

GLOUCESTER CITY COUNCIL MEETING

Tuesday, July 12, 2011 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Council President, Jacqueline Hardy; Councilor Paul McGeary; Councilor Joseph Ciolino; Councilor Anne Mulcahey; Councilor Steven Curcuru; Councilor Greg Verga; Councilor Robert Whycott
Absent: Councilor Theken; Councilor Tobey
Also Present: Linda T. Lowe; Kenny Costa; Jeff Towne

The meeting was called to order at 7:02 p.m.

Flag Salute & Moment of Silence.

Councilor Hardy noted that **Councilor Tobey** was away on business, and **Councilor Theken** was on vacation. Both would return for the July 26th City Council meeting.

Oral Communications: None.

Presentations:

1 of 2: Community Services Presentation by the Open Door Food Pantry's Executive Director, Julie LaFontaine

Councilor Hardy introduced Julie LaFontaine by stating she has served in the non-profit sector for 20 years as a director, an instructor and an advocate. She joined The Open Door as executive director in April 2002. Since that time Ms. LaFontaine has worked with the community to develop the impact of core programs. Today, The Open Door operates the food pantry, community meals, the Mobile Market, the Garden Project, Cooking Matters, food stamp application assistance, senior markets and multiple Summer Lunch sites to serve children 1-18. Under Ms. LaFontaine's business leadership, The Open Door operates Second Glance Thrift Store, which has grown from 3,000 square feet to 7,300 square feet to provide the community a place to buy low-cost clothing, furniture and household items. Ms. LaFontaine currently serves as a co-chair of North Shore Community Health Network Steering Committee; and sits on the Member Advisory Council of the Greater Boston Food Bank. She is a proud member of the Gloucester Rotary Club, and The Open Door is a long-time member of the Cape Ann Chamber of Commerce. [Note: Full remarks by Ms. LaFontaine are on file in writing and received prior to the meeting.]

Julie LaFontaine, Executive Director of the Open Door Food Pantry located on Emerson Avenue, thanking the Council for the opportunity to speak this evening, and recounted the Open Door Food Pantry started in 1978 in downtown Gloucester, and last year served 2,100 unduplicated households, commenting that The Open Door has grown to meet the need in the community with the essential support of the City of Gloucester. Their mission is to alleviate the impact of hunger in the community using practical strategies to connect people to good food, to advocate on behalf of those in need and to engage others in the work of building food security. They serve 14% of Gloucester's 2010 population count, more than 4,000 people. Gloucester has been identified as one of 35 cities and towns in Massachusetts and one of three cities on the North Shore as an area with the highest concentration of hunger, six times greater than the statewide average. She noted their modest location now on Emerson Avenue has provided 428,620 pounds of free canned goods, fresh produce, meats, bread, dairy products and eggs to 1,554 households. Their Community Meals program serves meals at The Open Door on Monday, Wednesday, Thursday, Saturday and Sunday. Meals are served at St. John's on Tuesdays; Trinity Church on Friday. In 2005 they developed the Mobile Market, a free farmers' market, placed in public housing neighborhoods and schools where 50% or more of children were eligible for free or reduced-priced lunch. The Mobile Market provides households with an average of 20 pounds of produce each week. This year the City funded the Mobile Market at Veteran's Memorial Elementary School. She touched upon their Summer Lunch program a 10 week program for free or reduced-price lunches when children are not in school. She then touched upon the Food Stamps Outreach, Holiday Meals, Collaborative Meals, The Good Food Project, North Shore Health Project, and the Second Glance, The Open Door thrift store with its furniture annex at Pond Road. They do much of all this work in the community with volunteer service support.

Councilor Whynott congratulated Ms. LaFontaine on her good work. **Councilor Verga** expressed his being in awe of the sheer numbers quoted by Ms. LaFontaine; feeling their work was so important to the community. **Councilor McGeary** commended The Open Door and Ms. LaFontaine. Through his work with St. John's Church, he sees first-hand their programs at work and was very impressed. **Councilor Ciolino** noted his long relationship with Ms. Fontaine expressing that in these tough times he knew they've seen higher numbers, and that Gloucester is fortunate to have them here. **Councilor Mulcahey** noted the big-heartedness of the community in their stepping forward to volunteer for the many charitable organizations and for our City which is what makes a community; and she commended Ms. LaFontaine and those who work with her and volunteer their time. **Councilor Hardy** recounted her first introduction to Ms. LaFontaine during the Mother's Day storm when Poplar Park had to be evacuated due to flooding and have had a working relationship ever since. She thanked her for her on-going efforts and looked forward to working with her more frequently in the future in the future. **Councilor Curcuru** also expressed on behalf of the community its good fortune to have Ms. LaFontaine, and noting his opportunity to visit the "first-class" facility on Emerson Avenue, which is in his ward, commending her and the people she has working and volunteering for The Open Door, calling them, "amazing". He also recounted having met some of their clients at their facility; and it was heartwarming to see their fine work which he encouraged her to keep up. **Ms. LaFontaine** thanked the Council noting the organization had grown up out of the heart of the community, without whom they couldn't do what they do.

For more information on The Open Door programs or to donate to The Open Door, please go to their website to www.foodpantry.org or mail a check to The Open Door, 28 Emerson Avenue, Gloucester, MA 01930. **Councilor Ciolino** reminded any Gloucester gardeners who have extra produce this summer from their vegetable gardens, he encouraged they bring it to the Food Pantry for their use.

2 of 2: Status Report on Sewer Work Lower Essex Avenue by Michael Hale, DPW Director

Councilor Hardy explained that the next presentation was to be a status report on sewer work on lower Essex Avenue. **Councilor Verga** expressed his disappointment that the DPW Director was not prepared to present this report tonight. This report came out in April; and understood the DPW Director wants to make sure this is done correctly so he had requested the extra time which he believed they should grant. He wished to let the community know this has not fallen off the Council's radar, especially as it relates to the Hampton Inn; and will look forward to hearing the update in two weeks' time. **Councilor Hardy** confirmed this presentation would be continued until the next regularly scheduled City Council meeting of July 26th. Mr. Hale informed the Councilor he would attend along with the City Engineer to make a complete presentation.

Consent Agenda:

- **MAYOR'S REPORT**

1. Memorandum from Mayor re: accepted competitive proposal from AFSCME Local 687 custodians (Info Only)
2. Review and recommendation for the disposition of real property for the Magnolia School House (Blyman School) (Refer B&F)
3. Memorandum, Grant Application and Checklist from Police Chief re: grant for training of Police Officers in Emergency Medical Dispatching (Refer B&F)
4. Mid-year report from Community Development Director (Info Only)
5. Memorandum from Lucy Sheehan of Council on Aging re: 2010 Census figures (Info Only)
6. Memorandum and flyer from Community Development Director re: "GloucesterWalks" (Info Only)

- **COMMUNICATIONS/INVITATIONS**

1. Communication from Christopher M. Sallah re: Cordials & Liqueur Permit Option under MGL Chapter 138 §12 (Refer O&A)
2. Request from Magnolia Road Race Committee to hold 35th Magnolia 5K Road Race on September 1, 2011 (Refer P&D)
3. Communication from Gloucester Rotary Club re: Stage Fort Park (Refer B&F)

- **APPLICATIONS/PETITIONS**

1. SCP2011-005: Dory Road #11, GZO §5.22 Commercial Land-Based Wind Energy Conversion Facilities (Refer P&D)

- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**

1. City Council Meeting 06/28/11 (Approve/File)
2. Standing Committee Meetings: B&F 06/28/11, B&F 07/07/11 (under separate cover)

Items to be added/deleted from the Consent Agenda:

Councilor Verga wished to remove Item #2 under the Mayor's Report.

Councilor Verga stated that he would ask that the matter of "Review and recommendation for the disposition of real property for the Magnolia School House (Blyman School)" not only be referred to B&F but also to P&D.

By unanimous consent of the Council, the matter of the "Review and recommendation for the disposition of real property for the Magnolia School House (Blyman School)" was forwarded to both the P&D and B&F Committees.

By unanimous consent the Council agenda was accepted as amended.

Councilor Hardy then declared as in accordance with the Gloucester City Charter, §2-11(b) she wished to submit the following Emergency Preamble: "It has been declared by the Inspector of Buildings that the Lane's Cove Fish Shack is "unsafe and dangerous condition"" which she moved and **Councilor McGeary** seconded. **Councilor Hardy** noted she had provided each of the City Councilors with a copy of a letter from the Building Inspector's Office to the attention to Michael Hale (DPW Director).

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the City Council voted 7 in favor, 0 opposed, 2 (Tobey, Theken) absent that the City Council declare an emergency exists at Lane's Cove due to the Inspector of Buildings declaration that the Lane's Cove Fish Shack is "unsafe and dangerous."

With the Council's acceptance of the Emergency Preamble, **Councilor Hardy** then moved that the City Council request Mayor Kirk appoint a Lane's Cove Fish Shack Building Committee on or before July 15, 2011 to address the urgency associated with the Lane's Cove Fish Shack", which was seconded by **Councilor Ciolino**.

DISCUSSION:

Councilor Hardy offered by way of background that the building committee needs to be formed in a timely manner so as to address the Inspector of Building's determination that due to the lack of maintenance the structure, known as "The Fish Shack", located at Lane's Cove in Lanesville, Map 142, Lot 38 has become unsafe and dangerous. **It** is hoped that the committee will work with the neighbors of Lane's Cove and submit a plan to the Inspector of Buildings to remedy this condition. She requested Mayor Kirk appoint the following to be the seven members of the Lanes Cove Fish Shack Building Committee:

Inspector of Buildings, William Sanborn
DPW Director, Michael Hale
Facilities Manager, Jim Hafey
Conservation Agent, Lisa Press
2 members of the Lanes Cove neighborhood
1 member at large

MOTION: On motion by Councilor Hardy, seconded by Councilor Ciolino, the City Council voted 7 in favor, 0 opposed, 2 (Tobey, Theken) absent, that the City Council request Mayor Kirk appoint a Lanes Cove Fish Shack Building Committee on or before July 15, 2011 to address the urgency associated with the Lanes Cove Fish Shack.

Committee Reports:

Ordinances & Administration Committee: There was no meeting of the O&A Committee due to the July 4th holiday.

Planning & Development Committee: The regularly scheduled meeting of the P&D Committee for July 6th was cancelled and the next regularly scheduled meeting takes place on July 20th at 6:00 p.m.

Budget & Finance Committee: June 28, 2011

Councilor Curcuru related there were no motions to come forward from the 6/28/11 Special B&F meeting which preceded the regularly scheduled City Council meeting of that evening; that all motions from that special meeting were taken up at the Council meeting at that time.

July 7, 2011 B&F Meeting:

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Financing recommended to the City Council the extension of the date of the petition before the City Council related to the resurfacing of Crowell Avenue for the purpose of resurfacing of a private way known as Crowell Avenue extended to a date no later than by July 26, 2011.

Discussion:

Councilor Curcuru commented that this matter will come before the Council at a public hearing anticipated at their July 26th meeting. However, because the date requirement would have been exceeded under the Gloucester Code of Ordinances Sec. 22-80 et. seq. for this petition, the B&F Committee is seeking an extension in order to bring the matter before the Council at their next regularly scheduled meeting.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 7 in favor, 0 opposed, 2 (Tobey, Theken) absent, to grant the extension of the date of the petition before the City Council related to the resurfacing of Crowell Avenue for the purpose of resurfacing of a private way known as Crowell Avenue extended to a date no later than by July 26, 2011.

Councilor Curcuru noted there is a public hearing scheduled for the July 26, 2011 City Council meeting regarding the resurfacing of Crowell Avenue.

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 under MGL c. 44, §53A to accept a grant for \$8,000.00 from the Bruce J. Anderson Foundation for the funding of the City Hall WPA Mural Restoration.

Discussion:

Councilor Curcuru explained to the Council this \$8,000 grant will enable the Committee for the Arts to move forward with the restoration of some of the Charles Winter WPA murals in City Hall. The Committee for the Arts is continuing their funding efforts to move forward with the restoration of all City Hall murals as well to preserve them for future generations. He extended his congratulations to the Committee for the Arts, in particular Dale Brown and Judith Hoglander, for their efforts on the preservation of these City treasures. **Councilor Ciolino** asked after the study is done will the murals under the stage be removed and properly stored in order to preserve them. **Dale Brown**, Committee for the Arts explained the grant tonight is to restore some of the murals mounted on the walls [of City Hall. There are some additional murals under the Kyrouz Auditorium stage. Their Committee is very aware of them and on one single occasion they very carefully removed them to be viewed and then placed them back. Their sense is that the best thing is to leave them where they are until someone is prepared to have a professional look at them which would be useful but is not a part of what this grant is for. **Councilor Ciolino** thought they should at some point remove the murals to be stored elsewhere more appropriate in order to preserve them.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 7 in favor, 0 opposed, 2 (Tobey, Theken) absent, under MGL c. 44, §53A to accept a grant for \$8,000.00 from the Bruce J. Anderson Foundation for the funding of the City Hall WPA Mural Restoration.

Councilor Hardy recalled there was a discussion at B&F regarding the situation of the murals under the Auditorium stage. **Councilor Curcuru** stated there was a motion made at their meeting to have a request sent to the Mayor to create a policy with the Committee for the Arts and the Administration as to how to secure the murals under the Auditorium stage. **Councilor Hardy** added a request through the Clerk of Committees on behalf of B&F was submitted to the Mayor to create a policy with the Committee for the Arts and the Mayor's office as to who will have access to the murals, where and how they should be stored, how often they should be taken out, etc.

Public Hearings:

1. **PH2011-036: SCP2011-001: Decatur Street #14, GZO §5.2 Earth Fill and Removal Regulations (Cont'd from 6/14/11)**

Linda T. Lowe, City Clerk announced the Council was in receipt of a letter from the applicant's representative, Frederick J. Geisel, PE, asking for a continuation of this public hearing until July 26, 2011 because further testing still needs to be done.

This public hearing is opened and continued to July 26, 2011.

2. PH2011-038: SCP2011-003: Dolliver's Neck Road #9, GZO Sec. 5.5.2 and Sec. 5.5.3 (Cont'd from 06/21/11)

This public hearing is opened.

Those speaking in favor:

Robert Griffin, P.E., Griffin Engineering Group LLC spoke for the applicants, Albert and Betty N. Ellis, Trustees of 9 Dolliver's Neck Road Realty Trust regarding the application for a Special Council Permit. The application is for a reconstruction of an existing guest house at 9 Dolliver's Neck Road on a 3.3 acre parcel. The guest house has a footprint of approximately 480 sq. ft. Because it is replacing an existing structure they are not increasing the lot coverage. The guest house has been there since approximately 1930 and is in bad shape. It will not trigger any septic improvements nor require any fill. They have a foundation design which complies with all the flood regulations. They already have a conservation permit for the project. **Councilor Hardy** asked Mr. Griffin for clarification that they were not asking the City Council for permission to rebuild the guest house; but were asking permission for a Lowlands Permit. **Mr. Griffin** confirmed that was the case. He added the location of the guest house is below elevation of 10 ft. so they will reconstruct the foundation within that elevation and that is what triggered the need for this permit. At **Councilor Hardy's** request, **Mr. Griffin** pointed out to the Council on a site map the location of the guest house and the existing residence also on the property, north of the proposed guest house. He also pointed out where the portion of the foundation of the guest house was below elevation, at 9.7 ft. at its lowest point which triggered the need for this particular permit application.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor McGeary noted it appeared that a very small portion of the guest house was below elevation of 10 ft. and asked about the percentage of the structure that is below the 10 ft. elevation. **Mr. Griffin** stated it appeared to him to be less than 25% of the structure is below an elevation of 10 ft. He reiterated, on further inquiry by **Councilor McGeary**, that the approximate square footage of the guest house footprint is 480 sq. ft. Councilor McGeary suggested that would mean approximately 125 sq. ft. is below the 10 ft. elevation then which **Mr. Griffin** agreed. **Councilor Hardy** asked how many primary houses are on the lot when completed. **Mr. Griffin** stated only one. **Councilor Hardy** believed the regulations say that there is 110 gallons per day per bedroom allowed (for sewer) which **Mr. Griffin** confirmed. She asked if there would be four bedrooms in all. **Mr. Griffin** explained in total there are four bedrooms. The current guest house has one bedroom and the proposed guest house will have one bedroom also. They are not triggering an increase in bedrooms on the site. On further inquiry by **Councilor Hardy**, **Mr. Griffin** noted the guest house is a completely separate dwelling. The guest house will be reconstructed in the same place as it currently exists. **Councilor Hardy** confirmed there would be no more than four bedrooms with **Mr. Griffin** and that the current [sewer] system is approved to handle four or five bedrooms. **Mr. Griffin** didn't recall if was approved for four or five bedrooms but did know there was no change in number of bedrooms it supported (four).

This public hearing is closed.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant a Special City Council (SCP2011-003) Lowlands Permit pursuant to §5.5.3 of the Gloucester Zoning Ordinances to Albert Ellis and Betty N. Ellis, Trustee for the property at 9 Dolliver's Neck as shown on Assessors Map 201, Lot 64 for the purpose of constructing a guest house within the footprint of the existing structure and complies with §1.8.3 as in the application submitted and as shown on Locus Plan by Griffin Engineering Group, LLC of Beverly, MA dated 5/5/11 and is in harmony with the general purpose and intent of the ordinance.

Councilor Ciolino asked the Council to amend the main motion by friendly amendment to insert the statement "§5.5.2" after the words "pursuant to" which the Council assented to by unanimous consent.

DISCUSSION:

Councilor Hardy read §5.5.2: “No building permit for a principal building shall be issued for construction on land less than 10 feet elevation above U.S.G.S. datum except on approval of a Special Permit for an exception by the City Council. Such Special Permit shall be issued only if it is demonstrated by the applicant that the proposed development will pose no hazard to the health or safety of the occupants thereof.” And §5.5.3: “Without limiting the generality of the foregoing, the following are presumed to be hazardous to health and safety: (a) Floor level of any structure for human occupancy less than 12 feet elevation; (b) Individual sewage disposal systems subject to inundation in the event of coastal flooding to ten feet elevation; (c) Methods of filling or excavation subject to displacement by coastal flooding to ten feet; (d) Water supplies subject to interruption or contamination in the event of coastal flooding to ten feet elevation.” **Councilor Ciolino** went on to say that the Committee found that the first floor of the proposed guest house will be at an elevation of 12 ft. or greater. The guest house will be connected to the existing septic system which is at an elevation of 10 ft. or greater; and therefore not subject to inundation during a 100 year storm event. The guest house will be connected to the municipal water system and will not be subject to interruption or contamination in the event of coastal flooding. Finally, the Committee found that there will be no fill or excavation subject to displacement by coastal flooding. The project complies with the Wetlands Protection Act and is designed in such a way as to pose no risk to the health and safety of wildlife. It is also in compliance with GZO §1.8.3 as shown by the applicant’s representative and by determination of the P&D Committee.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 2 (Tobey, Theken) absent, to grant a Special City Council (SCP2011-003) Lowlands Permit pursuant to §5.5.2 and §5.5.3 of the Gloucester Zoning Ordinances to Albert Ellis and Betty N. Ellis, Trustee for the property at 9 Dolliver’s Neck as shown on Assessors Map 201, Lot 64 for the purpose of constructing a guest house within the footprint of the existing structure and complies with §1.8.3 as in the application submitted and as shown on Locus Plan by Griffin Engineering Group, LLC of Beverly, MA dated 5/5/11 and is in harmony with the general purpose and intent of the ordinance.

3. PH2011-042: SCP2011-004: Gloucester Crossing #1 and #341, (Petco) GZO Sec. 2.3.2(9) Animal Hospital and Sec. 2.3.4(6) Animal Grooming

This public hearing is opened.

Councilor Curcuru stated that under MGL c. 268A he disclosed has a cousin who is a pet groomer but will fully participate in this hearing now opened.

Those speaking in favor:

Attorney Deborah Eliason, 63 Middle Street spoke as a representative of the applicant, Petco Animal Supplies Stores, Inc. d/b/a Petco Animal Supplies and Fish (“Petco”). With her was Ellen Davignon, District Manager of Petco. Petco has entered into a lease with Gloucester Commons, LLC for a portion of building #C located at the Gloucester Crossing Shopping Center, which she noted on the site plan shown to the Councilors and oriented them to it as to where the building was located in relation to Rt. 128 and other buildings such as the Ace Hardware Store and Marshall’s; a merchandising plan and an elevation plan showing this to be the last building that has been constructed thus far in that section of Gloucester Crossing. It is a peaked roof with a section of the flat roof. They are before the Council seeking a Special Council permit for a grooming facility and the veterinary clinic. These are the only permits before the Council. There is no further zoning relief required for Petco to locate its retail store at Gloucester Crossing as they are allowed by right under the City Council Permit that was issued for Gloucester Crossing Shopping Center. The grooming facility will be open during store hours and will encompass only 685 sq. ft. of the store (approximately 7% gross sq. footage). She pointed out the grooming facility on the floor plan. The veterinary clinic will be held intermittently at the store. It utilizes a portion of the existing store and does not have any exclusive space within the store. It will likely be located at the back of the store. She pointed out an aisle on the merchandising plan for where a queue can form. There will be two tables outside of the back room door for processing. Inside of the back door is where the micro-chipping and vaccinations would take place, outside of the presence of the retail public. The grooming facility and the veterinary clinic satisfy the standards under section 1.8.3 of the Zoning Ordinances; that is the uses will not have adverse affects which overbalance the beneficial effects on the neighborhood or the City.

All of the grooming in their facility is done by Petco staff. Customers will not be allowed in the grooming area. She pointed out a larger view of the grooming facility to the Council showing the entrance, noting that the area is completely separate from the retail area. The customers will walk into a reception area and not be allowed to go

beyond that. There is a wash facility in the back; there are kennels where the animals will stay while they are awaiting grooming services and after they are groomed; and there are grooming tables that are also outside of the public area. Services are provided only to dogs and cats. Water is available for the animals at all times; and the animals are checked every fifteen minutes by the grooming staff. In addition, a Petco store manager has routine rounds during his or her store check to check on the kennels. All animals that are groomed there must be up to date on their vaccinations; and Petco notifies their customers when their vaccinations are due.

They anticipate the vet clinic at this location will take place once a month, may increase to once every two weeks if a need arises. Only dogs and cats, the attorney reiterated, are provided services at this clinic. Clinics, she explained, are typically one to two hours long, generally on the weekends. They expect to see 12-25 patrons at each clinic. Generally, there won't be more than 8 or 9 people waiting in line. The tables will be set up at the back of the store and the processing will be outside of the public view. No emergency exists will be blocked by the clinic staff or patrons utilizing the clinic; and aisles will remain open for passage. Services offered will be common vaccinations, some diagnostic testing and micro-chipping identification. Petco's experience is that people who come to the clinic are typically people who do not have a regular veterinarian or who would not otherwise get their pets routinely vaccinated for whatever reason that may be. She stated they do not have any documentation to show that; they don't collect that type of data. The information had been provided to them by people who staff the clinics over many years all over the country in their conversations with people who use the clinics; they've learned that this is typically the case. The veterinary clinic provides another opportunity to keep pets healthy. It provides a safety net for the pets and their owners. If the health check done by a Massachusetts licensed veterinarian determines that the animal is sick, a referral is made to a full-service vet or a vet hospital. This provides a service to the community as a whole and promotes healthy animals. They provided for the Council packet prior to the meeting Petco's vet clinic process. That was requested by Councilor Verga, and **Attorney Eliason** outlined them as follows:

- Vaccinations are given by a licensed Massachusetts veterinarian;
- They first approach local vets and ask them to service the clinic giving many pet owners an introduction to their local practice;
- Petco will also need a vet for its in-store animals and likes to hire a local vet for those services;
- Prior to a vaccination being given a health check is done. It is not a full medical exam nor do they represent it as such. It is an examination to determine if the animal is healthy enough for the vaccination and is a visual examination of the nose, mouth, throat, head, ears, eyes, chest, skin and coat, and body structure of the animal. The vet may ask the pet owner if there is any health history that the vet needs to know about if they think that is a concern. If the vet determines that there is a health concern, he or she will refer the pet to the owner's regular vet or a full service veterinary hospital where the pet will get full medical attention. If there is a concern and if that animal is not healthy enough to receive the vaccination, that animal will not be vaccinated. **Attorney Eliason** pointed out they have received complaints from pet owners whose pets were not vaccinated because of their health. She reiterated the vet would refer the pet owner to a licensed Massachusetts veterinarian if they don't have their own regular vet, they would refer them to the veterinarian that services Petco.
- Original records are kept with the vaccination provider; and the pet owner is given a copy. There are digitized records that are also available on line for pet owners. There is a phone number on their brochure so that if the pet owner has lost their records, that they can call the provider and obtain another copy; and in addition, Petco has that number.
- Rabies certificates are sent to the municipality where the animal lives as is required by MA law.
- This is not intended to be a full clinical health exam. Their brochure and a notice posted at the clinic states, "Vaccinations and wellness services offered in PETCO stores are not intended to replace your pet's annual veterinary examinations". **Attorney Eliason** added this provides an alternative; a choice for people who don't have a regular vet, for whatever reason that may be.

Attorney Eliason stated for the record the §1.8.3 criteria are: Social, economic and community needs are served by these uses proposed by Petco. They provide a significant boost to the amenities currently available to City residents at Gloucester Crossing. The veterinary clinic and grooming facility are an integral part of the Petco prototype for its stores and will provide a useful service for people patronizing the shopping center. While the customers are using the grooming facilities, they patronize other businesses there and may also venture to downtown or other local businesses locations while waiting for their pets to be groomed. The closest full service Petco store to Cape Ann is in Peabody.

The local economy will benefit by drawing patrons from neighboring communities to Gloucester. The vet clinic will also encourage people to vaccinate their animals on a routine basis, which is a benefit to the community to have

healthy animals on the whole. Petco also expects to employ approximately 24 full- and part-time employees with an estimate of 40% of those employees will be full time. Petco will hold a job fair in the City when it is ready to hire employees and will advertise openings in the Gloucester store in local papers. They provide training to their employees so they can acquire a higher skill level and can move throughout the company beyond entry level positions. She noted Ms. Davignon, a Petco District Manager started at an entry level position with Petco 15 years ago. Providing those opportunities for advancement is an important aspect of their business, and one that will greatly benefit the citizens of Gloucester. Petco is also involved in the community it serves. It is already "reached out over the bridge" to Cape Ann through its grant program. Petco has raised over \$9,000 for Cape Ann Animal Aid since 2008. The Petco Foundation partners with about 7,000 non-profit animal welfare groups nationally to provide resources so they can continue their programs. For the past 20 years it has provided \$70 million to that program. Traffic issues: Those issues were comprehensively vetted during the Special Permit process for Gloucester Crossing. They don't anticipate the veterinary clinic or grooming facility will do anything to add to those traffic and safety concerns.

Utilities: Utilities and other public services will be provided by Gloucester Crossing and were also comprehensively detailed and vetted during the Special Permit process for Gloucester Crossing. There will be no additional demand for utilities because of the vet clinic and/or the grooming facility. Neighborhood character and social structure are appropriate for these proposed uses. The vet clinic and the grooming facility will not affect the neighborhood or social structure in any way that was not anticipated and approved. The veterinary clinic and grooming services will be entirely inside the retail store. The uses are compatible with the other commercial uses in Gloucester Crossing.

The qualities of the natural environment: These were looked at in detail and extensively reviewed by the Council. The vet clinic and grooming facility will not affect those qualities in any way. Dogs are required to be leashed at all times; and free waste clean up bags is available at several locations throughout the store.

Fiscal Impact: The potential fiscal impact of Petco is positive. The establishment of a retail store with the associated grooming facility and the vet clinic will add tax revenue to the City; bring increased economic activity to the City. New employment opportunities, both full and part time, will be created. There is no increase in the demand for City services. Income from real estate and personal property taxes will increase at Gloucester Crossing as it becomes more tenanted.

The P&D Committee made certain conditions in their recommendations; and Petco agrees to comply with all of those conditions. They have received a sign off dated July 12, 2011 from the Board of Health (on file) on their waste storage and disposal process. The Board of Health spoke with several Board of Health's' where Petco stores are located in other jurisdictions and found that the protocols that were suggested were in keeping with best practices for the same types of stores. The Board of Health asked for additional recommendations adopted; and Petco will agree to those additional recommendations. A copy of the Board of Health letter was submitted to the Council earlier in the day (on file). She then read the additional recommendations for the record:

- "That any animal illnesses or deaths that are found to be due to communicable disease be reported immediately to the Health Department and Animal Control Officer;
- That any wet-cleaning of cages occur within the premises and not take place outside of the building;
- That the Animal Control Officer will be contacted immediately should there be an accidental release of animals exterior to the building;
- Should conditions change such that, animals not listed in the current protocol are introduced for sale, the Health Department and Animal Control Officer are notified and a revised protocol document is submitted."

Attorney Eliason stated they agreed to all these conditions and will meet them.

Councilor Hardy stated to be clear for the record they agree to make these conditions of the permit. **Attorney Eliason** replied, "Yes".

Attorney Eliason briefly addressed some of the opposition that had been filed regarding the vet clinic. She noted the opposition appears to state that the services to be provided by the vet clinic are substandard care and illegal. She wished to emphasize that the care that would be provided is provided by MA licensed veterinarians. She reiterated they look to the local veterinarians to provide those services and had no reason to believe that no local veterinarian provides services that are illegal or that are not up to the standards of their profession. There are 33 Petco stores in Massachusetts that have these clinics at least once a month. Petco has been operating these clinics across the country for over 20 years. Neither the MA Veterinary Licensing Board nor the MA Veterinarian Medical Association or the Attorney General's office has shut these clinics down. If the vet clinic operation was illegal it would be shut down now. She felt they were the experts; and is the agencies that are charged with enforcing the law with a guide to vets in veterinary practice. She stated neither the Council nor she were experts as to what standards should be applied. She believed it is the responsibility of those agencies to make sure the MA veterinarians comply with the standards and the law. City Council is required to determine that this is an appropriate location for this

clinic. Petco requires the clinics to comply with the law. Petco is concerned about some of the allegations made by Dr. [Anne] Lewis regarding the allegations about Petco's Peabody store and are investigating those allegations "seriously". She pointed out that neither Petco nor its vaccination provider has received any inquiries or complaints from the Veterinary Medical Association, the Licensing Board or the Attorney General's office. Further, they are not under investigation. She believed this veterinary clinic is "a good thing" and gives pet owners an option and an alternative.

For the record, **Attorney Eliason** stated the relief they are requesting is that Petco requests the City Council grant a Special Permit under §1.8.3 and under §2.3.2(9) to allow for the operation of a veterinary clinic within the Petco retail store to be located at Gloucester Crossing; and also under §1.8.3 and §2.3.4(6) for an animal grooming facility within the Petco store located at Gloucester Crossing and find that the proposed uses meet the criteria of the zoning ordinance under §1.8.3.

Those speaking in opposition:

Dr. Anne L. Lewis, DVM, The Cat Doctor, 276 Main Street felt the veterinarians on Cape Ann work hard to uphold the standard of veterinary care; it is mandated in their veterinary practice that a thorough physical exam be done on a pet. They do make an exception for a pet vaccinated for rabies vaccines because it is a public health issue. She noted that she observed the Peabody Petco clinic feeling the exam that is given is a "flash of the eyes", which she also believed did not cause medical records to be created. She noted in their Council packet she submitted (on file) a form given to her office from an owner who had taken her cats to Petco. She pointed out there was nothing checked off under "physical exam". She contacted the Executive Director of the MA Veterinary Association reporting what she saw. Their reply was also submitted which indicated they thought it needed investigation and if necessary would go the Attorney General. She also expressed her concern that pet owners look at their animal as this exam is being done and think because the animal to the eye looks OK, they're fine. She contended in her 32 years in practice that she has found a lot of early signs of illness that she addresses right away that would have been to the detriment of the animal believing pet owners don't realize that. The pet owners think if the animal looks good, has their shots and they're good for another length of time. She felt they need to do better than that on Cape Ann. She suggested perhaps time should be taken to let these things be investigated and that reports come back from the MA Veterinary Medical Association, from the Veterinary Board and then consider moving forward if they believe it is all right.

Ray Cahill, DVM, SeaPort Veterinarian Hospital, 100 Eastern Avenue expressed his agreement with Dr. Lewis. From a professional view of vets on Cape Ann, he noted it gets difficult when they're up against clients seeking out a vaccine that they think is health care delivery, which he stated it is not. Perhaps it is a question of education of the public, he suggested; but they can do better. In reply to Councilor Verga in an email exchange Dr. Cahill noted there is no official stand by the State Boards on these types of clinics that he is aware of. He hoped the Council considers their concerns. He felt there is a better way to maintain the care of cats and dogs on Cape Ann.

Julie Pantages, Best In Show Grooming, 31 Lexington Avenue expressed her opinion that Petco has a high turn over of groomers. She has been in business for seven years and noted others in business such as hers in the area have been in the grooming business longer than that. This may not affect their current clients, she stated, but believed they will not be able to compete with the Petco prices. She employs three part time groomers and stated they take pride in their business and the City.

Rebuttal:

Attorney Eliason noted the vet clinic is a zoning special permit. The issue before the Council is whether this is an appropriate location for that permit. They are concerned with the welfare of the animals; and there are a very dedicated groups and licensing boards that can address any of those issues. Dr. Lewis' allegations were forwarded to the MA Veterinary Medical Association approximately one month ago. Petco has not heard anything from them nor has the vaccination provider. Dr. Cahill pointed out that in his correspondence to the Board to the Council that Dr. Lewis did have a pet vaccination done that day; and she was concerned about a harm being done to that pet. Further, the attorney expressed certainty that if Dr. Lewis had a concern then she should have not allowed the vaccination to be done. With regard to the grooming, any new businesses that comes in there will be competition. It is free enterprise. There is an assumption that Petco will be undercutting prices on grooming and was unsure that this was a valid assumption. Their goal is to provide a competitive service, as with any business; and will likely have pricing similar to the Peabody store, she had been informed. In looking at those pricings, she explained Petco would charge \$48 for a bath and a brush for a setter, the breed of dog she owns. What she called a "wash, cut and blow dry plus nails" is \$35. She did not believe the intent was to undercut the local prices but to be competitive. She again asked the Council to approve both of these permits.

Rebuttal to Rebuttal:

Dr. Lewis stated as a correction that Dr. Cahill was misinformed. She did not take her own dog to be vaccinated there nor would she; she went simply as an observer.

Communications:

In opposition:

Anne L. Lewis, DVM, The Cat Doctor, 276 Main Street with attached email communications from MA Veterinary Medical Association and copy of presentation (previously on file) before the Planning & Development Committee; Donna Heaney, DVM, 7 Dr. Osman Babson Road via email; Christopher Lewis, Gloucester resident statement before P&D Committee (previously on file); Susan Giglio, owner of Animal Crackers, 232 Main Street; Ray Cahill, MS, DVM, SeaPort Veterinary Hospital, 100 Eastern Avenue

Questions:

Councilor Whynott stated that during the P&D meeting he expressed the fact that he would like to see that any dogs that were vaccinated for rabies that are from Gloucester that they need to have a vaccination (rabies) record sent to the City Clerk's office. **Attorney Eliason** responded she had investigated that issue since they met. In fact, it is required by law. Whatever city or town the pet resides in receives a record of the rabies vaccination. The record would be sent to the City Clerk's office. It would be done and is a part of their protocol. **Councilor Ciolino** wished to clarify for the Council that Petco is before them to get permission to open a veterinary clinic which is the purview of this Council and **Attorney Eliason** confirmed. **Councilor Ciolino** continued stating this Council does not have purview over the type of veterinary medicine practiced that is taken care of by the State and asked if he was correct, which **Attorney Eliason** also agreed. **Councilor Ciolino** reiterated that is all the Council has in front of them [the permitting issues]. If there is a complaint against the services, that complaint should go to the State because they license the vets. **Attorney Eliason** confirmed that is the case also. **Councilor Ciolino** noted the Board of Health submission. One of the matters they had discussed at P&D was how animal waste was to be disposed of and wondered if he was missing that in this document. **Attorney Eliason** noted the document was provided by her, Petco's outline of what the process was going to be. The Board of Health approved Petco's process and added some conditions to that. In their process waste is collected daily from the animal cages and placed in trash receptacles and then is placed in an outside covered dumpster which is emptied on a minimum of a weekly schedule. The Board of Health approved this process. **Councilor McGeary** asked that with the additional Board of Health recommendations could perhaps be added and read into the record. **Councilor Hardy** inquired if they had been introduced at P&D. **Councilor Ciolino** noted they had been asked for, for tonight. He pointed out the last condition of the motion which encompassed it, but if there are more details, they should incorporate that into the motion as further conditions.

The "Petco Animal Waste Disposal protocol for the retail store at Gloucester Crossing was read into the record by Attorney Eliason as follows:

Petco Animal Supplies Stores, Inc. D/B/A Petco Supplies & Fish ("Petco") Animal Waste Disposal Protocol for Retail Store at Gloucester Crossing:

Per the request of the Planning & Development Committee of the City Council, set forth below is an outline of the general waste disposal procedure that will be followed by Petco staff at the Gloucester Crossing Petco retail store:

- Animal waste is collected daily from the animal cages of the small animals that are housed at the Petco store. Petco houses small companion animals, such as ferrets, mice and hamsters, as well as, reptiles, amphibians, fish and birds. No cats or dogs will be housed or sold out of the Petco store in Gloucester Crossing;
- The waste from in-house animals is deposited into a trash receptacle that is then placed into a dumpster located outside of the store. The dumpster is covered and is emptied, at a minimum, on a weekly schedule;
- Animal Waste cleaning stations are located throughout the store for the use by staff and customers. Each station includes paper towels, pet waste disposal bags and a cleaning disinfecting spray. If an animal defecates or urinates while in the store, the customer and staff have supplies ready to clean the floor immediately. The same supplies are available in the grooming facility and during the vet clinic operations. Upon cleaning, the waste is deposited in trash receptacle and then deposited into the dumpster by staff;
- The floors of the Petco store are cleaned by a floor care service contractor on a weekly basis. Store personnel are responsible for spot cleaning as needed in the interim.
- Petco also partners with a Massachusetts licensed veterinarian to care for its in store animals. Its preference is to hire local veterinarians if they are interested. Deceased animals are handled in consultation with the veterinarian and a third party contractor is hired to collect and appropriately dispose of deceased animals. The contractor holds all necessary licenses and disposes of deceased animals in accordance with all federal, state and local laws.

Attorney Eliason then submitted a copy of Petco's Waste Disposal protocol to the Council for the record.

Councilor Hardy suggested a change to the Board of Health's letter dated July 12, 2011 for the first additional condition on that letter by inserting at bullet #1, "That any animal illness or deaths that are found to be due to communicable disease be reported "in writing immediately to the Director of the Gloucester Board of Health and Animal Control Officer,". The Councilor felt this needed to be "desk specific" and asked they be included in the conditions with Councilor Ciolino's assent. **Councilor Curcuru** noted that earlier the attorney had indicated Petco had signed a lease which **Attorney Eliason** stated it was her understanding. He asked if there was any contingency on this passing. **Attorney Eliason** responded she was not involved in the leasing process and didn't know. She did know that the vet clinic and the grooming facility are an integral part of the Petco business model and would have to seriously consider what they would do. She explained she was not involved in the negotiations on the lease and did not know the terms of it.

This public hearing is closed.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant a Special Council Permit (SCP2011-004) pursuant to §1.8.3 and §2.3.2(9) to Petco Animal Supplies Stores, Inc. dba Petco Supplies and Fish at Gloucester Crossing Shopping Center, building C as shown on Assessors Map #226, Lot 13, to operate a veterinary clinic as shown on Site Plan #MP10-02.2 as rendered by LandStrategies, LLC of Boston MA dated 06.January.11 also shown as "SITE PLAN" and is in harmony with the general purpose and intent of the ordinance with the following conditions:

1. A copy of the rabies shots given shall be sent to the City Clerk's office for all Gloucester dogs;
2. The applicant shall actively recruit on Cape Ann for all open staff positions;
3. The applicant shall make such efforts as advertising jobs in the local Gloucester newspapers and have a job fair in Gloucester for Cape Ann residents to be hired by this Petco store location;
4. The applicant shall have a Board of Health review for their sign off on the method by which animal waste is held and disposed of and completed review shall be filed in the City Clerk's office with the Special Council Permit.

Councilor Ciolino noted the 4th condition was in reference to the July 12, 2011 letter signed by Max Schenk, Interim Director of the Gloucester Health Department and also the other document, the Petco Waste Disposal Protocol. He asked the Council to amend the main motion by friendly amendment as follows:

Correcting a typographical error in this motion showing the Assessor's Map to be #226 which should read #262 and also that there be two additional conditions - the extra conditions asked for by the Board of Health in their July 12, 2011 letter signed by Max Schenk, Interim Director of the Gloucester Health Department and also the inclusion of the Petco Waste Disposal Protocol as another condition; all of which was assented to by the Council by unanimous consent.

Councilor Ciolino then expressed that this Committee found the veterinary clinic to be good for that site. He noted that while many feel the medical attention will not be as good as private practice; that is up to the State to determine. As to the competition aspect, they were all here for the permitting of Gloucester Crossing, and they've all had experience with hearing that DeMoulas would put Shaw's and Stop and Shop out of business; but it was not the case. As a businessman downtown, he believed Gloucester Crossing takes away from Peabody and Danvers more than it does from in town. These are people who don't shop Gloucester anyway and shop these types of stores. He felt this was a good move and comes at a point where jobs are desperately needed in Gloucester. There will be about 15 people hired; and they also provide opportunity and urged them to vote for it. **Councilor Whynott** noted unlike taxis and limousines that are a regulated industry, and can look at need and necessity before they let someone else come in and do business in the City, this is not a [city] regulated industry. They have to let the market decide. When the Mom and Pop grocery stores competed against the supermarkets, some survived; some didn't, but had to let the market make that determination. By their estimates, there are over 3,000 dogs in Gloucester, yet only 1,800 get licensed. When dogs are licensed, they know they've had their rabies shot because they get it from the vets and Petco. People find licensing dogs to be onerous financially. However, rabies shots are important. The Councilor also noted there has always been competition among the medical profession as well. He recalled when the AMA opposed chiropractors yet now they are accepted. He told of his own dog when it acts differently he calls his own vet, or calls his own groomer for his pet which would not change. He could not vote against Petco because it caused competition. **Councilor Verga** noted what it comes down to is this an appropriate place for a clinic not what they're

going to do there. Then it comes down to competition. Likening it to his jokingly wishing the State would not issue new real estate licenses (the Councilor is a real estate agent by profession), but they won't. It is up to the State to decide if the veterinary clinic is being done correctly or not. Like Councilor Whynott, he has two dogs and will stick to where he is currently going which is local. **Councilor Mulcahey** noted when someone puts in a new building and a new business comes in, especially this type of business, she prefers them bring the business first and bring the permits forward for the extra services afterward. While she thought Petco was an opportunity for jobs in the community, she expressed she was unsure with the veterinary services feeling uncomfortable with a veterinarian being in the Petco. If it was just the store she would vote for it. **Councilor Hardy** would be voting in favor of this. She also has a pet, a schipperke, and will continue to take it to her vet as she always has. She is the groomer for her pet, Fenway. The Councilor was in support of this. She had yet to vote against something because it creates competition for another business. She was looking forward to having the competition in the City with perhaps a stabilization of pricing as a result. Petco does more, other than vet services, that they'll be able to provide. She may stop there for a toy for her pet. She would support this; she did not feel competition is a bad thing and that she looks forward to seeing new jobs in the City. She also expressed her hope that many of those new hires will be Gloucesterites.

Councilor Ciolino added that this permit meets the criteria set out in §1.8.3 of the Gloucester Zoning Ordinance in that the veterinary clinic will:

1. Meet the social, economic and community needs in that this will bring a viable business to Gloucester, create jobs and provide a service that will serve the needs of the pet-owning community;
2. Will not have an adverse impact on the traffic flow and safety as this will be located within the Gloucester Crossing Shopping Center which was designed and permitted to accommodate this type of retail service business;
3. The existing public utilities are sufficient to meet the needs of the business. The business is moving into a newly designed and constructed shopping center which was permitted and constructed to accommodate additional retail/service businesses;
4. The business will serve the needs of the neighborhood and benefit the social structure as it is located within an existing shopping center which will benefit from additional customer traffic;
5. The business will not have a negative impact on the qualities of the natural environment as it will be located in an existing shopping center; and
6. The business will have a positive fiscal impact as jobs and tax dollars will be generated from additional economic activity in the community.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the City Council voted BY ROLL CALL 4 (McGeary, Whynott, Verga, Ciolino) in favor, 3 (Hardy, Curcuru, Mulcahey) opposed, 2 (Tobey, Theken) absent to grant a Special Council Permit (SCP2011-004) pursuant to §1.8.3 and §2.3.2(9) to Petco Animal Supplies Stores, Inc. dba Petco Supplies and Fish at Gloucester Crossing Shopping Center, building C as shown on Assessors Map #262, Lot 13, to operate a veterinary clinic as shown on Site Plan #MP10-02.2 as rendered by LandStrategies, LLC of Boston MA dated 06.January.11 also shown as "SITE PLAN" and is in harmony with the general purpose and intent of the ordinance with the following conditions:

1. A copy of the rabies shots given shall be sent to the City Clerk's office for all Gloucester dogs;
2. The applicant shall actively recruit on Cape Ann for all open staff positions;
3. The applicant shall make such efforts as advertising jobs in the local Gloucester newspapers and have a job fair in Gloucester for Cape Ann residents to be hired by this Petco store location;
4. The applicant shall have a Board of Health review for their sign off on the method by which animal waste is held and disposed of and completed review shall be filed in the City Clerk's office with the Special Council Permit.
5. Gloucester Board of Health additional requirements:
 - That any animal illnesses or deaths that are found to be due to communicable disease be reported in writing immediately to the Director of the Board of Health and Animal Control Officer;
 - That any wet-cleaning of cages occur within the premises and not take place outside of the building;
 - That the Animal Control Officer will be contacted immediately should there be an accidental release of animals exterior to the building;

- **Should conditions change such that, animals not listed in the current protocol are introduced for sale, the Health Department and Animal Control Officer are notified and a revised protocol document is submitted.**
6. **Petco Animal Supplies Stores, Inc. D/B/A Petco Supplies & Fish (“Petco”) Animal Waste Disposal Protocol for Retail Store at Gloucester Crossing:**
- **Animal waste is collected daily from the animal cages of the small animals that are housed at the Petco store. Petco houses small companion animals, such as ferrets, mice and hamsters, as well as, reptiles, amphibians, fish and birds. No cats or dogs will be housed or sold out of the Petco store in Gloucester Crossing;**
 - **The waste from in-house animals is deposited into a trash receptacle that is then placed into a dumpster located outside of the store. The dumpster is covered and is emptied, at a minimum, on a weekly schedule;**
 - **Animal Waste cleaning stations are located throughout the store for the use by staff and customers. Each station includes paper towels, pet waste disposal bags and a cleaning disinfecting spray. If an animal defecates or urinates while in the store, the customer and staff have supplies ready to clean the floor immediately. The same supplies are available in the grooming facility and during the vet clinic operations. Upon cleaning, the waste is deposited in trash receptacle and then deposited into the dumpster by staff;**
 - **The floors of the Petco store are cleaned by a floor care service contractor on a weekly basis. Store personnel are responsible for spot cleaning as needed in the interim.**
 - **Petco also partners with a Massachusetts licensed veterinarian to care for its in store animals. Its preference is to hire local veterinarians if they are interested. Deceased animals are handled in consultation with the veterinarian and a third party contractor is hired to collect and appropriately dispose of deceased animals. The contractor holds all necessary licenses and disposes of deceased animals in accordance with all federal, state and local laws.**

MOTION FAILS.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant a Special Council Permit (SCP2011-004) pursuant to §1.8.3 and §2.3.4(6) to Petco Animal Supplies Stores, Inc. dba Petco Supplies and Fish at Gloucester Crossing Shopping Center, building C as shown on Assessors Map #226, Lot 13, to operate a grooming facility as shown on Site Plan #MP10-02.2 as rendered by LandStrategies, LLC of Boston MA dated 06.January.11 also shown as “SITE PLAN” and is in harmony with the general purpose and intent of the ordinance with the following conditions:

1. A copy of the rabies shots given shall be sent to the City Clerk’s office for all Gloucester dogs;
2. The applicant shall actively recruit on Cape Ann for all open staff positions;
3. The applicant shall make such efforts as advertising jobs in the local Gloucester newspapers and have a job fair in Gloucester for Cape Ann residents to be hired by this Petco store location;
4. The applicant shall have a Board of Health review for their sign off on the method by which animal waste is held and disposed of and completed review shall be filed in the City Clerk’s office with the Special Council Permit.

Councilor Ciolino asked to amend the main motion by friendly amendment by correcting a typographical error in this motion showing the Assessor’s Map to be #226 which should read #262. He also asked for a waiving of the reading of the six criteria and the conditions which also contain the amendments which was agreed to by the Council as additional conditions for the previous motion regarding the Petco Veterinary Clinic. The Council by unanimous consent agreed to the friendly amendments. The Councilor then stated the Committee further found that the grooming facility meets the criteria under §1.8.3 of the Gloucester Zoning Ordinances for the same reasons as just enumerated for the veterinary clinic.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the City Council voted BY ROLL CALL 4 in favor (McGeary, Whynott, Verga, Ciolino), 3 (Curcuro, Hardy, Mulcahey) opposed, 2 (Tobey, Theken) absent, to grant a Special Council Permit (SCP2011-004) pursuant to §1.8.3 and §2.3.4(6) to Petco Animal Supplies Stores, Inc. dba Petco Supplies and Fish at Gloucester Crossing Shopping Center,

building C as shown on Assessors Map #262, Lot 13, to operate a grooming facility as shown on Site Plan #MP10-02.2 as rendered by LandStrategies, LLC of Boston MA dated 06.January.11 also shown as "SITE PLAN" and is in harmony with the general purpose and intent of the ordinance with the following conditions:

1. A copy of the rabies shots given shall be sent to the City Clerk's office for all Gloucester dogs;
2. The applicant shall actively recruit on Cape Ann for all open staff positions;
3. The applicant shall make such efforts as advertising jobs in the local Gloucester newspapers and have a job fair in Gloucester for Cape Ann residents to be hired by this Petco store location;
4. The applicant shall have a Board of Health review for their sign off on the method by which animal waste is held and disposed of and completed review shall be filed in the City Clerk's office with the Special Council Permit.
5. Gloucester Board of Health additional requirements:
 - That any animal illnesses or deaths that are found to be due to communicable disease be reported in writing immediately to the Director of the Board of Health and Animal Control Officer;
 - That any wet-cleaning of cages occur within the premises and not take place outside of the building;
 - That the Animal Control Officer will be contacted immediately should there be an accidental release of animals exterior to the building;
 - Should conditions change such that, animals not listed in the current protocol are introduced for sale, the Health Department and Animal Control Officer are notified and a revised protocol document is submitted.
6. Petco Animal Supplies Stores, Inc. D/B/A Petco Supplies & Fish ("Petco") Animal Waste Disposal Protocol for Retail Store at Gloucester Crossing:
 - Animal waste is collected daily from the animal cages of the small animals that are housed at the Petco store. Petco houses small companion animals, such as ferrets, mice and hamsters, as well as, reptiles, amphibians, fish and birds. No cats or dogs will be housed or sold out of the Petco store in Gloucester Crossing;
 - The waste from in-house animals is deposited into a trash receptacle that is then placed into a dumpster located outside of the store. The dumpster is covered and is emptied, at a minimum, on a weekly schedule;
 - Animal Waste cleaning stations are located throughout the store for the use by staff and customers. Each station includes paper towels, pet waste disposal bags and a cleaning disinfecting spray. If an animal defecates or urinates while in the store, the customer and staff have supplies ready to clean the floor immediately. The same supplies are available in the grooming facility and during the vet clinic operations. Upon cleaning, the waste is deposited in trash receptacle and then deposited into the dumpster by staff;
 - The floors of the Petco store are cleaned by a floor care service contractor on a weekly basis. Store personnel are responsible for spot cleaning as needed in the interim.
 - Petco also partners with a Massachusetts licensed veterinarian to care for its in store animals. Its preference is to hire local veterinarians if they are interested. Deceased animals are handled in consultation with the veterinarian and a third party contractor is hired to collect and appropriately dispose of deceased animals. The contractor holds all necessary licenses and disposes of deceased animals in accordance with all federal, state and local laws.

MOTION FAILS.

The Council recessed at 8:40 p.m. and reconvened at 8:45 p.m.

4. PH2011-042: Amended Loan Authorization #2010-09 in the amount of Six Million (\$6,000,000) Dollars

This public hearing is opened.

Those speaking in favor:

Jeffery Towne, CFO explained this loan authorization amendment is being offered because of the bids that came in on the school roof projects. The Council had authorized \$6 million which was part of the MSBA program in which the City is getting back 48.27% of all the expenditures for the five school roofs. The Rink was originally excluded and will still not eligible for reimbursement from the MSBA. Because the bids came in so much lower due to the

economic conditions, the bids were very favorable to the City; and they wanted to do this as an alternate to the bid and did so. It was originally estimated this would cost \$725,000 to \$750,000 just to do the Talbot Rink roof. But the bid alternate came in at \$499,000. The Administration is asking the Council's permission under the same loan authorization to also now redo the roof above the Talbot Rink. He reiterated this roof is not eligible for MSBA reimbursement and will be 100% at the cost to the City. With the economy of scale, it is cost effective to do this in order to take care of a vital asset, especially with all the other work they are planning with the recently authorized \$400,000 [for rink improvements]. He believed it is a good opportunity for the City, adding that B&F had given a positive recommendation.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Whynott, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council that the Order adopted by the City Council on January 13, 2011, and approved by the Mayor on January 13, 2011, be amended in its entirety to read as follows so as to include a new project to be financed:

Ordered: that the sum of Six Million Dollars (\$6,000,000) is hereby appropriated for (i) roof replacement at the Ralph B. O'Maley Middle School, 32 Cherry Street, Gloucester excluding that portion above the Dorothy Talbot Memorial Rink which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, (ii) roof replacement at the Plum Cove Elementary School, 15 Hickory Street, Gloucester, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, (iii) roof replacement at Veterans' Memorial School, 10 Webster Street, Gloucester, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, (iv) roof replacement at East Gloucester Elementary School, 8 Davis Street Extension, Gloucester, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, (v) roof replacement at the Beeman Memorial School, 138 Cherry Street, Gloucester, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, (vi) replacement of that portion of the roof above the Dorothy Talbot Memorial Rink at the Ralph P. O'Maley Middle School (the "Rink Project"), said sum to be expended under the direction of the Department of Public Works, and to meet said appropriation the Treasurer with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority:

I. MSBA Projects Eligible for Grant Funding: That portion of the total amount authorized to be borrowed by this vote for (i) roof replacement at the Ralph B. O'Maley Middle School, excluding that portion above the Dorothy Talbot Memorial Rink, (ii) roof replacement at the Plum Cove Elementary, (iii) roof replacement at the Veterans' Memorial School, (iv) roof replacement at the East Gloucester Elementary School, (v) roof replacement at the Beeman Memorial School is expected to be expended to pay costs of MSBA projects for which the City may be eligible to receive a grant from the Massachusetts School Building Authority's (MSBA) to pay a portion of such costs, that the City acknowledges that the Massachusetts School Building Authority's (MSBA) grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive be from the MSBA for the MSBA Projects shall not exceed the lesser of (1) forty-eight and twenty-seven one hundredths percent (48.27%) of eligible, approved project costs, as determined by the MSBA; that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA, and

II. Rink Project Not Eligible for Grant Funding: That portion of the total amount authorized to be borrowed by this vote is expected to be expended to pay costs of the Rink Project not eligible for grant funding, specifically for replacement of that portion of the roof above the Dorothy Talbot Memorial Rink at the Ralph B. O'Maley Middle School. The City acknowledges that the costs described in this paragraph shall be the sole responsibility of the City, and that the City is not eligible to receive financial assistance from the Commonwealth of Massachusetts for the MSBA to defray any portion of such costs.

Further Ordered: That the proceeds of the \$6,000,000 appropriation authorized by this order shall first be used for the MSBA Projects that are eligible to receive MSBA grant funding.

Further Ordered: That 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.

Discussion:

Councilor Curcuru felt the City is protecting its assets and by adding the Talbot Rink, something the City is now in control of, it shows a commitment to taking care of these assets.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Whynott, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 2 (Tobey, Theken) absent, that the Order adopted by the City Council on January 13, 2011, and approved by the Mayor on January 13, 2011, be amended in its entirety to read as follows so as to include a new project to be financed:

Ordered: that the sum of Six Million Dollars (\$6,000,000) is hereby appropriated for (i) roof replacement at the Ralph B. O'Maley Middle School, 32 Cherry Street, Gloucester excluding that portion above the Dorothy Talbot Memorial Rink which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, (ii) roof replacement at the Plum Cove Elementary School, 15 Hickory Street, Gloucester, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, (iii) roof replacement at Veterans' Memorial School, 10 Webster Street, Gloucester, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, (iv) roof replacement at East Gloucester Elementary School, 8 Davis Street Extension, Gloucester, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, (v) roof replacement at the Beeman Memorial School, 138 Cherry Street, Gloucester, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, (vi) replacement of that portion of the roof above the Dorothy Talbot Memorial Rink at the Ralph P. O'Maley Middle School (the "Rink Project"), said sum to be expended under the direction of the Department of Public Works, and to meet said appropriation the Treasurer with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority:

I. MSBA Projects Eligible for Grant Funding: That portion of the total amount authorized to be borrowed by this vote for (i) roof replacement at the Ralph B. O'Maley Middle School, excluding that portion above the Dorothy Talbot Memorial Rink, (ii) roof replacement at the Plum Cove Elementary, (iii) roof replacement at the Veterans' Memorial School, (iv) roof replacement at the East Gloucester Elementary School, (v) roof replacement at the Beeman Memorial School is expected to be expended to pay costs of MSBA projects for which the City may be eligible to receive a grant from the Massachusetts School Building Authority's (MSBA) to pay a portion of such costs, that the City acknowledges that the Massachusetts School Building Authority's (MSBA) grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive be from the MSBA for the MSBA Projects shall not exceed the lesser of (1) forty-eight and twenty-seven one hundredths percent (48.27%) of eligible, approved project costs, as determined by the MSBA; that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA, and

II. Rink Project Not Eligible for Grant Funding: That portion of the total amount authorized to be borrowed by this vote is expected to be expended to pay costs of the Rink Project not eligible for grant funding, specifically for replacement of that portion of the roof above the Dorothy Talbot Memorial Rink at

the Ralph B. O'Maley Middle School. The City acknowledges that the costs described in this paragraph shall be the sole responsibility of the City, and that the City is not eligible to receive financial assistance from the Commonwealth of Massachusetts for the MSBA to defray any portion of such costs.

Further Ordered: That the proceeds of the \$6,000,000 appropriation authorized by this order shall first be used for the MSBA Projects that are eligible to receive MSBA grant funding.

Further Ordered: That 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.

Mr. Towne thanked the City Council and B&F that the Bond rating of the City was improved by Moody's bond rating agency to an AA category with no outlook. All their hard work has paid off. Their policies were followed and achieved in a very short time. He thanked them for working hard as a team accomplishing this in three years. He expressed his appreciation of the previous B&F Committee and the current B&F Committee and for the Council's help. He believed it was quite an accomplishment for the City.

Unfinished Business: None.

Individual Councilor's Discussion Including Reports by Appointed Councilors to Committees: None.

Councilors' Requests Other than to the Mayor:

Councilor Whynott noted Gloucester's Sister City, Tamano, Japan is sending a group of students who coming on July 20th and leaving on the 31st. They have five junior high school girls and two chaperones and may need a few more host families. They'll be invited to the Rotary Club as guests. The Rotary Club gave \$3,200 to Tsunami relief which they did through Gloucester's Sister City. **Councilor Ciolino** noted the Mayor of Tamano sent a letter of thanks for the contribution and that it was appreciated that our City showed their concern.

Councilor Verga expressed he had received an email from a Magnolia resident about the Magnolia Landing so requests through the Mayor's office that the DPW fix the washed out area of the Magnolia Landing (stone leading down to the water). Further, he requested that more "Resident Sticker Only" parking signage be posted within the parking lot area. And also, that additional signage is added along Shore Road as per GCO Sec. 22-271 "Parking Prohibited from May 1 to September 15th-Generally" Shore Road, at Magnolia, on the town landing, except for residents of Gloucester and Manchester. He informed the Council he would follow up with a Council order to remedy parking on some of the adjacent streets for residents there.

Councilor Curcuru thanked the DPW for planting six new trees at Stage Fort Park.

Councilor McGeary recognized the Rev. Thomas J. Fleming who was the pastor of the now closed St. Peter's Church. The street into the old St. Peter's parking lot off of Sayward Street is being renamed this Friday as Father Fleming Drive in his honor. The Councilor extended the City Council's formal congratulations. The ceremony would take place on Friday, July 15th at 10 a.m.

Councilor Ciolino reminded residents that the first Downtown Block Party of the year is Saturday, July 16th and will be bigger and better than ever and urged residents to come down and enjoy it.

Councilor Hardy noted a great deal of discussion on the blogs on the Lanes Cove Fish Shack. There was an emergency order and emergency motion which her fellow Councilors agreed with her that the Mayor form a building committee related to the Lane's Cove Fish Shack. She assured she would be in touch with the neighbors and calling neighborhood meetings at the Lanesville Community Center once more is known, and discuss this with the Mayor. The Mayor has been in touch, and is in agreement to form this committee as soon as possible so they can all work together to find a solution that will work for everyone. The Fish Shack is not going to be torn down, the Councilor emphasized, but the current situation could not continue. She will forward emails very soon as to the status of the matter.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:01 p.m.

Respectfully submitted,

Dana C. Jorgenson

Clerk of Committees

DOCUMENTS/ITEMS PRESENTED AT MEETING:

- Petco Animal Supplies Stores, Inc. D/B/A Petco Supplies & Fish (“Petco”) Animal Waste Disposal Protocol for Retail Store at Gloucester Crossing