

GLOUCESTER CITY COUNCIL MEETING

Tuesday, February 8, 2011 – 6:00 p.m.

Kyrouz Auditorium

Council Meeting 2011-003

- MINUTES -

Present: Council President, Councilor Jacqueline Hardy; Vice President, Councilor Sefatia Theken; Councilor Joseph Ciolino; Councilor Bruce Tobey; Councilor Robert Whycott; Councilor Paul McGeary; Councilor Anne Mulcahey; Councilor Steven Curcuru; Councilor Greg Verga

Absent: None.

Also Present: Linda T. Lowe; Jim Duggan; Kenny Costa; Jeff Towne; Donna Compton; David Bain; Greg Cademartori Rick Noonan; Bill Sanborn; Suzanne Egan; Matt Lustig; Fire Chief Phil Dench; Sarah Garcia

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

Flag Salute and Moment of Silence.

Executive Session:

Councilor Hardy stated in order for the City Council to go into executive session, the Council must adhere to strict Massachusetts Open Meeting Law in order to do so. “As Council President I declare that the February 8, 2011 meeting of the City Council has been duly posted and has been called to order. We are now in open session, and there is a quorum present. Before the Council can vote to go into Executive Session, the purpose of said Executive Session must be stated:

I declare the purpose of the Executive Session as follows is to discuss litigation strategy in a legal matter; and to discuss this in an open meeting may have a detrimental effect on the litigating position of the City. I further declare that it is the intent of the Council to reconvene back into open session to continue with the balance of our agenda after the Executive Session. Motions to go into Executive Session are by roll call vote and require a majority vote of the Council. Therefore, I will entertain a motion: That the plaintiff City Council, its staff and the plaintiff attorneys go into Executive Session to discuss strategy with respect to Charter School litigation regarding the Dolan et. al. v. Chester et. al. litigation.”

MOTION: On motion by Councilor Tobey, seconded by Councilor McGeary, the City Council BY ROLL CALL voted 9 in favor, 0 opposed to call the City Council (plaintiff), City Council staff, and attorneys for the Plaintiff enter into Executive Session (in accordance with MGL Chapter 39, sec. 23B, sub-section 3) to discuss litigation strategy with respect to Charter School litigation regarding the Dolan et. al. v. Chester et. al.

Councilor Hardy announced, “I hereby announce that the roll call vote is 9 in favor, 0 opposed. We shall now convene into Executive Session and will reconvene to continue the balance of our agenda.”

The City Council recessed from open session at 7:04 p.m.

The Executive Session was convened at 7:07 p.m. and was ended at 7:17 p.m. by roll call vote.

By unanimous consent, the City Council voted to reconvene to open session at 7:23 p.m. in Kyrouz Auditorium.

Councilor Hardy stated that no other motions were entertained during the Executive Session.

Oral Communications:

Glen Bresnahan, 514 Essex Avenue spoke regarding sewer betterments in West Gloucester. He handed to the Council articles and a timeline (copy received and on file). He explained this matter started in 2000 when a group in West Gloucester was in disagreement with the City on the way that the betterments were assessed along Essex Avenue when the Inter-Municipal Agreement with Essex was blended with the Little River Sewer Project. In December 2010 the Superior Court rendered a decision that cleared the path for their group to pursue a trial by jury on the amount of the sewer betterments. In Mr. Bresnahan opinion there are three options the City can take; one is mediation between their group and the City to come to terms with the situation and to render a finding to satisfy the City and them. The second would be to have the court date set and a trial by jury (as a group lawsuit). The third would be the 50 litigants tried individually which would be a burden to the City and the group. He asked for the Council's support that they may work with the Mayor's office to see if there could be mediation but stated firmly the citizen group is prepared to carry the matter "to the end."

Shelly Gossom, 11 Ferry Street spoke on the new anti-shuffling ordinance recently passed (limiting metered parking on Main Street to two hours) stated she worked at one of seven salons on Main Street. Recognizing the Council's hard work on it, she thought if all the Main Street businesses were notified in advance issues may have been brought up earlier. She noted many clients come in for services that take longer than the allotted two hours. Some also like to shop and have 'bite to eat' at one of the eateries on Main Street after their service. She contended this was now impossible after the institution of the new ordinance. While some can park at the longer time limit meters off Main Street, many elderly people find this too difficult. She also knew of other businesses affected by the ordinance as well. A petition has been started to have the ordinance reconsidered. She was told by a client that she would have to discontinue receiving services if she continued to be ticketed while receiving her services. She suggested a possible solution would be to change the time limit to three hours; that the current limit of two hours is not sufficient for her business and many others.

Confirmation of New Appointments:

Councilor Theken related the O&A Committee questioned the new appointees to their respective committees on their experience, background, professional affiliations as well as asking them to be familiar with the Open Meeting Laws and to file their proof of having taken the State Ethics Commission test with the City Clerk's office. They also expressed their appreciation at each of the appointees' willingness to step forward and volunteer on behalf of their City and thanked them for their commitment.

Newell Stadium Building Committee

TTE 12/31/2011

Kristin Michel

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council the appointment of Kristin Michel to the Newell Stadium Building Committee, TTE 12/31/2011.

MOTION: On motion by Councilor Theken, seconded by Councilor Tobey, the City Council voted **9 in favor, 0 opposed to appoint Kristin Michel to the Newell Stadium Building Committee, TTE 12/31/2011.**

Committee for the Arts

TTE 02/14/2015

Eric Schoonover

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council the appointment of Eric Schoonover to the Committee for the Arts, TTE 02/14/2015.

MOTION: On motion by Councilor Theken, seconded by Councilor Tobey, the City Council voted 9 in favor, 0 opposed to appoint Eric Schoonover to the Committee for the Arts, TTE 02/14/2015.

Historical Commission

TTE 02/14/2014

Susan Albiero

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council the appointment of Susan Albiero to the Historical Commission, TTE 02/14/2014.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to appoint Susan Albiero to the Historical Commission, TTE 02/14/2014.

Consent Agenda:

• **CONFIRMATION OF REAPPOINTMENTS**

Jim Duggan	Chief Administrative Officer	TTE 02/14/2012
Jeff Towne	Chief Financial Officer	TTE 02/14/2012
Suzanne Egan	General Counsel	TTE 02/14/2012
Sarah Garcia	Community Development Director	TTE 02/14/2012
Donna Compton	Purchasing Agent	TTE 02/14/2012
Bill Sanborn	Building Inspector	TTE 02/14/2012

• **MAYOR'S REPORT**

1. Memorandum and information regarding proposed changes to Gloucester City Ordinance Chapter 10-Waterways Administration (Refer O&A)
2. City submission to the EPA on the Public Comment: Tentative 201(h) Waiver Decision Document;; Draft NPDES Permit (Info Only)

• **COMMUNICATIONS/INVITATIONS**

1. Letter from Ronald Benjamin requesting a sewer line acceptance re: Beachcroft Road (Refer P&D)
2. Request from Yukon Sports, LLC re: August 14, 2011 Road Race (Refer P&D)

• **INFORMATION ONLY**

1. Letter from Cape Ann Animal Aid re: update (Info Only)

• **COUNCILOR ORDERS**

1. CC2011-005 (McGeary) Request to change St. Anthony's Lane listing from private to public street (Refer P&D)
2. CC2011-006 (Mulcahey) Amend GCO Chapter 21 "Streets" by adding new section 21-18(b) re: private snow contractors (Refer O&A)

• **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MINUTES**

1. City Council Meeting 01/25/11 (Approve/File)
2. Standing Committee Meetings: O&A 01/31/11; B&F 02/03/11 (under separate cover) (Approve/File)

Items to be Added/Deleted from Consent Agenda:

Councilor Tobey wished to remove three items from the Consent Agenda: Confirmation of Reappointments; Mayor's Report, Item #1 Memorandum and information regarding proposed changes to Gloucester City Ordinance Chapter 10-Waterways Administration; Mayor's Report, Item #2 City submission to the EPA on the Public Comment: Tentative 201(h) Waiver Decision Document; Draft NPDES Permit.

Councilor Tobey moved that the Confirmation of Reappointments be taken up under the Standing Committee Reports under O&A and upon the request of **Councilor Hardy** to include David Bain, Personnel Director (omitted on the Agenda). **The matter of the Confirmation of Appointments would be taken up under O&A Committee Report by unanimous consent.**

Councilor Tobey continued that regarding the Waterways Board changes, in reviewing the way it was submitted to them he asked that the Legal Department and the Administration prepare for the Council a single red lined version of the ordinance as it is completely existing so they know what changes are proposed and what they relate to as opposed to a variety of changes to a document not in final form. He moved that this be referred to O&A for consideration once they receive a red-lined version of the ordinance. **The matter of Memorandum and information regarding proposed changes to Gloucester City Ordinance Chapter 10-Waterways Administration be referred to O&A and taken up for**

consideration upon receipt of a red-lined version of the proposed ordinance changes was referred by unanimous consent.

Councilor Tobey noted the last is on the waiver, the information packet is before them on info only. He suggested this be referred to O&A and B&F as there are legislative remedies to be considered and budgetary implications. **The matter of City submission to the EPA on the Public Comment: Tentative 201(h) Waiver Decision Document; Draft NPDES Permit was referred by unanimous consent to the O&A and B&F Committees.**

By unanimous consent the City Council accepted the Consent Agenda as amended.

Standing Committee Reports:

Ordinances & Administration: January 31, 2011

- Confirmation of Reappointments:

Jim Duggan Chief Administrative Officer TTE 02/14/2012

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Jim Duggan as Chief Administrative Officer, TTE 02/14/2012.

MOTION: On motion by Councilor Theken, seconded by Councilor Tobey, the City Council voted 9 in favor, 0 opposed to recommend to reappoint Jim Duggan as Chief Administrative Officer, TTE 02/14/2012.

Jeff Towne Chief Financial Officer TTE 02/14/2012

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Jeff Towne as Chief Financial Officer, TTE 02/14/2012.

MOTION: On motion by Councilor Theken, seconded by Councilor Hardy, the City Council voted 9 in favor, 0 opposed to reappoint Jeff Towne as Chief Financial Officer, TTE 02/14/2012.

Suzanne Egan City Solicitor TTE 02/14/2012

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Suzanne Egan as City Solicitor, TTE 02/14/2012.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 6 in favor, 2 (Theken, Tobey) opposed, 1 (Hardy) present to reappoint Suzanne Egan as City Solicitor, TTE 02/14/2012.

MOTION: On motion by Councilor Ciolino, seconded Councilor Whynott, the City Council voted 8 in favor, 1 (Theken) opposed to make the vote on the reappointment of Suzanne Egan as City Solicitor, TTE 02/14/2012 unanimous.

MOTION FAILS.

Sarah Garcia Community Development Director TTE 02/14/2012

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Sarah Garcia as Community Development Director, TTE 02/14/2012.

Discussion:

Councilor Tobey stated there had been a “thread of conversation in the City” that the O&A Committee’s review of these positions was routine which he “respectfully dissent”; that it was anything but routine. It was a respectful review but “a lot of probing questions were asked”, particularly true of Ms. Garcia’s re-appointment. He would vote yes because of important representations the Committee received from both Mr. Duggan and Mayor Kirk. Believing he spoke for the Committee, he stated there was a great deal of concern while Ms. Garcia has done an able job with the tasks she’s been assigned, the tasks of the last year were that of a project manager rather than those of a Community Development Director. Noting they had acquiesced three years ago of being two-thirds from the State Harbor Grant from the Seaport Bond Bill (the Planner’s Grant), they’ve “put themselves in this corner”. He commended and thanked the Mayor who represented they would move away from that funding source and return this position to a “full-blown legacy of being a Community Development Director” which would focus not just one of the three sectors (the harbor) of the City’s economy but of all three economic sectors of the City, tourism, commercial and industrial. He expressed he was looking forward to seeing Ms. Garcia perform in that role; grateful the Administration for engaging the Council’s concern and pleased they will return the position to focus on economic development.

Councilor Ciolino noted people wonder why they do these reviews annually, he explained that sometimes it is good to do it once a year. His conversation with Ms. Garcia focused on that her position needed a more administrative focus on that and moving forward he felt she would do a good job and that she had his support.

Councilor Tobey noted that Ms. Garcia accepted their recommendation that she needed to be “front and center” working with the Planning Board on discussions evaluating the Plan 2001 that Janice Stelluto spearheaded with great transparency. There is discussion that they need to update that plan. He contended it was critical that that same degree of transparency occur and thought she bought into that and looked forward to her taking a leadership role on it as well.

MOTION: On motion by Councilor Theken, seconded by Councilor Mulcahey, the City Council voted 9 in favor, 0 opposed to reappoint of Sarah Garcia as Community Development Director, TTE 02/14/2012.

Donna Compton Purchasing Agent TTE 02/14/2012

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Donna Compton as Purchasing Agent, TTE 02/14/2012.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to reappoint Donna Compton as Purchasing Agent, TTE 02/14/2012.

Bill Sanborn Building Inspector TTE 02/14/2012

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Bill Sanborn as Building Inspector, TTE 02/14/2012.

Discussion:

Councilor Theken stated all the reappointees came forward at O&A; and that the team the Mayor put together is a good working team; however, there are some adjustments that need to be taken. This Mr. Sanborn has worked [with an] understaffed department for a long time. He pulled his weight and has worked hard. There was a negative reappointment process last year but he has moved forward by taking the recommendations to heart.

Councilor Ciolino stated the Council works with all these people all the time. He thanked them all for their availability as a team. He felt Mr. Sanborn has had some tough issues through the year and solves the problems well.

MOTION: On motion by Councilor Theken, seconded by Councilor Mulcahey, the City Council voted 9 in favor, 0 opposed to reappoint Bill Sanborn as Building Inspector, TTE 02/14/2012.

David Bain

Personnel Director

TTE 02/14/2012

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council the reappointment of David Bain as Personnel Director, TTE 02/14/2012.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) present to reappoint David Bain as Personnel Director, TTE 02/14/2012.

Planning & Development: February 2, 2011

This meeting was cancelled due to weather and those posted agenda items would be taken up at the next regularly scheduled Planning & Development Meetings of February 16, 2011 and March 2, 2011.

Budget & Finance: February 3, 2011

MOTION: On motion by Councilor Hardy, seconded by Councilor McGearry, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the acceptance under M.G.L. Chapter 44, §53A the FEMA and U.S. Department of Homeland Security "Assistance to Firefighters Grant" for a project total of \$88,300.00; Federal share is \$79,470.00, with a match of \$8,830.00 or 10% of the total project cost from the Gloucester Fire Department budget and is to be used for the purchase of cardiac monitor defibrillators, cardiac compression devices and AED (Automatic External Defibrillator) units.

Discussion:

Councilor Curcuru stated this is a direct grant from the federal government will enable the Fire Department to purchase Lifepak 12 monitor defibrillators, one will be a replacement, two will be added, bringing the total for the Department to five. They'll also purchase state of the art cardiac compression units and approximately six automatic external defibrillators. There is a match of \$8,830.00 which will be budgeted by the Fire Department in their FY12 budget.

Councilor Ciolino offered his congratulations to the Fire Department for bringing this grant forward to the City.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to accept under M.G.L. Chapter 44, §53A the FEMA and U.S. Department of Homeland Security “Assistance to Firefighters Grant” for a project total of \$88,300.00; Federal share is \$79,470.00, with a match of \$8,830.00 or 10% of the total project cost from the Gloucester Fire Department budget and is to be used for the purchase of cardiac monitor defibrillators, cardiac compression devices and AED (Automatic External Defibrillator) units.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the acceptance under M.G.L. Chapter 44, §53A the Commonwealth of Massachusetts Department of Public Health grant for \$2,500 to maintain the Mass Decontamination Unit.

Discussion:

Councilor Curcuru stated this grant for \$2,500 is from the Mass Department of Public Health is for the maintenance of the Mass Decontamination Unit received in 2003. This year the plan is to concentrate on training with hospital staff involved in setting up the unit. If there is money left over from the training, the Fire Department will use it for allowable equipment. There is no match.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to accept under M.G.L. Chapter 44, §53A the Commonwealth of Massachusetts Department of Public Health grant for \$2,500 to maintain the Mass Decontamination Unit.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the payment of services from USAi.net in FY2010 to be paid with FY2011, invoice # 00044941 dated 1/29/10 for \$470.00 and invoice #00045059 dated 2/10/10 for \$641.23 totaling \$1,111.23.

Discussion:

Councilor Curcuru explained these are two legitimate invoices but they were overlooked. Mike Wells, MIS Director did the research and knows that the services were provided as billed; they are legitimate. Councilor Hardy stated this is a relatively new vendor to the City; she asked the Administration to forward to this vendor the City's policies so that they receive the billing in a timely manner and will vote for this.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed the payment of services from USAi.net in FY2010 to be paid with FY2011, invoice # 00044941 dated 1/29/10 for \$470.00 and invoice #00045059 dated 2/10/10 for \$641.23 totaling \$1,111.23.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (2011-SBT-11) of \$70,000.00 from Telephones, Unifund Account #101000.10.472.53401.4140.00.200.00.052 to Telephones, Unifund Account #101000.29.368.53401.4140.00.200.00.052 for payment of telephone services per the July 2010 agreement between the DPW and the School Department re: Facilities Management.

Discussion:

Councilor Curcuru related to the Council that the next two motions are transfers directly related to the MOU between the DPW and the School Department and that the first transfer is for \$70,000 for telephone bills and the second is \$4,000 for telephone maintenance.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to transfer (2011-SBT-11) of \$70,000.00 from Telephones, Unifund Account #101000.10.472.53401.4140.00.200.00.052 to Telephones, Unifund Account #101000.29.368.53401.4140.00.200.00.052 for payment of telephone services per the July 2010 agreement between the DPW and the School Department re: Facilities Management.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (2011-SBT-12) of \$4,000.00 from Telephone Maintenance, Unifund Account #101000.10.472.52411.4140.00.200.00.052 to Telephone Maintenance, Unifund Account #101000.29.368.52411.4140.00.200.00.052 for payment of telephone services per the July 2010 agreement between the DPW and the School Department re: Facilities Management.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed the transfer (2011-SBT-12) of \$4,000.00 from Telephone Maintenance, Unifund Account #101000.10.472.52411.4140.00.200.00.052 to Telephone Maintenance, Unifund Account #101000.29.368.52411.4140.00.200.00.052 for payment of telephone services per the July 2010 agreement between the DPW and the School Department re: Facilities Management.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (2011-SBT-13) for \$269,566.65 from Health Insurance, Unifund Account 101000.29.384.51703.5200.00.200.00.051 to Personnel, Employee-Health Ins, Unifund Account #101000.10.152.51750.0000.00.000.00.051 for payment of employee health, dental and life insurance for former School Facilities Department staff per the July 2010 agreement between the DPW and the School Department re: Facilities Management.

Discussion:

Councilor Curcuru explained this transfer motion was for the employees that came over with the DPW MOU and covers 30 employees. It doesn't cover the individuals whose health benefits have been covered by the rink expenditures.

MOTION: On motion by Councilor Curcuru , seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to transfer (2011-SBT-13) for \$269,566.65 from Health Insurance, Unifund Account 101000.29.384.51703.5200.00.200.00.051 to Personnel, Employee-Health Ins, Unifund Account #101000.10.152.51750.0000.00.000.00.051 for payment of employee health, dental and life insurance for former School Facilities Department staff per the July 2010 agreement between the DPW and the School Department re: Facilities Management.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept the provisions of M.G.L. Chapter 44, §31D snow and ice removal, emergency expenditures not to exceed an additional \$900,000.

Discussion:

Councilor Curcuru explained this allows the City to continue to deficit spend on Snow & Ice giving them an additional \$900,000. If they need to increase it they can do so at a later date.

Councilor Ciolino asked what the latest update as to where the deficit now stood and what was originally budgeted for the year.

Councilor Curcuru stated as of the previous Wednesday, the account was over by \$464,000 which was before the storms. The City had budgeted \$600,000. He thought it was more like \$314,000 in the end as there was a possible transfer of \$150,000 that needs to go back from free cash when they took on the school facilities.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to accept the provisions of M.G.L. Chapter 44, §31D snow and ice removal, emergency expenditures not to exceed an additional \$900,000.

Public Hearings:

1. PH2011-005: Recommendations of the Community Preservation Committee for FY2011

Councilor Hardy declared this public hearing was opened on January 25, 2011 and continued as it went back to the Budget & Finance Committee for a review. The review has been completed.

This is public hearing is now reopened.

Those speaking in favor:

David "J.J." Bell, Chair of the Community Preservation Committee (CPC) stated at the last City Council meeting they are talking about a 20 year bond for \$2.6 million with \$185,000 annual appropriation to pay down the debt with a \$10,000 one-time transaction fee for the purpose of restoration of the rapidly deteriorating exterior envelope of City Hall. The Committee believed the time was right to do this as it takes advantage of not only low interest rates but competitive construction costs. CPA funds are specifically designed for iconic City buildings such as this that have pressing needs like this. Concern was expressed at the January 25th meeting on the term of the bond; that it was too long. The terms of the bond were looked at to be shorter with interest to be saved. The CPC had a productive meeting with City CFO, Jeff Towne the previous Wednesday. They embraced some of the scenarios he put forward and revised their recommendation to increase the appropriation from the original \$185,000 to \$215,000 annually for a \$2.6 million bond with the one-time transaction fee not to exceed \$10,000.

Steven Dexter of South Hamilton and Gloucester businessman spoke as a member of the City Hall Building Committee. He assured the Council that the building is falling down around them currently and fully supported the bonding effort and hoped they can work it out for the 16 year term. He looks forward to seeing the repairs move forward.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council approve the use of Community Preservation Act funds by the City Hall Restoration Committee to fund on-going exterior restoration of Gloucester City Hall including architectural and engineering plans and to restore and rehabilitate the rapidly deteriorating elements of the building's exterior envelope, including the tower, the ventilators, the decorative cornice, the windows and entrance porticos for a total not to exceed \$2.6 million as presented. Further, that to meet said appropriation, the City Council shall hold a public hearing and vote relative to the appropriate authorization to borrow as in accordance with M.G.L. Chapter 44 B (Community Preservation Act) or pursuant to any other enabling legislation.

Discussion:

Councilor Curcuru thanked Mr. Bell and the CPC and appreciated the compromise and the work they did. The fact that the City will save between \$400,000 to \$500,000 in interest and make the term 16 years garnered his support.

Councilor Theken appreciated the application going back to B&F and thanked the Committee, the CPC and Mr. Towne for their efforts.

Councilor Whynott thought City Hall was not a good office building noting the poor quality of the HVAC system, or lack thereof. However, he understood the exterior needed repair and hoped they would start to do some things to mitigate the interior of the City Hall also.

Councilor Ciolino expressed his support. He stated when the community voted for the CPA, City Hall “was the poster child” for it. He felt this will be “the measuring stick” of how the CPA works in the City. With the Library and Central Grammar adjacent, City Hall is a keystone of the growth of the “civic center” of the City. They can look at this building to see that the CPA does work. It wouldn’t be restored if not for the CPA. He congratulated the CPC and the Building Committee for their tireless work.

Councilor Verga stated, like Councilor Whynott he has been outspoken of his view of where City Hall’s function should take place, but said from “day #1” this building is an important part of the City and needs to be preserved. He was pleased these funds would be available and used for that purpose. It is a beautiful building that should be made safe and accommodating for tourists as well as residents. He “was behind this 100%”; but hoped the conversation of the functions of City Hall would be continued.

Councilor Hardy added she would support the Councilor’s request for a continuation of the conversation of the functions of City Hall.

Councilor McGeary also stated his support and thanked the CPC for the work they’ve done. He also thanked **Councilor Hardy** and **Councilor Curcuru**, his colleagues on B&F. Noting this was the first time they had gone through this process of approving distribution of CPA Funds. Councilor Hardy led them through it carefully in a detailed way and set important precedents as to how it would be handled in the future and commended her on that.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to approve the use of Community Preservation Act funds by the City Hall Restoration Committee to fund on-going exterior restoration of Gloucester City Hall including architectural and engineering plans and to restore and rehabilitate the rapidly deteriorating elements of the building’s exterior envelope, including the tower, the ventilators, the decorative cornice, the windows and entrance porticos for a total not to exceed \$2.6 million as presented. Further, that to meet said appropriation, the City Council shall hold a public hearing and vote relative to the appropriate authorization to borrow as in accordance with M.G.L. Chapter 44 B (Community Preservation Act) or pursuant to any other enabling legislation.

Councilor Hardy noted the Council had now acted upon the ten applications recommended by the CPC. For the application just voted on, there is a required additional public hearing for the bonding of the \$2.6 million which is about to be opened and which was advertised. She thanked the CPC for working with the Council for coming to a compromise. “Compromise always works.” While it took an additional week, she thought it worthwhile. She also thanked her fellow B&F Committee members for their hard work.

2. PH2011-006: Loan Order #11-01: Loan authorization in the amount of \$2.6 million re: City Hall Restoration

This public hearing is open.

Those speaking in favor:

Jeff Towne, CFO stated that this loan authorization is the first under the newly formed CPA tax. They did meet with the CPC as he was concerned with the length of the term of the loan and appreciated the efforts of the CPC to compromise to 16 year term of payment, 13 years of which will be principal and interest payments of which they'll try to structure the debt as done previously with many others under the Mass State Qualified Bond Act. This will tie them to the State's bond rating and give them opportunity to structure the debt differently. This gives them flexibility to borrow the money as early as possible, and structure the interest payments back and as a result shorten the term and doing some creative financing, end up saving the CPA fund about \$500,000. He believed it was worth the effort to postpone a few weeks to get this through and supports the financing structure. He, too, agreed that the "beautiful exterior" of City Hall should be maintained as best as they can.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 8 in favor, 0 opposed to appropriate up to \$2,600,000 to pay costs of remodeling and making extraordinary repairs to Gloucester City Hall and for the payment of all other costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow up to \$2,600,000 under Massachusetts General Laws Chapter 44B (the Community Preservation Act) or pursuant to any other enabling legislation; that the Mayor is authorized to contract for and expend any federal or state aid available for the project; and, that the Mayor, with the approval of the City Council, is authorized to take any other action necessary to carry out this project; and, that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the Massachusetts General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted **BY ROLL CALL 9** in favor, 0 opposed to appropriate up to \$2,600,000.00 to pay costs of remodeling and making extraordinary repairs to Gloucester City Hall and for the payment of all other costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow up to \$2,600,000.00 under Massachusetts General Laws Chapter 44B (the Community Preservation Act) or pursuant to any other enabling legislation; that the Mayor is authorized to contract for and expend any federal or state aid available for the project; and, that the Mayor, with the approval of the City Council, is authorized to take any other action necessary to carry out this project; and, that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the Massachusetts General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

3. PH2011-007: Loan Order #11-02: Loan authorization in the amount of \$1,500,000 re: Newell Stadium

Councilor Verga recused himself from the next public hearing and left the dais under 268A of MGL to avoid any appearance of impropriety due to his ex-officio membership in the GFAA.

This public hearing is open.

Those speaking in favor:

Mayor Kirk stated the Administration was speaking on behalf of the loan authorization for Newell Stadium. She noted in January her Mayor's Report to the Council outlined in detail the reasons why the Administration was in support of this project. While there are so many other needs and capital projects in the City, they felt this was a rare opportunity to join forces with aggressive fundraising by the Gloucester Fishermen's Athletic Association (GFAA) and combined with City resources it is a realistic plan for the rehabilitation of Newell Stadium. The City should participate now "because why wait". If a combined effort with the community with participation of the City in the overall financing plan can help the fundraising enormously they should which in turn would encourage more donations. With the Council's support they believe they can break ground this year and achieve the Newell Stadium renewal.

Mike Carrigan 77 Norwood Heights, Chair of the Building Committee introduced Nathan Collins, P.E., and Project Manager with Gale Associates.

Nathan Collins, Gale Associates stated his company has worked with the City since 2005 when they prepared the original master plan. He has been with the company since 1998 focusing on the design and implementation of the construction of athletic facilities. He gave a power point presentation (documentation received and on file) with the Council. He noted the site conditions currently have severely limited the stadium uses. The track is beyond its lifespan and is unsafe for general walking purposes. It is also shorter than what is recommended for tracks. There hasn't been a home track meet in over three years. The bleachers are sinking due to a poor foundation and seating is warped along with railings because of that; and they are not ADA compliant. They propose to widen the field by 65 yards, install "robust" under-drainage and construct a synthetic turf field. The field would be striped for lacrosse, football and soccer. The track would have an 8-lane facility and new synthetic track surface, similar to what is there now but newer, with an 8-10 year life. The "D" areas (spaces at the ends of the field) would be fully paved. All track and field events would be able to be located in both these areas. A discus cage would be added. The bleachers would have a 'clear span' 2,000 seat capacity with an aluminum framed spectator area and all of it ADA compliant. The entranceway would be relocated in the center under the bleachers. There would be additional improvements to the natural turf practice field, increasing drainage as well there. He described the synthetic turf field noting it would be able to withstand a 100 year rain event. The new type of in-fill synthetic turf is considered very safe in many recent studies. He showed the cost of turf maintenance estimated to be \$5,000 per year versus the natural turf maintenance cost estimated annually to be \$20,500. He reviewed the bleacher systems and the press box which is a modular system installed in one day. Also noted were the proposed lighting systems. They anticipate 500 games and practices on this new facility yearly which is a five-fold increase over what is transpiring currently. Transportation costs would be reduced due to now having a home for the track and field team and other opportunities for more home games by other sports at the high school. They anticipate breaking ground immediately following the end of the 2011 football season. The majority of the construction would be completed by the summer of 2012 and that the project would be completed in 2013. The final cost estimate for the project is \$3.5 million.

MOTION: On motion by Councilor Tobey, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to suspend the Council Rules of Procedure to allow additional time for proponents' explanations to the Council.

Mr. Towne explained the financing of the \$3.5 million overall project; that \$2 million would be raised privately through either grants, private donations or other means but not through taxpayer dollars. The \$1.5 million is before them to vote for a bond authorization. He predicted the funding of this plan similar to the plan he composed and explained to the B&F Committee where they try to keep it less than 15 years in total which at most would allow for \$130,000 in annual interest and principal payment, starting with short-term borrowing (typical of City borrowing practices) which would be about \$30,000 at most for two years and then move into the long-term portion. Financing being what it is he prefers to borrow earlier rather than later. Construction costs are lower currently which would also save the City some money. He thought the project financing time is the best they'll see in several years. His goal is to fund the permanent financing as soon as possible. This project was presented to the Capital Improvement

Advisory Board (CIAB) to whom he spoke twice on the project. Last evening they spoke to the geotechnical issues; however, they're still putting a five year capital plan together. The CIAB supports the general concept. They like the public and private split for a funding mechanism but don't know how they'll prioritize it with all the other City projects coming in. They appreciated Mr. Carrigan speaking to them last night also.

Jonathan Pope, President of the GFAA was also speaking for Dick Wilson, their founder and past president. The GFAA was established in 2007 because of a shortfall in the budget for athletics; and that year raised \$80,000 enabling all sports to participate in their full schedule that year. They have a Triathlon that has been very successful fundraiser; with Dave McGillivray they put on the Run Gloucester Event and are working with the Murray brothers on the Twin Light half marathon which will also benefit the GFAA. In addition they sell signage on the athletic fields and have a "robust" membership and also receive donations. Mr. Wilson took this project on as "his personal charge" to get this project off the ground since 2005. They've just started an aggressive fundraising campaign. They've raised \$112,000 and pledges for another \$60,000 for this project. There are negotiations with "a number of major contributors" as well as planning some events. "We're confident we can uphold our end of this deal."

Kim Patience, 95 Wheeler Street, Athletic Director at Gloucester High School (GHS) stated there is nothing more frustrating than to limit the number of games due to safety issues and to have no track. They have an outstanding track program and can't host a meet. "This would be one of the biggest jewels for the City"; something that is much needed. The field would last for many years to come with lots of student athletes and the community enjoying its use.

Meredith Fine, 20 Eastern Avenue stated while she did not grow up in Gloucester, in her high school years, membership in high school sports was so important to her. The women's field was across town in very poor condition; and they got the message that no one cared for them. She hoped they as a community could say to all the sports teams that they care about them and asked for Council approval.

Joseph Palazzola, 57 Western Avenue spoke of the high sports user fees and felt those students play hard for their sports. They all want to play under the lights, which is impossible under the stadium's current condition. Some students stay in school because of sports. "This would be one of the best things the City has ever done."

Those speaking in opposition: None.

Communications: All in favor:

Dick Wilson, Gloucester Fishermen's Athletic Association

Gloucester Little League – in favor

Superintendent of Schools, Dr. Joseph Connelly

School Committee Chair Val Gilman and Paul Gilman

School Committee members: Vice Chair, Melissa Teixeira; Kathleen Clancy; Tony Gross

Thomas Mailey

Questions:

Councilor McGeary asked about the expected lifespan of the bleachers.

Mr. Collins responded they have a 20 year warranty, with a potential life expectancy of 25 to 30 years. He also explained the process as to how the pilings would be placed to support the bleachers.

Councilor McGeary asked about the drainage system and any particular problems with the below sea level status of the surrounding area.

Mr. Collins responded the flooding issues will be mitigated through the drainage system they'll install.

Councilor Ciolino asked about salt water problems because of the location and expressed concern about aluminum being used wondering whether it would hold up with the salt and the synthetic turf as well.

Mr. Collins stated they installed a soccer stadium in South Boston directly across the street from the ocean. All the aluminum will have a protective coating. There will be a powder coating also on the bleachers structures. The soccer field he referred to was designed to flood and had no issues and did not impact the warranties.

Councilor Ciolino noting the tough location asked if they really considered the river so that the money is well spent. They are putting their faith in his expertise.

Mr. Collins noted they were aware of the challenges they face; that with the construction of Newell Stadium, Gale Associates will have designed and constructed 100 fields under many conditions.

Councilor Mulcahey asked if there was a product that the seats could be other than aluminum.

Mr. Collins stated it is not cost effective for a high school facility. Aluminum bleachers are an industry standard.

Councilor Curcuru noted he was the Council liaison to the Building Committee. He asked about the surcharge.

Mr. Collins stated based on their geotechnical investigation and the 16 borings they conducted, they found within the footprint of the field; there is a layer of peat (organic compressible material). Because they are proposing to raise the grade by 2 ft. they are adding significant weight post-construction they anticipate a 1 inch to 2 inch settling; the weight will compress the peat layer. By completing the surcharge process, which is anticipated to take 6-10 months, depending how high they go with that material they can eliminate the long-term settling issues, and eliminate some of the issues with the track.

Councilor Curcuru asked Mr. Carrigan to speak about the bathrooms at the field and reminded the Council that they were not (monetarily) part of this project.

Mr. Carrigan stated they have volunteers to drive the piles for the bathrooms and are moving to getting the slab foundation in.

Councilor Curcuru stated this would be done before the stadium. He also noted they'll lose one season at the school because of the surcharging.

Mr. Carrigan confirmed that to be the case but the structure of the bathrooms will be done before the field construction.

Councilor Curcuru thanked Mr. Carrigan for his work.

Councilor Hardy asked about the ticket sales at Newell Stadium and where the revenue ends up.

Ms. Patience stated home game receipts stay with the home team. The only gate they split is by contract with Danvers at Thanksgiving. This year the split cost gained them \$7,000 at \$10/ticket. At a home game at Thanksgiving revenue can reach \$10,000. Home games and away teams of GHS have big followings and gates are good. It balances her budget and "helps it and keeps it out of the red."

Councilor Hardy asked if the public will be able to use the new stadium during the day.

Ms. Patience didn't know about the turf but the rest would be open as it is currently. There are seven physical education classes during the week there.

Councilor Hardy asked if there would be more sporting events in the evening due to the new lighting.

Ms. Patience stated they would take into account the neighborhood and schedule accordingly.

This public hearing is closed.

Ordered: that up to \$1,500,000.00 be appropriated to pay costs of making various improvements to Newell Stadium, including among other things, track and field facilities, a multi-purpose athletic field, spectator seating, ADA and lighting improvements, irrigation and building improvements, and for the payment of all other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow up to \$1,500,000 under G.L. c44, §7(25) or pursuant to any other enabling legislation; that the Mayor is authorized to contract for and expend any federal or state aid available for this project; and that the Mayor, with the approval of the City Council is authorized to take any other action necessary to carry out this project. The Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes and to authorize for public hearing.

Discussion:

Councilor Curcuru noted the energy of Dick Wilson and the enthusiastic endorsement of the Mayor. He hoped the fundraising continues and money is in place by September. He noted the great professional people on the Building Committee and was in support of the loan order.

Councilor Tobey stated he would support this “enthusiastically”. Noting it was an important project for many reasons, he felt the community needs “the pride back, bigger and better because we deserve it.” They’ve voted to move ahead with the restoration of City Hall for the financing to upgrade the elementary schools. They’re saying tonight the community has a lot to be proud of and that they’re investing in themselves, the children, the City’s future, their “heritage of excellence”. It is the example of the very best, noting this wasn’t unlike how the senior center got built.

Councilor Ciolino will be in support and urged the Council to support it also. He noted Ms. Fine’s comments feeling as a student athlete nobody cared. This is a message to the children of Gloucester that this City government cares; and they can have the best facility they can afford.

Councilor Theken noted the Mayor found an opportunity to have a win/win situation. They did this before. If this goes through tonight, this is a win for the City. This is not just for sports. She noted the Relay for Life use of the track and field as an example. They “have champions on that field”. There is a need to have a good place for the City. One evening there was a concert with 4,000 people there. They want to make this a community project. This is about families; teams. This is \$1.5 million which will give them 20 years of a wonderful facility. She expressed her pride to vote for this project.

Councilor Mulcahey stated this year she was co-chair of Relay for Life, and walked this track and was looking forward to doing that in the new stadium.

Councilor Whynott stated most were in favor who spoke to him; a few were concerned that this was just for the athletes to which he responded it is for everybody. Recalling the history of the great athletes who graced the stadium, he noted that he went to all the football games while in high school although not a member of team sports and would fully support it.

Councilor McGeary was in support feeling it was a very good use of the money and was creative thinking on the part of the City where the public/private partnership leverages the use of the money in the best way possible.

Councilor Hardy was also in support. She recalled the August 11, 2007 Concert from the Heart which showed the potential use of the field. It was a great coming together of the community. “Many say build it and they will come.” They will have a wonderful opening day of which she was sure of and then exclaimed, “To the river!”

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Verga) recused to authorize the following loan order:

Ordered: that up to \$1,500,000.00 be appropriated to pay costs of making various improvements to Newell Stadium, including among other things, track and field facilities, a multi-purpose athletic field, spectator seating, ADA and lighting improvements, irrigation and building improvements, and for the payment of all other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow up to \$1,500,000 under G.L. c44, §7(25) or pursuant to any other enabling legislation; that the Mayor is authorized to contract for and expend any federal or state aid available for this project; and that the Mayor, with the approval of the City Council is authorized to take any other action necessary to carry out this project. The Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

A recess was called at 9:17 p.m.

The meeting reconvened at 9:35 p.m.

4. PH2010-061: Amend Gloucester Zoning Map and GZO re: Map 1, Lot 33, Map 1, Lot 22 (Birdseye Mixed Use Overlay District) (Cont’d from 12/07/10)

Those speaking in favor:

Attorney Lisa Mead, representing the proponent, property owner 1907 LLC and Pavillion Mercato LLC read the following statement to the City Council:

“As this Council is aware, the proponent submitted a petition for a zoning change to this City Council on June 2, 2010 for various properties located in the MI district located on the east side of Commercial Street including parcels located at Assessor’s Map 1, Lot 33, Map 1, Lot 22.

Following the unanimous vote of the Council to refer this matter to the Planning Board, the Planning Board held public hearings which spanned over six (6) public meetings and in which the proponent full participated. Following the close of the public hearings the Planning Board held two (2) additional meetings deliberating carefully over the details of the proposed change, the recommendations of special counsel to the City and Planning Board, public comments and the revisions submitted by the proponent to the Planning Board. The Planning Board submitted it’s unanimously approved six (6) page recommendation letter to the City Council on October 8, 2010. While the Planning Board did not entirely endorse the proposal as originally written, they did “support the intentions of the ordinance” and embrace the concept and overall work to establish a mixed use overlay district. The Planning Board provided some specific recommendations on how the City Council could make amendments which would address the planning concerns of the Planning Board but would allow the zoning to move forward.

Following the work of the Planning Board the matter was referred to the Planning and Development Committee of the City Council in early October. During this hearing process it became very clear that the Committee was not interested in the comments and recommendations of the Planning Board but instead drafted its own zoning proposal. The comments from the Committee that the zoning proposal from the proponent was “too long” and “too complicated” lead to limited discussion and the apparent failure of the Committee to be willing to engage in a productive discussion over both the Planning Board recommendations and the proponent’s willingness to significantly modify its original proposal. At no time was there a discussion based upon the petition which was actually submitted and then modified by the proponent. All discussion lead to the proposal from the Committee itself.

It is important to note that the original proposal has changed significantly as a result of the Planning Board recommendations. The “use cluster” concept is completely eliminated, the dimensional table is based upon and consistent with the language used in the City’s existing ordinance, the purposes of the proposal have been modified, the review standards and criteria have been clarified and provide a definitive measure of what is expected from an applicant, to name a few of the revisions. All done to reflect the requests of the Planning Board and what originally appeared to be a concern of the Committee.

Notwithstanding all of the investments of time, money and attention which many parties have put into this proposal, to date the Council via its subcommittee or otherwise has been unwilling to engage in a productive discussion concerning the proposed rezoning. While there may be differences of opinion, certainly an informed discussion about the substance of the proposal was warranted.

From the time this proposal was submitted, the proponent has been very clear about the very real need to have predictability in the zoning which would provide a roadmap on which property owners could understand the extent to which revitalization could occur and the expectations of both the proponent and the special permit granting authority. Without that predictability and increase in allowed use and dimensional controls, without the very clear standards by which a project is going to be judged, the ability of anyone to develop property in the area is very limited if existent at all.

Given the uncertain outcome of this evening and the inability of the proponent to carry on this discussion without any clear understanding of where the members of the Council stand and why, the proponent is hereby requesting that the BMOD zoning proposal be withdrawn without further action by the City Council.

The proponent will continue to seek viable industrial uses on the property, work cooperatively with the Cape Ann Business Incubator to bring jobs to the City.

We appreciate your consideration of our request.”

Upon completion of Attorney Mead’s statement on behalf of the proponent, the City Council recessed at 9:42 p.m. The meeting was reconvened at 9:43 p.m.

MOTION: On motion by Councilor Tobey, seconded by Councilor Theken, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to grant the request for withdrawal of the proposal to Amend Gloucester Zoning Map and GZO re: Map 1, Lot 33, Map 1, Lot 22 (Birdseye Mixed Use Overlay District) without prejudice.

This public hearing is closed.

Councilor Ciolino noted that a great deal of work had gone in to this matter and that this solution was no solution. They will move forward from tonight and expressed his disappointment.

Councilor Tobey then proposed the following motion:

MOTION: That the Mayor and the Council President jointly reach out to the Massachusetts Office of Public Collaboration (MOPC) seeking its assistance enabling the community to craft a consensus-based plan for the redevelopment of the Fort neighborhood, seconded by Councilor Theken.

Discussion:

Councilor Tobey then noted when they look back on the recent past of Gloucester and redevelopment there are two kinds of projects: those that are the fruits of consensus, like the Blackburn Industrial Park extension, Magnolia Woods, and Gloucester Crossing; with decades of discord. But then folks were brought together, and the job got done. Without consensus is the second kind of project. He pointed to the history of I4-C2 with the same kind of upsets with decades later now owning it anew. The Fort was “the poster child where nothing happened.” When nothing happens folks want to come forward to do something. Something is going to have to give, and they have to have consensus. Then something happens that people can live with it. He mentioned the MOPC who came to Gloucester and enabled the coming to a consensus on the Poles Hill controversy. The MOPC (known as the MODR at that time) acted as a neutral party and mediated, enabling something to get done. They answered the fundamental question, “Can they live with it.” There are infrastructure issues, economic development and mixed uses; and he urged they move forward on this initiative to get this done right so that property owners and residents of the Fort area can move ahead with something better, true to its roots, and move forward aggressively to make it happen with the stakeholders.

Councilor Whynott asked if this group comes in as an advisory group.

Councilor Tobey stated they don’t make the decisions, or tell the City what to do.

Councilor Mulcahey stated the roots are the problem because they have deep roots in that neighborhood. The area is a cul-de-sac. There is one way in and out. Anything that goes on between is complicated. People have to be in touch with the Fort to know what goes on there.

Councilor Ciolino was in support of this but was leery of someone from the outside who would be unable to know more than what the residents of Gloucester would know. He thought there were resources here. While more information is best, he didn't think out of towners were necessary.

Councilor Hardy stated the MOPC has the expertise. It's not that Gloucester doesn't know what's best for Gloucester; that even if it costs money, she is willing to help find it and is willing to work with the Mayor on this to get it done.

Councilor Whynot stated he would support this because they need something more. No one won tonight. If this helps to get it done, he is for it.

Councilor Ciolino clarified that with this motion the Chair of Planning and Development and the Planning Board should be involved as well.

Councilor McGeary thought this is a good mediation effort to find common ground making clear this wasn't arbitration. He thought it was a good move.

Councilor Curcuru would support this as well citing this evening that no one won.

Councilor Tobey thought it important to note that it's about stakeholders, representatives from various bodies, the landowners. The Poles Hill model showed that. It worked through in a mediation driven way. He believed people need to understand that it has to evolve there and that there will be one day a council that will approve something the area doesn't perhaps like.

Councilor Theken stated that the proponent pulled away. It's not that they don't know what they're doing, but it is a trust issue. Changes need to be made, but openly." She noted the process to put in Doyon's. She believed there has to be some kind of change but it doesn't have to be the Boston Harbor Hotel. It doesn't have to be Newport, RI. She thought they should all support this process for mediation. "Let's do something now and work together."

MOTION: On motion by Councilor Tobey, seconded by Councilor Theken, the City Council voted BY ROLL CALL 9 in favor, 0 opposed that the that Mayor and the Council President jointly reach out to the Massachusetts Office of Public Collaboration (MOPC) seeking its assistance enabling the community to craft a consensus-based plan for the redevelopment of the Fort neighborhood.

A recess was called at 9:59 p.m.

The Council reconvened at 10:04 p.m.

For Council Vote:

- 1. Motion to Rescind the previously adopted measure voted on November 9, 2010 to amend GCO Chap. 11 Hawkers and Peddlers and Transient Vendors Sec. 11 (s) Fixed vending; site specific Locations (from 1/25/11)**

Councilor Tobey motioned, and seconded by Councilor Verga, that the City Council rescind the previously adopted measure voted on November 9, 2010 to amend GCO Chap. 11 Hawkers and Peddlers and Transient Vendors Sec. 11-5 (6) (2) Fixed Vending; site specific locations, (2) Rogers Street – Ten (10) feet east of its intersection with Commercial and Washington Streets.

Discussion:

Councilor Tobey began with a disclaimer that he dislikes this entire ordinance very much. No one wins each time it's taken up in one form or another. They've talked of the Fort and its complexities. He would argue that based on the heritage of the Fort and its fisheries that they should not have eliminated this location adjacent to a town landing. This area is to allow the public its right to fishing and fowling with free access which was why he provided the older rendering of the area map for the Council packet. He respected the Ward 2 Councilor and her opinion; but the many times he drove by that location, with

numerous vendors, he didn't see the issues with traffic that warranted the elimination of this vendor location and wanted it to go back to O&A for reconsideration.

Councilor Whynott would not support this. He noted in 1976 when the Mayor wanted to get rid of all the vendors. Removing one vending site was not unprecedented. When Joe Popcorn sold lemon ice folks walked up. It wasn't disruptive at all. He found this one to be disruptive because he did see traffic being tied up. He felt the person who had that spot was rude to people and tried to take over a parking spot adjacent to him and did the same to others.

Councilor Ciolino would not support this and that the right decision was made previously. He asked where it was written that a vendor spot couldn't be changed. They changed the vending spots at Niles Beach and Nautilus Road. The winning bid could be someone who could spread out also. He has had numerous complaints about that corner because of its dangers. Their conversation should be where they can put other vendor spots further down on Rogers Streets. It doesn't make it right because it was there for years. He suggested it be by I4-C2 or by Rose's Oil. Perhaps they should add another two or three more and let O&A and the Traffic Commission go through that process. Nowhere does it say because you use a vendor spot that you are entitled to it. He reiterated his feeling that they made the right decision in this matter and was for the Traffic Commission picking another spot or spots.

Councilor Mulcahey agreed with Councilor Ciolino. This vendor took the second parking space which was \$960 of lost revenue to the City and violated his permit in doing so. She would not support this as her constituents would not want her to support it.

Councilor Verga thought this was an opportunity to get it right. Is it the spot or the vendor they're getting right? He never got one complaint [about the location]. Once the spot was eliminated he did get calls to ask why. He is in support of the rescinding of the previously adopted measure and sending the matter back to O&A.

Councilor Theken related she got disturbing calls that the Fort doesn't want the BMOD or this vendor. There were complaints about the product that was there and it was taken care of. There was concern about the two parking spaces. She heard the individual vendor being brought up and reminded the Council they're talking about the spot only. Anyone can bid for a vending spot. It doesn't mean that person will necessarily be there. There was a proper process. She respected her fellow Councilor's wishes regarding the traffic issues. That is a congested spot and can be dangerous. She noted there have been many adjustments to this ordinance recently. She will agree with Councilor Tobey because it is about the spot, not the person. She stated the community needs to come out when notice of public hearings are in the newspaper, when it's on the City's website urging them to come forward before, not after the fact.

Councilor Whynott stood by what he originally said. He agreed with Councilor Ciolino that this shouldn't pass but the next motion should be so that the matter can have a better look at O&A.

Councilor McGeary would support the motion. They have to "divorce the person from the site". There is recourse under the law if the person is not adhering to the ordinance.

Councilor Hardy would not support the motion. As a Ward Councilor she was thankful for the At Large Councilors who listen to the Ward Councilors. They're the ones who get the complaints. When this first went to O&A it was a safety issue. This was not about an individual. She trusted that Councilor Mulcahey knew best for the safety of her constituents in her Ward. If she voted against this she wouldn't be looking for the support of the other Councilors. This vote will require a majority vote noting they can go into the merits of the underlying motion under Roberts Rules of Order.

Councilor Theken felt At-Large Councilors are for when people when they aren't being listened to in their Ward. They're there to help also. When she went to the Fort and spoke to people, she didn't hear the complaints. If an At Large Councilor is not agreeing with a Ward Councilor it doesn't mean they aren't supportive.

Councilor Curcuru stated Councilor Hardy brought up a valid point that a Ward Councilor knows their Ward. They've eliminated a spot; and felt the next order corrects the situation and would not support this motion before them now.

Councilor Ciolino stated what they're talking about is moving this vendor site further down. He urged Councilors to let the process work and let the Traffic Commission come up with a few suggestions for vendor spots.

Councilor Tobey thought this was conversation that had turned into a referendum of the wisdom of Ward Councilors. "A ward Councilor can be as wrong as an At Large Councilor." He was interested about the increase in vendor spots. They didn't get a recommendation of the Traffic Commission or their input the first time because they didn't ask them.

Councilor Curcuru thought there should be a recommendation from the Traffic Commission so that there would be substance to go with any further ordinance change proposal.

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted BY ROLL CALL VOTE 4 in favor, 5 (Mulcahey, Whynott, Ciolino, Curcuru, Hardy) opposed to rescind the previously adopted measure voted on November 9, 2010 to amend GCO Chap. 11 Hawkers and Peddlers and Transient Vendors Sec. 11-5 (6) (2) Fixed Vending; site specific locations, (2) Rogers Street – Ten (10) feet east of its intersection with Commercial and Washington Streets.

MOTION FAILS.

2. Motion to move to refer amending GCO Chap. 11 Hawkers and Peddlers and Transient Vendors Sec. 11 (s) Fixed vending; site specific locations back to Ordinances & Administration for further Review and to report back to City Council with disposition of same (from 1/25/11)

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to refer amending GCO Chap. 11 Hawkers and Peddlers and Transient Vendors Sec. 11-5 (6) (2) Fixed Vending; site specific locations back to Ordinances & Administration for further review and to report back to the City Council with disposition of same.

Unfinished Business: None.

Councilors' Requests to the Mayor:

Councilor Verga stated The Taste of Magnolia will take place on Friday Feb 18th from 7 p.m. to 9:30 p.m. at the Magnolia Library and Community Center. Tickets are \$30 in advance, \$35 at the door. Tickets are on sale at the library or call 978-525-3343.

Councilor Mulcahey noted that it is a new season 2011 for Relay for Life walk for cancer is underway to get their teams together and sign up to participate. She encouraged everyone to participate and to get more information they can go to their website at: www.relayforlifecapeann.com.

Councilor Theken thanked the community for their support for Giuseppe Cracchiolo's family. She appreciated the outpouring of help to the family. There was an uplifting on the part of the community for his young widow. She very much appreciated the local businesses that stepped forward during the family's time of need and encouraged the community in turn to support their local businesses. For seniors, she announced that anyone who lost Harvard Pilgrim medical insurance they are getting postcards saying they want you back. She cautioned that is not "the insurance that wants them back as they know it, not the HMO. It's like the Medex Bronze; it's the supplement insurance that wants them back. If they have yet to do anything about their insurance, they have an extension until the end of the month even though open enrollment is closed because it was not their choice that Harvard Pilgrim exited. If they do not have insurance or drug coverage please see her before the end of February.

Councilor Hardy announced the Department of Public Utilities is conducting an investigative public hearing into National Grid and their responses to recent storms. It will take place this Thursday at 7 p.m. in Kyrouz Auditorium. Anyone aggrieved by the recent outages and their frequency of them, this is a

time and relay your experience, to ask for help and assistance. This would be a large portion of what they'd be able to take away and improve services and demand better services. She urged the community to come out not only for Gloucester but for the rest of the Cape Ann communities.

A motion was made, seconded and voted unanimously to adjourn the meeting at 10:38 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **From Glen Bresnahan under Oral Communications:
Gloucester Daily Times Editorial dated 1/3/2011; Memorandum of Decision on Defendants' Motion for summary judgment as to Count IV in Civil Action No. 2006-0331 and as to Civil Action No. 2006-1771; West Gloucester Sewer Time Line; text of Gloucester Daily Times article by Richard Gains dated December 31, 2010.**
- **Power Point presentation by Nathan Collins, P.E., Project Manager with Gale Associates, Inc. for the Newell Stadium Renovation Project**
- **Letter to the City Council dated February 8, 2011 by Attorney Lisa Mead re: Request to Withdraw Zoning Change Petition/Birdseye Mixed Use Overlay District ("BMOD")**