

GLOUCESTER CITY COUNCIL MEETINGTuesday, **February 14, 2012** – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: **Present:** Chair, Councilor Jacqueline Hardy; Vice Chair, Councilor Sefatia Theken; Councilor Joseph Ciolino; Councilor Melissa Cox; Councilor Steve LeBlanc, Jr.; Councilor Paul McGeary; Councilor Bruce Tobey; Councilor Greg Verga; Councilor Robert Whyntott

Absent: None

Also Present: Linda T. Lowe; Kenny Costa; Jim Duggan; Donna Compton; Jeff Towne; Mike Hale; Mark Cole; Paul Keane; Suzanne Egan; Bill Sanborn; Max Schenk; Claudia Schweitzer; Noreen Burke; Jeff Williams

The meeting was called to order at 7:03 p.m.

Flag Salute & Moment of Silence.

Oral Communications:

Joseph Grace, 75 Holly Street spoke to the Council regarding what he believed to be a hazardous situation for pedestrians and vehicles at the intersection of Holly and Washington Streets (known as the Willow Rest). To that end he read a letter addressed to the Council dated 2/14/12 on that subject (a copy of the letter was submitted and placed on file). He also described what he stated was a concerning situation at the Willow Rest; and to concerns regarding the businesses operating there. He expressed the opinion there is not adequate police enforcement of parking infractions in that immediate area. **Marlene Hodgkins**, 550 Essex Avenue made comments regarding handicap access to City Hall, noting lights were on in the ‘tunnel’ at the Dale Avenue entrance, but expressed difficulty finding parking near that particular entrance, suggesting there is a need for more handicap spaces around City Hall. She again made note of the City Hall elevator certificate being expired (having spoken at the 01/24/12 City Council Meeting under Oral Communications) and encouraged updating its inspection. Further, stating she felt if government offices continue to be housed in this building, she wished to see more handicap access, ramps, railings, etc. **Susannah Altenberger**, 66 Atlantic Street shared a handout (submitted to the Council and placed on file) about the “Green” Patrol-Craft Prototype project for the U.S. Navy being constructed through Phil Bolger & Friends, Inc., Boat Designers in Gloucester and very briefly reported good progress was being made and that all partners are with them still.

Presentation: Introduction of Noreen Burke – New Health Director

Claudia Schweitzer, Chair of the Board of Health introduced Noreen Burke, the City’s newly hired Health Director to the Council. **Ms. Burke** reviewed her credentials by stating she was the public health director for Somerville for four years; and went to Tufts Graduate School receiving a Masters Degree in public policy. She is an Irish immigrant having been a kindergarten teacher there; but has been in the Boston area for about 20 years, living in Medford. She also worked at Dana Farber Cancer Institute after her stint in Somerville. She then returned to local public health here in Gloucester, a city which reminds her of her native Galway. She expressed there is a nice sense of community in the City and looks forward to sustaining and growing the work here. She lauded the Health Department staff; the support of the Mayor’s office and from the Board of Health. She also looks forward to getting to know the community and be of service to the Council and the community to build on the great work that is already taken place. **Councilor Tobey** welcomed Ms. Burke. Noting her background is in human services/medical/public health side of things, he expressed concern of the less glamorous side of that department, the management and oversight of septic systems and on-site disposal systems for a large areas of the City that doesn’t have access to the central sewer system. He asked if Ms. Burke had a sense of how the department is equipped to handle these regulatory responsibilities in order to avoid the costs of sewer expansions. **Ms. Burke** agreeing that is not her background, but her department is fortunate to have Max Schenk, Manager of Environmental Services and Jason Dustin, dedicated Title V health officer, who have this knowledge and capability; and felt she hadn’t been in the position long enough to know the issue completely asking for time to assess the situation, noting that it is a recurring issue on the Board of Health agendas; that there are always places for improvement. **Councilor Ciolino** expressed

his belief that the job description of the Health Director should be a sanitarian. **Ms. Schweitzer** noted there were staff members who acted in that role; and it is not a requirement of the Health Director's position. The Board felt they needed a balance between the environmental side and the public health side which has worked well for the last 10 years. **Councilor Theken** would appreciate Ms. Burke's assessment and plans as to how the Health Department can be improved, what grants they expect to pursue, what outreach programs for the community they would support and move towards. **Ms. Burke** responded the grants start and end quickly; they have to look to ways to sustain funding. Given that the last community assessment was about five years ago, it is now time to refresh and refine a new survey through a participatory process to send out to the community in order to monitor data to help drive their efforts. She noted it takes a long time to improve public health problems; pointing to great resources such as the Youth Risk Behavior Survey and adult surveys they can use. With strained municipal budgets they can't depend on just one funding source to continue to fund programs. The health assessment will reveal programming gaps also. **Councilor McGeary** expressed his welcome to Ms. Burke, and commended the work of Joan Whitney, a staff member of the Health Department who oversees the Healthy Gloucester Collaborative and programs for at-risk youth and families; programs which were highly successful and a model to other communities. He has been working with them and stated he felt it was an excellent program. **Ms. Burke**, noting Ms. Whitney reports to her, agreed Ms. Whitney's programs for young people and families are very important regarding substance abuse, mental health issues are crucially important to youth and families expressing she is passionate about that kind of prevention work. **Council President Hardy** expressed on behalf of the entire Council their welcome to Ms. Burke and thanked her for coming to the Council this evening.

Jim Duggan, CAO noted his having a "difficult" conversation with Ms. Schweitzer and Joseph Rosa both of the Board of Health regarding the investment that they would need an interim director for six months. He expressed his thanks and appreciation for the support from the Board of Health regarding this position which had been vacant for six months. He thanked Max Schenk for his acting as interim Director for those six months whom he stated did an outstanding job who was accessible, level headed, thorough, making sure there were open lines of communication and showed a willingness to go above and beyond. On behalf of the Administration he expressed Mr. Schenk "did an outstanding job" and thanked him sincerely for his efforts.

Confirmation of New Appointments:

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Heidi Wakeman to the Open Space & Recreation Committee, TTE 02/14/15.

Councilor Theken acknowledged Ms. Wakeman who was present. She explained that the O&A Committee questions the new appointees and reappointees regarding their respective Committee and Board on their experience, background, professional affiliations as well as asking them to be familiar with the Open Meeting Laws and to file their proof of having taken the State Ethics Commission test with the City Clerk's office. They were asked also if they had any possible conflicts if they were on another Board, Committee or Commission in the City. The Committee expressed their appreciation at each of the appointees' willingness to step forward and volunteer on behalf of their City, thanking them for their commitment. Without these volunteers' help the City would not run as efficiently as it does. She also endorsed Ms. Wakeman's appointment.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to appoint Heidi Wakeman to the Open Space & Recreation Committee, TTE 02/14/15.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Michelle Sweet to the Capital Improvements Advisory Board, TTE 02/14/15.

DISCUSSION:

Councilor Theken explained to the Council the O&A Committee had excused Ms. Sweet from attending this meeting as they know her well from her tenure on the Gloucester School Committee. The Committee fully endorsed her appointment to the CIAB.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to appoint Michelle Sweet to the Capital Improvements Advisory Board, TTE 02/14/15.

Management Reappointments:

Councilor Theken explained that each individual City manager came before the O&A Committee and were spoken with individually, their work was reviewed. Each was asked also about their plans to help improve the City and plans were for the coming year(s) for their departments. She noted Mr. Duggan also participated in that conversation at the Committee meeting along with several other City Councilors who attended the Committee meetings.

Purchasing Agent

Donna Compton

02/14/13

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint Donna Compton as Purchasing Agent, TTE 02/14/2013.

DISCUSSION: None.

MOTION: On motion by Councilor Theken, seconded by Councilor Whynott, the City Council voted 9 in favor, 0 opposed to reappoint Donna Compton as Purchasing Agent, TTE 02/14/2013.

Chief Administrative Officer

James Duggan

02/14/13

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint James Duggan as Chief Administrative Officer, TTE 02/14/2013.

DISCUSSION: None.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to reappoint James Duggan as Chief Administrative Officer, TTE 02/14/2013.

General Counsel

Suzanne Egan

02/14/13

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint Suzanne Egan as City Solicitor, TTE 02/14/2013.

DISCUSSION: None.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to reappoint Suzanne Egan as City Solicitor, TTE 02/14/2013.

Building Inspector

William Sanborn

02/14/13

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint William Sanborn as Building Inspector, TTE 02/14/2013.

DISCUSSION: None.

MOTION: On motion by Councilor Theken, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed to reappoint William Sanborn as Building Inspector, TTE 02/14/2013.

Chief Financial Officer

Jeffery Towne

02/14/13

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint Jeffrey Towne as Chief Financial Officer, TTE 02/14/2013.

DISCUSSION:

Councilor McGeary expressed having been on the Budget & Finance Committee working closely with the Chief Financial Officer, he stating he was an asset to the City; he encouraged the Council to support Mr. Towne's reappointment.

MOTION: On motion by Councilor Theken, seconded by Councilor Verga, the City Council voted 9 in favor, 0 opposed to reappoint Jeffrey Towne as Chief Financial Officer, TTE 02/14/2013.

Director of Public Works Michael Hale 02/14/14.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint Michael Hale as the Director of Public Works, TTE 02/14/14.

DISCUSSION: None.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to reappoint Michael Hale as the Director of Public Works, TTE 02/14/14.

Assistant Director of Public Works Mark Cole 02/14/14

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint Mark Cole as the Assistant Director of Public Works, TTE 02/14/14.

DISCUSSION:

Council President Hardy expressed her belief that this was the first time this position was brought up for reconfirmation to the Council as it was part of the DPW reorganization.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to reappoint Mark Cole as the Assistant Director of Public Works, TTE 02/14/14.

Assessor Gary Johnstone 02/14/15

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint Gary Johnstone as Assessor, TTE 02/14/15.

DISCUSSION: None.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed to reappoint Gary Johnstone as Assessor, TTE 02/14/15.

City Engineer Paul Keane 02/14/13

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint Paul Keane as City Engineer, TTE 02/14/2013.

DISCUSSION:

Councilor Theken commented there was a lively discussion with Mr. Keene regarding his position as City Engineer and what projects he was involved in. **Councilor Tobey** commented it was not really the City Engineer's position that was closely examined; rather it was how the City Engineer's professional skills were being used. They have a professional engineer in a community that has substantial engineering challenges ongoing for the water and sewer system. He made clear on the record at the O&A meeting that he would be looking a year from now he wanted to see this gentlemen used to the fullest potential of his professional capacities working; elevated from being more than a senior clerk to working hands on, side by side with the DPW Director on the CSO Project, on the Essex Avenue project, etc.. It is a fundamentally critical department, he stated; and stated also his belief they need to have the leadership of this gentleman is fully capable of exercising fully realized.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to reappoint Paul Keene as City Engineer, TTE 02/14/2013.

Harbormaster

James Caulkett

02/14/15

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint James Caulkett as Harbormaster, TTE 02/14/15.

DISCUSSION:

Councilor Theken commented the O&A Committee endorsed Mr. Caulkett's reappointment and the Committee waived his appearance this evening.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed to reappoint James Caulkett as Harbormaster, TTE 02/14/15.

Mr. Duggan offered on behalf of the Administration their thanks for the support of the Council. With is 22 years in public administration, he stated his feeling that this management team does an "amazing" job for the City. He thanked the managers and thanked thee Council for also recognizing the team's efforts. **Council President Hardy** thanked Mr. Duggan for his support of his staff

Executive Session:

Council President Hardy stated: "In order for the City Council to go into executive session, the Council must adhere to strict Massachusetts General Laws in order to do so. "As Council President I declare that the February 14, 2012 meeting of the City Council has been duly posted and has been called to order. We are now in open session, and there is a quorum present. Before the Council can vote to go into Executive Session, the purpose of said Executive Session must be stated:

I declare the purpose of the Executive Session is to discuss litigation strategy in a legal matter; and to discuss this in an open meeting may have a detrimental effect on the litigating position of the City. I further declare that it is the intent of the Council to reconvene back into open session to continue with the balance of our agenda after the Executive Session. Motions to go into Executive Session are by roll call vote and require a majority vote of the Council. Therefore, I will entertain a motion: That the plaintiff City Council, its staff and the plaintiff attorneys go into Executive Session in accordance with MGL c. 30A, §21 (a) (3) to discuss strategy with respect to Charter School litigation regarding the Dolan et. al. v. Chester et. al. litigation."

Councilor Whynott explained he would vote against going into executive session and would not attend it should it be convened, stating his belief that the City Council should no longer be involved in this litigation.

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council BY ROLL CALL voted 8 in favor, 1 (Whynott) opposed, to call the City Council (plaintiff), City Council staff, and attorney for

the Plaintiff to enter into Executive Session (in accordance with MGL c. 30A, §21 (a) (3) to discuss litigation strategy with respect to Charter School litigation regarding Dolan et. al. v. Chester et. al.

Council President Hardy stated, "I hereby announce that the roll call vote is 8 in favor, 1 (Whynott) opposed. We shall now convene into Executive Session and will reconvene to continue the balance of our agenda."

By unanimous consent, the City Council voted to reconvene to open session at 8:23 p.m. in Kyrouz Auditorium.

Upon the Council's return to Kyrouz Auditorium, **Council President Hardy** announced that one motion was entertained in Executive Session to file a Notice of Appeal on the matter of Dolan et. al. v. Chester et. al. by the deadline date of March 12, 2012. The roll call vote on that motion was 1 in favor, 7 opposed, 1 (Whynott) absent to file an appeal. The motion failed. The City Council would not be filing a Notice of Appeal in the Dolan et. al. v. Chester et. al. matter. There was also a motion made to adjourn the Executive Session by roll call vote, 8 in favor, 0 opposed. The Executive Session was convened at 7:44 p.m. and ended at 8:12 p.m. by roll call vote to reconvene in this open session and continue with the Council's order of business.

Council President Hardy explained the reason for the lag time between the adjournment of the Executive Session and the reconvening of the Council meeting was due to the tripping of a fire alarm which was now resolved thanks to the Gloucester Police and Fire Departments.

By unanimous consent, the Council suspended their Rules of Procedure to take up the following matter which would have come under the Ordinances & Administration Committee Report of February 6, 2012:

Councilor Ciolino explained there is a national program called the Purple Heart Trail to designate highways with appropriate signage in memory of Purple Heart killed in action Veterans. Veterans have come forward to him to see if this can be done in Gloucester; one was Former Councilor Gus Foote, a Purple Heart recipient who thought there should be something like this in the City. This program is done is through MassDOT to designate a highway for this purpose. The City Council needs to pass a resolution which is forwarded to Rep. Ferrante and Sen. Tarr who will move it forward to the State legislature. The part of the highway was chosen is the Rte. 128 extension – from Grant Circle to the intersection of East Main Street and Bass Avenue where Rte. 128 ends.

With the assent of the full Council the following two speakers came forward in support of the Resolution:

Jeff Williams, Director of Veteran's Services stated this would be a great tribute to the veterans who have been awarded a Purple Heart medal. He explained that MGL c. 287 of the Acts of 2006 in which state highway Rte. 146 was designated a "Purple Heart Highway" in Worcester County. He recommended this actually be named Purple Heart Highway which was more in keeping with the military order of the Purple Heart's intended purpose of honoring the nation's recipients, those still alive as well as those killed in action. He also commented that the National Purple Heart Trail Coordinator, Ron Siebels was available for any necessary clarification. In his role as Director of Veteran's Services, he was pleased to see this effort to honor those veterans wounded or killed in action. **Roger Armstrong**, 4 Wonson Street, a Veteran's advocate, encouraged passage of this motion; if a sign is put up, it is an opportunity to initiate a conversation to honor those who served their country and how it is a tragedy to lose one's life while doing so. For something like this to take place in Gloucester, a particularly patriotic city, it would be important. He also thanked Councilor Ciolino for this effort. **Councilor Whynott** stated Councilor Foote wanted to be here this evening as he was unwell and not able to make this meeting but wanted the Council to know of his support to this initiative.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to request on behalf of the City of Gloucester that a length of highway (currently referred to as the Route 128 Extension) between Grant Circle at Washington Street in an easterly direction for a distance of 1.6 miles to its intersection with East Main Street and Bass Avenue in Gloucester, MA to: "Purple Heart Killed in Action Veteran Highway"; and to that end petition the State Department of Transportation through the offices of State Senator Bruce Tarr and State Representative Ann-Margaret Ferrante on behalf of the City of Gloucester to make this request.

DISCUSSION:

Councilor Theken asked for a friendly amendment to make the name designated “Purple Heart Highway” which **Council President Hardy** acknowledged and assented to with no objection of the Council. **Councilor Theken** stated because of the intersection at Grant Circle sign congestion, they would ask as a courtesy that when the sign is erected on this stretch of highway, that MassDOT consult with the DPW or the Traffic Commission as to the sign’s safe placement and made that request in the form of a motion, which **Councilor Ciolino** seconded. **Councilor Hardy** inquired as to where the Yankee Division Highway began and ended and wondered if when the extension was put in that the Yankee Highway designation went with it. **Councilor Ciolino** expressed the reason they picked the section of Rt. 128 was because of the Yankee Division Highway was further on Rte. 128 (from Grant Circle south). MassDOT had no objection to the designation of the Rte. 128 extension.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to request on behalf of the City of Gloucester that a length of highway (currently referred to as the Route 128 Extension) between Grant Circle at Washington Street in an easterly direction for a distance of 1.6 miles to its intersection with East Main Street and Bass Avenue in Gloucester, MA to be named “Purple Heart Highway”; and to that end, to petition the State Department of Transportation through the offices of State Senator Bruce Tarr and State Representative Ann-Margaret Ferrante on behalf of the City of Gloucester to make this request.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed that MassDOT consult with the Gloucester Department of Public Works or the City’s Traffic Commission as to the sign’s safe placement upon the designation of the Rte. 128 extension being named a “Purple Heart Highway”.

Consent Agenda:

• **MAYOR’S REPORT**

1. Management Appointment: Sarah Garcia Community Development Director 02/14/13 (Refer O&A)
2. Memorandum and supporting documentation re: Reorganization of the Community Development Department and Proposed Amendments to the Gloucester Code of Ordinances relative to the reorganization plan (Refer O&A & P&D)
3. Comprehensive Report reflecting recommended reclassifications (Refer O&A & B&F)
4. Memorandum from Purchasing Agent re: approval to issue leasing contract for new school buses for more than 3 years (Refer B&F)
5. Memorandum from CFO re: proposed loan order to refinance existing outstanding debt (Refer B&F)
6. Review and Recommendations for Disposition of Real property re: Magnolia School House (aka Blynman School) (Refer B&F)
7. Memorandum from CAO re: acceptance of donation of a vehicle to Gloucester Emergency Management (Refer B&F)
8. Memorandum, Grant Application and Checklist from Fire Chief re: Mass Decontamination Unit Grant in the amount of \$2,500 (Refer B&F)
9. Memorandum from Veterans Agent re: establishment of a revolving fund for donations to the Office of Veterans Services (Refer B&F)
10. Memorandum from CFO re: reimbursement for portable heaters purchased without a purchase order (Refer B&F)
11. New Appointments:

Downtown Development Commission	(TTE 02/14/15)	Suzanne Silveira
Cable TV Advisory Committee	(TTE 02/14/15)	Karen Spencer Favazza
Waterways Board	(TTE 02/14/15)	Tom Hovey-Economic Development Member David McCauley-At Large Member Ralph Pino – Economic Development Member Patti Page-Fishing Industry
Waterways Board	(TTE 02/14/13)	

Reappointments:

Affordable Housing Trust	(TTE 02/14/14)	Betsy Works, George Sibley, Mary John Boylan
Board of Health	(TTE 02/14/15)	Richard Sagall, MD, Robert Harris
Clean Energy Commission	(TTE 02/14/14)	Jill Buchanan, Linda Stout-Saunders, Candace Wheeler
Committee for the Arts	(TTE 02/14/16)	Dale Brown, Marcia Hart
Community Preservation Committee	(TTE 02/14/15)	David C. (J.J.) Bell, Sandra Dahl Ronan
Conservation Commission Rep	(TTE 02/14/15)	Robert Gulla
Historical Commission Rep	(TTE 02/14/15)	Thomas O’Keefe
Conservation Commission	(TTE 02/14/15)	Charles Anderson, Jr., Barry Gradwohl
Council on Aging	(TTE 02/14/15)	Selma Bell, Barry McKay, Frederick Cowan, Lee Harty, Jay Gustafarro
Historic District Commission	(TTE 02/14/15)	Robert Chandler
Historical Commission	(TTE 02/14/15)	Amanda Nash, Jeff Crawford, Thomas O’Keefe
Traffic Commission	(TTE 02/14/15)	Robert Francis
Waterways Board	(TTE 02/14/15)	Cate Banks- Recreational Boating Member, Phil Cusumano – At Large Member
Zoning Board of Appeals	(TTE 02/14/15)	James Movalli, Michael Nimon

- (Refer O&A)
12. Quarterly Report of the Assessors' Office (Info Only)
- **COMMUNICATIONS/INVITATIONS**
1. Request from YuKanRun.com to hold half marathon on August 5, 2012 (Refer P&D)
 2. Request from Gloucester Downtown Association for road closure to hold Easter/Spring Promotion on April 7, 2012 (Refer P&D)
 3. Response to Oral Communication of January 10, 2012 City Council Meeting re: Pavilion Beach (Info Only)
 4. Communication from Administrator of the Gloucester Retirement Board re: City Council Acceptance of Local Option (Refer B&F)
 5. Communication from MassDOT re: Potential MBTA Service Reductions in 2012 (Info Only)
 - **INFORMATION ONLY**
1. Report from Traffic Commission re: 2011 Summary of Council Orders (Info Only)
 - **APPLICATIONS/PETITIONS**
1. Rezoning #2012-002: Commercial Street #33 and #47, Amend Gloucester Zoning Ordinance to create a Hotel Overlay District (Refer P&D & PD)
 2. SCP2012-003: Washington Street #540, GZO Sec. 5.5.4 (Lowlands) (Refer P&D)
 3. SCP2012-004: Blackburn Drive #90-#99, GZO Sec. 5.13.7 (PWSF) Modifications (Refer P&D)
 4. SCP2012-005: Kondelin Road #16, GZO Sec. 5.13.7 (PWSF) Modifications (Refer P&D)
 - **COUNCILOR ORDERS**
1. CC2012-007 (Tobey/Verga) Establishment of ordinance for process to review and accept proposed donations to or installations Of public art in the City of Gloucester (Refer O&A)
 2. CC2012-008 (Tobey) Proposed periodic adjustment to schedule for regular City Council Meetings to meet in City Neighborhoods (FCV 02/28/12)
 3. CC2012-009 (Tobey) Inventory of vacant commercial and industrial properties in City, develop marketing and productive Reuse Plan (Refer P&D, Administration & EDIC)
 4. CC2012-010 (McGeary) Amend GCO Chapter 21, Article IV entitled "{Repair of Private Ways} (Refer O&A)
 5. CC2012-011 (Verga/Hardy) Review GCO Sec. 22.270.1 "Resident sticker parking only" for creation of "Resident Sticker" (Refer O&A & TC)
 6. CC2012-012 (Tobey) Presentation from General Counsel and Planning Director re: constraints governing the redevelopment Of I4-C2 and referral to P&D (Refer General Council, Planning Director & P&D)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting 01/24/12 (Approve/File)
 2. Special Joint City Council and School Committee Meeting 02/07/12 (under separate cover) (Approve/File)
 3. Standing Committee Meetings: B&F 02/09/12 (under separate cover); O&A 01/30/12, 02/06/12; P&D 02/13/12 (under separate cover) (Approve/File)

Items to be added/deleted from the Consent Agenda and Unanimous Consent Calendar:

Councilor McGeary asked to remove Council Order #4 from the Consent Agenda.

Councilor Verga asked to remove Item #6 from the Mayor's Report from the Consent Agenda.

Councilor Tobey asked to remove Item #1 and #2 of Mayor's Report, Council Order #3, and Application #1 from the Consent Agenda.

Councilor Hardy wished to pull from the Mayor's Report Items #2 and Item #4 Under Communications/Invitations.

Councilor McGeary stated that Council Order #4, 2012-010 be referred to P&D and O&A. **The matter was referred to both the P&D and O&A Committees by unanimous consent.**

Councilor Verga asked that Item #6 Mayor's Report referred to P&D as well as B&F. **The matter was referred to the both the P&D and B&F Committees by unanimous consent.**

Councilor Tobey stated that Part #1, Mayor's Report #1, the Mayoral appointment of Sarah Garcia as Community Development Director; Mayor's Report Item #2 is the Mayor's proposal to reorganize the Community Development Department and specifically to add some jobs; and Council Order #3 which is an order he put forward asking that P&D, and the EDIC and Administration collaborate on preparing an inventory of vacant commercial, retail or industrial parcels in order to develop a marketing plan for their reuse. He asked that the Committees look at these items referred to them as being a cohesive group and ask the question, "Is the Community Development Department working to do what needs to be done as currently led to get the job done to grow and sustain the economy in Gloucester." He stated his belief this was the light under which those matters needed to be viewed from as each matter indicates some issues. **By unanimous consent the items the Councilor named were referred to the respective Committees as noted on the Consent Agenda.** **Councilor Tobey** then addressed Application #1 the matter of the proposed creation of a Hotel Overlay District at Commercial Street #33 and #47. As this is referred to Planning & Development and the Planning Board, he pointed out there is process established by law. There will be two public hearings. One will be a public hearing held by the Planning Board. The Planning & Development Committee will sit at the dais with the Planning Board as the Planning Board chair presides at that meeting. The public should come whether in favor, opposed or undecided and lay out their concerns at that public hearing. The

Planning Board will then finish their work on the matter and report to the Planning & Development (P&D) Committee; and then the matter will come to the P&D Committee. The P&D Committee meetings as he chairs them will adhere to the law; they are not public hearings. They are discussions between proponent, staff and the Council Committee which public may witness. There will be a second Council public hearing where the recommendation, should there be one from the P&D Committee, will be put forward before the community. That is the community's second chance to weigh in for, against or undecided which they should fully avail themselves of as well. There is a process dictated; dictated by law. If they want a good result, they will do good process. **By unanimous consent this matter was sent to P&D and the Planning Board.**

Council President Hardy spoke to Mayor's Report #4 for a spelling error – the word “businesses” should be “buses”. Additionally, Mayor's Report #7 Memorandum for the acceptance of a donation of a vehicle. She wished for a report from the mechanic of the City as to the worthiness of the vehicle; whether it is worth taking into the fleet or would cost the City money; additionally she wished to know who would pay to maintain this vehicle, which should come to B&F. The Council President Hardy also pulled Item #4 under Communication from the Administrator of the Gloucester Retirement Board, she will abstaining on that vote when a vote comes forward to the Council as her husband serves on that board.

MOTION: On motion by Councilor Theken, seconded by councilor, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) abstained, to forward the Administration of Gloucester Retirement Board communication regarding the Acceptance of the Local Option for referral to B&F.

By unanimous consent the Consent Agenda was accepted as amended.

Councilor Theken stated the City Health Insurance will come back to the agenda of O&A at the start of the third quarter.

By unanimous consent the Consent Agenda was accepted as amended.

Committee Reports:

Budget & Finance: February 9, 2012

Councilor McGeary stated due to an oversight, the B&F Committee minutes omitted the language to advertise for public hearing on the loan order of up to \$130,000 to pay for a Zamboni ice surfacing machine for use at the Talbot Rink; and wished to have the Council acknowledge need for the advertisement. **Council President Hardy** acknowledged the Council was now advised that this matter was to be advertised for public hearing.

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer #2012-SBT-16 for \$130,000.00 from Facilities Contract Services, Unifund Account #101000.10.472.52000.0000.00.000.00.052 to Facilities Permanent Positions, Unifund Account #101000.10.472.51100.0000.00.000.00.051.

DISCUSSION:

Councilor McGeary explained this deficit was created by the decision at budget time last year to retain the services of the City's custodians and not go out to a custodial service to provide custodial staffing at the schools. The budget at that time had already set the money aside in the contractual services account; now that they are paying the custodians directly they're moving it into the salary account. There will be a second motion for this matter also.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to transfer #2012-SBT-16 for \$130,000.00 from Facilities Contract Services, Unifund Account #101000.10.472.52000.0000.00.000.00.052 to Facilities Permanent Positions, Unifund Account #101000.10.472.51100.0000.00.000.00.051.

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer #2012-SBT-17 for \$158,000.00 from Personnel,

Unemployment Claims, Unifund Account #101000.10.472.51720.0000.00.000.00.051 to Facilities Permanent Positions, Unifund Account #101000.10.472.51100.0000.00.000.00.051.

DISCUSSION:

Councilor McGeary further explained this transfer was due to the retention of the maintenance personnel also. This gets them within a few thousand dollars of making up the deficit that was created by the retention of this staff.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to transfer #2012-SBT-17 for \$158,000.00 from Personnel, Unemployment Claims, Unifund Account #101000.10.472.51720.0000.00.000.00.051 to Facilities Permanent Positions, Unifund Account #101000.10.472.51100.0000.00.000.00.051.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to approve the appropriation of \$7,000 (Seven Thousand Dollars) from the Waterways Enterprise Retained Earnings (700000.10.000.35900.0000.00.000.00.000) to the Waterways Enterprise Capital Outlay, Additional Equipment (700000.10.492.58500.0000.00.000.00.058) for the purpose of purchasing 29 new transient mooring buoys.

DISCUSSION:

Councilor McGeary explained this appropriation and the next two are for improvements proposed by the Harbormaster and endorsed by the Waterways Board. This particular transfer is for new transient mooring buoys, distinguished by their orange color versus the permanent moorings.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to approve the appropriation of \$7,000 (Seven Thousand Dollars) from the Waterways Enterprise Retained Earnings (700000.10.000.35900.0000.00.000.00.000) to the Waterways Enterprise Capital Outlay, Additional Equipment (700000.10.492.58500.0000.00.000.00.058) for the purpose of purchasing 29 new transient mooring buoys.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to approve the appropriation of \$3,000 (Three Thousand Dollars) from the Waterways Enterprise Retained Earnings (700000.10.000.35900.0000.00.000.00.000) to the Waterways Capital Outlay Enterprise, Facilities Improvements (700000.10.492.58410.0000.00.000.00.058) for the purpose of additional repairs to the Magnolia Pier Public Landing.

DISCUSSION:

Councilor McGeary commented this is money from the Waterways Enterprise retained earnings account, money the Waterways Board takes in for such purposes as the maintenance of the Magnolia pier.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to approve the appropriation of \$3,000 (Three Thousand Dollars) from the Waterways Enterprise Retained Earnings (700000.10.000.35900.0000.00.000.00.000) to the Waterways Capital Outlay Enterprise, Facilities Improvements (700000.10.492.58410.0000.00.000.00.058) for the purpose of additional repairs to the Magnolia Pier Public Landing.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to approve the appropriation of \$2,000 (Two Thousand Dollars) from the Waterways Enterprise Retained Earnings (700000.10.000.35900.0000.00.000.00.000) to the Waterways Enterprise Ordinary Maintenance, Facility Maintenance (700000.10.492.57050.0000.00.000.00.057) for the purpose of purchasing Public Landing Signs.

DISCUSSION:

Councilor McGeary explained these are for vandal resistant signs. **Council President Hardy** asked if they had indicated which signs were to be replaced, which **Councilor McGeary** responded he didn't recall specific locations being mentioned. **Councilor Ciolino** mentioned as the Council's representative to the Waterways Board, he friendlier stating his hope this trend would continue.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to approve the appropriation of \$2,000 (Two Thousand Dollars) from the Waterways Enterprise Retained Earnings (700000.10.000.35900.0000.00.000.00.000) to the Waterways Enterprise Ordinary Maintenance, Facility Maintenance (700000.10.492.57050.0000.00.000.00.057) for the purpose of purchasing Public Landing Signs.

Ordinances & Administration: January 30, 2012 and February 6, 2012

There were no further matters requiring Council action from either of these meeting.

Planning & Development: February 13, 2012

No matters requiring Council action came forward from this meeting.

Scheduled Public Hearings:

1. PH2012-007: Renewal of Special License pursuant to MGL c. 48, §56 & GCO Sec. 22-153 re: Antonio Procaccini Outdoor Parking Permit at Long Beach Road

This public hearing is opened.

Those speaking in favor:

Attorney Kevin Kiely appeared before the Council representing Antonio Procaccini of 9 Seneca Drive, Danvers who was present, with Al Paglia assisting in language translation; in their application for the operation of their open air parking lot at 2 Long Beach Road. He explained this is a long-standing business of over 40 years, run by the Procaccini's on Rockport Road. It is a small lot of 23 spaces, one of which is handicapped accessible. It involves the approval of a license every three years; upon the approval of a license is issued annually with proper payment of required fees. The attorney wished to clarify that in the Planning & Development minutes there is reference to a space number 23; and that there is also a reference to a parking plan that says it was submitted to the Fire Chief and the Building Inspector. The minutes refer to a 2009 plan. In fact, there is a plan that was approved in November 2011 which is referred to as the 2012 plan. That 2012 plan makes a change at the request of the Building Inspector to relocate that space. There are still 23 spaces. The issue that the Building Inspector had has been taken care of. Also, the proponent wished to make sure the Council understood that they are required to post beach regulations and there are also other items that must be posted as well. Instead of one sign, there are two signs. All of the conditions have been taken care of, but not as, perhaps, the minutes may have anticipated.

Those speaking in opposition: None.

Communications: Linda T. Lowe, City Clerk stated there were no communications but noted photographs and a written summary regarding the Procaccini application for the open air lot which were provided to the Council by the applicant prior to the City Council meeting (on file).

Questions:

This public hearing is closed.

MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the renewal of a License for Antonio and Mary Procaccini for an open air parking lot at 2 Long Beach Road, Gloucester, MA with the conditions and restrictions listed as follows:

1. That this License shall be valid from April 30, 2012 to May 1, 2015 upon payment of appropriate yearly fees to the City Clerk;
2. That prior to the issuance of the license by the City Clerk, the applicant shall pay over to Cape Ann Motor Inn the sum of \$100.00 for the maintenance of the Gloucester portion of Long Beach;
3. That the number of cars allowed to park on the lot at any one time is limited to 23.

4. That one space of the 23 spaces allowed is to be designated handicapped parking;
5. That the Fire Chief, for safety purposes, may remove space numbered 23 as shown on the approved plot plan;
6. That the individual parking spaces shall be delineated and be in accordance with the lot plan approved by the Building Inspector dated January 6, 2012 and on file in the City Clerk's office;
7. That the grass in the parking lot be kept short;
8. That an attendant shall be on duty at all times during hours of operation;
9. That the Fire Chief and Building Inspector approve of the parking plan (see Building Inspector memo Dated January 6, 2012);
10. That the applicant obtains and keeps current a favorable restroom inspection from the Board of Health;
11. That a minimum of two (2) rubbish containers be placed on the property and that trash be removed from the lot on a daily basis;
12. That four shrubs shall be placed and maintained on the property abutting Cliff Road;
13. Signage: the following shall be posted on a temporary sign to be erected by the applicant, The size and location of said sign to be agreed with the Building Inspector:
 - a. Fee for parking
 - b. Number of cars allowed by the permit
 - c. Location of restrooms and hours they are open
 - d. Hours of operation
 - e. Beach regulations
14. That the license fee is to be paid yearly to the City Clerk and the application is to be reviewed by the City Council every five years unless there is cause to review sooner due to any violations herein;
15. The City of Gloucester's shall not be held liable for any claims incurred by the parking lot operation;
16. That the applicant obtain a certificate of insurance in the aggregate amount of \$1 million naming the City of Gloucester as the Certificate Holder and that the coverage run for the duration of the yearly permit.

DISCUSSION:

Councilor Whynott expressed in his role as former City Clerk he has worked on these permits for many years and never heard a complaint made about the Procaccini's operation of this lot. Whenever the applicants have been asked to make changes, they do so promptly. He urged his fellow Councilors to support the application. **Councilor Ciolino** stated as a former Ward 1 Councilor and as a resident of Ward 1, he had never received complaints of that operation there. He supported the application and urged his fellow Councilors to vote in favor also. **Councilor Theken** would support the application also. She did walk the area the previous summer to see the conditions in and around the lot. She reported that they are fortunate to have the Procaccini's running this lot; that they follow the conditions of the permit. **Councilor McGeary** commented as the current Ward 1 Councilor he had heard there are no complaints as to the applicant's operation of the lot and would support the application.

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to recommend to renew the License for Antonio and Mary Procaccini for an open air parking lot at 2 Long Beach Road, Gloucester, MA with the conditions and restrictions listed as follows:

1. That this License shall be valid from April 30, 2012 to May 1, 2015 upon payment of appropriate fees to the City Clerk;
2. That prior to the issuance of the license by the City Clerk, the applicant shall pay over to Cape Ann Motor Inn the sum of \$100.00 for the maintenance of the Gloucester portion of Long Beach;
3. That the number of cars allowed to park on the lot at any one time is limited to 23.
4. That one space of the 23 spaces allowed is to be designated handicapped parking;
5. That the Fire Chief, for safety purposes, may remove space numbered 23 as shown on the approved plot plan;
6. That the individual parking spaces shall be delineated and be in accordance with the lot plan approved by the Building Inspector dated January 6, 2012 and on file in the City Clerk's office;
7. That the grass in the parking lot be kept short;
8. That an attendant shall be on duty at all times during hours of operation;
9. That the Fire Chief and Building Inspector approve of the parking plan (see Building Inspector memo

Dated January 6, 2012);

10. That the applicant obtains and keeps current a favorable restroom inspection from the Board of Health;
 11. That a minimum of two (2) rubbish containers be placed on the property and that trash be removed from the lot on a daily basis;
 12. That four shrubs shall be placed and maintained on the property abutting Cliff Road;
 13. Signage: the following shall be posted on a temporary sign to be erected by the applicant, The size and location of said sign to be agreed with the Building Inspector:
 - a. Fee for parking
 - b. Number of cars allowed by the permit
 - c. Location of restrooms and hours they are open
 - d. Hours of operation
 - e. Beach regulations
 14. That the license fee is to be paid yearly to the City Clerk and the application is to be reviewed by the City Council every five years unless there is cause to review sooner due to any violations herein;
 15. The City of Gloucester's shall not be held liable for any claims incurred by the parking lot operation;
 16. That the applicant obtain a certificate of insurance in the aggregate amount of \$1 million naming the City of Gloucester as the Certificate Holder and that the coverage run for the duration of the yearly permit.
2. PH2012-006: Memorandum from the Licensing Board recommending fees for Cordials and Liqueurs

This public hearing is opened.

Council President Hardy stated this public hearing is opened and continued at the request of the Chair of the Licensing Board, Michelle Harrison to the Council's next regularly scheduled meeting of February 28, 2012.

This public hearing is continued to February 28, 2012.

For Council Vote:

1. Warrant for Presidential Primary Election March 6, 2012

MOTION: The City Council voted BY ROLL CALL 9 in favor, 0 opposed to adopt the warrant for the Presidential Primary Election to be held March 6, 2012.

2. CC2012-006 (McGeary) Resolution re: MBTA

Councilor Ciolino expressed his agreement with the MBTA Resolution; but wondered if they add a request for a schedule and action plan for when the railroad bridge closes and how that affects the service to Cape Ann as well. **Councilor McGeary** stated this is a resolution and that a communication to the MBTA should be separate matter. **Council President Hardy** agreed the resolution should stand as is. Should the Councilor wish to put in his own request, the Council would certainly entertain it. **Councilor McGeary** also informed the Council that on Thursday, February 16th at the Malden Government Center in Council Chambers there will be a hearing from 6 p.m. to 8 p.m. where the MBTA will outline their proposed cuts of service. He encouraged anyone interested in this matter should attend.

MOTION: On motion by Councilor McGeary, seconded by Councilor Tobey, the City Council voted 9 in favor, 0 opposed to adopt the following City Council Resolution with regard to the Massachusetts Bay Transportation Authority's plan under consideration to eliminate commuter rail service to Cape Ann as follows:

Whereas: That despite the understandable need to reduce the deficit of the Massachusetts Bay Transportation Authority, a plan is under consideration by the authority to eliminate commuter rail service on Saturdays and Sundays, and

Whereas: There are more than enough riders to justify the continuation of weekend service, and

Whereas: In these difficult financial times, weekend workers may be unable to find alternate transportation risk losing their jobs, and

Whereas: Weekend train service offers families separated by distance a chance to visit more often, as well the opportunity to attend performances and sporting events, and explore museums, and

Whereas: Commuter rail has been a blessing to those whose health makes driving impossible, as well as for those who choose not to drive for the sake of the environment or their own peace of mind, and

Whereas: Small business owners offering unique goods and personalized service will also feel the loss of out-of-town shoppers.

Be it resolved:

That the Gloucester City Council expresses its strong opposition to the elimination of weekend commuter rail service on the Rockport Line, and

And that the Council through the City Clerk invites the relevant governmental bodies of municipalities served by the line to join with them in this expression of opposition.

Unfinished Business: None.

Individual Councilor's Discussion including Reports by Appointed Councilors to Committees:

Councilors' Requests to the Mayor:

Councilor Verga mentioned several street signs are missing in Magnolia, which the DPW Director informed him of. The Councilor warned taking these signs is illegal and is distinctly unhelpful during emergency responses.

Council President Hardy added it also costs the City money to replace the stolen signs.

Councilor Cox stated the Northeast Seafood Coalition is having a their 2012 big money raffle on February 25th from 7-10 p.m. at the Gloucester House Restaurant.

Councilor McGeary extended an invitation to a meeting he'll be hosting at St. John's Church on 48 Middle Street on Monday, February 27th at 7:00 p.m. which he is doing in his capacity as chair of the Budget & Finance Committee to solicit public input into the budget process. It is not an official hearing but a citizen gathering of his own initiative on the City's budget for FY2013 which process will begin shortly.

Councilor Ciolino noted a ground breaking ceremony at St. Peter's Square for the Harbor Walk on Friday, February 17th at 10 a.m. Also, in a few weeks there will be some serious CSO work around Main Street and may create some disruption to street traffic.

Councilor Whynott made note about complaints of double poles; one is on Maplewood Avenue around #33; and in another location, a pole was held to the next pole by baling wire and expressed concern that this was a hazardous situation. He and Councilor Cox would make a request to the Mayor to take action on it.

Council President Hardy asked they add a pole in front of the St. Ann School; one leans into the street so that it affects panel trucks. She also noted receiving dozens of telephone calls from constituents in Ward 4.2 with complaints about brown water. She will call a ward meeting on brown water in the next two weeks. She urged her constituents to contact her if she has not yet heard from them who are experiencing this phenomenon. It should not be happening; people can't wash clothes, bathe, or don't wish to drink or cook with it. She will be filing an emergency order if this can't be taken care of as most people in Lanesville deem this to be a public safety issue.

Linda T. Lowe announced that the public has until tomorrow evening up to 8 p.m. to register to vote in the March 6th primary in the City Clerk's office which is opened late especially for this purpose.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:12 p.m.

Respectfully submitted,

Dana C. Jorgenson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Letter from Joseph Grace dated 2/14/12 to the Council regarding the intersection of Holly & Washington Streets

- Handout from Susannah Altenberger regarding the “Green” Patrol-Craft Prototype project for the U.S. Navy being constructed through Phil Bolger & Friends, Inc., Boat Designers