

GLOUCESTER CITY COUNCIL MEETING

Tuesday, April 10, 2012 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

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 Whynott

Absent: None

Also Present: Linda T. Lowe; Kenny Costa; Jim Duggan; Jeff Towne; Mike Hale; Maggie Rosa; Donna Compton; Gary Johnstone

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

Flag Salute & Moment of Silence.

Oral Communications:

Marcia Hart, 2 Freemont Street expressed concern regarding the accuracy of the draft report resulting from a recent Maritime Summit held in the City. She explained she attended the entire summit and was at the subsequent hearing, commenting Councilor McGeary also attended all the meetings. She deemed the report had reflected many issues inaccurately especially as it relates to the regulatory changes in the DPA regarding I4-C2. She urged that because of such important issues of the harbor and its future, a transparent process with appropriate, truthful representation is needed. She offered the Council copies of tapes she made of all Summit sessions for their review in order to make a comparison to the draft report. **Susanne Altenberger**, 66 Atlantic Street confirmed Ms., Hart's contention that there was no mention of the DPA at the Maritime Summit. She spoke of a Navy project she helped to bring to the City, which is an on-going maritime project, and yet was not invited to the Summit. She pointed out she was not shown as having attended although she did. She expressed the concern regarding the "message" of the inaccuracies contained in the draft report which in her opinion reflected poorly on the City. She spoke to the I4-C2 proposals that had been submitted in response to a City Request For Proposals and its failure to attract a developer. She asked the Council to consider an I4-C2 Charette as a marine/industrial "incubator".

The following matter was taken out of order by the City Council for the convenience of the public in attendance:

Council President Hardy explained that the Public Hearing on the matter of Rezoning #2012-002: Commercial Street #33 and #47, Amend Gloucester Zoning Ordinance To create a Hotel Overlay District was originally advertised, in accordance with the law, for April 10, 2012 to meet the Gloucester Zoning Ordinance requirements, will be continued. The Council President then opened and continued the public hearing to May 8, 2012.

Scheduled Public Hearing:

- 1. PH2012-022: Rezoning #2012-002: Commercial Street #33 and #47, Amend Gloucester Zoning Ordinance To create a Hotel Overlay District (TBC 05/08/12)**

This public hearing is opened.

Council President Hardy opened and continued this public hearing.

This public hearing is continued to the May 8, 2012 City Council meeting.

Councilor Tobey advised that if the Planning Board at its meeting of April 12th completes its preparation of recommendations to the Planning & Development Committee and the Council, then the P&D Committee would take the rezoning matter up at its meeting on Wednesday, April 18th, and again two weeks thereafter with a possibility their work will have been completed so a motion would be available to the Council for the May 8th City Council

resumption of this public hearing. He reminded the public that the P&D meetings are public meetings and not public hearings.

Presentation: City Hall Restoration Project – Maggie Rosa, Committee Chair & Doug Manley, Architect of McGinley, Kalsow & Associates

Maggie Rosa, City Hall Restoration Committee Chair introduced Jeff Towne, CFO to speak to the financial aspects of the City Hall Restoration Project. **Mr. Towne** reviewed that when this project was originally set up for \$2.6 million, their goal was to do as much as they could in the first two or three years by using the available cash receipts from the 1% portion of the CPA funds that they had dedicated towards this. They used \$215,000 twice to reduce the borrowing from \$2.6 million to about \$2.1 million. That is being split into two pieces, \$200,000 in a short-term bond last fall which will go to long-term borrowing this fall. And they issued \$1.970 million last month. If they had borrowed the full \$2.6 million, they would have paid about \$700,000 in interest costs if financed over sixteen years. Last year at Council he discussed he was trying to do as much as they could to keep the payment amount down to save the City on interest costs; that figure being just under \$900,000. They financed \$1.970 million plus \$200,000 in the fall. The City will end up paying \$450,000 to \$460,000 in interest costs over the life of this project, paying it off three years earlier. Instead of financing the project over 16 years, it will be financed for 13 years long term. The City will save about \$500,000 in interest expense for the community, and the cash can be accessed again, the \$215,000 which is the annual principal and interest payment, three years enabling them to do more Community Preservation Act funded projects at the tail end of the borrowing. He thanked the Community Preservation Committee for their cooperation. They have worked diligently with him over many meetings to work out a scenario where they could save as much as they could and take advantage of the current interest market rates. They are pleased with the results and hoped the Council was as well.

Ms. Rosa stated the project cost of \$2.6 million exceeds 30% of the cash value of the building, which is \$2 million. When that occurs, the entire building is then required to come under the ADA compliance rules regulations. With much assistance from a McGinley, Kalsow & Associates, the project architects, and with the collaboration of the Mass. Architectural Access Board (MAAB), they were able obtain variances, the most importantly is that the entryways do not have to be ADA compliant which would have been very expensive to do. It was believed this saved the project at least \$500,000 through that variance. As long as the existing ground level entryway (on Dale Avenue) is maintained as handicap accessible they are in compliance. They also received variances from the MAAB for the old elevator (to replace would be cost prohibitive) as well as for the handrails and a four year transition period to make many other interior areas of City Hall ADA compliant. The City agreed to become compliant with the threshold modifications and a few other variances that are related. The City Hall Restoration Committee tries to raise funds as well as seek out grant opportunities. They have put in two applications to the CDBG funding; one for the toilets for the downstairs bathrooms; and one for doorknobs. They have also provided the assisted listening devices.

Douglas Manley, Project Architect, McGinley, Kalsow & Associates stated the City Hall Restoration Phase II project will continue restoration work on the lower half of the tower, the restoration of the four “ventilator” structures (repairing roofs and replacing copper roofs), replacing deteriorated wood elements, replacing slate on the tower elements and restoring a number of the first floor and ground windows, and the wood elements on the porticos. There wasn’t enough money to do a complete restoration of all the windows, so they are focusing on the first floor windows that weren’t restored in the last 15 years. There is considerable amount of framing repairs to the ‘front’ portico. A bonus of the project is that they will be bringing back iron work at the top of the ventilators. They will be working continuously to finish up in December of 2012. Staging will be in place for the duration. Parking is given over to the contractor. **Council President Hardy** asked why it is taking until December. **Mr. Manley** stated the time is in line with the work needed to be done as it is a painstaking method of restoration, and a very involved process. They are working Monday through Friday. **Council President Hardy** discussed with Mr. Manley the window restoration; their composition, whether the windows would open, and if there was any warranty on the windows. **Mr. Manley** informed the Council President that the windows would have a wooden exterior and have interior storm windows. They are working on the Dale Avenue side of the building and replacing the basement lower level windows based on historic drawings. These windows will open. They are staying with wood because the Mass. Historic Commission reviewed this project, and their policy is to restore windows. The addition of an interior storm window is acceptable to them. The wood windows would have a warrantee for one year and the interior storm windows for five years. **Council President Hardy** inquired about the \$20,000 cost for restoration of the chimney; and asked if the City could be reimbursed by MEMA or FEMA for that cost since the chimney was removed as a precaution to the pending hurricane storm warning. **Mr. Towne** explained he helped file the claim for

taking the chimney down. He told the insurance company that since they are paying to take it down then they should pay to put it back up. He will be filing a claim for that also which is in process. **Councilor Tobey** thanked everyone involved in this project; and stated the building deserves to be the community's pride and joy. He expressed concern, however, for its future. He noted the city doesn't have a good track record for maintaining its properties. This is a building that will require continuous care and a disciplined plan, and asked what that schedule looked like and would that data is provided. **Ms. Rosa** responded it is clear there has to be a good maintenance plan. How those funds are generated has to be a community effort. She advocated for some amount of money to be set aside each year for the maintenance of the building as a line item in the City budget as for all other municipal buildings. **Councilor Tobey** urged the Committee to continue that advocacy. He pointed out the current DPW Director understands asset management. **Councilor Ciolino** congratulated the Committee on their effort. However, he pointed out that second floor windows in the auditorium don't work on the counter balances; the sills weren't repaired and never were weather stripped. The mechanical elements need to be considered contending it should not take several people to lift up a window; and then they don't stay up is inappropriate. The Councilor inquired as to where the Phase I work ended and where the Phase II project will continue from. **Mr. Manley** pointed off the cut off line on a projected image of City Hall but did not indicate it verbally. He confirmed they are doing the cosmetics for Phase II as much structural work was done in Phase I. **Councilor Theken** thanked the Committee for their efforts expressing that City Hall is one of the City's treasures. She also thanked the community who through either the CPA or their contributions because now they can look to the work being done on City Hall and see where their money is going to save a City historic treasure. The history in this building goes beyond them as will its future. She, too, urged repairs are kept up. **Councilor Whynott** expressed concern that there was only a one year guarantee on a window that is very expensive. He hoped the windows being replaced are substantial and that they try to renegotiate a better warranty. **Council President Hardy** noted that they left the building in the dark after the last City Council meeting with the scaffolding in place. Because of the staging the lighting was obscured overhead, and she didn't have a railing to make her way down the City Hall steps safely. She sent an email the next day to Ms. Rosa, and the situation was taken care of promptly. She expressed her appreciation for Ms. Rosa as someone who understands these kinds of difficulties and addresses them right away, especially when safety is involved. The Council President thanked Ms. Rosa and Mr. Manley for their presentation.

The City Council recessed at 7:40 p.m. and reconvened at 7:45 p.m.

Consent Agenda:

• **MAYOR'S REPORT**

1. Administration's Memo to City Council regarding the Amendment to the Police & Fire Search Ordinances (Info Only)
2. Updated & final documents "Fuller School Site Reuse Study" & "Fuller School Highest & Best Use Study" Reports which Conclude Project with MassDevelopment (Info Only)
3. Memorandum from CFO re: request for Newell Stadium Loan Order along with memoranda from the Administration & Newell Stadium Building Committee re: GAP Financing of the Newell Stadium Project (Refer B&F)
4. Memorandum from CAO re: Loan Authorization for a West Parish School Feasibility Study & Memorandum from CFO Containing language for the West Parish School Feasibility Study Loan Order (Refer B&F)
5. Memorandum from Building Inspector re: additional handicap parking spaces on Dale Avenue relating to the City Hall Phase II Building Project (Refer O&A)
6. Memorandum from Grants Administrator re: Program Year 2012 CDBG & HOME Grants & request acceptance of anticipated Total for both grants in the amount of \$833,546 (Refer B&F)
7. Supplemental Appropriation – Budgetary Request (#2012-SA-8) from the DPW (Refer B&F)
8. Special Budgetary Transfer Request (#2012-SBT-29) from the DPW (Refer B&F)
9. Special Budgetary Transfer Request (#2012-SBT-30) from Treasurer's/Auditor's Office (Refer B&F)
10. Special Budgetary Transfer Request (#2012-SBT-31) from Treasurer's/Auditor's Office (Refer B&F)
11. Special Budgetary Transfer Request (#2012-SBT-32) from Treasurer's/Auditor's Office (Refer B&F)
12. Recommendation for disposition & lease of the Witham Street Parking Area – 99 Thatcher Road (Refer B&F & P&D)
13. Memorandum from Planning Director re: recommendations for land disposition requests (Refer P&D)
14. Addendum to Mayor's Report re: proposed reorganization plan of the Treasurer & Collectors Department (Refer B&F)

• **COMMUNICATIONS/INVITATIONS**

1. Memorandum from City Auditor re: City's FY2011 Basic Financial Statements (Refer B&F)

• **APPLICATIONS/PETITIONS**

1. Request for road closures from Fishbox Derby, Inc. to hold "Soapbox Car" Race on September 16, 2012 (Refer P&D)
2. SCP2012-006: Pleasant Street #14, GZO Sec. 3.1.6 increase in building height over 35' and Sec. 3.2.2(a) for reduction in Dimensional requirements (Refer P&D)

• **COUNCILORS ORDERS**

1. CC2012-021 (Theken) Amend GCO Chapter 2, Art. V, Div. 1 by adding new section 2-401 re: City residency for all appointed Persons to all boards, commissions and committees (Refer O&A)
2. CC2012-022 (Tobey) Amend GCO Sec. 22-289 re: Main Street Parking Meter Time Limits (Refer O&A)

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

1. City Council Meeting: March 27, 2012 (Approve/File)
2. Special Joint O&A and P&D Committee Meeting: 04/02/12 (Approve/File)
3. Standing Committee Meetings: B&F 04/05/12 (under separate cover); O&A 04/02/12; Joint O&A & P&D 04/02/12;
Special Joint Meeting P&D and PB 03/12/12 & 03/15/12 (under separate cover); P&D 04/04/12; Joint Meeting of P&D & PB
04/05/12 (under separate cover) (Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor Tobey wished to remove under the Mayor's Report Item #2 Updated & final documents "Fuller School Site Reuse Study" & "Fuller School Highest & Best Use Study" Reports which Conclude Project with MassDevelopment and Item #4 Memorandums from CAO re: Loan Authorization for a West Parish School Feasibility Study & Memorandum from CFO Containing language for the West Parish School Feasibility Study Loan Order. He further explained that Item #2 has the recommendation on the Consent Agenda as "for information only"; but suggested this was a matter that it needed continued City Council oversight and moved it be referred to P&D. **The matter was referred to the P&D Committee by unanimous consent.** On the matter of Item #4 on the Mayor's report regarding the loan authorization for the West Parish School feasibility study, the Councilor stated he didn't object to have this be referred to the B&F Committee. However, the Councilor asked the B&F Committee to closely inquire into the existence of the comprehensive overall plan for the school buildings of which this is a part; and that they confer specifically with the Capital Improvements Advisory Board in a joint meeting to discuss whether and how such a plan either exists or will be developed. He also asked the Administration to provide the names of the members of the Building Committee that has been temporarily appointed and that all their names be forwarded to the City Council for review and confirmation.

Council President Hardy that additionally, Mayor Kirk had given the Council an item placed under unanimous consent (on file) concerning the withdrawal of the Pavilion Beach Easement proposal as it came to the Council a little too late for the Consent Agenda. The Council assented to the document becoming a part of the Consent Agenda, and to be filed accordingly, and made a part of the record.

By unanimous consent the Consent Agenda was accepted as amended.

Committee Reports:

Budget & Finance: April 5, 2012

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 that Request for Proposal #12093 for Disposition by Sale of Magnolia School House as received by the Committee on 3/30/2012 (also known as the Blynman School) pursuant to the terms and conditions of the RFP and pursuant to the Code of Ordinances Sec. 2-3(a) (2) and MGL c. 30B be authorized by the City Council.

DISCUSSION:

Councilor McGeary explained that this Request for Proposal for the sale of the Magnolia School House was gone over a number of times to perfect this RFP in conjunction with P&D Committee. Some changes were: the minimum asking purchase price is set at \$1,000; and they agreed on some language on the time it would take to go to closing, extending it from 45 days to 90 days with a further 90 day extension; and that any further extension would be "for good cause". Also, the square footage in the RFP is for the building; and that the property is to be sold as is. Those are the major changes made by both Committees and expressed his endorsement of the RFP.

Councilor Ciolino noted that Councilor Tobey earlier stated this evening the City doesn't take good care of their buildings. This particular building is in disrepair. Bringing this building out to the Magnolia community will see it used well and giving it new life; and hoped people who are really interested in it are successful in the bidding process. The Councilor urged the Council to vote for it. **Councilor Verga** asked for Council support stating this is a great opportunity to have a building that has been in disrepair for so long to give it the potential to be brought back to life the way it looked 150 years ago. The RFP goes out to bid, and goes to the highest bidder. There are interested parties, and he would be "rooting" for them. **Councilor Theken** expressed that this was a win/win for the community, knowing that yet another of the City's historic treasures would be saved.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted ROLL CALL 9 in favor, 0 opposed that the Request for Proposal #12093 for Disposition by Sale of Magnolia School House as received by the Committee on 3/30/2012 (also known as the Blynman School) pursuant to the terms and conditions of the RFP and pursuant to the Code of Ordinances Sec. 2-3(a) (2) and MGL c. 30B be authorized by the City Council.

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 pay \$504.97 (Five Hundred Four Dollars and Ninety-Seven Cents) to Gus D. Martinson, for an extraordinary reimbursement for the procurement of services of a rental box truck to transport donated classroom supplies and furniture outside of required procurement procedures of MGL Chapter 30B of the Uniform Procurement Act.

DISCUSSION:

Councilor McGeary stated this was an extraordinary requirement. Mr. Martinson learned on short notice that there was office furniture and equipment available at the Lincoln Labs; the requirement was that the schools had to pick the equipment up. Even if a purchase order had been cut, a purchase order can't be used for a truck rental; a credit card has to be given along with a license. There was some discussion by the B&F Committee with the CFO and the Auditor regarding the possible procurement of "P-Cards" (purchase cards) to meet these kinds of contingencies; but in the meantime since Mr. Martinson ended up fronting the money, they wished to reimburse him and thanked him for his efforts.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to pay \$504.97 (Five Hundred Four Dollars and Ninety-Seven Cents) to Gus D. Martinson, for an extraordinary reimbursement for the procurement of services of a rental box truck to transport donated classroom supplies and furniture outside of required procurement procedures of MGL Chapter 30B of the Uniform Procurement Act.

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 accept under MGL c. 44, §53A from the Massachusetts Office of Elder Affairs formula grant for \$6,100 to be used for purpose of the Volunteer/Activity Coordinator salary.

DISCUSSION:

Councilor McGeary explained the grant funds a part-time, 19-hour-per-week position to assist with the operation of the Senior Center as a Volunteer Coordinator and help to expand the programming outreach of senior services from the Center out to senior housing. The Senior Center Coordinator has applied for funds for the next two years but has not heard about any of that funding yet. This money will fund the part-time position through the end of the fiscal year on June 30th. **Councilor Theken** speaking as the Council's liaison to the Board of Directors of the Council On Aging stating they are fortunate to have a vibrant senior center with the wide variety of programs. Most of the Councilors visit as does Mr. Duggan, the City's CAO. The government is cutting back on funding for senior centers. The City is fortunate the Senior Center can run so many programs with their budget. She thanked all of the Center's volunteers as well.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to accept under MGL c. 44, §53A from the Massachusetts Office of Elder Affairs formula grant for \$6,100 to be used for purpose of the Volunteer/Activity Coordinator salary.

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-27) \$22,500 from City Council Office Supplies, Unifund Account #101000.10.111.54210.0000.00.000.00.054 to City Council, OFFICE EQUIP-FURNISHINGS, Unifund Account #101000.10.111.58710.0000.00.000.00.058 for the purpose of purchasing office chairs, tables and other furnishings.

DISCUSSION:

Councilor McGeary stated was set aside in the FY12 budget for the new dais chairs, a recorders' desk and chair, and a desk and chair in the Clerk's office for the Clerk of Committees. It is higher than the actual cost of the furnishings.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to transfer (#2012-SBT-27) \$22,500 from City Council Office Supplies, Unifund Account #101000.10.111.54210.0000.00.000.00.054 to City Council, OFFICE EQUIP-FURNISHINGS, Unifund Account #101000.10.111.58710.0000.00.000.00.058 for the purpose of purchasing office chairs, tables and other furnishings.

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-28) \$50,000 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 for the purpose of eliminating the existing deficit in the Facilities Department salaries budget account.

DISCUSSION:

Councilor McGeary stated transfer is to cover a deficit resulting from the change in the FY12 budget to rehire the City's custodians and not use an outside cleaning service. The money put aside for that cleaning service is now being transferred to the Facilities contract service account, to help fund a portion of the permanent salaries for the retained custodians.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to transfer (#2012-SBT-28) \$50,000 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 for the purpose of eliminating the existing deficit in the Facilities Department salaries budget account.

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 allow the Emergency Management Director to apply for a FFY2010 US DHS/FEMA Emergency Management Performance Grant to be passed through the Massachusetts Emergency Management Agency in the amount of \$6,000.00.

DISCUSSION:

Councilor McGeary explained Council permission to apply is required because there is a match, even though the match is in-kind in that MEMA is allowing 60 percent of the Deputy Chief's hours as Emergency Management Director to be used to cover the match. There is no cash match.

MOTION: On motion by Councilor McGeary, seconded by Councilor Whynott, the City Council voted 9 in favor, 0 opposed to allow the Emergency Management Director to apply for a FFY2010 US DHS/FEMA Emergency Management Performance Grant to be passed through the Massachusetts Emergency Management Agency in the amount of \$6,000.00.

Ordinances & Administration: April 2, 2012

There were no matters from this meeting for Council action.

Councilor Theken reported that the O&A Committee is working with the P&D Committee on the Tourism Commission Ordinance. **Council President Hardy** added there will be a special workshop on Tuesday, April 17th to be held in Kyrouz Auditorium at 6 p.m. looking towards amending the ordinance so that it works for all and everyone has equal say so that it is fair. There is also a focus to place a City Councilor on the Commission and increase the membership. An advertisement will be in the newspaper the following day inviting anyone who might be interested in the tourism of the City and who has background in the tourism field to attend the workshop. She thanked Councilor Theken for taking the lead on this matter.

Planning & Development: April 4, 2012

Councilor Tobey reported that there are four motions to be made. The first two will not be made. The first relates to the matter of the proposed easement which came through the Mayor's Report on Pavilion Beach. That matter is no longer before the Council. It was withdrawn by the Mayor as the Council accepted the withdrawal with the Consent Agenda. For the record, the P&D Committee had voted 0 in favor, 3 opposed on the matter of recommending acceptance of that easement. He knew that the previous O&A Committee, chaired by Councilor Theken had a "deep and abiding interest" in this matter. This Committee continues to have the same interest and that they'll continue in discussions as to the appropriate balance of who owns what with regard to Pavilion Beach. The second matter that will not come before the Council this evening is the matter of the Committee's vote for the preparation and filing of special legislation of removing I4-C2 parcel from the Designated Port Area (DPA). The Mayor's memo reflects that the Mayor and he had discussions, which he hoped the Committee and Council will join, that they give this some time and public process so that the matter of the appropriate boundaries and appropriate tools to deal with those boundaries can receive some thought over the next two months. This will come back at P&D at their June 6th meeting. He expected there would be a motion coming back to the Council or at least a report at that time. The Committee was firm that something has to be done on this parcel. If they can take advantage of the public ownership, Seaport Bond funds and the prospect of "real" and "real" economic development, he felt confident to say the P&D Committee would stand behind that.

MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council that pursuant to GCO Sec. 2-3(2)(d) to grant an easement at the City Water Pollution Control Facility at Essex Avenue #50 as provided in the easement documents dated February 2, 2011 and as shown on National Grid Plan WR #9651816 dated 11/29/2010 and as shown on Plan attached thereto drawn by D. Marceau to National Grid. National Grid is required to record the easement and plan with the Essex County Registry of Deeds.

DISCUSSION:

Councilor Tobey stated that this is to accommodate on-going work at the site of the Waste Water Treatment Plant to update the power sources.

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted **BY ROLL CALL 9** in favor, 0 opposed pursuant to GCO Sec. 2-3(2)(d) to grant an easement at the City Water Pollution Control Facility at Essex Avenue #50 as provided in the easement documents dated February 2, 2011 and as shown on National Grid Plan WR #9651816 dated 11/29/2010 and as shown on Plan attached thereto drawn by D. Marceau to National Grid. National Grid is required to record the easement and plan with the Essex County Registry of Deeds.

Scheduled Public Hearing:

[Note: Public Hearing #1 was taken out of order earlier in this meeting. See page 1 of these minutes.]

1. **PH2012-022: Rezoning #2012-002: Commercial Street #33 and #47, Amend Gloucester Zoning Ordinance To create a Hotel Overlay District (TBC 05/08/12)**
2. **PH2012- 019: SCP2012-003: Washington Street #540, GZO Sec. 5.5.4 (Lowlands) (Cont'd from 03/27/12)**

Council President Hardy reopened the continued public hearing of March 27, 2012.

Those speaking in favor:

John Levie, 49 Parker Street representing Marianna DiMecurio, owner of the property at Washington Street #540 explained to the Council that they wished to begin the construction of a pier with a seasonal gangway and seasonal float/dock. They have their Order of Conditions from ConCom and have received their c. 91 license from the Department of Environmental Protection (DEP). They have their approvals to date. The only intention of this dock system is provide the use of the water behind Ms. DiMecurio's property. It is to be a private dock for Ms. DiMecurio's use. The c. 91 license states it is not to be used as a dock for commercial purposes. No part of this

project, he assured, would be used in a commercial way. All aspects of the construction were drawn with the “utmost care” for the environment. It is all aluminum construction; with all floats raised 18 inches and all work is being done by hand. Everything that was brought before the Council is done with every consideration for the environment. They wished to comply with every Board and make their best effort on the project. This [dock system] is the same as every other private dock on the Mill River. Ms. DiMecurio wishes to be in the same category as others in their neighborhood and live harmoniously with them.

Those speaking in opposition:

Joan Kimberly, 546 Washington Street stated she was here at the last Council meeting with another neighbor who was unable to attend this evening. She noted the applicant wasn't in attendance at the last meeting. Ms. Kimberly didn't object to the design and building of the dock. The concern was the use of the dock and wanted assurances it would not be used commercially. She pointed out there are a number of tenants on this property. This part of the Mill River is a small cove and is a no-wake area. If it is not to be used for commercial purposes, there was no objection.

Rebuttal:

Mr. Levie stated that on the permit given by DEP for their c. 91 permit it states, “private use only: It cannot be used commercially or the c. 91 license can be pulled. It is private. There is no water at all that could make the dock commercially viable regardless as it is a tidal river.

Communications: None.

Questions:

Council President Hardy stated under the c. 91 license it has restrictions that do not allow commercial use which supersedes local law. **Councilor Hardy** inquired whether the applicant would be charging any fees or rent for anyone pulling up to or using the dock; which **Mr. Levie** responded it would be “strictly private”. The Councilor continued by asking would any tenants who live on that property see their rent increased or be charged for use of the dock. **Mr. Levi** stated to his knowledge, nobody in that building even owns a water going craft. **Ms. DiMecurio** stated she will not be charging any tenants to use the dock; that she will be the only person using the dock

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 to grant a Special Council Lowlands Permit (SCP2012-003) pursuant to Section 5.5.4 of the Gloucester Zoning Ordinances for the property at Washington Street #540 as shown on Assessors Map #111, Lot #52 owned by Marianna DiMercurio, for the purpose of constructing a pier, and a seasonal gangway as well as a seasonal float /dock; as on Site Plan by County Land Surveys, Inc., Gloucester, MA, drawn by Richard G. Loud, PLS dated 6-15-2011; and that the Committee finds that the application complies with Sec. 1.8.3 of the Gloucester Zoning Ordinance and is in harmony with the general purpose and intent of the ordinance.

DISCUSSION:

Councilor Hardy noted that this property is in Ward 4 and that she has been to the property a number of times regarding other ConCom issues over the years for a deck and a patio which took time to get through that process. Other neighbors on that river that have come before the Council and before ConCom; and she had never voted against any of the lowlands permits under Sec. 5.5.4. She expressed her opinion that it is only fair, and asked the support of the Council, and to support this Ward 4 resident to have and enjoy the water like the rest of the residents and neighbors do. **Councilor Ciolino** stated this is a residential area, reiterating the c. 91 license limits the use of the dock to private use, and so it is not an issue in this case. **Councilor Theken** stated she would support this application. She pointed out this was the second lowlands permit that has come before the Council where no one told the applicant they had to come before the City Council for a Special Permit, and there have been others in the past. The applicants thought that once the DEP had ruled; and they had their Order of Conditions from ConCom that they could move forward. This is an information gap that needs addressing and better coordination needs to take place with an eye towards making it easier for the applicants. **Councilor Tobey** stated he would look to the City Clerk for coordination on that issue with the Commission and the Building Inspector's Office. **Councilor Whynott** stated folks go to the Building Inspector first, and that it should be there that the information is passed along. **Council President Hardy** noted that the City Clerk's office was helpful to the applicant in shepherding them through this process. **Council President Hardy** informed Ms. DiMecurio should this application be approved this evening, that she must wait until the decision comes from the Legal Department and voted to be adopted by the City Council which could take up to 90 days. No work can be done until they have that decision from the City Council,

and take it back to the Building Inspector's office to obtain their building permit. **Councilor Hardy** reminded Ms. DiMecurio that she must obtain a valid building permit from the Building Inspector prior to any work on this project being done; to which Ms. DiMecurio agreed.

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to grant a Special Council Lowlands Permit (SCP2012-003) pursuant to Section 5.5.4 of the Gloucester Zoning Ordinances for the property at Washington Street #540 as shown on Assessors Map #111, Lot #52 owned by Marianna DiMercurio, for the purpose of constructing a pier, and a seasonal gangway as well as a seasonal float /dock; as on Site Plan by County Land Surveys, Inc., Gloucester, MA, drawn by Richard G. Loud, PLS dated 6-15-2011; and that the Committee finds that the application complies with Sec. 1.8.3 of the Gloucester Zoning Ordinance and is in harmony with the general purpose and intent of the ordinance.

3. PH2012-023: Amend GCO Chapter 21, Art. IV "Repair of Private Ways"

This public hearing is opened.

Those speaking in favor:

Juliana Hood, 9 Jacques Lane asked the Council to support the amending of the GCO, Chapter 21, Art. IV, Repair of Private Ways. She explained that last year in an attempt by residents Jacques Lane, Michaels Lane and High Popples Road paved to follow the GCO c. 21, Art. IV they came up against glitches with the Article written in 1980, over 30 years ago. She expressed her frustration with the out of date rules as well as other residents in going through the steps that the Code entails. The Code states that private roads developed after 1960 through the subdivision process are excluded because subdivisions are supposed to have associations in place that the residents contribute to for road maintenance and repair so that the City would not need to pay for these costs. She pointed out Jacques Lane was built after 1960; and having lived there for over 14 years, there has been no association nor had she heard of one. Therefore, the roadway has not been properly maintained or paved and is in very poor condition. Amending the ordinance to include private ways such as Jacques Lane would allow them to be included in this project that is long overdue. The ordinance also states that a notice must be sent by registered mail, return receipt requested. In 1980 she noted it may not have been much of a cost but today, with over 60 abutters in this project, each letter costing \$15 to send by registered mail, return receipt requested costs about \$1,000 for one mailing to make notification for one meeting, making it prohibitive. Amending this line to be a mailing that would make it a more reasonable cost, or even better to devise another system of notification that would be at no cost to the abutters, would allow them to notify the residents of a meeting which would help to expedite their process of repairing private ways. The Code in the way it is currently written has made it difficult to complete the steps to get the paving process underway. They wished to see the ordinance rewritten so that it is not "tedious", "frustrating" and costly and to make it a smoother process. Having worked to organize the neighbors and educating them on the process, she asked the Council to support the amending of the ordinance so private roads can be paved. **Mark Poulin** of 84 High Popples Road stated that in order for these types of projects to go forward it is important to have a more inclusive ordinance. Once you get three or four roads moving forward in the process to be paved, it becomes more cost effective for them and for the City.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor Whynott noted that registered mail is less expensive than certified mail; however they accomplish the same thing. He didn't want to see it not require a response to mailed notifications. In a lot of cases many folks may be away for several months, and that they need to keep in the ordinance the use of certified mail. **Councilor McGeary** stated the language proposed does substitute certified mail return receipt requested to registered mail and is acceptable to the State as a required form of notification. **Councilor Ciolino** stated the problem arises with these projects when the neighborhood association has to foot the bill. If they can save some money with the notification, it makes it more affordable. He urged his fellow Councilors to support this. **Councilor Cox** expressed this group doesn't have an association, and so they have no money to do this notification at all. **Councilor McGeary** stated this allows any group of neighbors who wish to approach the City to share in the cost of improving their roads; it gives them a right to ask and is all this does. In theory a subdivision approved under the subdivision law should have an approved plan and should have had a homeowners association and should have been setting aside money to pave the roads. In the early days that was more "honored in the breach". This doesn't guarantee anything. Right now the ordinance is written they can't apply; and is illegal. This amendment would allow the City to consider their

request. They would still have to come before the Council and still have to share some of the costs. The Council would have to approve entering into an agreement with the abutters. With the change, it allows them to get started in the process.

This public hearing is closed.

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 AMEND GCO Chapter 21, Article IV entitled "Repair of Private Ways" by DELETING Sec. 21-80 in its entirety as follows: 2 (c) "Excluded also from the terms of this article are private roadways created after 1960 through the subdivision process, MGL c. 40, §81K et. seq." and FURTHER to AMEND by DELETING IN PART AND ADDING IN PART Sec. 21-85(a) as follows: DELETE: "by registered mail, return receipt requested. Submission of such receipts" and ADD: "certified mail, return receipt requested. A receipt by electronic mail or other proof of certified mailing.

DISCUSSION:

Councilor McGeary explained he filed this order which stemmed from a request of residents in High Popples Road area and Jacques and Michael's Lane (off of High Popples Road) in order to use the Code of Ordinances Chapter 21 process to repair and upgrade the roads in partnership with the City, when exploring that possibility, they ran up against the ordinance with the subdivision controls. He reviewed this with the City Solicitor who agreed that they can change it. It doesn't guarantee anything; it gives groups the right to apply and take the first step in the process. There are number of streets in the City where this could be useful tool for the City and the residents. **Councilor Ciolino** declared he is a resident of High Popples Road, but as this ordinance affects the entire City, he has been advised he can vote on the issue.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND GCO Chapter 21, Article IV entitled "Repair of Private Ways" by DELETING Sec. 21-80 in its entirety as follows: 2 (c) "Excluded also from the terms of this article are private roadways created after 1960 through the subdivision process, MGL c. 40, §81K et. seq." and FURTHER to AMEND by DELETING IN PART AND ADDING IN PART Sec. 21-85(a) as follows: DELETE: "by registered mail, return receipt requested. Submission of such receipts" and ADD: "certified mail, return receipt requested. A receipt by electronic mail or other proof of certified mailing."

Councilor Hardy noted that it is her understanding that the legal spelling is "Jacque Lane" rather than "Jacques Lane".

4. PH2012- 024: Amend GCO Chapter 22, Sec. 22-270.1 "Resident Sticker Parking Only"

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor Whynott asked if people have been notified if they have resident sticker parking in front of their house, if their visitors who do not have a resident sticker get ticketed, they have to understand that is the ordinance and is why they're being ticketed. **Councilor Verga** explained that he put this order in along with Councilor Hardy as a result of a great number of streets recently designated City-wide as resident sticker parking only. The problem is that people were getting ticketed in front of their house because they didn't have a resident sticker, and currently the only resident sticker available is the resident beach sticker. But some people didn't want a beach sticker which is \$20. This order was put forward a resident sticker that was just a resident sticker and that it cost a nominal amount of \$5 suggested by the CFO to cover printing cost and staff cost. It does not preclude the fee for parking at the beaches or at some City parks. This is a good idea to help prevent residents receiving a ticket for parking on their own street, or on other designated streets throughout the City. Without a sticker, a City resident who parks in a "resident sticker parking only" area will be ticketed, as is appropriate. He would support this ordinance amendment and asked his fellow Councilors to do the same. **Councilor Ciolino** stated this is a long standing problem. This should be tried. If it needs to be tweaked, they will; but it is a step forward.

This public hearing is closed.

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 AMEND GCO Sec. 22-270.1 (Resident Sticker Parking Only) by DELETING: "The following parking areas require resident stickers;" and ADDING: "The following parking areas require either a RESIDENT BEACH STICKER or a RESIDENT PARKING STICKER with a nominal fee associated with the purchase of a "resident parking sticker: good for a period of five years beginning in 2012 and every five years thereafter.

DISCUSSION:

Councilor Theken stated this doesn't mean that every street in Gloucester will have resident sticker parking only. This is for those streets now designated as such. This sticker will not get you into the beach parking areas or parks, however. The streets already approved need this sticker for those folks who choose not to purchase a beach sticker. **Council President Hardy** noted that this resident sticker allows for parking anywhere in the City and is not limited to any one particular area of the City. **Councilor Theken** suggested if there is a party going on, to notify the Police of the fact that there would be non-residents parking on that particular street for a limited time, and to put a note in a window of the vehicle advising of that fact.

MOTION: On motion by Councilor Theken, seconded by Councilor Verga, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND GCO Sec. 22-270.1 (Resident Sticker Parking Only) by DELETING: "The following parking areas require resident stickers;" and ADDING: "The following parking areas require either a RESIDENT BEACH STICKER or a RESIDENT PARKING STICKER with a nominal fee associated with the purchase of a "resident parking sticker: good for a period of five years beginning in 2012 and every five years thereafter."

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 institute a fee of \$5.00 (Five Dollars) for a "Resident Parking Sticker" in reference to Gloucester Code of Ordinances, Sec. 22-270.1 "Resident Sticker Parking Only."

DISCUSSION:

Councilor McGeary stated that the financial aspect to the resident sticker was referred by the O&A Committee to B&F; and they came up with a \$5 fee to support the ordinance. This covers the cost the printing of the sticker.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to institute a fee of \$5.00 (Five Dollars) for a "Resident Parking Sticker" in reference to Gloucester Code of Ordinances, Sec. 22-270.1 "Resident Sticker Parking Only."

Council President Hardy pointed out this was a complicated matter and that the regulations of this ordinance should be posted on the City's website so that the opportunities that both stickers provide are explained there. It is what the community wanted. The Council may have to tweak it in future but this does need to be tried.

5. PH2012-025: Amend GCO Chapter 22, Sec. 22-269 "Stop Intersections" re: Sea Fox Lane at its Intersection with Castle View Drive
6. PH2012-026: Amend GCO Chapter 22, Sec. 22-269 "Stop Intersections" re: Castle View Drive at its Intersection with Sea Fox Lane

These public hearings are opened.

Those speaking in favor:

Larry Partridge, 9 Schooner Ridge speaking in favor of the petition before them also noted that Lt. Aiello of the Gloucester Police Department, Robert Ryan, Chair of the Traffic Commission as well as Councilor Verga assisted in bringing the petition before them and appreciated their help. **Bob Wayne** 28 Castle View Drive also spoke in favor of the ordinance amendment to install both stop signs.

Those speaking in opposition: None.

Communications: None.

Questions: None.

These public hearings are closed.

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 AMEND GCO Sec. 22-269 (Stop Intersections) BY ADDING: "Sea Fox Lane at its intersection with Castle View Drive; sign to be placed at the northeast corner of Sea Fox Lane in a northerly direction.

DISCUSSION:

Councilor Theken noted that this had been approved by the Traffic Commission.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND GCO Sec. 22-269 (Stop Intersections) BY ADDING: "Sea Fox Lane at its intersection with Castle View Drive; sign to be placed at the northeast corner of Sea Fox Lane in a northerly direction.

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 AMEND GCO Sec. 22-269 (Stop Intersections) BY ADDING: "Castle View Drive at its intersection with Sea Fox Lane; sign to be placed in the southwest corner of Castle View Drive in a southerly direction".

DISCUSSION:

Councilor Theken noted that this, too, had been approved by the Traffic Commission.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND GCO Sec. 22-269 (Stop Intersections) BY ADDING: "Castle View Drive at its intersection with Sea Fox Lane; sign to be placed in the southwest corner of Castle View Drive in a southerly direction".

For Council Vote:

- 1. Amend GCO Chapter 23 "Utilities" Article III "Water" by adding Sec. 23-64 through Sec. 23-70 re: assessment and deferral of water; Public Hearing closed March 27, 2012; continued discussion and Possible vote tonight by City Council**

[Note: The Committee Report from the Ordinances & Administration Committee was made at the March 27, 2012 meeting of the City Council; that motion is now under consideration and discussion by the Council.]

Councilor Tobey explained commented betterments are historically about bringing in services where they've never been before. That has always been in the sewer context. The notion of water service being extended even where it's never been before has always been a function of the City's water rate program. This is a privately installed water line, behind the Becker Lane issue which Councilor Verga has tried to advance. There are subdivisions throughout the City where a private contractor, rather than the City, put in a water system. It is about equity; people who have been paying water rates for years being entitled to the same baseline of service. When the system is inadequate or in need of repair, they should get it. They're speaking of the mains in the street not people's lines in their front yards. He assumed when this matter was first discussed that the Administration supported the enacting of this ordinance for a betterment for these water line matters and asked if the Administration did in fact support this. **Mr. Duggan** stated the Administration does not [support this]. **Councilor Tobey** then asked if this ordinance was enacted, would the Administration be planning to bring forward any projects that would be reimbursed by the assessment of these betterments. **Mr. Duggan** stated if there is any financial commitment that has to be absorbed by the City, it will not. It was the Administration's recommendation from the beginning that the cost of this has to be absorbed by the private homeowners because of the nature of the Becker Lane area (composed of 20- 24 households). On inquiry by **Councilor Tobey**, **Mr. Duggan** stated the cost is estimated \$800,000 to repair the pipes there with \$40,000 apportioned to each household, after consulting with the DPW Director, Mike Hale. **Councilor Tobey** noted the debt service then would be about 1/3 penny on the water rate. The Administration doesn't want this, and they don't

want to impose this cost onto the homeowner and rather by enacting this ordinance to assist a specific neighborhood, Becker Lane, it is setting up something with inequity and unintended consequences. **Councilor Verga** expressed his opinion the Council would be enacting an ordinance that doesn't do anything. The Administration doesn't want to fund their portion of the betterment. If they do it, the amount on the homeowners of \$40,000 seems unlikely. He agreed that they are rate payers and deserve to get their fair share at Becker Lane and elsewhere. They've subsidized projects all over the City; and when it comes time for their issue to be resolved, "there's nothing there". It seems like a moot point to even pass the ordinance that serves no purpose. **Councilor Theken** stated her understanding was that this ordinance was not for a certain street. This was to be under the jurisdiction of the DPW Director. And this all started because of a fire on Becker Lane. The DPW Director noted at O&A that there are areas that have no access to water at all. It would be at the DPW Director's discretion in consultation with the Fire Chief what parts of the city would be re-done. **Councilor Verga** noted this was a begun with the problem on Becker lane but this was generic problem as a result of the ordinance that it seems unfeasible to do it. **Councilor Whynott** stated that Councilor Tobey's inquires and information of the cost per household did sway him to not support this ordinance change, pointing out this would be another good use for free cash; and that there has to be another way to fund such things. **Councilor Ciolino**, co-sponsor of this ordinance amendment, explained that while they're using Becker Lane as an example, when a resident comes to them and says they haven't a way to put out a fire or have very low water pressure, he opined that the City has a fiduciary responsibility to fix the situation. The figure of \$40,000 was stated as the per household cost; but the City would put in 20% to help pay for this. This is to give neighborhoods the ability to put in a water system that is safe for their families and homes. A neighborhood would have to choose to act; but the Council has to think about the public safety. This isn't about taking a shower or not. Becker Lane residents have paid for the CSO work which is not in their neighborhood. He stated he would vote for ordinance. **Councilor Whynott** heard what Councilor Ciolino said, but that \$40,000 is a lot of money for a betterment for water to someone who doesn't have a lot of money. If such improvements have to be done, the City should do the work. People had to sell their homes because of [high] sewer betterments, and he didn't want to see the same thing happen with water betterments. **Councilor Ciolino** stated it has to be the majority of the people involved who vote for this. It has to be 50% plus one and is a decision of the neighborhood, not the City, as to whether they come forward to ask for these improvements. They are not forcing anything on anyone. If a neighborhood's majority wishes to do something they can. **Councilor Tobey** pointed out the residents of Becker Lane, who are the impetus for this action, for 20 plus years have paid their City water bills all along. This neighborhood has contributed to new water mains throughout Ward 4 and Ward 1 to the Eastern Point lighthouse; throughout the downtown; the Essex Avenue area but not their own neighborhood, paying for everyone else. If they require the passing of these costs even at 75 to 80 percent of the costs to these people even if they chose it, expressing he found it odd that public safety shouldn't have to be a choice, they lose fairness and lose the notion of the social contract. The answer is, he believed, is with the City, and asked the Council to join together to do it, to push that a City project to put new water service in a neighborhood, in this case, Becker Lane. If it is expensive and has to go on the water rate, they still have an obligation to maintain the integrity of the water distribution system however it got there. This ordinance, he stated, while well intended is not the way to go. They have to commit to a project to put in new water line service in that neighborhood. **Councilor Verga** stated there is a need for an ordinance. Right now the DPW can't go on private property as it is. **Mike Hale**, DPW Director stated he didn't think they needed an ordinance to go onto private property. They need permission to go on private property. The City has water mains on private roads all over the City and maintains them through true easements or prescribed easements. They've replaced water mains on private ways for many years. This is a unique situation in that the water main isn't within a way; rather it is in property owners' yards. He is unable to go into people's yards to fix their water service. That is the biggest issue in the Becker Lane area. The road isn't even within the layout of Becker Lane. It cuts through private property. The layout for the way is not where the layout for the traveled way is. **Councilor Tobey** stated as a point of information that the City in installing infrastructure in many neighborhoods where private ways are involved have acquired by eminent domain taking the easements to enable that to proceed. That is not a barrier, just an additional step to be taken. **Councilor Verga** spoke to Councilor Ciolino's point of giving the choice to the neighbors and harkened back to what is subsidized by these residents in other areas of the City; and anyone on the City water system as well. **Councilor Whynott** agreed with Councilor Ciolino that normally majority rules. However, they need to find a better way. It should go on the water rate for these repairs or utilize free cash. **Councilor Ciolino** expressed in a perfect world it should be on a water rate. They can't get the Administration to commit to 20% [subsidy] let alone their going in to do the total bill and absorbing this on the water. This completes the City's fiduciary responsibility by giving these people the opportunity to do a water betterment. They need to do something now to fix this situation. He would like to see the City get do the repairs, but he contended it won't happen. This is the only fix they have available to them and need to complete their responsibility. Way Road and Page Street had the same

situation. His experience with that project is that these neighborhoods need professional help from the City, and was done by betterment. He asked the Councilors again for their support for the ordinance as he expressed in his opinion it is the right thing to do. **Councilor Theken** pointed out at O&A they did discuss other areas of the City who had water issues. She asked how many roads in the City if there was a fire right now would have difficulty putting them out. **Mr. Hale**, as an example, noted Rust Island has no deep water; that is all seasonal with small diameter services or wells and would have no way to traditionally fight a fire through a fire hydrant. There aren't that many neighborhoods in the City without any water. The City needs to recognize that 70% of the City's water mains are ready for replacement at this time. They're at the time when the City's water system is not just at the stage where it is receiving maintenance, but that almost all needs replacement at a cost of \$120 million to replace 70% of the water mains in the City in 2012 dollars. It is all old cast iron mains and life expectancy has passed. He noted an article recently in The Beacon newspaper about Governors Hill where that water main is 110 years old. **Councilor Theken** expressed concern that they need a new ordinance to do any kind of repairs on private roads and Mr. Hale stated he just needed permission to do that work. Therefore, they don't really need an ordinance. The Councilor asked if a residence has a well, would they have to be bettered if they did the work on that person's road. **Mr. Hale** stated when they sewer a neighborhood, and it is authorized by the Mayor and Council, it is done; and the property owner with the would have to pay the betterment whether they connect to it or not – the property is bettered by having that connection available. Private road paving is done by a 50% vote of neighbors. If they did it, they'd still all be assessed. There are neighborhoods that have chosen to do this on their own. Becker Road could do this on their own also. He worked with the folks on Way Road which was a big project. The neighbors did the sewer on their own; the water was done because it was installed in the 1930's, and then the gas lines were done. It became too big for a neighborhood to manage. This neighborhood [Becker Lane] has a new water main on Concord Street installed in the late 1990's. There is fire protection within the neighborhood. The services into the neighborhood are undersized and something should be done at some point. **Councilor Theken** stated an ordinance does not have to be in place to make those repairs or wanted a project put in subsidized by free cash. **Mr. Hale** commented they have a betterment ordinance for sewer so on a private way they can go in, do a taking, a \$1 comes off the total fee. There is a betterment policy for private way paving. If neighbors want a road paved who are on a private way, they can approach the Council, if they agree to pay 50% back over the length of the borrowing. He didn't recall in 13 years where they've entered into a water project in a private way that the City didn't install it initially. **Councilor Tobey** expressed that the City has done that on numerous streets where private developers put the water system in initially as part of a subdivision. The City has then gone in and replaced them. He pointed out that when the City sewered Wheeler's Point water line work was done as well; Apple Street, all the side streets on Wheeler's Point. They were replaced years later, and it was borne by the water rate payers. **Mr. Hale** contended the City had not done such a project in the 12-13 years he's been on staff and didn't recall a project where the City had done that. **Councilor Verga** expressed he understood Councilor Ciolino's point of view, but he could no longer support this ordinance. They need to pursue other avenues.

DISCUSSION: None.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 1 (Ciolino) in favor, 8 opposed to Amend GCO c. 23 "Utilities", Article III by ADDING Sections 23-64 to 23-70 as follows:

CHAPTER 23 - UTILITIES

Article III - Water

Sec. 23-64 - Assessments

(1) Every person owning land abutting upon any way in which a public or private water line has been laid out, and who may benefit from the laying of water pipes or has benefited from a particular water line, or who by more remote means receives benefit of the supply of water to his land or buildings, shall be assessed under the provisions of G.L. c. 40, § 42G. The director of public works or the designee or designees of the director shall have the power as set forth in G.L. c. 40, § 42K, when ascertaining assessments as a betterment for construction, to apply a rate based upon a uniform unit method. A uniform unit method shall be based upon the construction costs divided among the total number of existing and potential water units to be served after having proportioned the cost of special (specific unit) and general benefit facilities. Each water unit

shall be equal to a single family residence. Potential water units shall be calculated on the basis of zoning in effect on the date of assessment. Existing and potentially existing multi-family, commercial, industrial and semi-public uses shall be converted into water units on the basis of residential equivalents.

(2) Assessments under this section shall be ascertained, assessed, certified and committed to the city treasurer by the director of public works or his designee. Such assessments may be made for all water pipes and appurtenant works. Water betterment assessments and any water betterment policies which are adopted by the city council pursuant to G.L. c. 80 and G.L. c. 40, § 42K, for particular public water construction projects shall follow the procedures set out in section 23-68.

Sec. 23-65 - Disposition of receipts from assessments

(1) The receipts from assessments for particular water lines shall be applied to the payment of the cost of particular water lines.

(2) The receipts from assessments and charges under section 23-64 shall be applied to the payment of interest upon bonds or notes issued for water purposes and to the payment or redemption of such bonds or notes.

Sec. 23-66 - Plans for water lines

The location of all water lines and other structures and works used in connection therewith, which constitute part of the water line laid out or constructed by the department of public works shall be shown on plans on file at all times with the department of public works, and a duplicate of the plans shall be filed by the department with the city engineer. Both sets of plans shall be open to inspection by the citizens of the city.

Sec. 23-67 - Land not built upon; extension of time for assessment

Any land not built upon at the time of a water betterment assessment may upon application of the land owner receive an extension of time for the payment of the assessment and interest at a rate of four percent (4%) until it is built upon. Interest at the rate of four percent per year shall be charged annually. The assessment shall be paid within three months after such land is built upon.

Sec. 23-68 - Method of assessment: uniform unit

(1) The city shall assess water betterments based upon a uniform unit method. Each unit shall be equal to a single-family residence. Multiple-family buildings and nonresidential buildings as described herein shall be converted into units on the basis of residential equivalents. The total assessment for a particular water construction project shall not be based on or limited by an estimated betterment. Revenue generated by said betterment assessment shall be equal to or shall cover the total project costs associated with design and construction of the water station lines and appurtenant work less the city share.

(2) The city shall levy assessments against all properties abutting a street in which water pipes have been laid or improved after acceptance of the entire pertinent construction contract including finalization of all pertinent contractual documents. The date of acceptance shall be determined by the DPW director. In the order of assessment, the city shall designate the owner of each parcel on the preceding January 1 as liable for assessment under the provisions of the general laws.

(3) The city council may approve water betterments with a city contribution if any of the following conditions have been met:

- a. The city's debt service expenditures, as documented by the chief financial officer, do not exceed ten percent of its general fund revenue as indicated in the currently adopted budget.
- b. The project is consistent with the city's facilities master plan as adopted by the city council.

- c. **The project provides a clear environmental benefit and resolves existing neighborhood-wide water pressure and water quality issues.**
 - d. **The project is required under a state or federal mandate through an administrative or court action.**
 - e. **The fire chief certifies that the water pressure or quality in the neighborhood may hamper fire fighting abilities and that the installation of water pipes may enhance its fire fighting capabilities.**
 - f. **The city contribution shall not exceed twenty percent of the total project costs and shall not exceed \$6,000.00 per residential dwelling unit.**
- (4) **There shall be no city contribution for projects on either ways created through the subdivision approval process as approved by the planning board, or on ways with two or more abutting lots or two or more lots within two thousand feet of each other that were created through the approval not required process.**
- (5) **For assessment purposes, all properties receiving direct benefit from the water system shall be converted into water units. Properties receiving direct benefit, either developed or undeveloped, shall be designated a number of water units under the following guidelines:**
- a. **Single-family dwellings shall comprise one water unit.**
 - b. **Two-family dwellings shall comprise two water units.**
 - c. **Three-family dwellings shall comprise three water units.**
 - d. **Four-family dwellings shall comprise four water units.**
- (6) **Multiple-family dwellings in excess of four units shall comprise a number of water units based on the following methodology:**
- a. **Rental residential properties such as apartments shall be assessed one water unit for each apartment with more than one bedroom. Rental properties shall be assessed one-half of one water unit for each one-bedroom or studio apartment.**
 - b. **Residential condominium complexes shall be assessed one water unit for each dwelling unit.**
- (7) **Nonresidential buildings, which shall include all industrial, commercial and municipal properties, shall comprise the number of water units based upon water consumption as follows: nonresidential water usage equals one unit per each 300 gallons per day (gpd) used (rounded up to the next whole number). Nonresidential buildings not metered for water use shall be assigned a water consumption volume based on title 5 (part 2, section 13) of the state environment code of the commonwealth's minimum requirements for the subsurface disposal of sanitary sewage.**
- (8) **When a single structure or building contains a nonresidential use and a residential use and neither use is accessory to the other and the nonresidential use does not receive city water service, such mixed use structure shall be charged a betterment only for the residential unit or use. This provision shall not apply in the following zoning districts as defined in the city zoning ordinance:**
- a. **BP, Business Park;**
 - b. **GI, General Industrial;**

- c. MI, Marine Industrial;
- d. EB, Extensive Business.

(9) Undeveloped residential lots shall be converted into dwelling units on the basis of calculating the frontage and area requirements for a buildable lot as directed in the zoning ordinance in effect at the time of assessment. Each potential dwelling unit shall then comprise one water unit. The owner of an undeveloped lot may apply pursuant to MGL c. 40 § 42I, to extend the time for payment. In addition, land classified as agricultural, horticultural, recreational or forest land, upon the application of the owner, may have the betterment assessment suspended for so long as the land is devoted to that use pursuant to G.L. c. 61A, § 18, G.L. c. 61B, § 13, and G.L. c. 61, § 5.

(10) Undeveloped nonresidential lots shall be converted into the number of units for the maximum potential water consumption on the basis of the zoning ordinance. An equivalent number of water units shall then be determined utilizing the formula described for nonresidential developed properties (rounded up to the next whole number).

Sec. 23-69 - Betterment payment

(1) Except as provided herein, the provisions of the general laws relative to the assessment, apportionment, division reassessment, abatement and collection of water assessments shall apply. The tax collector of the city shall have all of the powers conveyed by the general laws. In accordance with G.L. c. 80, § 12, assessments made shall constitute a lien upon the land assessed until the full balance is paid.

(2) At the time of assessment, a property owner may select a payment schedule over a period of 10 years or 20 years or another term of years less than 20 if they so specifically request. Once a selection has been made, the payment method may not be changed at a later date; however, the balance of the principal due on any lien may be paid in full at any time.

(3) Upon the transfer of title to a new owner, the seller/transferor shall immediately notify the city treasurer/collector and city assessor. After transfer of title, the betterment lien may be transferred. The betterments may be paid in full to the collector's office without interest or charges within 30 days of the date of assessment.

(4) With regard to apportionment, the interest rate charged by the city shall be the project bond rate paid by the city for the water project.

Sec. 23-70 - Abatements and Deferrals

(1) Unbuildable lot. A property owner may defer the betterment assessment with interest as provided in G.L. c. 40, § 42I.

(2) Age and income. A property owner may defer the betterment assessment with interest as provided in G.L. c. 80, § 13B, which has been accepted by the city, if they are 65 years of age or older and qualify under G.L. c. 59, § 4, clause 41A. However, the lien may not be transferred upon conveyance of property. The deferred betterment plus interest must be paid upon transfer of property in compliance with G.L. c. 80, § 13B.

MOTION FAILS.

2. CC2012-018 (McGeary) Resolution re: Pedestrian countdown lights governing parts of the intersections Of Route 128 at Eastern Avenue and East Main Street

Councilor McGeary explained to the Council that this request for the Council to go on record favoring the countdown lights was occasioned by an unfortunate accident where a Fair Street resident trying to cross the intersection at Route 128 at Eastern Avenue. It is a difficult intersection. The idea came to him through Stephen

Winslow of the Community Development Department who is an “expert” on “matters pedestrian” and suggested that countdown lights would give both drivers and pedestrians a sense that the window of opportunity was closing and to be more careful. They are state of the art. The problem is the State’s schedule would be 10 years before they were installed. This resolution is asking the State Department of Transportation to expedite the installation of these lights as this is a significant intersection and is one of the few places where a multi-lane highway quickly drops down to a City street; and drivers are still traveling at high rates of speed. This warrants being moved up in the cue. He asked that if this be passed that the City Clerk writes a letter to MassDOT should this be passed. **Councilor Whynott** would like to see something on the Route 128 side; it would be helpful to have something warning people coming down off of the A. Piatt Andrew Bridge showing that a pedestrian is crossing Washington Street where it intersects with Grant Circle. **Councilor McGeary** accepted a friendly amendment to the resolution to accommodate its inclusion with the following language: “to expedite the installation of pedestrian countdown crossing lights governing all crosswalks or such other warning signs or devices as may be deemed appropriate governing all crosswalks...” He agreed Councilor Whynott’s point was well taken. The big sign at Grant Circle gets a driver’s attention.

MOTION: On motion by Councilor McGeary, seconded by Councilor Tobey, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to approve the following RESOLUTION:

WHEREAS the lack of pedestrian countdown lights governing parts of the intersections of Route 128 at Eastern Avenue and East Main Street in Gloucester may have contributed to a serious pedestrian accident, and

WHEREAS the current schedule for installing pedestrian countdown lights at all crossing places in the City could be as much as ten years old.

BE IT RESOLVED that the City Council of the City of Gloucester calls on the Massachusetts Department of Transportation to expedite the installation of pedestrian countdown crossing lights governing all crosswalks or such other warning signs or devices as may be deemed appropriate at the above-named intersections and requests an update on the scheduled installation as soon as the department is able to provide one.

By unanimous consent the City Council asked that the City Clerk send the resolution to MassDOT and to the State Representative Ann Margaret Ferrante and State Senator Bruce Tarr.

3. Discussion and Council Vote to override Mayor’s Veto of City Council Vote of March 27, 2012 re: Amend GCO Chapter 8, “Fire” Article II “Fire Department”, Section 8-18 “Selection of Fire Chief, manner of appointment, subsection (a)(v) “selection committee” under a Non-Emergency vote

Linda T. Lowe, City Clerk read section 3-9. Approval of Mayor, Exceptions (Veto) into the record as follows: *“Every measure relative to the affairs of the city council, except (a) measures relating to the internal affairs of the city council, (b) memorial resolutions, (c) emergency measures as defined in section 2-11(b) and (d) the budget, shall be presented to the mayor for his approval. If the mayor does approve it, he shall signify his approval by signing it; if he does not approve it, he shall signify his disapproval by returning it with his objections, in writing to the city council. The city council shall enter the objection of the mayor upon its records and shall, forthwith reconsider such measure. If, on such reconsideration, two-thirds of the full council agree to pass the measure, it shall be considered approved. If any measure is not returned by the mayor within ten days following the day it is presented to him, it shall be considered approved. A filing with the clerk of the council shall be considered a return by the mayor to the city council. All votes taken on such returns by the mayor shall be by call of the roll”*

Council President Hardy stated that in order to meet the provisions of Sec. 3-9 of the City Charter, they also need to enter into the record the objections of the Mayor. Ms. Lowe then Mayor’s Memo of April 2, 2012: *“Dear Members of the City Council, as per the City Charter provisions Section 3-9, I return to you the city Council votes taken on Tuesday, March 27, 2012 “to AMEND GCO Chapter 8 ‘Fire’ Article II ‘Fire Department’, section 8-18 ‘Selection of Fire Chief, manner of appointment’, subsection (a) (v) ‘selection committee’ be AMENDED by DELETING ‘to be elected by the union representing members of the fire department’ and ADDING ‘to be appointed by the Mayor after they have been elected by the union representing members of the Fire Department.’”*
And

“to AMEND GCO Chapter 17 ‘Police’ Article II, ‘Police Department’, Section 17-18 ‘Selection of Police Chief’; manner of appointment’, subsection 17-18 (a)(5) “selection committee” be AMENDED by DELETING ‘one of whom shall be a member of the union representing patrol officers, elected by that body; and one of whom shall be a member of the union representing superior officers, elected by that body’ and ADDING ‘to be appointed by the Mayor, one of whom shall be a member of the union representing patrol officers, elected by that body; and one of whom shall be a member of the union representing superior officers, elected by that body.’”

With regards to the Administration’s objections to the votes taken by the Council, we realize that the veto of these two amendments to the existing City ordinances is merely a symbolic gesture due to the emergency preamble adopted by the Council on these two measures. However, the Administration believes that the existing ordinance governing the Police and Fire Chief searches need to be abolished and rewritten. A piecemeal approach to changing the ordinances is not satisfactory.

As further note, the language in the Certificate of Vote on the amendment to the Police Chief Search is not correct. Under the section on ADDING language, it should be articulated that the Mayor make the appointments AFTER they have been elected by their respective unions.”

Councilor Theken moved and **Councilor Tobey** seconded a motion to override the Mayor’s Veto to override Mayor’s Veto of City Council Vote of March 27, 2012 regarding the amending of the GCO Chapter 8, “Fire” Article II “Fire Department”, Section 8-18 “Selection of Fire Chief, manner of appointment, subsection (a)(v) “selection committee” under a Non-Emergency vote.

Councilor Whynott expressed that he was speaking for both override votes. He would not support either override. He didn’t agree with the Mayor that the whole ordinance be abolished, however; he did think the ordinances needed tweaking which could be done with those ordinances going back to O&A. The Mayor should come to O&A and let the Committee know what specifically she wished to change. Meanwhile they have 60 days under the emergency vote. **Councilor Tobey** stated that doing anything for the first time is sometimes difficult which is what is happening with the Fire Chief search. They are in the midst of it and should be able to complete the process and see it through to the appointment of a new Police Chief. These ordinances were a joint product of the Administration and the Council, with Mr. Duggan and David Bain, Personnel Director as active participants in the discussion. It was a team project and wished to see them get through this matter as a team project. He hoped the Council would override the veto and also expressed his hope they would do as Councilor Whynott suggested which is to send the ordinances back so that O&A has continuing jurisdiction over it so that after the new chiefs are selected, the lessons learned, while fresh, can be built into the ordinance to make it even better for the next time. **Councilor Whynott** and **Councilor Tobey** agreed this matter, whether or not the override fails, this matter would go back to O&A.

Council President Hardy explained she is a member of the Fire selection committee. The emergency order was put through so they could get the two union representatives back to the table so that they could begin the interview and assessment process. They are four-fifths of the way through the hiring process for the Fire Chief. They’ve only just begun the Police Chief search and could not speak to that yet. All of the members of the Committee are anxious to make amendments to the ordinance and to come to O&A to help explain what did and didn’t work. They have also scheduled a meeting with the consultant after the selection process is done to determine what areas needs amending to make the next selection process that much better. This was a small bridge intended to get them over these initial hires. The emergency measure works fine for the Fire Chief selection committee as they’re 4/5 of the way through that process. However, they are not near hiring for a Police Chief; if they don’t override the veto on the Police, the emergency vote would not be in place for that whole process, being good only for 60 days from the initial vote. They are looking at a four month process according to information she recently received. She would support the override as it is a tool both search committees need to get the job done. The Council President assured she would be the first to come to the Council and suggest amendments to the previous ordinance. **Councilor Theken** stated when this was before O&A they had supporting members and did discuss the ordinance. The ordinances reviews will not take a few months. There is quite a bit that needs changing. She put this forward because what happened during the Fire Chief search process; the firefighters had to step away from the search committee until they were able to be appointed by the Mayor, the appointing authority, so that they had someone to report any conflicts of interest. To stop the search committee 4/5 of the way through the process and wait for the Administration to tweak the ordinances would not be appropriate. She stated right now this is the best way to move forward. The public voted to take these positions out of the Civil Service; and they need to follow through and see this go forward; this is the best way to do it now for what they have. **Councilor Verga** inquired what a failure to override a veto mean; and if the override is passed, is the Mayor compelled to make the appointments. **Council President Hardy** responded, “Yes”. Further, her understanding was that the ordinance was intended to have the Mayor as the appointing authority to receive the ethics paperwork mandated to file by the State so that the unions, both Police and both Fire according to the ordinance, get to elect from their membership two members to be on the

search committee. They need to have someone with whom they can file their ethics paperwork, and according to State law that is supposed to be the appointing authority. This amendment was intended, as was her understanding, for the Mayor to be the receiving party for the ethics paperwork. The Council President had learned subsequently that the Mayor doesn't necessarily have to accept the reasons in the ethics reasoning as to why anyone belongs on the search committee. **Councilor Whynott** stated they can't force the Mayor. **Council President Hardy** continued that this ordinance change was done with the intention of making the Mayor to be the person who gives the final approval that the union elected these two individuals as their representatives to the selection committee(s) and that the Mayor is the person to receive their paperwork; and now they can sit on the selection committee. It is a stop gap to get those union representatives back. **Councilor Theken** explained she was approached because there were two firefighters who had to step away from the Fire Chief selection committee. They went to the State Ethics Commission who told them they needed an appointing body. This was not to force the Mayor or anyone else to appoint specific persons. The Mayor acts as the receiving body for the ethics paperwork for these union elected individuals who sit on the selection committee. By amending the ordinance, these union members now have a way to be placed back onto the search committee. The Councilor reiterated this was not intended to force anything on anyone. **Councilor Tobey** stated the phrasing that was added was once they were elected by the union, "to be appointed by the Mayor", not "may be appointed but to be" appointed. It was ratification, not an affirmative act of appointment. The point was to have an appointing authority with which ethics disclosures could be filed. He expressed he didn't believe the Mayor has the discretion to decide whether or not she likes the folks the union happened to elect. He asked they assume they can go forward and get these done in good faith and good will; stick with the team they have; clear up the existing problem which is that these firefighters have to make an ethics disclosure and to let these others move forward. **Councilor Verga** clarified the emergency order covers the Fire Department for 60 days and the Police Department for 60 days from the day they voted and would definitely need the override. **Councilor Ciolino** expressed he would not support the override. The Council chose to do an emergency preamble; part of the language of it was that an emergency as created because of the vacancies which he expressed it was a slight to the people appointed in the interim as Chiefs. He expressed the opinion that this whole process was flawed. Calling it an emergency is, "a stretch"; and the Councilor reiterated he would not support the overrides. **Councilor McGeary** stated that at the previous Council meeting they discussed that "emergency" didn't mean a tornado or hurricane; but that if the City was seriously impacted by the Council's failure to act or the delay occasioned by following normal procedures, that could and should be considered an emergency for the purposes of enacting the ordinance. He would support the overrides as he thought this was urgent, if not an absolute emergency to keep the process going, and was the only way he could see to do it. He agreed with both Councilors Tobey and Whynott that the ordinance should be looked at in light of their experience; but he didn't want to see it delayed another 30, 60, or 90 days or whatever it would take to craft a new ordinance. **Council President Hardy** made clear to the Council this had nothing to do with the two votes the Council took on the emergency. This has to do with the permanent ordinance that would go into effect in 30 days. That is all these two votes will deal with. **Councilor Theken** explained she was not in attendance at the last Council meeting. She agreed with Councilor Ciolino there are very competent people in the Fire Department. No one is saying they are incompetent. Because the committee is established and in the process of making a selection, she would like to see the Fire Department be represented and have their input on the selection. If they don't override the Mayor's veto, the Fire Department won't have any input into the selection of their new Fire Chief. And for that reason she wished to see the override go forward.

MOTION: On motion by Councilor Theken, seconded by Councilor Tobey, the City Council voted BY ROLL CALL 6 in favor, 3 (Ciolino, Verga, Whynott) opposed, to override the Mayor's Veto dated March 30, 2012 related to the City Council's unanimous vote of March 27, 2012 to AMEND GCO Chapter 8 "Fire" Article II "Fire Department", section 8-18 "Selection of Fire Chief, manner of Appointment", subsection (a) (v) "selection committee".

FOR THE RECORD: Vote to override passes and the Mayor's veto is overridden as there are 6 votes which were necessary to override it.

4. **Discussion and Council Vote to override Mayor's Veto of City Council Vote of March 27, 2012 re: Amend GCO Chapter 17 "Police" Article II, "Police Department", Section 17-18 "Selection of Police Chief"; manner of Appointment", subsection 17-18 (a)(5) "selection committee" under Non-Emergency Vote**

Council President Hardy expressed that the Mayor's objections have been read into the record on this vote as well.

MOTION: On motion by Councilor Theken, seconded by Councilor Tobey, the City Council voted BY ROLL CALL 7 in favor, 2 (Ciolino, Whynt) opposed, to override the Mayor's Veto dated March 30, 2012 related to the City Council's unanimous vote of March 27, 2012 to AMEND GCO Chapter 17 "Police", Article II "Police Department", section 17-18 "Selection of Police Chief; manner of appointment", subsection 17-18 (a)(5) "selection committee".

FOR THE RECORD: Vote to override passes and the Mayor's veto is overridden as there were more than 6 votes which were necessary to override it.

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilor Whynt asked the Mayor request the Police Department be more diligent in taking note of people parking too close to a corner, which by ordinance is 20 feet. He has received complaints from residents on Perkins and Mt. Vernon Streets. Further, there is a need for better signage when roads are closed due to construction. Prospect Street was closed and the sign read "road work ahead". He asked that the Gloucester Times cooperate and put in the paper a blurb every day where the road closures are in conjunction with the DPW. The pothole patrol should go ward by ward and make the public aware of which ward they're working in on certain days.

Councilor Verga stated the Magnolia Historical Society is having a scrap metal drive through April 21st with a trailer at the Blynman School on Magnolia Avenue. If someone has a car to picked up and wishes to receive a tax receipt, please call Lisa Ramos at 978-290-3005.

Councilor Cox thanked the DPW for fixing the lights in Kyrouz Auditorium. Tomorrow night at Giuseppe's the Gloucester Dog Park is having a fundraiser and invited all to come and enjoy.

Councilor Tobey expressed his appreciation for the Samuel Sawyer clock being fixed.

Councilor Ciolino noted the Council podium microphone needs a more appropriate and easy to use one and asked the problem be fixed. **Council President Hardy** concurred.

Councilor LeBlanc stated that he will have a Ward meeting soon on the Water Main and Line Replacement Project taking place in Precinct 1 of Ward 3. He spoke with Paul Keane, the City's Engineer, and with the contractor doing the work on the Boulevard. They are willing and able to help with any issues and urged folks to reach out to himself, Mr. Keane or the contractor if he is in the vicinity. He will be posting something in the near future about the meeting, and asked for his constituents' patience. The city will be posting a link on the water project and street closings in the near future on the website.

Councilor Theken reminded all that the 17th annual Gloucester Health Expo hosted by Addison Gilbert Hospital in partnership with the Public Health Department and the City takes place this Saturday from 9 a.m. to 12 noon offering over 50 exhibits, food demonstrations, free health screenings, reiki clinic, sun damage screening, lots of give- aways and fun for the entire family; and promised it would be a fun day. The Lanesville Fish Shack is having a fund raiser on April 21st at the Gloucester Maritime Center from 1 p.m. to 4 p.m. with live entertainment and silent auction and asked the public for its support. The community has to do what it can to preserve this City's treasures.

A motion was made, seconded and voted unanimously to adjourn the meeting at 10:00 p.m.

Respectfully submitted,

**Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING: