

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, August 9, 2011 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

**Present: Chair, Councilor Jacqueline Hardy; Vice Chair, Councilor Sefatia Theken; Councilor Bruce Tobey; Councilor Paul McGeary; Councilor Joseph Ciolino; Councilor Anne Mulcahey; Councilor Greg Verga; Councilor Robert Whynt**

**Absent: Councilor Curcuru**

**Also Present: Linda T. Lowe; Jeff Towne; Kenny Costa**

**The meeting was called to order at 7:01 p.m.**

**Flag Salute & Moment of Silence.**

**Council President Hardy** announced **Councilor Curcuru** is away due to a previous engagement and not in attendance this evening.

**Oral Communications: None.**

**Appointments:**

**Councilor Theken** explained the matter of the appointment of Joseph M. Orlando, Esq. to the Planning Board is **continued to August 23, 2011.**

**Consent Agenda:**

• **MAYOR'S REPORT**

1. Memorandum & Request for Proposals for Newell Stadium Title Sponsorship (Refer CC)
2. Memorandum & Request for Proposals for Lease & Development of 65 Rogers Street (I4-C2) (Refer B&F)
3. Supplemental Appropriation-Budgetary Request (#2012-SA-1) from the Community Development Department (Refer B&F)
4. Supplemental Appropriation-Budgetary Request (#2012-SA-2) from the Community Development Department (Refer B&F)
5. Memorandum & Supplemental Appropriation-Budgetary Request (#2012-SA-3) from the Director Public Works (Refer B&F)
6. Memorandum from CAO and Special Budgetary Request (#2012-SBT-1) (Refer B&F)
7. Memorandum from Fire Chief re: implementation of an annual fee for non-city radio box owners (Refer B&F)
8. Grant Application and Checklist from Council on Aging re: Title IIIB of the Older American's Act (Refer B&F)
9. Memorandum from CAO re: establishment of the Emergency Management Department (Refer O&A)
10. New Appointments: William (BG) Brown Fisheries Commission TTE 02/14/14  
Susan Goodall Council on Aging TTE 02/14/14 (Refer O&A)
11. Request for the Appointment of a Building Committee re: Lane's Cove Fish Shack (Refer O&A)

• **COMMUNICATIONS/INVITATIONS**

1. Letter from Sen. Tarr to Ken Hanover, Pres/CEO Northeast Health System re: Addison Gilbert Hospital (Info Only)
2. Mass Remembers Honorary Host Committee Invitation re: Mass Remembers – Voices of Hope September 11, 2011 Ceremony (Info Only)
3. Memorandum from City Auditor re: creation of new Agency Fund (Fund 890000) (Refer B&F)
4. Letter from Sen. Tarr to Council re: The New Municipal Health Insurance Reform Law (Info Only)

• **COUNCILORS ORDERS**

1. CC2011-033 (Mulcahey) Speed Study re: Taylor Street and Friend Street (Refer O&A, TC & Police Dept.)
2. CC2011-034 (Hardy) Amend GCO §22-270 "Parking Prohibited at all Times) and GCO §22-291 "Tow Away Zones"  
Re: Leonard Street (O&A, TC & Police Dept.)
3. CC2011-035 (Hardy) Fund, construct permanent four season comfort stations (bathrooms) along Stacy Boulevard and Harbor Walk (Refer B&F)
4. CC2011-036 (Curcuru) Amend GCO §22-287 "Disabled veteran, handicapped parking" re: Clifford Avenue #8 (Refer O&A, TC & Police Dept.)
5. CC2011-037 (Hardy) Letters to Joint Committee on Telecommunications, Utilities and Energy, State Re. Ann Margaret Ferrante and Sen. Bruce Tarr in support of H1769 re: removal of double telephone poles (FCV 08/23/11)

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

1. City Council Meeting: 07/26/11 (Approve/File)
2. Standing Committee Meetings: O&A 08/01/11, P&D 08/03/11, B&F 08/04/11 (under separate cover) (Approve/File)

**Items to be added/deleted from the Consent Agenda:**

**Councilor Tobey** wished to remove Item #2 from the Mayor's Report, Memorandum and Request for Proposal for Lease and Development of 65 Rogers Street and Communication #1, Letter from Sen. Tarr to Ken Hanover, President/CEO of Northeast Health System.

**Councilor Hardy** wished to remove Item #9 under the Mayor's Report, Memorandum from CAO re: establishment of the Emergency Management Department.

**Councilor Tobey** understood the matter of the I4-C2 RFP will be reviewed by B&F but should also be referred to P&D as it is a land-use matter and should be vetted by their land use committee as well. **The matter was referred by unanimous consent of the Council to B&F and P&D.** Regarding the letter by Sen. Tarr to Mr. Hanover, he wished it known that City Clerk, Linda T. Lowe did a "top shelf" job in reaching out in communicating with Dr. Howard Grant, CEO of Lahey Clinic on the Council's request to appear at a nearby Council meeting to begin the dialog with Lahey; and repeated inquiries by Ms. Lowe have yielded an appearance by Dr. Grant at the September 13<sup>th</sup> City Council meeting. He thanked the Council for supporting that order as well as Ms. Lowe for her persistence. He looked forward to meeting with Dr. Grant to begin a fruitful dialog to see that AGH stays healthy for the future.

**Councilor Hardy** believed Item #9, under the Mayor's Report, Memorandum from CAO re: establishment of the Emergency Management Department, should not only go to O&A but to B&F as it is the establishment of a new department; they would need to find out where the funding was coming from. **The matter was referred by unanimous consent of the Council to B&F and O&A.**

**By unanimous consent the Council agenda was accepted as amended.**

#### **Committee Reports:**

**Ordinances & Administration: August 1, 2011:** There were no action items for the Council from this meeting.

**Planning & Development: August 3, 2011:** There were no action items for the Council from this meeting.

#### **Budget & Finance: August 4, 2011**

**MOTION:** On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to pay Invoice #17330 dated 5/27/2011 prior to an approved purchase order being in place, to Rileighs Outdoor Décor for a total of \$2,531.31.

#### **Discussion:**

**Councilor McGeary** stated this was for work done for the downtown for Christmas banners by the DDC who ordered them. They were unfamiliar or in error in their assessment of where the purchase order stood. They made the purchase without the purchase order approved. The DDC is now informed of the policies and procedures in place and so would now be able to approve the payment of this invoice.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Curcuru) absent, to pay Invoice #17330 dated 5/27/2011 prior to an approved purchase order being in place, to Rileighs Outdoor Décor for a total of \$2,531.31.**

**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 from the Massachusetts Division of Marine Fisheries under the Clean Vessel Act Pumpout Program in the amount of \$9,500.00 for the Gloucester Harbormaster's Department.

#### **Discussion:**

**Councilor McGeary** explained this is the annual grant from the State to the Harbor Department under the Clean Vessel Pump Out Act, a program which pumps out effluent from vessels. This is important to keep the harbor clean. The Harbormaster's Department does a good job with this program. There is no match required by the City, and recommends it highly.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Curcuru) absent, under MGL c. 44, §53A to accept a grant from the Massachusetts Division of Marine Fisheries under the Clean Vessel Act Pumpout Program in the amount of \$9,500.00 for the Gloucester Harbormaster's Department.**

**Scheduled Public Hearings:**

1. PH2011-043: Proposed increases in Municipal Lien Fees and Demand Fees (cont'd from 07/26/11)

**The continued public hearing of July 26, 2011 was re-opened by Council President Hardy, at the point which the hearing was continued.**

**Questions:**

**Councilor Hardy** asked about the \$250 fee that would be assessed for the line item "Land with a commercial, industrial or public utility concern structure", and more about Municipal Lien Certificates. **Mr. Towne** explained the Municipal Lien Certificate is a certificate that is issued to folks typically selling their property; it has information about unpaid taxes. The one specifically referred to by the Councilor - a commercial lien certificate versus a residential lien certificate there is no difference to produce it in cost. The fee currently in place is \$150. Noting that when this chart came from his office late in the budgetary process in June, at that time he couldn't justify a doubling of the fee from \$150 to \$300. There is a doubling of the fees on the first four categories which are all residential property applications (going from \$25 to \$50) which he could justify. He recommended the line item in question at less than a full double. In reviewing other communities, a number are not charging what Gloucester does yet. Salem charges \$75.00; Peabody \$50; Lynn \$75; Beverly, Hamilton, and Danvers charge \$50.00. They had the \$150 in place since 2002 (when last amended by the City Council) for commercial, industrial or public utility concern structure). He felt it fair to now increase all nine categories by \$25.00, thereby treating everyone equally. That would still provide enough funds for what would then come through the Mayor's Report for a supplemental appropriation request from his department to restore the lost position. He recommended as follows: Commercial, industrial or public utility concern structure from \$150 to \$175. For land with residence of four or more families from \$100 to \$125 and the last three categories for farms, land with one or more acres with no permanent structures and mixed use lands, he would recommend going from \$50 to \$75.

**Councilor Tobey** asked with the revised proposal how much revenue would be expected as opposed to the original proposal. **Mr. Towne** estimated it at \$38,000. The demand fees were not included in the original estimation of \$48,000; the \$48,000 would have been for the restoration of the position for a full year. He would work with the B&F Committee, as to how many months that position would be restored (in FY12). On further inquiry by **Councilor Tobey** he would do the calculations and estimate exactly on the pay scale (what the person left at) plus the benefits to give a full picture at B&F. He wanted to increase the fees now in order to estimate the amounts to do the appropriation. **Councilor McGeary** confirmed with Mr. Towne this fee increase is enough to fund the position for some portion of FY12; and asked about FY13. **Mr. Towne** stated for FY13 he would either have to add through the value of the new growth or the Prop 2-1/2 information that comes forward and have to look at a full year in FY13. He assured the Council he would not come back to increase the fees in FY13. **Councilor Ciolino** noted the person who was laid off in his office handled the liens. **Mr. Towne** clarified that person was in charge of that side of the department, the Collections Department. They were the highest ranking person there besides the Assistant Collector and himself. The difficulty now is three people doing the work of four. When he started there were three staff then; they moved to 3.5 to four, and are now back to three staff members. They want this person back to make the department whole; and this person will be in charge of the staff to make sure they get the work done. The current staff of three in addition to their regular duties must [by statute] get the certificates done in 10 days because they are a city with a population over 5,000. **Councilor Ciolino** expressed concern if there were budget difficulties in FY13, would he then create or add new fees in order to keep another position. Further, was Mr. Towne comfortable with the fees as they are now being proposed? **Mr. Towne** felt the crux of the issue was if they don't add back this position would the Treasurer/Collector's Department be able to collect as much tax revenue as before. The loss of this position means one less person to make phone calls to people who owe the City money. Without revenue coming in the rest of the City services struggle. With regard to the fees themselves, many communities have gone from a \$5.00 to \$30.00 fee for Demand Fees but backed down to \$10 to \$15 which is now what the majority of communities charge. He felt the City was in line with other municipalities with the proposed increases, especially the demand fees and the first five categories of the Lien Certificates. While the City may be higher on the commercial municipal lien fees, there is less of a commercial industrial base here.

**This public hearing is closed.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to adopt the Certificate of Liens and Demand Fees adjustments as proposed by the Chief Financial Operator in a memorandum dated June 7, 2011 (on file) as follows:

Certificates of Liens:

Land less than one acre with no permanent structure	\$50.00 (from \$25)
Land with no more than a single family resident and outbuildings	\$50.00 (from \$25)
Land with no more than a two-family residence and outbuildings	\$50.00 (from \$25)
Land with no more than a three family residence and outbuildings	\$50.00 (from \$25)
Land with residence of four or more families	\$175.00 (from \$100)
Land with a commercial, industrial or public utility concern structure	\$250.00 (from \$150)
Farms, forest land and all other real property	\$100.00 (from \$50)
Land with one acre or more with no permanent structure	\$100.00 (from \$50)
Mixed Use land (as classified by the Assessors)	\$100.00 (from \$50)

**MOTION: On motion by Councilor McGeary, seconded by Councilor Whynott, the City Council voted unanimously to amend by friendly amendment the main motion as follows:**

<b>Land less than one acre with no permanent structure</b>	<b>\$50.00</b>
<b>Land with no more than a single family resident and outbuildings</b>	<b>\$50.00</b>
<b>Land with no more than a two-family residence and outbuildings</b>	<b>\$50.00</b>
<b>Land with no more than a three family residence and outbuildings</b>	<b>\$50.00</b>
<b>Land with residence of four or more families</b>	<b>from \$100 to \$125.00</b>
<b>Land with a commercial, industrial or public utility concern structure</b>	<b>from \$150 to \$175.00</b>
<b>Farms, forest land and all other real property</b>	<b>from \$100 to \$ 75.00</b>
<b>Land with one acre or more with no permanent structure</b>	<b>from \$100 to \$ 75.00</b>
<b>Mixed Use land (as classified by the Assessors)</b>	<b>from \$100 to \$ 75.00</b>

**Discussion:**

**Councilor McGeary** expressed on the first motion that as the CFO has outlined the need; this would fund a revenue generating position in the Treasurer’s office, revenue which is necessary to the services they provide as a City. The amended fees are more modest yet still achieve his goals; therefore, he would vote in favor. **Mr. Towne** noted for the record they’re allowed to do this under the provision of MGL c. 40, §22F.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Whynott, the City Council voted BY ROLL CALL8 in favor, 0 opposed, 1 (Curcuru) absent, to accept the provisions of MGL c. 40, §22F effective August 9, 2011 to increase each of the current Municipal Lien Certificate fees, last amended May 28, 2002, as follows:**

Certificate of Liens:

<b>Land less than one acre with no permanent structure</b>	<b>\$50.00</b>
<b>Land with no more than a single family resident and outbuildings</b>	<b>\$50.00</b>
<b>Land with no more than a two-family residence and outbuildings</b>	<b>\$50.00</b>
<b>Land with no more than a three family residence and outbuildings</b>	<b>\$50.00</b>
<b>Land with residence of four or more families</b>	<b>\$125.00</b>
<b>Land with a commercial, industrial or public utility concern structure</b>	<b>\$175.00</b>
<b>Farms, forest land and all other real property</b>	<b>\$ 75.00</b>
<b>Land with one acre or more with no permanent structure</b>	<b>\$ 75.00</b>
<b>Mixed Use land (as classified by the Assessors)</b>	<b>\$ 75.00</b>

The Budget & Finance Committee voted unanimously to recommend to the City Council that the charge for each written demand issued by the Tax Collector a fee of \$10.00 to be added to and collected as part of the tax, as authorized by MGL c.60, §15, effective August 9, 2011.

**Discussion:**

**Councilor McGeary** felt a \$10.00 demand fee was reasonable which helps achieve the goal set forth by the CFO.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Curcuru) absent to charge for each written demand issued by the Tax Collector a fee of \$10.00 to be added to and collected as part of the tax, as authorized by MGL c. 60, §15, effective August 9, 2011.**

**FOR COUNCIL VOTE:**

1. Motion to Amend Decision to Adopt: SCP2011-002: Eastern Avenue #53

**Council President Hardy** explained the Council's last meeting they adopted a decision regarding 53 Eastern Avenue which had a typographical error in the heading. Because this is a real estate transaction, it is best to correct it so the Registry of Deeds will have it filed properly and avert any trouble in the future should the property be sold, and not have any question as to the City Council's intention. This is in line with what they have been offered by the City Legal Counsel on how to correct the error (memo dated August 4, 2011 on file). Since this was a zoning decision **Council President Hardy** called for a roll call vote.

**MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Curcuru) absent, to AMEND the Special Permit Decision that was voted July 26, 2011 for 53 Eastern Avenue, Gloucester to Ashley A. and Jackie L. Sandborn to correct the clerical error in the caption by striking the previous caption and substituting the following caption: "Application of Ashley A. Sanborn and Jackie L. Sanborn for a Special Council Permit for 53 Eastern Avenue to Convert from a Two-Unit Building to Three (3) Units; for a Building Height over 35'; and for a Decrease in the minimum lot area and open space per Dwelling Unit pursuant to the City of Gloucester Zoning Ordinance Sections 1.10.1; 2.3.1.6; 3.1.6 and 3.2.2(a)."**

**Unfinished Business: None.**

**Individual Councilors' Discussion including Reports by Appointed Councilors to Committees:**

**City Clerk Linda T. Lowe** reminded the Councilors and all candidates for municipal office in the November election this Thursday evening at 6:30 p.m. in the 1<sup>st</sup> Fl. Council Committee Room, the Director of the Office of Political Campaign Finance, Michael Sullivan will give a seminar on the finance regulations as they apply to municipal candidates.

**Councilors' Requests to the Mayor:**

**Councilor Verga** reminded that there is a Joint Meeting of the School Committee and the City Council on Wednesday, August 24<sup>th</sup> at 7 p.m. in Kyrouz Auditorium; one item will be on the proposed ballot question on the use of the Fuller School.

**Councilor McGeary** reminded residents of Harrison Avenue, Green Street, and Perkins Street area that there will be a helicopter test to approximate the height of proposed wind turbines to be erected at Gloucester Engineering in the Blackburn Industrial Park on Saturday, August 13<sup>th</sup> at 9 a.m. And that same day at 5 p.m. is the annual Fisherman's Memorial Ceremony at the Man at the Wheel statue on Stacy Boulevard.

**Councilor Ciolino** acknowledged the Committee of Grace Giambanco, Chris Orlando, and Linda Palazola who organized and ran the 53<sup>rd</sup> annual Sidewalk Bazaar, lauding their great work resulting in a successful event. There was a great spirit of cooperation between the City, the merchants and vendors.

**Councilor Mulcahey** noted the Charter Committee has finished their review Decennial Review of the City Charter. There will be a Charter meeting to review it with the Councilors before the matter goes to O&A on August 25<sup>th</sup> at 5 p.m. in the 1<sup>st</sup> floor Council Committee Room.

**Councilor Theken** noted the Fisherman's Memorial at 5 p.m. is the 20<sup>th</sup> anniversary of the sinking of the Andrea Gale. All citizens are welcome to attend. She asked seniors to pay attention regarding Medicare Part D. It is not set. Open enrollment starts October 15<sup>th</sup> and ends December 7<sup>th</sup>. They're going to have an important informational meeting on October 18<sup>th</sup> 10 a.m. at the Rose Baker Senior Center. She asked people call ahead to 978-281-9765. She will be working by appointment only seeing only seniors.

**Councilor Hardy** updated the Council on the Lane's Cove Fish Shack Building Committee. The Building Committee is moving full ahead and has had a couple of meetings and still are looking for additional information. As soon as that information is gathered, they will be ready to bring it to the Lanesville Community Center for an open forum in Ward IV. There is still a lot of work they have to do and will hopefully be ready before the end of September to come before the community.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 7:36 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson**  
**Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.**