saturday, July 4, 2009, 10:00 a.m. and 10:45 a.m. respectively ending at 11:15 a.m. from the Lanesville Community Center; requesting that Washington Street (from the Langsford Street intersection to the Andrews Street intersection) be turned into a one-way street for 1 hour.

Discussion. Councilor Hardy met with Lt. Aiello and we have his full support.

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a permit to use a

portion of Beacon Street (from Washington Street to Conant Street) and Wells Street (from Commonwealth Ave to Beacon St.) from 3pm to 7pm and to use Governor's Park to show a movie from 7pm to 10pm for the purposes of conducting a Neighborhood Block Party on Saturday, May 30 or a rain date of Saturday June 13, 2009.

MOTION: On motion of Councilor Hardy, seconded by Councilor Ciolino the City Council voted 5 in favor, 0 opposed the granting of a permit to use a portion of Beacon Street (from Washington Street to Conant Street) and Wells Street (from Commonwealth Ave to Beacon St.) from 3pm to 7pm and to use Governor's Park to show a movie from 7pm to 10pm for the purposes of conducting a Neighborhood Block Party on Saturday, May 30 or a rain date of Saturday June 13, 2009.

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council to allow the 2009 annual St. Peter's Fiesta commencing on Wednesday evening, June 24 through Sunday, June 28, use and control of St. Peter's Park on Rogers Street, the streets and sidewalks of Rogers Street, from Mansfield Way to the entrance of Commercial Street, Commercial Street up to the Chamber of Commerce Building, and from the intersection of Main and Washington Streets to St. Peter's Park; and on Friday, June 26, Saturday, June 27, and Sunday, June 28, only, the water side of Stacey Boulevard from the Tavern, to the Fishermen's Memorial (to the extent allowable by law) and the Ciaramitaro/Gemellaro Playground at Fort Square; for the purpose of conducting the St. Peter's Fiesta on the days and dates mentioned above. Further that vendors not be allowed on the right-hand side of Commercial Street nor on the streets and sidewalks from Tally's to the Chamber of Commerce and in addition, that all peddlers, canvassers, solicitors and others who encroach upon or occupy in any way these areas without the express consent of the St. Peter's Fiesta Committee are to be considered trespassers and to be in violation of Gloucester City Ordinances, Chapter 14, Section 14-6; Trespass.

MOTION: On motion of Councilor Hardy, seconded by Councilor Ciolino the City Council voted 5 in favor, 0 opposed to allow the 2009 annual St. Peter's Fiesta commencing on Wednesday evening, June 24 through Sunday, June 28, use and control of St. Peter's Park on Rogers Street, the streets and sidewalks of Rogers Street, from Mansfield Way to the entrance of Commercial Street, Commercial Street up to the Chamber of Commerce Building, and from the intersection of Main and Washington Streets to St. Peter's Park; and on Friday, June 26, Saturday, June 27, and Sunday, June 28, only, the water side of Stacey Boulevard from the Tavern, to the Fishermen's Memorial (to the extent allowable by law) and the Ciaramitaro/Gemellaro Playground at Fort Square; for the purpose of conducting the St. Peter's Fiesta on the days and dates mentioned above. Further that vendors not be allowed on the right-hand side of Commercial Street nor on the streets and sidewalks from Tally's to the Chamber of Commerce and in addition, that all peddlers, canvassers, solicitors and others who encroach upon or occupy in any way these areas without the express consent of the St. Peter's Fiesta Committee are to be considered trespassers and to be in violation of Gloucester City Ordinances, Chapter 14, Section 14-6; Trespass.

3. B&F

Transfers requiring 6 votes are continued to the meeting of 4/28.

MOTION: The Budget and Finance Committee voted 2 in favor, 0 opposed to recommend to the full City Council instruct the City Auditor to establish two accounts relating to conservation filing fees; one for consulting services and the other for local wetlands reviews.

MOTION: On motion of Councilor Grow, seconded by Councilor Romeo Theken the City Council voted 5 in favor, 0 opposed to instruct the City Auditor to establish two accounts relating to conservation filing fees; one for consulting services and the other for local wetlands reviews.

MOTION: The Budget and Finance Committee voted 2 in favor, 0 opposed to recommend to the full City Council acceptance of the FY10 Mass. DEP Municipal Sustainability Grant in the amount of \$1,593.

MOTION: On motion of Councilor Grow, seconded by Councilor Romeo Theken the City Council voted 5 in favor, 0 opposed acceptance of the FY10 Mass. DEP Municipal Sustainability Grant in the amount of \$1,593.

MOTION: The Budget and Finance Committee voted 2 in favor, 0 opposed to recommend to the full City Council acceptance of the contract terms for the RFP for operations and maintenance services for the water and wastewater facilities from three to five years.

Discussion. Councilor Grow stated under Ch. 30b we have to accept an extension of contract above and beyond 3 years.

Council President Tobey asked for clarification if the council approves as read we would be bidding a contract for five years.

Michael Hale, DPW Director stated the intention is a five year contract with an option for two additional years; Ch. 30b, Sec. 12 requires council vote,

Council President Tobey asked if is five year, plus two optimal for maximizing financial and quality of service.

Mr. Hale felt 5 years was too short and 10 years was too long and that a seven year term best protects the city's interest.

MOTION: On motion of Councilor Grow, seconded by Councilor Romeo Theken the City Council voted 5 in favor, 0 opposed acceptance of the contract terms for the RFP for operations and maintenance services for the water and wastewater facilities from three to five years, plus two year option.

MOTION: The Budget and Finance Committee voted 2 in favor, 0 opposed to recommend to the full City Council acceptance of the contract terms for the RFP for municipal solid waste and recycling collection allotted for a contract term from three to five years, with an two year option;.

MOTION: On motion of Councilor Grow, seconded by Councilor Romeo Theken the City Council voted 5 in favor, 0 opposed acceptance of the contract terms for the RFP for municipal solid waste and recycling collection from three to five years, plus a two year option.

COUNCILLOR'S REQUESTS OTHER THAN TO THE MAYOR

Councilor Grow asked Mike Hale to relay to the Administration the council's request, made about one month ago, for a pothole policy to be put up on the city website and the need to address the private/public road issue.

Council President Tobey announced that Angela Sanfillipo received an honorary doctorate degree from Salem State College for her years of extremely superb service and asked that be memorialized in the form of a council resolution.

It was moved and seconded to adjourn the meeting at 11:00 p.m.

Respectfully submitted,

June Budrow
Clerk of Committees