

**GLOUCESTER CITY COUNCIL CALENDER OF BUSINESS**

**TUESDAY, MAY 19, 2009 - 7 P.M.**

**KYROUZ AUDITORIUM, CITY HALL**

**COUNCIL MEETING #2009-0011**

**Attendance: Bruce Tobey, Council President; Sefatia A. Romeo, Council Vice President;**

**Councilors Joe Ciolino, Steve Curcuru, Phil Devlin, John “Gus” Foote, Sharon George, Jason Grow, Jacqueline Hardy**

**Also: Jim Duggan, Sarah Buck, Marcia McInnis, Jeff Towne, Suzanne Egan, Sarah Buck, Jack Wiggin, Kerry McCormick, Sam Cleaves, Tom Balf, Ab Khambaty, Bonnie Dunn, Joe Grace, Bill Shields, Lee Sharac, James Groves, Robert Parsons, Ron Fleet, Steve Malboeuf**

**Absent:**

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

**FLAG SALUTE & MOMENT OF SILENCE**

**ORAL COMMUNICATIONS**

**COUNCILLOR’S REQUESTS TO THE MAYOR**

**09-053 (Curcuru)** Request the Administration investigate the possibility of resident parking for Commercial Street #17 through #21 and for Beach Court #1 through #13.

**09-054 (Curcuru)** Request the Mayor instruct the DPW to repair the road at the corner of Foster and Washington Streets.

**09-055 (Curcuru)** Request the Mayor instruct the DPW to cement around the fire hydrant in front of 37 Beacon Street.

**09-056 (Curcuru)** Request the Mayor instruct the DPW to repair the storm drain in front of 37 Summer Street.

**09-057 (Curcuru)** Request the Mayor instruct the DPW to repair the storm drain in front of 34 Mansfield Street.

**09-058 (Curcuru)** Request the Mayor instruct the DPW to repair the potholes in Lloyd Street, Riggs Street, Summer Street, and Granite Street.

**Councilor Tobey** noted that beach stickers are now available through the Treasurer’s office and on line.

There are three important public hearings on 6/2:

1. The Mayor’s proposed FY2010 budget.

2. The public hearing on water and sewer. There will be no decision on the matter of CSO rate shift tonight.
3. The community will be receiving a revised report from the NEMLIC group releasing in full the previously non-disclosed recommendations as to policy and procedural steps that need review in the department.

### **CONFIRMATION OF APPOINTMENTS**

1. Catherine "Cate" Banks                      Waterways Board  
TTE 02/14/2012

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council the appointment of Catherine Banks to the Waterways Board for a term to expire 2/14/2012.

MOTION: On motion of Councilor Foote, seconded by Councilor Ciolino the City Council voted 9 in favor, 0 opposed the appointment of Catherine Banks to the Waterways Board for a term to expire 2/14/2012.

2. Ronn Garry                                      Tourism Commission  
TTE 02/14/2012

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council the appointment of Ronn Garry to the Tourism Commission for a term to expire 2/14/2012.

MOTION: On motion of Councilor Foote, seconded by Councilor George the City Council voted 9 in favor, 0 opposed the appointment of Ronn Garry to the Tourism Commission for a term to expire 2/14/2012.

### **National Grid payment to the city in the amount of \$250,000**

Councilor Grow stated there was a question on how the donation of \$250,000 from National Grid to the city should be treated. Marcia McInnis, City Auditor explained that the check from National Grid to the city is a restricted gift and the Auditor's office agrees with that concept. City Solicitor submitted a motion and we recommend some amendments to that motion. Suzanne Egan, General Counsel framed the issue on how the payment from National Grid should be treated. In the letter it says this money may be used for restitution of Eastern Avenue, cost of public safety and DPW and \$25,000 for the Mayor to use at her discretion. MGL Ch. 44, Sec. 53a states that any gift to the city can be accepted by the department head with approval of the City Council. It has been put into a special fund without further appropriation. The money should be spent towards those three items without further appropriation. Councilor Grow stated it is his understanding from DOR that there was some doubt as to whether or not this was a release.

Ms. Egan stated there is nothing in the letter that says the city is releasing anything. The city has not been asked to sign any release documents, the city acting in good faith.

Council President Tobey asked what if any recourse do we have to get National Grid to do paving of the roads affected by this rather than just ultimately patching those trenches. Could we compel them to do curb-to-curb paving.

Ms. Egan replied there is nothing in our ordinances to force them to do that. We have to treat them like everyone else who comes to the city to obtain a street opening permit.

Council President Tobey stated it is extraordinary for a Mayor to receive a sum of money to be spent at their discretion and asked would the administration keep the City Council advised on the expenditure of that money.

Mr. Duggan agreed to keep the council informed on the expenditures of that money adding that no one is more aware of the financial situation of the city than the Mayor. In a cutting environment it is something that the position of the administration would like to give back in some kind of humanitarian way to the city and are open to discussion.

Councilor Hardy asked if the DPW Director is satisfied that the amount that has come to the city as a gift is enough to cover the work that needs to be done.

Mr. Duggan replied the bids have come in well below what was anticipated. National Grid made it clear that if the city didn't invest the maintenance that they would not correct anything that has deteriorated over the course of the years.

Councilor Hardy stated it astonishes her to look at this as a gift – she feels it is an obligation.

Discussion on the motion. Councilor Grow stated the framework for this comes directly from the National Grid letter. There was a long discussion about the appropriation of this money and where it would be spent, \$8,900 in police overtime, \$10,088 to fire department overtime, \$18,000 for equipment to detect gas leaks by the fire department. His hope is that those would continue to be top priority. On the issue of paving, the estimates ranged from \$500,000 to \$600,000 and the price has gone down and if it costs less then the balance of the money – what would happen to the rest of those funds. He would hope it would be put into paving as much as possible. A lot of issues need to be addressed in the city and he likes the idea of a community wide get together – except for the fact we need a lot of things to be fixed and hopes the Mayor's office would understand that we have to be very prudent about how up to that \$25,000 is spent - appropriating as much money to repairing the problems in the city as possible.

Councilor Ciolino stated the administration will be seeking advice from this council and he feels we should put our ideas in writing and submit them to the Mayor. At B&F we shifted out money for overtime for the fire and police departments and asked where that money be going in this calendar year.

Jeff Towne, CFO stated the funds will end up going with the recommendations of DOR the funds will be transferred to those accounts in this fiscal year.

Councilor Foote supports giving the Mayor \$25,000.

Council President Tobey stated it is a unique resource coming to the Mayor's office.

**MOTION:** On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted by ROLL CALL 9 in favor, 0 opposed that pursuant to MGL Ch. 44, Sec 53a the City Council approve the acceptance of \$250,000 given to the City of Gloucester and the community by National Grid for the final restoration and restitution of Eastern Avenue, emergency response costs incurred by the local public safety departments and the DPW along with associated materials needed for these departments and a modest sum not to exceed \$25,000 to the City to be utilized at the Mayor's discretion, as a gesture of thanks the entire City of Gloucester, as stated in National Grid's 4/7/09 letter, that these funds should be deposited into a special revenue account to be established by the City Auditor and may be spent for the purposes given without further appropriation.

### **OLD BUSINESS**

P&D Minutes 04/29/09 – Council Action on proposed Harbor Plan

**Councilor Hardy** motion put on the table from the 4/29<sup>th</sup> P&D meeting.

**MOTION:** The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council to send a letter of endorsement to accompany the 2009 Harbor Plan.

**MOTION: On motion of Councilor Hardy, seconded by Councilor Romeo Theken the City Council voted by ROLL CALL 8 in favor, 1 opposed (Foote) to send endorsement letter to accompany the 2009 Harbor Plan.**

**Sarah Buck, Community Development Director** stated the original Harbor Plan committee held 15 public meetings and since then there has been community visioning. Conversations that came up recently had to do with recommendations surrounding the harbor plan. She clarified that the zoning amendment is separate from the harbor plan itself. The intent is not to take away special powers from the Council and giving them to the Planning Board. She very much regrets that the FORT rezoning has caused this atmosphere of mistrust. There is no desire to back end the system. As a city, we need to work together on this harbor, to strengthen the fishing industry and bring some type of research and technology to Gloucester. We need to have our own research institute as an added economic boost. We are on the edge, as a community, on how we tread this middle course. We don't need to fight each other. Nobody in this community wants to hurt the fishing industry. There has never been any talk of residential in the DPA. We do not want to become a bedroom community. The zoning amendments will come up. She has asked Gregg Cademartori,

Planning Director to work with hired counsel who can talk about where the authority lies while protecting the needs we have on the waterfront.

**Council Romeo Theken** stated everyone was in agreement with the 50%. This will come back from the state and that is when we will hold public hearings.

**Councilor Hardy** noted regarding the port mitigation fund that it is similar to the conversation about National Grid – that it can be spent at the discretion of the Mayor. She asked if there is an assessment of mitigation monies does that come under the same CMR.

**Ms. Buck** stated it is quite different. There are two ways the city is protected. We wrote more clearly into the plan that under the port mitigation fund –“ if such investment is not needed on site (and that investment means in infrastructure) the plan recommends the funds be contributed to a newly established port maintenance and improvement fund for investment in public infrastructure, wharfs, piers, docks, bulkheads within the DPA. Therefore, the money by nature of its contribution can only be used for investment in public infrastructure within the DPA. The city is working solely for the public interest.

**Councilor Hardy** believes the city already has a mitigation fund. This was brought to the attention at the Charrette this might be a duplicate fund. We agreed to insert the words that “the money would be spent in the DPA”. On page 77 of the draft harbor plan, table 5-3 last column to the right “proposed regulations and who will be the permit granting authority.” A lot of people thought by the mere passing of this to the state that it would also accept those changes. Any change to a zoning ordinance must come back to the City Council. People didn’t understand that because they don’t deal with it all the time.

**Ms. Buck** agreed the fact is this doesn’t change the zoning.

**Discussion on the motion.** **Councilor Foote** does not support the harbor plan. When you pass this harbor plan you will see changes coming that were not expected.

**Councilor Ciolino** feels the fishing industry and the harbor have changed. It comes to pass that we either change with the times or we stagnate. This plan is a guideline and there are no zoning changes. Our assets are in Gloucester Harbor and we need to change with the times. She is urging his fellow councilors to support this moving it forward to the state as a unified mind.

**Councilor Devlin** feels we need a plan moving forward. It is time to send this to the state. We need change to our waterfront. This doesn’t mean getting rid of the fishing industry. We need the fishing industry but we also need more development on the harbor. Something needs to be done.

**Councilor Romeo Theken** stated this is a plan to work with everyone together to do the 25% to the 50%. This will all come back to be vetted publicly. If we had dockage you would see fishing boats - we have been turning boats away to New Bedford. We are the only community that stands up and fights the government but we are hurt the most. This is not to say we are redoing the whole waterfront.

**Councilor Grow** feels the harbor plan doesn’t go far enough. He feels maybe we would have asked the state for more. We are trying to initiate what is best for the properties. We encourage investment for marine related businesses and are looking at trying to encourage as much investment as possible. He would like to see parts of East Gloucester shaved off of the DPA. A lot of those properties will never be the kind of marine uses envisioned in the DPA. He also agrees this is a step forward and appreciates all the effort that has gone into it; it is a work in progress. He supports this going to the state for discussion. He wants to see aggressive investment in our marine industry.

**Councilor Foote** recalled the government buyback for fishing boats – the government came in with the LNG. Now we have National Marine Fisheries fining the fisheries and closing the auction 120 days. He feels the fishing industry is coming back and we need to stand up for the fishing industry once and for all. He will not support the harbor plan.

**Council President Tobey** embraced what Councilor Foote said about the National Fisheries actions regarding the fish auction. On the matter of the harbor plan itself, he sees enormous opportunity in the port of Gloucester – that opportunity has already been realized. The fishing industry continued in a way that is evolving – the key is evolution and the key is to foster evolution. We need to embrace the 50%. This is a work in progress that has evolved tremendously.

**CONSENT AGENDA**

**ACTION**

- ***MAYOR’S REPORT***

1. Memo Harbormaster re: Acceptance of Grant for Harbor Rescue/Fire Boat **(Refer B&F)**
2. Memo Lt. Aiello, Police Dept. re: Acceptance of Grant from U.S. Dept. of Justice **(Refer B&F)**
3. Memo Lt. Aiello, Police Dept. re: Acceptance of Grant for Bullet Proof Vest **(Refer B&F)**
4. Special Budgetary Transfer Request from Auditor’s Department **(Refer B&F)**
5. Memo CAO re: Program Year 09 HOME Fund **(Refer B&F)**
6. Report City Auditor re: accts having expenditures exceeding their appropriations **(Refer B&F)**
7. Memo from Planning Director re: Land Disposition Applications for 3<sup>rd</sup> Qtr FY09 **(Refer P&D)**
8. Memo from Comm. Dev. Dir. re: Ordinance to create Open Space Comm **(Refer O&A)**
9. Appointments: Carmine Gorga Council on Aging (TTE 02/14/2012) **(Refer O&A)**  
 Selma Bell Council on Aging (TTE 02/14/2012) **(Refer O&A)**  
 Mark Standley Mariners Medal Comm(TTE 02/14/2013) **(Refer O&A)**  
 Richard J. Sagall, M.D. Board of Health(TTE 02/14/2012) **(Refer O&A)**  
 John Burlingham Mariners Medal Committee (TTE 02/14/2013)**(Refer O&A)**  
 Ellen Lufkin EDIC (TTE 02/14/2012) **(Refer O&A)**  
 Carolyn Stewart EDIC (TTE 02/14/2012) **(Refer O&A)**

- ***INFORMATION ONLY***

1. City of Gloucester Service Zone Plan Advisory Board **(Info Only)**

- ***APPROVAL OF MINUTES***

1. Council Minutes  
05/05/09

**(Adopt/File)**

- **COMMUNICATIONS**
  1. COM2009-022 Letter from Michael D. Rubin re: Harbor Plan  
**(Info Only)**
- **ORDERS**
  1. CC2009-027(Foote) Amend GCO Sec. 22-287 re: 52 Cleveland St. handicap park **(TC & O&A)**
- **INVITATION**
  1. Firefighter's Memorial Services

### **ITEMS REMOVED FROM THE CONSENT AGENDA**

**Councilor Grow** removed item 5 from the Mayor's report.

**MOTION: The consent agenda is adopted by UNANIMOUS consent of the full City Council with the exception of Mayor's report #5 the Memo from CAO re: Program Year 09 HOME fund.**

**MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 9 in favor, 0 opposed to amend acceptance of the HOME Consortium grant from \$122,484 to \$138,848 for program year 2009.**

**Discussion. Mr. Duggan** stated the council took a vote to accept these funds with all indication it was to be level funded. We just received notice the other day that the allotment has actually increased. This is money for first time home buyers for FY2010.

#### **FOR COUNCIL VOTE**

##### **ACTION**

1. Amendment to MORE JOB GRANT  
**(FCV)**

**Jim Duggan, CAO** explained this is a change order to the MORE JOB grant as a result of additional funds received with no requirement on behalf of the city. This money is for the Gloucester Crossing infrastructure improvements and installation and will be spent before 6/30<sup>th</sup>.

**Councilor Hardy** stated in a memo dated 5/15 to Councilor Tobey regarding the MORE JOBS grant that provided a breakdown and the bids submitted. Project administration originally estimated at \$115,000 up to \$175,000. She asked who gets this kind of increase in these economic times.

**Kerry McCormick, Professional Engineer for Land Strategies and consultant for Sam Park & Co.** for the development of Gloucester Crossing helped the city and Sam Park to put together a joint application for the MORE Grant which was awarded for \$2 million. It was short of what was originally requested, so it was revised with less scope. With the increase of scope additional administrative services were allotted to the task.

**Councilor Hardy** asked who gets the project administration fees.

**Mr. McCormick** replied currently the engineer of record is Traffic Solutions who designed the School House and Gloucester Crossing Road, will also provide resident engineering services and office administration to the administer the grant.

**Councilor Hardy** referred to page two of Mr. Duggan's memo and stated most cost increases are attributed to subsurface conditions, additional walls to protect resource areas, and higher than expected utility relocation costs but on the first page it appears the relocation costs decreased when we have been told utility costs have skyrocketed. She asked for an explanation.

**Mr. McCormick** explained that the overall project has been distribution of electrical utility infrastructure both on and off site. The MORE grant to be used typically for off site and public infrastructure. There was discussion about where National Grid infrastructure would lie. There are multiple power sources to the project and these are all National Grid services.

**Councilor Hardy** asked why wasn't that all figured initially.

**Mr. McCormick** explained this has been an ongoing project and as you go through the process new information arises.

**Councilor Hardy** asked if any of these monies be used to relocate that pole at 9 ½ Carlisle Street.

**Mr. Duggan** stated the grant is very specific.

**Councilor Hardy** stated these funds are to be spent off site and does this require the payment of prevailing wage.

**Mr. McCormick** agreed it is pretty specific what these funds are to be used for. National Grid is not a scope these funds could be used for. All work has to be publicly bid and goes through the bidding process.

**Council President Tobey** asked if any of those monies can be used to mitigate that pole.

**Attorney Michele Harrison** explained that Phil Courcy of National Grid has volunteered in any way he can to make sure that pole is being replaced.

**Councilor Curcuru** stated David Nigel assured him he would make sure the neighborhood is satisfied. There are really serious concerns there.

**Attorney Harrison** stated everyone agrees it was certainly a mistake putting that pole in that location and will certainly work towards its removal.

**Council President Tobey** asked how the hotel and building permit process is going.

**Attorney Harrison** stated she is hopeful we may pull the foundation permit for the hotel before the end of this fiscal year.

**Council President Tobey** asked what the timeline is for getting this up and running is.

**Attorney Harrison** stated a permit to be pulled in June or July but retailers also don't want construction going on at the busiest seasons.

**Councilor Romeo Theken** asked about assisted living.

**Attorney Harrison** stated the assisted lifting is in phase 3, because of the construction schedule.

**Councilor Romeo Theken** has some concerns about how many people are working at the project.

**Attorney Harrison** will provide a list of local providers ranging from cement mix companies to fence installers – there is a range of local providers.

**Councilor Grow** asked when we will see the road breaking out onto Rte 128 extension and are we looking at blasting on Rte. 128 during the height of our traffic season during the summer.

**Attorney Harrison** replied the mobilization to do that is happening right now.



**Mr. McCormick** stated a temporary access permit was granted by Mass Highway. The majority of the blasting in that area has been completed.

**Councilor Grow** asked how long that will disrupt the area of Rte. 128.

**Mr. McCormick** replied the work in the Mass Highway section would be about 3 weeks.

**Councilor Grow** asked about drainage improvements down Rte. 128 and the changes in the signal patterns and where that will fit into the scheme of the operations.

**Mr. McCormick** stated that is ready to go.

**Councilor Grow** asked for an update on that.

**Attorney Harrison** stated the road has to be completed by 6/30<sup>th</sup> so the blasting and the construction would occur by 6/30. National Grid and Mass highway is pushing against a rock sometimes.

**Councilor Ciolino** stated there is a potential ribbon cutting for Market Basket and asked for an update on the creation of jobs.

**Attorney Harrison** will take the opportunity to ask them at that June meeting.

**Councilor Romeo Theken** stated they have advertised in the newspaper and they are actually taking applications.

**Councilor Ciolino** asked for a plan and a schedule for what they are going to do there.

**Attorney Harrison** would be glad to provide an update and also suggested the council could hold a site visit.

**Councilor Curcuru** asked about leases at this point.

**Attorney Harrison** replied we hope to have Market Basket open in August and Marshall's will follow soon after. Five Guys with Fries and other tenants are lined up.

**Councilor Curcuru** asked if the capacity is 100%.

**Attorney Harrison** replied not today but it will be.

**Councilor Hardy** arranged with the council for a possible day for a site visit.

**MOTION: On motion of Councilor Grow, seconded by Councilor Romeo Theken the City Council voted 9 in favor, 0 opposed to amend the acceptance of the MORE JOBS Grant increasing it from \$2,000,000 to \$2,500,000 to reflect the additional investment made by Massachusetts Executive Office of Housing and Economic Development.**

2. Decision to Adopt: SCP2009-002: 81 Rocky Neck Avenue, Section 5.5.4 Lowlands **(Adopt)**

**MOTION: On motion of Councilor Hardy, seconded by Councilor Grow the City Council voted by ROLL CALL 9 in favor, 0 opposed to adopt the Special Council Permit decision for Gloucester Marine Railways, 81 Rocky Neck Avenue, pursuant to Section 5.5.4 of the Gloucester Zoning Ordinance.**

#### **SCHEDULED PUBLIC HEARINGS**

The public hearings were taken out of order.

PH2009-014: Amend GCO Chapter 2 “Administration” by adding Division 11 “Clean Energy Commission

**The public hearing is opened.**

**Speaking in favor. Sam Cleaves** spoke in support.

**Tom Balf, 15 Brierwood Court** also spoke in support.

**Speaking in opposition.** No one spoke in opposition.

**Communications.** There were no communications.

**Questions.**

**Councilor Grow** asked if this will also be a review board for private projects.

**Mr. Cleaves** replied we do not envision ourselves involved in private projects.

We feel our task is to try to create efficiencies and bring recommendations to the Mayor.

**Councilor Grow** asked could we expect the commission to tap into Mass technology grants.

**Mr. Cleaves** replied yes, that would be one of our primary tasks.

**Councilor Grow** asked that these meetings be held in the evenings so the majority of the people can attend.

**Mr. Cleaves** concurred.

**Councilor Hardy** asked if two years is long enough for service on this committee.

**Mr. Cleaves** often finds that two years is a good amount of time to serve – sometimes longer is a barrier for getting people to sign on.

**The public hearing is closed.**

MOTION: The Ordinances and Administration Committee voted 2 in favor, 0 opposed to recommend to the full City Council that Gloucester Code of Ordinances, Chapter 2 “Administration”, be amended by ADDING Division 11, “Clean Energy Commission”, Sections 5-514 through 5-516. (full text on file in City Clerk’s office).

**MOTION: On motion of Councilor Romeo Theken, seconded by Councilor Ciolino the City Council voted 9 in favor, 0 opposed that Gloucester Code of Ordinances, Chapter 2 “Administration” be amended by ADDING Division 11, “Clean Energy Commission”, Sections 5-514 through 5-516 as presented. (full text on file in City Clerk’s office)**

**Public Hearing #1**

PH2009-011: Shifting CSO, waste water debt and water supply debt to FY2010 tax rate (see attached communications) **(cont from 4/28/09)**

**The public hearing is opened.**

**Speaking in favor. Jeff Towne, CFO** reviewed the questions presented at the last meeting as to whether or not CSO can be in the sewer fund to begin with and the answer was yes, it can be in the sewer fund. Another question was whether or not you can legally shift it to the tax rate and the answer again is yes, you can. Whether or not we can charge a fee for storm water management was a third questions and the answer is yes to that as well. We can establish a separate fund to manage storm water management fees and costs associated with that also can be established under Mass. General law.

**Suzanne Egan** researched whether or not the city was able to create a storm water utility management fee and we are able to do that by ordinance. There are presently four communities doing this - Reading, Fall River, Chicopee and Newton all have storm water utility ordinances. Some tie it to the water bill, or the water and sewer bill. A storm water utility is not tied to the sewer or water use but each property with impervious area has storm water run off and that is what it is based on. Most towns have charged single family residential a flat fee and commercial percentage charged on a percentage of impervious area. It is charged quarterly and when delinquent is put on the tax bill. When an ordinance like this is adopted, it typically takes a while to do. One of the challenges cities face is that a fee must be attached to a service provided. It is important to do the research to make sure your fee is tied to a service the city is providing. Fall River used the storm water utility fee to deal with the CSO debt. This takes it out of the sewer rate.

**Mr. Towne** elaborated on how they calculated the residential unit cost based on impervious area using mainly GIS mapping and calculating the impervious areas on commercial properties. Non-profits can also be charged a fee for storm water. Other communities have taken anywhere from 5 months to 4 years to develop this program. A lot of time is spent how to equitably charge the fee based on impervious area.

**Council President Tobey** stated there are three ways to pay off the CSO debt allocating the existing cost to the water and sewer rates, or taking some or all of the debt and moving it to the real estate tax as an exemption of Proposition 2 ½ and thirdly we could set up a storm water fee tied into recapturing the cost of a storm water utility. There are four communities in Mass doing that.

**Mr. Towne** stated in reality this is hitting all of us in the country – it is a requirement of the EPA and that is why more and more communities are tackling this.

**Speaking in opposition.** No one spoke in opposition.

**Communications.** None.

**Questions.** **Councilor Ciolino** asked if issuing a flat rate for residential and commercial would move the process along faster.

**Mr. Towne** stated a flat fee in one community was developed on the single family residence and they used that to come up with the fee for the commercial properties. To try to determine what is fair and equitable for the average median commercial property.

**Councilor Ciolino** asked what is our debt service for the CSO project first phase.

**Mr. Towne** replied \$1.67 million is included in the \$27 million bond, 55% of that is CSO (\$921,000). We send out about 13,000 tax bills.

**Councilor Ciolino** feels that would be the fairest way of doing that.

**Mr. Towne** replied it would be about \$70 for the year.

**Councilor Ciolino** agreed that everyone pays their fair share.

**Mr. Towne** stated you would have to exclude non developed lots and also thinks that residential and commercial properties should be separated.

**Attorney Egan** stated the storm water utility fee would have to be tied to the benefit received by the user.

**Councilor Curcuru** stated the whole idea of shifting this was so the entire city would bear the burden of the CSO.

**Councilor Romeo Theken** asked how we do this so that it is fair and equitable across the board.

**Mr. Towne** replied the storm water management utility is just like a water and sewer enterprise fund (self supporting). Some communities have put together what are the costs associated to storm water management and you would look at those costs to determine how much revenue you would have to generate to cover

the expenses. Most communities have set separate fees for residential and commercial properties and we are trying to look at this in a way that is fair to most people. We developed land and impervious area (paved parking lots). The more impervious area you have the more you are contributing to the storm water management issue and we are excluding vacant land.

**Councilor Romeo Theken** asked if we raise the sewer rate and this goes through can we later reduce it.

**Attorney Egan** stated there is a process you can come back to the Council to get approval to change the rate and she will look into that.

**Councilor George** asked whatever the fee turns out to be is that per thousand on each house.

**Mr. Towne** replied in these instances for other communities the bill was literally \$40 or \$50 for a single residential home and higher for commercial buildings.

The other answer is we have to set our rates for the recap. We usually set it before the fiscal year starts and that is the time frame we are working for.

**Councilor George** was under the impression that hundreds and hundreds of dollars were going to be used.

**Mr. Towne** doesn't have the details of the impervious areas in the city.

**Attorney Egan** stated in order to do this, an ordinance would have to be enacted but at the same time the rate would not have to be set.

**Councilor Foote** asked what has happened with Essex and Rockport.

**Attorney Egan** explained that this would be a storm water utility charge. It would not be on the sewer bill anymore.

**Councilor Foote** asked is there a difference for Rockport and Essex.

**Attorney Egan** replied it has the same effect on Manchester and Essex.

**Councilor Foote** feels we should consider the elderly and the young people and doesn't want to be a part of driving these people out of their homes.

**There was discussion and it was determined not to be feasible to enact a storm water management utility for July 1<sup>st</sup>.**

**Councilor Devlin** is concerned for the people of Walker Creek who have had to put in their own systems to clean up Walker Creek which benefits the entire city and asked have we thought about where the relief is coming for that area.

**Attorney Egan** stated most of the ordinances applied only to those homes on the water system and one tied it to the number of meters on the property.

**Councilor Hardy** asked what is it we are proposing to shift and are we limiting it only to the CSO portion of the debt.

**Attorney Egan** stated in terms of storm water utility that is what it would entail.

**Councilor Hardy** asked what the status of our GIS is.

**Mr. Duggan** replied we have advanced tremendously with the addition of the investment in the department but not at the capacity to handle something such as this at this time.

**Councilor Romeo Theken** will not vote on this tonight and would like it referred to O&A for further discussion.

#### OTHERS SPEAKING IN FAVOR.

**Abdullah Khambaty** feels the CSO should have been charged generally on the property tax as those are deductible. We have an agreement with Essex and Rockport – we were supposed to charge Essex 4%.

**Bonnie Dunn, 41 Marble Road** is a homeowner with own septic and well and supports doing something with the tax rate while having some sort of credit for a homeowner.

**Joe Grace, 75 Holly Street** spoke against the shift. He assumes sewer and water rates up to this point are only a result of water and sewer charges and not CSO debt.

**Bill Shields, 5 Butler Avenue, Magnolia** has a contract for his septic system with the state and also feels he should not have to pay CSO debt. He asked who is going to pay for the costs to his septic system. He provided the council a copy of his septic system contract. He feels this is double dipping and that it is not fair.

**Lee Sharac, 164 Prospect Street** spoke in opposition and asked if there is a reason that Gloucester isn't getting any money.

**James Grove, Revere Street** feels this is a sort of overlay to address the CSO. The CSO is driven by the EPA and we are addressing how we are going to handle the mandate they have proposed upon us. The business of coming up with a fee was addressed in part by Mr. Towne and Attorney Egan saying there are already towns that are investing in a storm water management utility fee. In Gloucester you have over 3,000 families that have title 5 systems and 1,300 with wells. He feels there has to be a lot of consideration given to those folks. When the sewer goes by these people are faced to tie in even though they have working systems. The CSO is not new to Gloucester. He feels we need answers from other communities on how they are handling it. There is no accountability once adopted because it becomes part of the tax fund and if we want taxpayers to participate in this they have to be informed.

**Robert Parsons, Sr. 9 West Parish Lane** stated the Board of Health informed him that his septic system failed and he also owns a property on Western Avenue which he is trying to improve this property and all he gets is more taxes. He feels this shouldn't be pushed through.

**Ron Fleet, 37 Norseman Avenue** is under the impression that we have been talking about CSO, water supply and sewer plant upgrades. He provided estimates that will impact him – his taxes would go up by about \$3,000 per year. This assumes no change in the bond rating or interest on debt, taxes will go up with Proposition 2 ½ and will also still have a water and sewer bill. He feels CSO debt should be spread across everyone, because it benefits everyone. Why can't we get some of this stimulus money and what as citizens can we do to get some of this money.

**Steve Malboeuf, 53 Wingersheek Road** stated we need to move this off. This issue has proven to be much larger than thought and he also feels this needs to go back to O&A. He feels people don't understand the gravity of the situation. This needs to get out to the public and feels this cannot be dealt with this fiscal year. Somehow this type of issue needs a broader dialogue.

**The public hearing is continued to 6/16/09.**

**MOTION: On motion of Councilor Grow, seconded by Councilor Romeo Theken the City Council voted 8 in favor, 1 opposed (Ciolino) to refer to O&A for consideration on whether and how to develop a storm water management utility.**

**A special O&A meeting is called for Monday, 6/1<sup>st</sup> at 7 p.m. to be held in the Kyrouz Auditorium, City Hall.**

**The Water and sewer rates are to be heard on 6/2<sup>nd</sup>.**

**Councilor Hardy** referenced a final case study and asked the City Clerks office to make sure all Councilors get it in e-form or paper form.

**Councilor Ciolino** would like some numbers crunched as well for that meeting.

**Council President Tobey** asked Mr. Towne to attend. He also urged the administration to find a way to join the CSO partnership and the National League of Cities.

**Councilor Devlin** left the meeting at this time.

**COMMITTEE REPORTS**

O&A 05/11/09

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council acceptance of the Ambulance Billing Policies for the Fire Department as presented.

MOTION: On motion of Councilor Foote, seconded by Councilor Romeo Theken the City Council voted 8 in favor, 0 opposed acceptance of the Ambulance Billing Policies for the Fire Department as presented.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council acceptance of the ambulance billing policy as presented increasing the billing rates from Medicare +50% to Medicare +80%.

P&D 05/13/09

MOTION: The Planning and Development Committee voted 2 in favor, 0 opposed to recommend to the full City Council permission to hold a road race in memory of Father Bullock, on Saturday, October 3, 2009 starting at 10:00 a.m. beginning at the intersection of Atlantic Road and Nautilus Road, continuing on Atlantic for approximately 1.5 miles, then right onto Grapevine until the intersection of Grapevine and Eastern Point Road, then left crossing over Eastern Point Road and past Niles Beach, taking a right onto Grapevine, left onto Atlantic and back to the starting point.

**MOTION: On motion of Councilor George, seconded by Councilor Grow the City Council voted 8 in favor, 0 opposed to grant permission to hold a road race in memory of Father Bullock, on Saturday, October 3, 2009 starting at 10:00 a.m. beginning at the intersection of Atlantic Road and Nautilus Road, continuing on Atlantic for approximately 1.5 miles, then right onto Grapevine until the intersection of Grapevine and Eastern Point Road, then left crossing over Eastern Point Road and past Niles Beach, taking a right onto Grapevine, left onto Atlantic and back to the starting point.**

MOTION: The Planning and Development Committee voted 2 in favor, 0 opposed to recommend to the full City Council permission to hold the North Shore Tour de Cure, on Sunday, May 31, 2009, from 7:00 a.m. to 3:00 p.m. starting and finishing the cycling loop at the Gloucester High School.

**MOTION: On motion of Councilor George, seconded by Councilor Romeo Theken the City Council voted 8 in favor, 0 opposed to grant permission to hold the North Shore Tour de Cure, on Sunday, May 31, 2009, from 7:00 a.m. to 3:00 p.m. starting and finishing the cycling loop at the Gloucester High School.**

A determination was made by Planning and Development that this is not a substantial modification to the special permit and that it satisfies condition 4 of that permit.

MOTION: The Planning and Development Committee voted 2 in favor, 0 opposed to recommend to the full City Council the following modification to the SCP for Gloucester Crossing, (applicant) Sam Park & Co., LLC, (owner) Gloucester Commons, LLC, Side Street Highway/Gloucester Crossing Road, Map 262, Lot 13, zoning classification Extensive Business that underground utilities be replaced by seven above ground poles; that this is not a substantial modification to the existing permit and further that seven mature street trees will be planted as esthetic mitigation.

**MOTION: On motion of Councilor George, seconded by Councilor Hardy the City Council voted by ROLL CALL 8 in favor, 0 opposed the following modification to the SCP for Gloucester Crossing, (applicant) Sam Park & Co., LLC, (owner) Gloucester Commons, LLC, Side Street Highway/Gloucester Crossing Road, Map 262, Lot 13, zoning classification Extensive Business that underground utilities be replaced by seven above ground poles; that this is not a substantial modification to the existing permit and further that seven mature street trees will be planted as esthetic mitigation.**

B&F 05/14/09

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council acceptance of a grant from the Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs in the amount of \$5,000 for the disposal of derelict vessel "Ryan J"

**MOTION: On motion of Councilor Grow, seconded by Councilor Romeo Theken the City Council voted 8 in favor, 0 opposed acceptance of a grant from the Commonwealth of Massachusetts, Executive Office of Energy and**

**Environmental Affairs in the amount of \$5,000 for the disposal of derelict vessel “Ryan J”**

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council that the Council authorize the write-off of \$150,619.15 in uncollectable, outstanding ambulance billing.

**Discussion. Councilor Grow** noted that a certain amount of billings are uncollectible and the recommendation of ComStar is to declare these written off while still pursuing collections through a collections agency.

**Marcia McInnis, City Auditor** stated ComStar, the company that does the billing, charges 3% and when you get that kind of rate you don't get the full collections you would expect to get. They are basically an accounts receivable company and by accounting rules those old accounts have to be written off.

**MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted in favor, opposed that the Council authorize the write-off of \$150,619.15 in uncollectable, outstanding ambulance billing.**

**MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 8 in favor, 0 opposed to continue the meeting to 11:30.**

**COUNCILLOR'S REQUESTS OTHER THAN TO THE MAYOR**

**It was moved and seconded to adjourn the meeting at 11:15 p.m.**

Respectfully submitted,

June Budrow  
Clerk of Committees