

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, March 13, 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**

**Absent: Councilor Whynott**

**Also Present: Linda T. Lowe; Kenny Costa; Jim Duggan; Jeff Towne; Mike Hale; Richard Sagall; Barry Pett; Deputy Chief Miles Schlichte; Tony Gross**

**The meeting was called to order at 7:04 p.m.**

**Flag Salute & Moment of Silence.****Oral Communications:**

**Marlene Hodgkins**, 550 Essex Avenue expressed her appreciation of the Joint Planning & Development and Planning Board for holding their meeting the previous evening. **Council President Hardy**, although thanking Ms. Hodgkins for her kind words, stated that Oral Communications was not the format such statements. Ms. Hodgkins also commented the Pledge of Allegiance was not done at the joint meeting the previous evening and wondered why when the Council always opened their meeting that way but those Committees did not. **Council President Hardy** informed Ms. Hodgkins that the Pledge is incorporated within the Council's Rules of Procedure and given with pride at each Council meeting. She explained that each Board, Committee and Commission has their own procedures; some say the Pledge, others do not. It is at their option.

**Presentations/Commendations:**

- **1 of 2: Dr. Richard Sagall – Needy Meds Annual Update**

**Councilor McGeary** explained Dr. Sagall is the founder of Needy Meds, a program free and available to anyone who is unable to afford their medical prescriptions. Dr. Sagall is a Gloucester resident and a constituent of the Councilor's. **Dr. Sagall** explained to the Council that the Gloucester Fund discount card program started in 2009. Gloucester residents who have participated to date have saved just under \$350,000 with the Needy Meds card. The number of times the card has been used has approached 12,000. The average savings is about \$30 per prescription. It is a free card to anyone who needs it; with no registration or sign up and is distributed through many outlets in the City. Twenty-five cents is donated to the Gloucester Fund for each prescription filled. With him this evening he had a check of \$200 for the Gloucester Fund. Since Needy Med's founding, they've donated almost \$3,000 to the City through the Gloucester Fund. That money has been used by the Health Department for printing literature concerning drug abuse literature and also for the purchase of vaccines. **Barry Pett**, representing the Gloucester Fund accepted the check and thanked Dr. Sagall for his great program. He informed the Council that with this check the Gloucester Fund, established 11 years ago, will go over \$1 million mark for raising funds of which 100% has been disbursed back into the community.

- **2 of 2: Director of Public Works, Michael Hale – CSO/Utilities Update**

**Mr. Hale** updated the Council on work being done in the City by the utility companies in the downtown roadways ahead of the CSO (Combined Sewer & Stormwater Overflow) work to begin in that area at the beginning of April. He gave a Power Point presentation to the Council (on file), starting with a brief history on the City's sewer system which was originally installed in 1898, with the main reason for the installation was for the draining of the harbor swamp which is now where the train station is at Railroad Avenue, as well as the Maplewood Avenue area. The sewer was designed to dewater the area in order to increase the area for freight from trains. From 1898 to 1920 sewers around the City all dumped directly into the Harbor. In 1930 there was an interceptor pipe installed; a large pipe at the head of the harbor which collects all the sewerage as it comes from the neighborhoods and brought sewer to a single outfall pipe in the outer harbor off of Pavilion Beach. Now there is a new sewerage treatment plant and

outfall pipe. All of the City's waste water is collected through the interceptor sewer, brought across the canal to the waste water treatment plant on Essex Avenue, treated and then pumped out beyond the breakwater. What the City had remaining, however, was a series of CSO's, where the water and sewer connect and intercept during large rain events, and the combined run off spills into the harbor. He described the interceptor ranging in size from 18" to 36"; which is 12,000 linear feet stretching from Hartz Street to Essex Avenue. During dry weather its capacity is about 2.5 million gallons per day. During a rain event it can carry in excess of 15 million gallons per day. When the treatment plant becomes overburdened, that is when the CSO's activate – it is relief for this interceptor to the harbor. There are five active CSO's: 002; 004 which discharges behind the Latitude 43 Restaurant (area encompasses Hancock St. to Commercial Street and is being worked on currently); 005 is behind the Americold plant on Rogers Street (area goes from Hancock Street towards Eastern Avenue and stretches up to Friend, Taylor and Webster Street area); and 006 and 006a are at the head of the harbor (Webster Street, Eastern Avenue areas). Sector 002 work took place eliminating the majority of the spills to Pavilion Beach.

Permitting: From a permitting aspect the DEP and EPA came into the City in the late 1980's. The City entered into a consent agreement decree in the early 1990's. They developed a CSO facilities plan which determined the best and preferred method for the City was to separate the storm water run off from the sanitary sewer; have two separate pipes that do not combine. They also took an in-depth engineering look at how CSO would affect the City. In 2001 they had a draft long term control plan which laid out engineering avenues for mitigating all the CSO's. That long-term control plan was accepted in 2005 when they began (the modified consent decree) the separation in the catchment area 002 (from the old Linsky's junkyard to Pavilion Beach – the largest CSO area). Around 2008 the City began a discussion with the EPA and DEP thinking the City had a better plan to modify the long-term control plan. There were seven years of monitoring pipe flows around the City thinking they could build a better case for adjusting some of the work they were doing with cost savings and minimal disruptions to neighborhoods. As of today, the City has a pending supplemental long-term control plan with the EPA who has agreed in principal to it. There are few other regulatory issues they are trying to work into the plan; but the City is moving forward with a proposal they gave the EPA in 2008 which altered the course of the CSO work.

Initial long-term plan: The initial long-term plan looked at the CSO outlets. Mr. Hale enumerated the various annual activations in each catchment area with the volume levels which flowed through each area, and described some of the activation factors and strategies to which informed their modification their planning. The EPA and the DEP liked the strategy the City put forward to attack what they knew wasn't just a model as they had a basis in good research and facts. He described a map of the CSO drainage areas also. Mr. Hale commented that the 60" pipe that was installed running down Washington Street had to be that big to take its whole catchment area (002) which is the largest area of CSO. He then showed pictures of the pipes being installed and actual excavation. The initial long term control plan had the City agreeing to place some large diameter pipes at various points in the harbor at a huge cost to the rate payers and tax payers of Gloucester. With the modification of the long-term control plan they've developed ways to tie these drains into existing drains negating the need to install new drains; and with it they'll do any separation that needs to be done. There are places where there is side-by-side stormwater and sewer [pipes/drains] where, for whatever reason; there have been illicit connections by property owners. For instance, it was discovered on Addison Street, which was part of the separation in the 002 area, that 50% of the houses were tied into the drain, not the sewer.

Current on-going construction began last month which encompasses a wide scope but is a small project addressing parts of 004, 005 and 006 – from Commercial Street to the head of the harbor. They are working at various locations within the downtown (Chestnut, Elm, Short, Porter, Parker Streets, Eastern Avenue and a small separate piece on Railroad Avenue. Work is expected to end in mid-May; this project is a difficult one but of short duration. Mr. Hale commented the dig-safe marks on Elm Street look like "graffiti" marking all the various utility duct work under the roadway along with water drains and sewer.

On inquiry by **Council President Hardy**, **Mr. Hale** described what the colored street markings mean to the public: each utility having its own unique color – water=blue; sewer=green; gas=yellow; electric=red; Verizon=orange, so that when contractors are digging they know what is right underneath them.

The next phase of construction is planned for late fall/winter of 2012 into the spring of 2013 which will address the 005, 006 and 006a area. They have asked National Grid (NG) to address any gas main deficiencies they may have within the project scope. NG has been working all winter running ahead of the City projects to take care of any utility work they may have now.

Other City utility work underway: All shop drawings are complete; contracts are issued and are ready to break ground in the next few weeks. Phase 3A Water Main Construction (\$6 million) – all of Governor's Hill area (Commonwealth Avenue neighborhood) for over 20,000 linear feet of new water main; Phase 3B (\$2.5 million) involves the Plum Cove Water Storage Tank, as well as some other controls to the Lanesville water control system

and reconditioning the Blackburn Industrial Water Tower tank; Phase 3C Water project (just over \$1 million) includes some mixing equipment at the Bond Hill finished water reservoir, which is an underground storage tank of 7.5 million gallons of finished water that essentially sits there. The point is to keep that water fresh and so needs mixing of some manner, either solar or mechanical, paddles that move the water within that reservoir to keep the water fresh.

Work at the Waste Water Treatment Plant: Phase 1 was completed last year under the Consent Order. The Phase 2 Sewer project is expected to be finished late this summer, a \$10 million construction project. In all it is a \$20 million between the engineering project for Phase 1 and 2 construction.

Lower Essex Avenue: The DPW had a study from a year ago that took a cursory look at the area, small in scope. The DPW has a funding request coming before the Council for a transfer from sewer free cash to a capital account to get a good engineering evaluation of the sewer from the Waste Water Treatment Plant to the Town of Essex line. This will place flow monitors in the pipes; “camera-ing” the lines; doing any dye testing; looking at the upstream factors contributing to the Essex Avenue piece and any upstream factors that may contribute to the issues there.

Comments/Questions by Councilors: **Councilor Tobey** expressed his thanks for the presentation and pointed out the City over the past decades has made “dramatic” progress in its management of waste water treatment, recalling that in 1961 from East Main Street at the Beacon Marine Boat Basin through Rocky Neck was sewer; and much more has been done under the Consent Decrees, making other work difficult to simultaneously fund. He imparted good news from a recent meeting with the EPA Sector 1 Administrator in Washington, DC which included about three dozen New England public works directors, industry consultants; who shared that Gloucester’s situation has their attention. The EPA holds the City up as a prime example for coordinated planning for stormwater, CSO, sewer plant, drinking water. The City’s water issues are front and center which means other things are being pushed back. The City is getting credit for the financial limitations situation for which the Councilor credited the Administration and to Mr. Hale in particular that the EPA “finally gets it”. Commenting upon the many construction crews from the gas company working in the City now, the Councilor would want them to let folks know, weekly if they could, about where they are going to be working; and asked Mr. Hale to look into this for the next phase of the CSO work. **Mr. Hale** stated they have weekly construction meetings. Neighborhood to neighborhood they hand out flyers advising of the work coming to their area. They also have neighborhood meetings to get the word out about the work with their Ward Councilors. He added there is a proposal for an interface on the City’s web site to be updated very regularly. **Councilor Tobey** urged they do as much as possible to get the word out. He also asked where Mr. Hale saw a unified utility plan being made. **Mr. Hale** stated they do a lot of outreach to other utilities commenting Verizon and Comcast are not as good a utility partner as National Grid. NG is the most visible as is NG gas. There are many NG crews in the City, more than ever, which is unusual. They are doing everything being asked of them, now working ahead of the DPW work. They’ve agreed to repave roads. The DPW works hard with those utilities. The DPW couldn’t propose a gas main on their own or underground utilities. They look at the sizing of mains in certain neighborhoods, the same with the CSO projects. He meets with a consultant, his own utilities crew, look at the archives plans; Gloucester is unique with a lot of generations of utilities in the ground. They still make the attempt for every project to get all the utilities to the table. NG still prefers to put electrical utilities above ground as they’re easier to work with for them. **Councilor Cox** expressed her appreciation for Mr. Hale’s presentation and his neighborhood meetings. She was pleased to say the DPW’s responses to questions are prompt. She also appreciated the fact that the roads will be repaved sidewalk to sidewalk, as well as having sidewalks redone. **Mr. Hale** stated not all sidewalks, in addition to the roadways, will be redone but they’ll do as much as they can. **Councilor Ciolino** asked about the Boulevard and Western Avenue being all marked off; and what were the plans for that area. **Mr. Hale** stated there have been two ward meetings. Part of the work is to replace the two 20” water mains in the Boulevard. They did some replacements of mains under emergency situations. That work will start before April 1<sup>st</sup> and get out before June. There are limitations where and when these water projects can be done due to events taking place in the City during the summer months. It is written into the contracts that crews can’t work during these events like St. Peter’s Fiesta, for instance. Immediately behind that they will patch while the trenches are settling and will repave in the fall. **Councilor Ciolino** pointed out the paving and repaving of Main and Rogers Street. **Mr. Hale** stated Main Street will be curb-to-curb repaving. Rogers Street has more work to be done on it. That would not be resurfaced yet. **Councilor Ciolino** noted the CSO construction crews were first rate in his estimation, cleaning up after themselves, and have gone door-to-door letting folks know where they are working in advance. He is also available with all the contact telephone numbers for anyone who needs to get in touch with the utilities, as the designated point person for the Council. **Councilor McGearry** asked about a prospect of a secondary sewerage treatment plant. **Mr. Hale** explained they’re in a holding pattern. They presented their argument to the EPA regional attorney last fall after the public hearing held in Gloucester. They have not had anything come back to the City yet. They may need to present some alternatives before the EPA comes back to them. Something will have to

happen; there may be trade-offs that have impact on the Clean Water Act. The City is saying their waste water treatment plant does not have the impact they claim it does. They're going into the initial construction at the plant now with much needed improvements to the primary facility. He is anticipating some word in the next six months. **Councilor McGeary** asked if they've thought of an alternative plan to offer to the EPA as a possible compromise. **Mr. Hale** stated he and some other people do have alternatives; but more discussion internally is needed before releasing that sort of information in an appropriate format. **Councilor Tobey** stated it is important where they stand as to whether or when they have to do secondary upgrades. The EPA understands they need to do integrated plans focusing on drinking water. The good news is so long as they're operating under the old permit they don't have to be engaged with it. **Mr. Hale** agreed; that they've done outreach to the EPA. They're spending over \$20 million over a few years which are a huge investment; \$35 million on the CSO; assisting Essex with their issues as well; and stated they do a good job. **Council President Hardy** introduced and thanked Mr. Hale's young A/V assistant to the Council, Miss Ava Hale, his 9 year old daughter.

#### **Appointments:**

**Councilor Theken** explained that the O&A Committee questioned the three appointees to their respective Commission and Committee 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 of which none of the candidates claimed to have. She expressed the Committee's and the Council's appreciation at each of the appointees' willingness to step forward and volunteer on behalf of their City and thanked them for their commitment. Without the volunteers they could not run the City. Reappointments do not have to come before the Council, however.

- **Board of Registrars, Mark Nestor (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 Mark Nestor to the Board of Registrars, TTE 02/14/15.

**DISCUSSION: None.**

**MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to appoint Mark Nestor to the Board of Registrars, TTE 02/14/15.**

- **Downtown Development Commission, Suzanne Silveira (TTE 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 appoint Suzanne Silveira to the Downtown Development Commission, TTE 02/14/15.

**DISCUSSION: None.**

**MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to appoint Suzanne Silveira to the Downtown Development Commission, TTE 02/14/15.**

- **Cable TV Advisory Committee, Karen Favazza Spencer (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 Karen Favazza Spencer to the Cable TV Advisory Committee, TTE 02/14/15.

**DISCUSSION: None.**

**MOTION: On motion by Councilor Theken seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to appoint Karen Favazza Spencer to the Cable TV Advisory Committee, TTE 02/14/15.**

- **Magnolia Woods Oversight & Advisory Committee, James Cooke (TTE 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 appoint James Cooke to the Magnolia Woods Oversight & Advisory Committee, TTE 02/14/13.

**DISCUSSION: Councilor Theken** stated the Committee expressed their thanks to Councilor Tobey for proposing an ordinance change and shepherding this Committee into being along with Councilor Verga. Some folks have been the “sheriffs” of the Magnolia Woods for its protection before there ever was a Committee. **Councilor Verga** expressed his thanks to those members of the community who stepped forward to work on the Committee.

**MOTION: On motion by Councilor Theken, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to appoint James Cooke to the Magnolia Woods Oversight & Advisory Committee, TTE 02/14/13.**

- **Magnolia Woods Oversight & Advisory Committee, Thomas Falzarano, Alexander Monell (TTE 02/14/14)**

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 Thomas Falzarano to the Magnolia Woods Oversight & Advisory Committee, TTE 02/14/14.

**DISCUSSION: None.**

**MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to appoint Thomas Falzarano to the Magnolia Woods Oversight & Advisory Committee, TTE 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 appoint Alexander Monell to the Magnolia Woods Oversight & Advisory Committee, TTE 02/14/14.

**DISCUSSION: None.**

**MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to appoint Alexander Monell to the Magnolia Woods Oversight & Advisory Committee, TTE 02/14/14.**

- **Magnolia Woods Oversight & Advisory Committee, Dean Sidell, Christine Rasmusen (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 Dean Sidell to the Magnolia Woods Oversight & Advisory Committee, TTE 02/14/15.

**DISCUSSION: None.**

**MOTION: On motion by Councilor Theken, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to appoint Dean Sidell to the Magnolia Woods Oversight & Advisory Committee, TTE 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 appoint Christine Rasmussen to the Magnolia Woods Oversight & Advisory Committee, TTE 02/14/15.

**DISCUSSION:** Councilor Theken and Councilor Ciolino welcomed former City Councilor Rasmussen back. Councilor Tobey noted Mr. Cooke and Ms. Rasmussen who were instrumental in turning the landfill into a functioning open space the City can take pride in. As the City looks to reinvest in the Magnolia Woods they are a fundamental and key resource to be consulted. He thanked them for their willingness to take this on.

**MOTION:** On motion by Councilor Theken, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to appoint Christine Rasmussen to the Magnolia Woods Oversight & Advisory Committee, TTE 02/14/15.

- Waterways Board (TTE 02/14/15) Tom Hovey-Economic Development Mbr.  
 (TTE 02/14/15) Ralph Pino – Economic Development Mbr.  
 (TTE 02/14/13) Patti Page-Fishing Industry Mbr.

**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 to the Waterways Board, TTE 02/14/15, Tom Hovey, Economic Development Member.

**DISCUSSION:** Councilor Theken noted these two next appointments were to fill the newly created Economic Development positions to the Waterways Board.

**MOTION:** On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to appoint to the Waterways Board, TTE 02/14/15, Tom Hovey, Economic Development Member.

**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 to the Waterways Board, TTE 02/14/15 Ralph Pino, Economic Development Member.

**DISCUSSION:** None.

**MOTION:** On motion by Councilor Whynott, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to appoint to the Waterways Board, TTE 02/14/15 Ralph Pino, Economic Development Member.

**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 appoint to the Waterways Board, TTE 02/14/13 Patti Page, Fishing Industry Member.

**DISCUSSION:** None.

**MOTION:** On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to appoint to the Waterways Board, TTE 02/14/13 Patti Page, Fishing Industry Member.

**Consent Agenda:**

- **CONFIRMATION OF REAPPOINTMENTS:**

Affordable Housing Trust	George Sibley, Mary John Boylan	TTE 02/14/14
Board of Health	Robert Harris	TTE 02/14/15
Clean Energy Commission	Jill Buchanan, Linda-Stout Saunders, Candace Wheeler	TTE 02/14/14
Committee for the Arts	Dale Brown, Marcia Hart	TTE 02/14/16
Community Preservation Committee	David C. (“J.J.” Bell, Sandra Dahl Ronan	TTE 02/14/15
Conservation Commission Rep to CPC	Robert Gulla	TTE 02/14/15
Historical Commission Rep to CPC	Thomas O’Keefe	TTE 02/14/15
Conservation Commission	Charles Anderson, Jr.; Barry Gradwohl	TTE 02/14/15

Council on Aging	Selma Bell, Barry McKay, Fredrick Cowan, Lee Harty	
	Jay Gustaferrero	TTE 02/14/15
Historic District Commission	Robert Chandler	TTE 02/14/15
Historical Commission	Amanda Nash, Jeff Crawford, Thomas O'Keefe	TTE 02/15/15
Open Space & Recreation Advisory Comm.	Noel Mann, Patricia Amaral	TTE 02/14/15
Traffic Commission	Robert Francis	TTE 02/14/15
Waterways Board	Phil Cusumano – At-Large Member	TTE 02/14/15
	Cate Banks – Recreational Boating Member	TTE 02/14/13
Zoning Board of Appeals	James Movalli, Michael Nimon	TTE 02/14/15

• **MAYOR'S REPORT**

1. Request from DPW Director re: \$350,000 to fund engineering investigation for lower Essex Avenue area sewer and W. Gloucester Sewer Collection System (Refer B&F)
2. Memorandum from Environmental Engineer re: National Grid Electrical Easement at the Water Pollution Control Facility (Refer P&D)
3. New Appointments:
 

Planning Board	TTE 02/14/2017	Linda Charpentier	
Historic District Commission	TTE 02/14/2015	Robert Wolsfelt	(Refer O&A)

• **COMMUNICATIONS/INVITATIONS**

1. Response to Oral Communications of February 28, 2012 City Council Meeting re: Handicapped access issues (File)
2. Response to Oral Communications of February 14, 2012 City Council Meeting re: Intersection of Holly & Washington Sts. (File)

• **INFO ONLY**

1. Initial Recommendation to School Committee from Superintendent of Schools & Chief Finance Officer re: FY13 School District Budget (Info Only)

**APPLICATIONS/PETITIONS**

1. Request & Application for road closures for the Downtown Gloucester Block Party Series on July 21, 2012, August 18, 2012 & September 15, 2012 (Refer P&D)
2. Request & Application from YMCA for road closures for the Backshore 5 Mile Road Race on May 11, 2012 (Refer P&D)
3. Request & Application from YMCA for road closures for the St Peter's Fiesta Road Race on June 28, 2012 (Refer P&D)
4. Request & Application from YMCA for road closures for the 25K Around the Cape Road Race on September 3, 2012 (Refer P&D)
5. Request & Application from YMCA for road closures for the 7K Run the Goose Road Race on September 3, 2012 (Refer P&D)

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

1. City Council Meeting: 02/28/12 (Approve/File)
2. Executive Session Minutes 08/31/10, 02/08/11, 03/22/11, 04/12/11, 06/14/11, 02/14/12 (under separate cover) (Approve/File)
3. Standing Committee Meetings: B&F 03/08/12 (under separate cover); O&A 03/05/12; P&D 03/07/12 (under separate cover); Special Joint Meeting P&D and Planning Board (under separate cover) (Approve/File)

**Unanimous Consent Calendar:**

1. Memorandum from CAO re: Fire Department Overtime (Refer B&F)

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

**Councilor Theken** asked to pull under "Reappointments" that of Cate Banks to the Waterways Board as there was a need to amend the Term To Expire.

**Councilor Hardy** pulled Item #2 from Approval of Minutes from Previous Council and Standing Committee Minutes and #3 Special Joint Meeting of the Planning & Development Committee and Planning Board.

**Councilor McGeary** wished the pull the item under "Info Only" Initial Recommendation to School Committee from the Superintendent of Schools & Chief Finance Officer re: FY13 School District Budget.

**Councilor Theken** explained there had been some confusion for the Waterways Board terms of expiration with the addition of the new members just appointed. As a consequence, Ms. Bank's term to expire should have been 02/14/14 but the Administration had asked for 02/14/13 in error. She asked the Council allow for this friendly amendment to correct the oversight.

**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 to Cate Banks to the Waterways Board, Recreational Boating Member, TTE 02/14/13.

**MOTION:** On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent to reappoint to Cate Banks to the Waterways Board, Recreational Boating Member, TTE 02/14/14.

**Council President Hardy** explained that the Executive Session Minutes were not prepared in time for this meeting and asked that the matter of their release be continued to the next Council meeting of March 27, 2012. The matter was continued by the Council's unanimous consent. Regarding the Special Joint Meeting of the P&D Committee and

the Planning Board, that meeting was continued to Thursday, March 15<sup>th</sup> at 7 p.m.; and therefore, the minutes could not be ready in time for this meeting. She asked that the minutes be withdrawn and placed on the March 27<sup>th</sup> Council agenda; for which the Council gave its unanimous consent.

**Councilor McGeary** asked that the Initial Recommendation to School Committee form Superintendent of Schools & Chief Finance Officer re: FY13 School District Budget be referred to the B&F Committee; which the Council did by unanimous consent.

**By unanimous consent the Consent Agenda as well as the Unanimous Consent Calendar were accepted as amended.**

**Committee Reports:**

- **Ordinances & Administration: March 5, 2012**

**MOTION:** On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 0 in favor, 3 opposed to recommend to the City Council to adopt the Traffic Commission recommendation to reject the creation of a handicap parking space at Lloyd Street #5.

**DISCUSSION:** **Councilor Theken** explained this Council Order brought over from the last Council was before the Traffic Commission who did not recommend the creation of a handicap space at Lloyd Street #5 because this was a private property issue. The O&A Committee supported the Commission's findings.

**MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted 0 in favor, 8 opposed to create a handicapped parking space at Lloyd Street #5.**

- **Budget & Finance: March 8, 2012**

**MOTION:** On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 0 in favor, 3 opposed to recommend to the City Council to accept a donated 1985 Chevrolet P-30 Van, Model CP-3144, VIN#1GCJP3338931 from James W. O'Hara, Jr. of O'Hara Industrial Services LLC under MGL c. 44, §53A-1/2 for the purpose of use by the Civil Defense Department.

**DISCUSSION:**

**Councilor McGeary** explained after review by the DPW it was determined that this vehicle was not suitable for the City's purposes While they thanked Mr. O'Hara of O'Hara Industrial Services for offering to donate this van, it did not fit into the City's plans at this time.. The B&F Committee recommended this motion be voted down by the Council. **Council President Hardy** asked that the City Clerk's office and the Administration send a letter to Mr. Jamie O'Hara for his willingness to assist the City although it didn't work out. **Councilor Ciolino** suggested an ambulance being rotated out of the Fire Department's roster of vehicles could possibly be recycled for use by Civil Defense in the near future.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Tobey, the City Council voted 0 in favor, 8 opposed, 1 (Whynott) absent, to accept a donated 1985 Chevrolet P-30 Van, Model CP-3144, VIN#1GCJP3338931 from James W. O'Hara, Jr. of O'Hara Industrial Services LLC under MGL c. 44, §53A-1/2 for the purpose of use by the Civil Defense Department.**

**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-18) \$854.79 from Personnel, Retirement Buy Backs, Unifund Account #101000.10.152.51970.0000.00.000.00.051 to Police-Investigations, Sal/Wage Longevity, Unifund Account #101000.10.212.51400.0000.00.000.00.051.

**DISCUSSION:**



**Councilor McGeary** stated this transfer is for Detective Kenny Ryan pro-rated longevity that was paid out in 2012 as part of his last paycheck (he retired at the end of the year). They are authorizing the transfers in order to backfill the Police budget so there is no shortfall. **Mr. Costa** added that this was not part of the 2011 funding.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to transfer (#2012-SBT-18) \$854.79 from Personnel, Retirement Buy Backs, Unifund Account #101000.10.152.51970.0000.00.000.00.051 to Police-Investigations, Sal/Wage Longevity, Unifund Account #101000.10.212.51400.0000.00.000.00.051.**

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-19) \$7,329.82 from Personnel, Retirement Buy Backs, Unifund Account #101000.10.152.51970.0000.00.000.00.051 to Police-Investigations, Sal/Wage Perm Pos, Unifund Account #101000.10.212.51100.0000.00.000.00.051.

**DISCUSSION: None.**

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to transfer (#2012-SBT-19) \$7,329.82 from Personnel, Retirement Buy Backs, Unifund Account #101000.10.152.51970.0000.00.000.00.051 to Police-Investigations, Sal/Wage Perm Pos, Unifund Account #101000.10.212.51100.0000.00.000.00.051.**

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 pay Invoice #355987 from Boston AmQuip LLC for services rendered August 26, 2011, for the removal of the City Hall chimney at a cost of \$2,960.50 without a purchase order in place.

**DISCUSSION:**

**Councilor McGeary** explained that this transfer was for the emergency removal of the chimney at City Hall which was unstable, ahead of Hurricane Irene in August 2011. There was a need for a quick turnaround from this company but there was not time to cut a purchase order. There was an insurance settlement which will help to defray some of the cost; but this is the balance that must be paid.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to pay Invoice #355987 from Boston AmQuip LLC for services rendered August 26, 2011, for the removal of the City Hall chimney at a cost of \$2,960.50 without a purchase order in place.**

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 pay Invoice #S1875149.001 dated 12/19/11 from Salem Plumbing Supply for goods purchased to repair a sewer pipe break at the East Gloucester Elementary School at a cost of \$3,220.58 without a purchase order being in place.

**DISCUSSION:**

**Councilor McGeary** stated that the second invoice for which no purchase order was in place was from December 2011 for parts and materials from Salem Plumbing Supply needed to fix a sewer line break on an emergency basis at the East Gloucester Elementary School while school was in session. The City undertook the labor but the parts were more expensive; the repair had to be done immediately; so the purchase was made without a purchase order in place.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to pay Invoice #S1875149.001 dated 12/19/11 from Salem Plumbing Supply for goods purchased to repair a sewer pipe break at the East Gloucester Elementary School at a cost of \$3,220.58 without a purchase order being in place.**

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council to appropriate \$215,000 (Two Hundred Fifteen Thousand Dollars) from the Community Preservation Act funds, as recommended by the Community Preservation Committee, for the purpose to pay costs of remodeling and making extraordinary repairs of the Gloucester City Hall Building, 9 Dale Avenue, Gloucester, Mass. for the historic preservation purposes under the Community Preservation Program. The appropriation will be allocated to the Historic Preservation Category and funded from unrestricted reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Capital Projects – Historical Preservation – Fund #346000.

**DISCUSSION:**

**Councilor McGeary** explained that this is an action recommended by the CFO to save the City a great deal of money for the restoration of City Hall. While the Council had approved a bonding of \$2.6 million, by paying cash up front, the City was able to save both from last year when the Council took the same action as now, \$430,000 in borrowing thereby being able to pay the loan off earlier.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to appropriate \$215,000 (Two Hundred Fifteen Thousand Dollars) from the Community Preservation Act funds, as recommended by the Community Preservation Committee, for the purpose to pay costs of remodeling and making extraordinary repairs of the Gloucester City Hall Building, 9 Dale Avenue, Gloucester, Mass. for the historic preservation purposes under the Community Preservation Program. The appropriation will be allocated to the Historic Preservation Category and funded from unrestricted reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Capital Projects – Historical Preservation – Fund #346000.**

**Council President Hardy** thanked the CFO, Jeff Towne; and the City Auditor, Kenny Costa, for their coordinated efforts on this matter.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council to RESCIND a vote taken on February 10, 2011, as follows;

“ORDERED: That \$215,000 of the \$2,385,000 that was originally authorized to be borrowed pursuant to an order of this Council approved on February 10, 2011, and amended by a vote of the City Council on June 28, 2011, for the purpose of paying costs of reconstructing and making extraordinary repairs to City Hall, is hereby rescinded and of no further force or effect.”

**DISCUSSION:**

**Councilor McGeary** explained this motion asks the Council to take the \$215,000 from the remaining loan authorization so that the loan authorization now in place so they don't have to borrow it.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to RESCIND a vote taken on February 10, 2011, as follows;**

“ORDERED: That \$215,000 of the \$2,385,000 that was originally authorized to be borrowed pursuant to an order of this Council approved on February 10, 2011, and amended by a vote of the City Council on June 28, 2011, for the purpose of paying costs of reconstructing and making extraordinary repairs to City Hall, is hereby rescinded and of no further force or effect.”

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, in accordance with MGL Chapter 40 Section 5B, to appropriate \$227,772.92 from Fund #850000, Capital Project Stabilization; and those funds are to be placed in a new Fund #850001, Capital Projects - Fire Department – Ambulance; specifically for the purchase of one (1) new Horton/International ambulance for use of the Gloucester Fire Department.

**DISCUSSION:**

**Councilor McGeary** stated that the Fire Department's fleet of ambulances is in disrepair; there is one front-line ambulance with three others in various stages of disrepair. This purchase would bring the Department up to two strong front line ambulances. This is what the Capital Projects Stabilization Fund (CPSF) was set up to do, to purchase midrange capital items. The Committee felt this was a good use of the money for an important City need. **Councilor Ciolino** expressed support for the expenditure stating it is a fiduciary responsibility to be sure there is a safe, reliable vehicle for the Fire Department staff to respond to emergencies and transport patients. **Councilor Cox** added her support for the appropriation. **Council President Hardy** stated that the previous (2010-2011) B&F Standing Committee, working together with the Mayor's financial team, including Mr. Towne and Mr. Costa, established CPSF noting it is always difficult to tuck money away for a future capital use. However, the momentum gained and funds accumulated so that they could buy an ambulance and not have to bond for it. This is the culmination of the work of many City departments, and thanked them all. She also pointed out this appropriation would have depleted the entire account; but with the CFO and City Auditor working together, they will now be able to put money into the Capital Projects Stabilization Fund to keep the account open. She reiterated her thanks for the City's staff teamwork.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Theken, the City Council BY ROLL CALL voted 8 in favor, 0 opposed, 1 (Whynott) absent, that in accordance with MGL Chapter 40 Section 5B, to appropriate \$227,772.92 from Fund #850000, Capital Project Stabilization; and those funds are to be placed in a new Fund #850001, Capital Projects - Fire Department – Ambulance; specifically for the purchase of one (1) new Horton/International ambulance for use of the Gloucester Fire Department.**

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 transfer (#2012-SBT-26) \$10,000 from Treas/Coll, Prop Insurance Gen Liab, Unifund Account 101000.145.57420.0000.00.000.00.057 to Cap Proj Stab Fund-Transfer in from Gen Fund, Unifund Account 8500000.10.991.49700.0000.00.000.00.040.

**DISCUSSION:**

**Councilor McGeary** added this motion is to transfer \$10,000 from free cash to the Capital Project Stabilization Fund was done at the suggestion of Council President Hardy and the Auditor; and with the agreement of the Administration so as to keep the Fund account open and active to further encourage transfers into it when funds become available so that the City can pay cash for just such meaningful capital purchases.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to transfer (#2012-SBT-26) \$10,000 from Treas/Coll, Prop Insurance Gen Liab, Unifund Account 101000.145.57420.0000.00.000.00.057 to Cap Proj Stab Fund-Transfer in from Gen Fund, Unifund Account 8500000.10.991.49700.0000.00.000.00.040.**

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 permit the Emergency Management Director to pursue a FEMA Hazard Mitigation Grant to be passed through MEMA for \$1,000,000.00 (One Million Dollars) with a 25% match of \$250,000.00 (Two Hundred Fifty Thousand Dollars) consisting of in-kind services and cash.

**DISCUSSION:**

**Councilor McGeary** explained to the Council this allows for the Emergency Management Director to apply for a FEMA Grant to mitigate an historic flooding situation at Poplar Street. While this grant does have a match, this is only to allow for the application. It is a 75% grant; 25% match. **Councilor Ciolino** added his support for the application stating this area needs to be fixed. If there is an opportunity for funding, they need to move forward on it, even if there is a match, although much of that match can be in-kind. **Councilor Theken** asked for further information about the match and also asked how long the project is anticipated to completion. **Deputy Chief Miles Schlichte** explained the request before them is permission to put the application in for a competitive grant for the State. The match can be how it best fits the City's need of in-kind and cash. The grant is three years from the date it

is approved to the completion of the project. Mr. Hale indicated to him that timeframe is an obtainable goal to finish that kind of work. He asked the Council to permit him to apply for this grant which has a deadline of April 1st. **Council President Hardy** asked who administers the grant. The **Deputy Chief** stated it would be primarily administered through Emergency Management in conjunction with the CFO. **Council President Hardy** asked Mr. Costa who would be the proper authority to be the administrator on the grant. **Mr. Costa** thought it should be through Emergency Management but work as a team with the DPW. Because this is a federal grant, he pointed out that the outside auditors will examine it closely wanting to see it cleanly run. **Council President Hardy** urged that the Emergency Management Director, should the City be awarded this grant, to work closely with the CFO and the City Auditor in a timely manner. **Councilor Ciolino** added this is to mitigate the flooding in the Poplar Street area and to plan for future drainage to prevent more flooding. **Councilor Tobey** stated since this is construction of a public asset that the key player in the administration of this grant should be the DPW Director, as the construction manager, where the expertise lays. **Council President Hardy** also agreed with Councilor Tobey. She asked the Deputy Chief to be sure to work this out in advance. The **Deputy Chief** agreed with Councilor Tobey and that Emergency Management acts as the funnel for such things. **Councilor Theken** thanked the Deputy Chief for pursuing this grant.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, 1 (Whynott) absent, to permit the Emergency Management Director to pursue a FEMA Hazard Mitigation Grant to be passed through MEMA for \$1,000,000.00 (One Million Dollars) with a 25% match of \$250,000.00 (Two Hundred Fifty Thousand Dollars) consisting of in-kind services and cash.**

**The following five transfers all relate to the Emergency Operations Center (EOC) at the Fuller School under Civil Defense.**

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 transfer (#2012-SBT-20) \$1,500.00 from Special Reserve, Contractual Services, Unifund Account #101000.10.900.52000.0000.00.000.00.052 to Civil Defense Contractual Services, Unifund Account #101000.10.291.52000.0000.00.000.00.052.

**Councilor McGeary** explained this transfer is for lettering for three trailers and a truck in order to make the distinction to all other similar trailers for the City, as well as for a truck for their use in near future. It is taken out of the "900" account which was money set aside during the last budget process.

A friendly motion to amend the dollar amount was made by **Councilor McGeary** to \$1,550.00 to correct a typographical error in the original transfer amount.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to transfer (#2012-SBT-20) \$1,550.00 from Special Reserve, Contractual Services, Unifund Account #101000.10.900.52000.0000.00.000.00.052 to Civil Defense Contractual Services, Unifund Account #101000.10.291.52000.0000.00.000.00.052.**

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 transfer (#2012-SBT-21) \$2,851.00 from Special Reserve Contractual Services, Unifund Account #101000.10.900.52000.0000.00.000.00.052 to Civil Defense, Contractual Services, Unifund Account #101000.10.291.52000.0000.00.000.00.052.

**Councilor McGeary** explained this transfer is for the purchase of MRE's (Meals Ready to Eat) which have a five year shelf life to be used for EOC if it is opened as an emergency shelter.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to transfer (#2012-SBT-21) \$2,851.00 from Special Reserve Contractual Services, Unifund Account #101000.10.900.52000.0000.00.000.00.052 to Civil Defense, Contractual Services, Unifund Account #101000.10.291.52000.0000.00.000.00.052.**

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 transfer (#2012-SBT-22) \$5,569.00 from Special Reserve Contractual Services, Unifund Account #101000.10.900.52000.0000.00.000.00.052 to Civil Defense, Office Equip-Furniture, Unifund Account #101000.10.291.58710.0000.00.000.00.058.

**The above motion was continued to the next City Council meeting of 3/27/12 due to a question of the total amount of the transfer.**

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-23) \$5,569.00 from Special Reserve Contractual Services, Unifund Account #101000.10.900.52000.0000.00.000.00.052 to Treas/Coll-General Insurance, Unifund Account #101000.10.145.57400.0000.00.000.00.057.

**Councilor McGeary** explained this transfer is for Liability Insurance for CERT volunteers who need coverage when they are volunteering for the City. They are not covered under those circumstances under the State Good Samaritan law. The Councilor made a friendly amendment to change the dollar amount to \$4,000.00 upon confirmation with the Deputy Chief as to the correct amount for the CERT insurance coverage.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to transfer (#2012-SBT-23) \$4,000.00 from Special Reserve Contractual Services, Unifund Account #101000.10.900.52000.0000.00.000.00.052 to Treas/Coll-General Insurance, Unifund Account #101000.10.145.57400.0000.00.000.00.057.**

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-24) \$1,400.00 from Special Reserve Contractual Services, Unifund Account #101000.10.900.52000.0000.00.000.00.052 to Civil Defense, Repairs & Maintenance Sup, Unifund Account #101000.10.291.54300.0000.00.000.00.054.

**Councilor McGeary** explained this transfer is for a replacement video projector head and tools for EOC.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to transfer (#2012-SBT-24) \$1,400.00 from Special Reserve Contractual Services, Unifund Account #101000.10.900.52000.0000.00.000.00.052 to Civil Defense, Repairs & Maintenance Sup, Unifund Account #101000.10.291.54300.0000.00.000.00.054.**

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-25) \$300.00 from Special Reserve, Contractual Services, Unifund Account #101000.10.900.52000.0000.00.000.00.052 to Civil Defense, Supplies Unifund Account #101000.10.291.52000.0000.00.000.00.052.

**Councilor McGeary** explained this transfer is for pet supplies for shelter which is mandated by FEMA. There is an area at the EOC specifically for pets. By friendly amendment the final three numbers in Civil Defense Supplies Unifund number were changed to end in .054. **Councilor Ciolino** stated this was getting the "house" in order so that the City can be better prepared for any disaster that may befall the City. People will not leave their pets. That creates problems and so he was pleased to see the federal government had now mandated this effort. He expressed the Deputy Chief was doing a good job. **Councilor Verga** pointed this is all taking place at the Fuller School whose future is uncertain. **Councilor Cox** noted while everything is being housed at the Fuller School, all equipment for the EOC is portable. This is just purchasing equipment to provide them with the means to open a shelter and run an EOC. **Councilor Verga** agreed and was not in opposition but wanted the Council to keep the Fuller School situation in mind. **Councilor Ciolino** noted this conversation was had at B&F. The issue is they'll be ready whether the EOC is in any location in the City. By friendly amendment the Unifund account number for Supplies was corrected so as to read: "101000.10.291.54000.0000.00.000.00.054".

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, City Council voted BY ROLL CALL 8 in favor, 0 opposed; 1 (Whynott) absent to transfer (#2012-SBT-25) \$300.00 from Special Reserve,**

**Contractual Services, Unifund Account #101000.10.900.52000.0000.00.000.00.052 to Civil Defense, Supplies Unifund Account #101000.10.291.54000.0000.00.000.00.054.**

• **Planning & Development: March 7, 2012**

**Councilor Tobey** advised that most of the motions from this meeting will come back at public hearings. He reiterated that the Committee did not consider the Pavilion Beach easement at its March 7<sup>th</sup> meeting but that it would be the first item on their agenda at their March 21<sup>st</sup> meeting at 7 p.m. in the 1<sup>st</sup> floor Council Committee Room. There was also a lively conversation between the Committee, EDIC representatives and the Administration regarding the preparation of an inventory of vacant commercial, industrial and retail properties in the City to become the foundation as an “opportunity inventory” to be used as a basis for an aggressive municipal marketing campaign. Particular attention was paid to the fact that approximately 60% of the State Fish Pier remains vacant, once completely full with buildings; warehouses, freezers, a by-products plant with hundreds of jobs. Through the Massachusetts Development Finance Administration has treated the pier as a “parking lot”. The Committee voted, and the Administration is working on, to get what the Fisheries Commission tried to get and couldn’t, to get the MFDA to explain why that land remains undeveloped and what their future plans are. And if the MFDA will not volunteer to come forward, he proposed to exercise the Council’s right to subpoena the MFDA chairman in a legally binding way to come before the Council.

**MOTION:** On motion of Councilor Verga, seconded by Councilor Hardy, the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to allow the 2012 annual St. Peter’s Fiesta, commencing on Wednesday evening, June 27, 2012 through Sunday, July 1, 2012, the use and control of St. Peter’s Park on Rogers Street, the streets and sidewalks of Rogers Street, from Mansfield Way to the entrance of Commercial Street; Commercial Street up to Fort Square to include the use of the Birdseye property (if made available by the owner); and from the intersection of Main and Washington Streets to St. Peter’s Park; and on Friday, June 29<sup>th</sup>, Saturday, June 30<sup>th</sup>, and Sunday, July 1<sup>st</sup> on only the water side of Stacey Boulevard from “The Tavern” to the Fishermen’s Memorial (to the extent allowable by law) and the Ciaramitaro/Gemellaro Playground at Fort Square; for the purpose of conducting the St. Peter’s Fiesta on the days and dates mentioned above. Further that vendors not be allowed on the right-hand side of Commercial Street nor on the streets and sidewalks from Tally’s to the Chamber of Commerce (33 Commercial Street). In addition, all peddlers, canvassers, solicitors and others who encroach upon or occupy in any way these areas without the express consent of the St. Peter’s Fiesta Committee are to be considered trespassers and to be in violation of Gloucester City Ordinances, Chapter 14, Section 14-6; Trespass; and with the following conditions:

- 1) That the kiddie rides (children of a height of 42 inches or under) be kept at the St. Peter’s Square Park not at the Birdseye property, should that property be used;
- 2) That the enlarged footprint be drawn out on a plan showing locations of, but not limited to, Comfort stations and first aid stations to be placed on file (with the City Clerk’s office no later than 14 days in advance of the start of the 2011 St. Peter’s Fiesta);
- 3) That the music be shut down at the opening and closing ceremonies on the closest rides to the altar area;
- 4) That a temporary fence be erected at the very back of the area known as the “Birdseye Parking Lot” to prohibit entrance to Pavilion Beach from that parking lot should that property be used;
- 5) Temporary lighting shall be placed illuminating the area used as a crossing between St. Peter’s Park and the Birdseye parking lot;
- 6) That Fiesta Shows, Inc. contribute \$3,000 for the added police coverage due to the expansion of the rides to the Birdseye property payable to the City of Gloucester in care of the City Clerk’s office to be paid 14 day in advance of the opening of the St. Peter’s Fiesta.

**DISCUSSION: None.**

(Councilor Ciolino stepped away from the dais momentarily.)

**MOTION:** On motion of Councilor Tobey, seconded by Councilor Verga, the City Council voted 7 in favor, 0 opposed, 2 (Whynott, Ciolino) absent, to allow the 2012 annual St. Peter’s Fiesta, commencing on

Wednesday evening, June 27, 2012 through Sunday, July 1, 2012, the use and control of St. Peter's Park on Rogers Street, the streets and sidewalks of Rogers Street, from Mansfield Way to the entrance of Commercial Street; Commercial Street up to Fort Square to include the use of the Birdseye property (if made available by the owner); and from the intersection of Main and Washington Streets to St. Peter's Park; and on Friday, June 29th, Saturday, June 30th, and Sunday, July 1<sup>st</sup> on only the water side of Stacey Boulevard from "The Tavern" to the Fishermen's Memorial (to the extent allowable by law) and the Ciaramitaro/Gemellaro Playground at Fort Square; for the purpose of conducting the St. Peter's Fiesta on the days and dates mentioned above. Further that vendors not be allowed on the right-hand side of Commercial Street nor on the streets and sidewalks from Tally's to the Chamber of Commerce (33 Commercial Street). In addition, all peddlers, canvassers, solicitors and others who encroach upon or occupy in any way these areas without the express consent of the St. Peter's Fiesta Committee are to be considered trespassers and to be in violation of Gloucester City Ordinances, Chapter 14, Section 14-6; Trespass; and with the following conditions:

- 1) That the kiddie rides (children of a height of 42 inches or under) be kept at the St. Peter's Square Park not at the Birdseye property, should that property be used;
- 2) That the enlarged footprint be drawn out on a plan showing locations of, but not limited to, Comfort stations and first aid stations to be placed on file (with the City Clerk's office no later than 14 days in advance of the start of the 2011 St. Peter's Fiesta);
- 3) That the music be shut down at the opening and closing ceremonies on the closest rides to the altar area;
- 4) That a temporary fence be erected at the very back of the area known as the "Birdseye Parking Lot" to prohibit entrance to Pavilion Beach from that parking lot should that property be used;
- 5) Temporary lighting shall be placed illuminating the area used as a crossing between St. Peter's Park and the Birdseye parking lot;
- 6) That Fiesta Shows, Inc. contribute \$3,000 for the added police coverage due to the expansion of the rides to the Birdseye property payable to the City of Gloucester in care of the City Clerk's office to be paid 14 day in advance of the opening of the St. Peter's Fiesta.

(Councilor Ciolino returned to the dais.)

**Scheduled Public Hearings (taken out of order):**

2. PH2012-011: SCP2012-001: Foster Street #9, GZO Sec. 2.3.1(6) Conversion to new multi-family dwelling three (3) units

**This public hearing is opened.**

**Those speaking in favor:**

**Attorney Ralph Pino**, Pino & Shea, 46 Middle Street, Gloucester spoke on behalf of the applicant, Friendly Earth Homes, LLC, Christian Fisher, who was present also. The applicant is seeking Special Council Permit is for a new three family under the ordinance. The property is currently configured as a three family with three separate units, with separate egresses, separate utilities, etc.; considered by the Building Inspector inspected for building code issues in the past. The Board of Assessors has considered this dwelling as a three family since 1965 (field card on file). The Building Inspector is not taking any action to change the three-family use. Rather, Mr. Fischer, in order to do this project, wants to finance it; and the bank needs a definitive zoning opinion from him or some other zoning attorney that this is a lawful three family unit. The issue is in Gloucester going back to 1965, the only real City data going back that far is the Assessor's data, they have to look at the prior zoning ordinances and districts (1950-1960) which showed this property was not in what was then known as the apartment districts. If it had been in the apartment district it would have been a lawful pre-existing non-conforming use for which he could give a clean zoning opinion. This dwelling was not in one of the apartment districts. In order for this to be a pre-existing non-conforming use, it has to go to the exceptional zoning of 1927 making it extremely difficult because there were two houses on one lot. When they went back through the archives, it was confusing to know what building was occupied; if it were a two or three family dwelling back then. Because of that he could not give that opinion. The building is in terrible condition. It was allowed to go into disrepair; foreclosed, abandoned and boarded up. The applicant is planning no changes to the exterior of the building other than replacing windows that were boarded up and broken, and a complete cosmetic upgrading the façade and doors. Inside the applicant is planning on

renovating/modernizing the units (detailed plans attached to application and on file). The current building has three tired, old separate units. There will be new kitchens and bathrooms installed; and will end up with one less bedroom than what is in the building now. It is a two unit dwelling by right. They're looking at permitting one additional unit on the third floor. The alternative rather than having three units would be to have one small and one very large unit which Attorney Pino speculated could increase the use rather than not. The yard has been cleaned up. But the property still needs a lot of work.

As to the criteria for a Special Council Permit, is that if the history didn't exist, they look to the social and economic and community needs. There is a tremendous community need to not have abandoned derelict buildings in the neighborhood boarded up. This building will go from being in severe disrepair to being fixing up to provide three units of good quality and affordable housing for the City. In terms of the traffic flow and safety issues. There will be no change in the use of the change since 1965. There will be no change to the neighborhood. There is no parking for this and no way to provide off-street parking due to the narrow side-yard setbacks or any right of way to get to the back yard. From what is absolutely allowed to be permitted is one small unit. The difference in cars may be one or may be none compared to a large unit. In terms of utility services, here are three gas and three electric services all existing and is on municipal water and sewer. There was an issue as to where the sewer went at P&D. One of the neighbors thought it went, as you face the building to the right off to a right of way. But in actuality, in the basement it goes out of the left side of the building. Mr. Pino looked in the street and could not see manholes in the street out front but is the direction it heads. In terms of the neighborhood character, the neighborhood is mixed with two-family and three-family and multi-unit dwellings especially over towards Washington street. There is a converted 16 unit school building two doors down and next to that another three-family dwelling. Mr. Pino contended this project fits in with the neighborhood, and turns a derelict building into a nice, clean building in the neighborhood. In terms of the natural environment, the yard has been cleaned up, and they're not changing anything. In terms of fiscal impact, a new, improved rehabilitated property will get it back on the tax rolls and get it paying its fair share of taxes. In looking at the total picture and what is being provided, the benefits are there. It is approving what has already been there Taxes on the property should rise significantly over an abandoned building. From a zoning standpoint, it is permitting one unit but it is really approving what has already been at this site since 1965; and Mr. Pino asked that the Council approve the application.

**Those speaking in opposition:**

**Brenda Odum**, 5 Foster Street on behalf of her sister Mary Krebs and brother-in-law Floyd Krebs who also live at that address; however, she had no written authorization to speak for them but left the hearing due to illness. **Council President Hardy** advised Ms. Odum that her testimony would be taken but that for the record she had no written authorization to speak for her family. **Ms. Odum** explained she grew up in this area and her sisters lived in that area for 16 years. Their opposition is that there is no parking on the property and is a tough situation in the neighborhood. The building, she claimed, it is a fire hazard. The side yard clearance is very narrow. The previous summer a fire alarm went off, and the Fire Department went in between #7 and #9 Foster Street [here Ms. Odum extended her arms] and expressed that the distance between the buildings was "this close". She stated Mr. Fischer is doing work on the building for over a month and asked where the building permits were as she did not see them displayed. **Council President Hardy** explained as it related to the building permits, that Ms. Odum could go to the Building Inspector's office and make her inquiry there. **Debbie Margiotta**, 10 Beacon Street which abuts the area they are speaking of being able to see it on the other side. The parking in the area is "horrendous" with no parking in the evening. People park on both sides of the street, which is illegal; there is only parking on the left side. If there is a fire, the City emergency services would be unable to access the area. **Rosalyn Frontiero**, 12 Beacon Street, an abutter to the back of the house stated that she has dealt with three absentee landlords in the last six years. She expressed that Mr. Fisher is doing his best to clean the property up. The property had been abandoned which had been a major issue contending that the bank who owned the building was one of the worst owners of that particular property. She admitted the neighbors were looking forward to seeing the house torn down. They appreciate the action of the house being sold. However, these houses are inches apart with an overhang and in this case it is almost as if the neighboring dwelling share a common wall, they are so close. She expressed that her biggest concern this would be another absentee landlord. Further, she wished to see this in keeping with the neighborhood which mainly consists of one- and two-family homes. The concern is for the safety of the neighborhood. The house comes with no parking and is a "serious" problem for the area. **Nazio Margiotta**, 10 Beacon Street spoke to the parking issue where emergency vehicles can't get through Foster Street. There is illegal parking on the sidewalks. To have another three-family dwelling means more cars to congest the neighborhood. The applicant's lawyer stated there is no way to put in parking, but he felt there was an option to create parking by opening up the first floor of the dwelling with proper permits to do so.

**Communications:**



**Randy Maciel and Claudia Maciel**, 7 Foster Street expressed opposition to a three-family dwelling due to difficult parking issues. Their preference is to see the dwelling become a one-family home.

**Nina Francis**, 4 Foster Street, a 70 year homeowner and resident of Foster Street expressing the importance of not having an absentee landlord, proper maintenance of the property and the screening of prospective tenants responsibly.

**Rebuttals:**

**Mr. Pino** made note of the parking problem being experienced in the neighborhood was not an issue with the property. This is a two family dwelling now, and at most they're speaking of permitting one additional unit. It has been a three-family dwelling at least since 1965. It may have been a three-family since 1927; however, they are unable to prove it. One more unit, he stated, would add perhaps one more vehicle for the third floor apartment. By making this a two unit dwelling, it would be two larger units which would mean families with children which may end up with a more intensive use than with three smaller units. Most importantly, they are taking an abandoned derelict building and totally rehabbing it. It may be adding one car to the mix but it far outweighs the issue with parking; and by taking away one vehicle will not solve the parking issues there. There was no question there are parking issues which he knew because his office was close by. But it is de minimus in terms of what is going to happen with this unit. He hoped the Council would approve this application in recognition of the fact that it has been a three-family dwelling for at least 60 years. Even though it is possibly not grandfathered in, it should have been.

**Ms. Frontiero** stated the dwelling at 9 Foster Street for many years was a one family home owned by the Lovasco family; which she knew from having been inside it on many occasions during her youth. They also owned the house next door, sold separately at one point. It was never considered for three individual types of families; rather it was two or three generations of one family living there at one point to her knowledge. She expressed that the neighbors are unanimously in favor of keeping it in keeping with the current zoning of a one- to two-family dwelling.

**Questions:**

**Councilor Tobey** commented when the P&D Committee reviewed this on February 13<sup>th</sup> they didn't have either the quality or the quantity of testimonial evidence of an abutter who had grown up in that neighborhood, but rather had the supposition that it was a three family over the years. He then asked if the applicant would benefit from a continuation for further research into the matter. **Mr. Pino** thought they would because he stated they could. When one goes into the building, there are three units that are old and tired. The notion that this was a single family defied what he knew to be the case. But he stated would be amenable to a continuation. **Councilor McGeary** spoke of Mr. Pino's alluding to affordable housing wondering if this was a covenant or was it a general statement. **Mr. Pino** responded it was a general statement. It is a practical matter because of the size of the units; the lack of parking; and the location. They will be affordable due to the realistic [rental price] range. **Councilor Verga** thought Councilor Tobey's suggestion of a continuation was appropriate and suggested Mr. Pino qualifies Ms. Fronteiro's statement about the neighbors being unanimous; the neighbors present may be unanimous, but there are more than those present. They would like to see this proven or disproven. **Council President Hardy** who also sat at the P&D meeting as a member of that Committee when this application was presented stated the Committee was able to review it that evening, look at the plans and understood about the overhang; how close in proximity it was to other buildings. They asked about the parking situation in that neighborhood. They all understand the parking in that neighborhood and up on Beacon Street is "atrocious" and has been for years; but she didn't see that changing any time soon. She noted the Assessor's Office in many instances, however, has been able to provide documentation as to their observations when they assess the property and the Building Inspector's office information on building permits that have been issued over many years. That has been the premise on which many attorneys and applicants have come have brought forward documentation during this process to the Council. **Mr. Pino** noted that attached to the application is the Assessor's office certification that in 1965 this was a three-family dwelling. If they look at the dwelling, it is separated into three dwelling units with three furnaces, three electric systems, and three means of egress. The Building Inspector has inspected the building; approved it for a three family. There may have been one big family living there, but they had three separate dwelling units in that building. He would get detailed photographs to show those facts from the Building Inspector. He did not think they could bring in additional testimony at this time of abutters who would be in support of the application. He would obtain good documented evidence that since 1965 it was configured as a three-family and treated by the City as a three-family dwelling. He went back in the archives to try to get back to 1927, but he couldn't because he couldn't tell how many families were living in it because the house next door was in common ownership and can not tell who lived in #7 and #9 Foster Street. **Council President Hardy** noted that attached to the application was the building record from the Building Inspector's office (on file) for a building permit at one time which went back to November 18, 1966 and September 21, 1965 which indicates the property they were looking at was a three-family home. **Mr. Pino** stated

also attached was the decision (on file) of the ZBA when in 1996 the property was divided the property when the owner was before the ZBA for a special exception under the zoning ordinance of the time. At that time, there was sometimes gave a simple statement for a special exception. That particular one gave very detailed exceptions for a three-family, recognizing it as a three-family at the time, and was the reason why he did not have to go before the ZBA prior to coming before the Council because the Building Inspector thought it had already received the dimensional relief by the ZBA in 1996. The ZBA recognized this as a three-family in 1996. The City record is very consistent. He stated it was not believable to him that this was a single family; rather it might have been an extended family using three dwelling units. **Councilor Tobey** asked if they had looked at City census and voter registration records, which may not prove that it is one family or two; but to further provide back up of the notion of this being a three-family dwelling. **Mr. Pino** explained that was precisely what they had tried to do; and had been successful using such records in the past. He reiterated the problem with going further back than 1965 is that the building next door (Foster Street #7) had common ownership for many years. To figure out who lived in what building was confusing. He gave an example of similar property research using just such records where tracking three families for years with different professions was easy and be confident of the information, but with this building he could not figure it out as the same people would end up in the next building in the next census and could not find a good pattern to be confident of the information. **Councilor LeBlanc** proposed to Mr. Fisher, Mr. Pino and the neighborhood residents of Foster Street, and abutting streets to the property, to have a meeting perhaps with a walk through which he would assist in organizing to get a look at the situation. Mr. Pino stated they would welcome the Councilor's participation. There hadn't been a tour of the building; and they were amenable to the meeting.

**MOTION: On motion by Councilor Tobey, seconded by Councilor Theken, the City Council voted unanimously to continue the public hearing of Foster Street #9 to April 24, 2012.**

**This public hearing is continued to April 24, 2012.**

**1. PH2012-010: SCP2012-002: Washington Street #834, GZO Sec. 1.8.3 & 5.13.7.1 (PWSF) Modifications**

**This public hearing is opened.**

**Ms. Lowe** announced that at the request of the applicant received in writing by the City Clerk's office this public hearing is continued to April 24, 2012.

**This public hearing is continued to April 24, 2012.**

**For Council Vote:**

**1. Speed Regulation #7913 from MassDOT re: Woodward Avenue**

**Linda T. Lowe**, City Clerk noted this is a request sent to MassDOT to change the speed limit on Woodward Avenue now returned by MassDOT so that the Council could vote to adopt to change the speed limit. After this vote the paperwork goes back to MassDOT and will be returned to the City to become final.

**MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent to adopt Speed Regulation #7913 from MassDOT re: Woodward Avenue and to be forwarded to MassDOT as follows:**

**Woodward Avenue – Northbound: Beginning at junction of Essex Avenue (Route 133) , thence northerly on Woodward Avenue 0.63 miles at 15 m.p.h. ending at the junction of Stanwood Avenue; the total distance being 0.63 miles; and**

**Woodward Avenue – Southbound: Beginning at the junction of Stanwood Avenue, thence southerly on Woodward Avenue 0.63 miles at 20 m.p.h., ending at the junction of Essex Avenue (Route 133); the total distance being 0.63 miles.**

**2. Motion to amend City Council vote February 14, 2012 re: Request Legislative Delegation to file Legislation naming Gloucester Route 128 Extension (Grant Circle) to East Main Street to a "Purple**

**Heart Killed in Action Veteran Highway”**

**Ms. Lowe** explained this is an amendment to the original vote as they were advised by Sen. Tarr’s office that the Senate’s legal counsel would not accept the original motion language. This change will allow the request to move forward through to the legislature. **Councilor Ciolino** confirmed Ms. Lowe’s statement to the Council on the amended motion enabling the request for naming the Rt. 128 extension the “Purple Heart Highway”.

**MOTION: On motion by Councilor Ciolino, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to amend the City Council vote on February 14, 2010 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 that through the offices of State Senator Bruce Tarr and State Representative Ann-Margaret Ferrante, the City Council of the City of Gloucester so petitions the State Legislature to authorize and approve said highway name.**

**Council President Hardy** thanked Councilor Ciolino for working closely with Sen. Tarr’s office on this matter.

**3. Motion to Amend and Decision to Adopt: SCP2011-017 Atlantic Street #63, GZO Sec. 5.5.4 Lowlands**

**Ms. Lowe** explained this is to adopt a corrected decision which was redrafted by the Legal Department as it originally stated a 16 ft. x 24 ft. float but should have shown a 8 ft. x 48 ft. float as was in the submitted plan.

**MOTION: On motion by Councilor Tobey, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to adopt a corrected decision for SCP2011-017, Atlantic Street #63 pursuant to Sec. 5.5.4 (Lowlands) of the Gloucester Zoning Ordinance which shows the corrected dimensions on the float that was shown on the plan as approved previously by the City Council.**

**4. Decision to Adopt: SCP2011-018 Main Street #184-186, GZO Sec. 5.13.7.1 (PWSF) Modification**

**MOTION: On motion by Councilor Tobey, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to adopt the SCP2011-018 decision for Main Street #184-186 pursuant to Sec. 5.13.7.1 (PWSF) Modification of the Gloucester Zoning Ordinance.**

**5. Decision to Adopt: SCP2011-019 William Road #4, GZO Sec. 5.5.4 Lowlands**

**MOTION: On motion by Councilor Tobey, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to adopt the SCP2011-018 decision for William Road #4 pursuant to Sec. 5.5.4 (Lowlands) of the Gloucester Zoning Ordinance.**

**6. Decision to Adopt: SCP2011-020 Columbia Street #5, GZO Sec. 2.3.1(6) Conversion to new multi-family Or apartment dwelling, three unit**

**MOTION: On motion by Councilor Tobey, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to adopt the SCP2011-020 decision for Columbia Street #5 pursuant to Sec. Sec. 2.3.1(6) (conversion to new multi-family or apartment dwelling, three unit) of the Gloucester Zoning Ordinance.**

**Unfinished Business: None.**

**Individual Councilor’s Discussion including Reports by Appointed Councilors to Committees: None.**

**Councilors’ Requests to the Mayor: None.**

**Councilor Cox** noted on Saturday, March 31<sup>st</sup> there is a Horribles Parade Fundraiser. Tickets can be purchased from committee members or at Tucker’s Restaurant. The Gloucester Dog Park is looking for volunteers. For anyone who may be interested, please contact her or Alicia Cox at Mamie’s Kitchen. The Taste of Cape Ann takes place on Wednesday, March 21<sup>st</sup> at Cruiseport with 50% of the proceeds going to Open Door and the other 50% goes to Cape Ann Animal Aid.

**Councilor Ciolino** requested once again for the light fixtures in Kyrouz Auditorium are fixed; which affects the television broadcast of meetings due to the poor lighting conditions. He asked for a review as to why it is so hard to fix the situation and also that the clock needs to be changed. Councilor Tobey added that the clock was a gift of Samuel Sawyer and deserved the respect of running properly.

**Councilor Theken** noted she attended the joint meeting of the Planning Board and the P&D Committee the previous evening on the rezoning proposal for a Hotel Overlay District in the Fort. For those who were unable to attend or speak at the meeting, she encouraged folks to contact their City Councilor or submit their opinions to the City Clerk in writing so that they may as a Council is fully informed of public opinion on the matter as this is something that will affect the entire community. Thursday, March 15, 2012 at 7 p.m. is the continuation of the public hearing by the Planning Board which is when rebuttals will be heard. This is neither a City Council Public Hearing nor a City Council's Planning & Development Committee. She reiterated her request that the community bring forward ahead of the City Council deliberations their concerns so the Councilors can ask the right questions.

**Councilor Tobey** stated as a matter of process, the Council will do this linearly - one step at a time. The P&D Committee meetings will only begin on the proposed Hotel Overlay District matter only as soon as they receive the Planning Board's recommendation. In conversation with the Planning Board's chair, he had reason to believe that will probably be by the April 10<sup>th</sup> opening of the City Council's public hearing that the report will be received. This means P&D Committee would not have had a chance to meet and come up with its own final recommendation to the Council. It is reasonable to expect that the April 10<sup>th</sup> City Council public hearing would be opened and continued. Once the P&D Committee receives the Planning Board's report and set of recommendation, P&D will conduct meetings which are open to the public to observe, but he underscored that those P&D meetings are not public hearings. Both points of view are represented by legal counsel. He hoped this would provide a more focused way to channel information to the Committee; so it does not have the full scope of public information that a public hearing has which is not the point of a P&D meeting under the charter and under the zoning ordinance and under the zoning enabling act. When the P&D Committee is done with their review, they would provide their report to the Council which would be the reason to reopen the City Council public hearing that would presumably be opened and continued on April 10<sup>th</sup>. **Councilor Theken** asked if the continued meeting on Thursday, March 15th a joint meeting.

**Council President Hardy** responded in the affirmative. **Councilor Tobey** added it will be televised live starting at 7:00 p.m. and taped to be subsequently shown, which was confirmed by the cable TV representative present at the Council meeting.

**Council President Hardy** announced that on Monday, March 19<sup>th</sup>, 6 p.m. at the Annisquam Village Hall there will be a meeting on brown water for the Village folks who are hopefully not experiencing as much difficulty as they were originally as the DPW has been doing their due diligence in the area. They are going out at night when there isn't as much call for water; and it seems there are no detected leaks percolating to the surface. They are looking for running water and listening for it. She encouraged the residents of Annisquam to attend the meeting and any others who are experiencing brown water in that area of the City to participate in the ward meeting.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 9:47 p.m.**

**Respectfully submitted,**

**Dana C. Jorgenson**  
**Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- Power Point Presentation to the City Council by Michael Hale, DPW Director