

GLOUCESTER CITY COUNCIL MEETING

Tuesday, April 24, 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

Absent: Councilor Whynott

Also Present: Linda T. Lowe; Kenny Costa; Mary Richardson; Sarah Garcia; Jim Duggan

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

Flag Salute & Moment of Silence.

Oral Communications:

Nathaniel Mulcahey, 33 Middle Street, Gloucester made a brief statement. As a community, they are all aware of the terrible loss of a little girl. She is a Gloucester resident. The family is desperate. As a citizen and a resident of Gloucester, he would appreciate that there be a public statement from the City of Gloucester expressing support for the family. The City has been supportive, but the silence from the City of Gloucester has some questions raised. It would be nice to help the community come together and to have a public statement from the City as well.

Presentation:

1 of 1: Draft MAPC/City of Gloucester Report on the New Maritime Port Economy

Sarah Garcia, Harbor Planning Director – power point presentation on the Draft MAPC/City of Gloucester Report on the New Maritime Port Economy (on file) and introduction of working group committee.

Councilor Tobey asked if this was an e-board that had been set up. **Ms. Garcia** replied that it was an informal working group, drawn from non-profits and interested parties in furthering the commercial connections, and to create a partnership to make this economy flourish. **Councilor Tobey** commented on what he did not see in the presentation and urged the administration and the maritime group to look at the community of New Bedford as a model. **Councilor Theken** questioned whether this presentation was brought to the Fisheries Commission. **Ms. Garcia** replied that it was not brought before Waterways Board or Fisheries Commission, but reported back to them on what she was doing. **Councilor Theken** requested that she bring it formally to the Fisheries Commission. **Councilor McGeary** thanked **Ms. Garcia** for presentation, and pointed out that he had attended both days of the workshops. One theme that emerged in several of the workshops is that not only do they need an educated workforce but they needed special assistants, the people who can help people who are bringing biomarine and marine technology to Gloucester. These people will be looking for an educated workforce and good schools to place their children in. **Councilor Ciolino** commented that when the conclusions were put together from the summit, there are people who attended the meetings that do not agree with the conclusions especially where it concerns the designated port area. **Council President Hardy** thanked **Ms. Garcia** for the presentation and also thanked the working committee for taking the time to come to the meeting and be available for questions from the council.

Consent Agenda:

• **MAYOR'S REPORT**

1. Memorandum and two Special Budgetary Transfer Requests (#2012-SBT-33 and #2012-SBT-34) from Police Chief (Refer B&F)
2. Review & Recommendations for the Disposition of Real Property for the Maplewood School (Refer B&F & P&D)
3. Memorandum, Grant Application & Checklist from CAO re: Essex Heritage Visitor Center Grant (Refer B&F)
4. Memorandum from Planning Director re: new FEMA FIRM maps & a proposed amendment to Sec. 12-27 of the GCO (Refer O&A)
5. New Appointments:

Cable TV Advisory Committee	TTE 02/14/2015	Geoffrey Bradford	
Tourism Commission	TTE 02/14/2013	Wendie Woodman DeMuth	(Refer O&A)

• **COMMUNICATIONS/INVITATIONS**

1. Communication from Sen. Tarr in support for the Rocky Neck Art Colony's application for a grant through MMC Cultural Facilities Fund (File)
2. Communication from Gloucester Rotary Club re: gift of children's wooden stage to be installed on site in the Stage Fort Park

- Playground (Refer DPW & B&F)
3. Memorandum from City Auditor re: Auditor's Office Reorganization Request (Refer B&F & O&A)
- **APPLICATIONS/PETITIONS**
1. Request & Application for road closures to hold Fishtown Horribles Parade on July 3, 2012 (Refer P&D)
 2. Modification to Special Council Permit granted to Cape Ann Brewing Company on December 7, 2010 re: Rogers St. #9-11, GZO Sec. 2.3.4 (8) and Sec. 2.3.4 (9) (Refer P&D)
 - **COUNCILORS ORDERS**
1. CC2012-023 (Verga/Ciolino) Resolution re: Equitable treatment to residents who are City water users, customers & water rate Payers and amendment of GCO Sec. 23-568 to reflect the requirement of equitable treatment of all customers (FCV 05/22/12)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: 04/10/12 (Approve/File)
 2. Standing Committee Meetings: B&F 04/19/12 (under separate cover), O&A –No meeting Joint P&D and PB Meeting 03/12/12 and 3/15/12, Special Joint Meeting of P&D and PB 04/05/12, Special Joint Meeting P&D and PB 04/12/12 (under separate cover) P&D 04/18/12 (Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor Verga wished to remove Item #1 under Council Orders from the Unanimous Consent Agenda.

Councilor Verga just wanted to bring this to the attention of the council. The resolution that he put forward with Councilor Ciolino is the result of the last discussion and vote at the last council meeting where council voted down an ordinance relating to the city repairing water lines on private roads. In a nutshell, this resolution says that the city will not make a distinction between public and private roads when it comes to repair of water lines, when water lines already exist and people are already rate payers already in the system. He wanted to pull it off the agenda so we would be aware of it and not be surprised when we ask for the vote a month from now. **Council President Hardy** urged all city councilors to read the order prior to the May 22nd meeting when it will be voted before the City Council.

The Consent Agenda was accepted as amended.

Council President Hardy announced that Councilor Whynott was unexpectedly called away and was not available this evening.

Committee Reports:

Budget & Finance: April 19, 2012

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed pursuant to the City of Gloucester City Charter Sec. 2-7(a) concerning the election of the City Auditor, recommends to the City Council the election of Kenny P. Costa as the City Auditor for a term of April 2012 to April 2014.

DISCUSSION:

Councilor McGeary explained that the three members of budget and finance and the members of the council applaud Mr. Costa for the work he has done for his first two years here. When he came here, the City was on the Department of Revenue watch list because our financial house was not in order. With the Chief Financial Officer working as a team, they have done a great deal to put our city on a sound financial footing. He stated that our Moody's investment rating was recently not changed but an outlook was changed to be more positive. That is part of the work that he has done. He has reformed a number of procedures within the accounting department which have helped a great deal in tracking expenditures and knowing where the money goes. Councilor McGeary stated that we all applaud Mr. Costa for the work he has done, and he encouraged his fellow councilors to vote for his reappointment. **Councilor Verga** stated very briefly that as the saying goes the proof is in the pudding, and we had issues before Kenny got here and many of those issues are gone. We are on track to take care of the remaining ones. He was confident that he deserves to be here a bit longer. **Council President Hardy** stated as former member of budget and finance and current City Council President, she also will be recommending the election this evening of Kenny Costa. Working with the financial team of the City of Gloucester and the bonding agencies, she saw a lot of promise together with next item that will be coming down the road in a matter of weeks, the reorganization of his department so as to allow greater spectrum of checks and balances. She was looking forward to working with the office and Budget and Finance on that.

Councilor Ciolino endorsed Mr. Costa for the position. He thinks the City has a great financial team, and Mr. Costa is certainly half of that financial team. He wanted to inform his fellow councilors that Kenny has submitted to the Budget and Finance committee a list of goals, and those goals will be submitted into his file. In two years, they will review the goals and see how they progressed. He commented that it is a good benchmark to measure someone's performance and successes. **Councilor Theken** stated she is not on Budget and Finance but she does hear from the people of the community. She has gone to that office and worked with Kenny. He has her full endorsement as his door is always open. The whole team in the office should be applauded. It is great to see that that the city is moving forward and all of the city workers are working together.

MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted BY ROLL CALL 8 in favor, 0 opposed pursuant to the City of Gloucester City Charter Sec. 2-7(a) concerning the election of the City Auditor, the election of Kenny P. Costa as the City Auditor for a term of April 2012 to April 2014.

Mr. Costa thanked the council for continued support. He stated that they are working together, and the city is moving forward. At this time, through the City Code of Ordinances Sec. 2-109 "appointing Assistant City Auditor", he would like to appoint and recommend to the City Council the appointment of Mary Richardson, as Assistant City Auditor. **Council President Hardy** asked **Madame Clerk** if this was appointment of the Assistant City Auditor and **Madame Clerk** confirmed this. She addressed Mr. Costa and stated she understood that he was appointing Mary Richardson to the position as Assistant City Auditor, and it was her understanding that they should report to the City Clerk's office tomorrow morning to be sworn in. **Council President Hardy** was advised by the city clerk that the Council should be confirming Mr. Costa's election or appointment of Mary Richardson through city council. Roll call vote on the confirmation of the Auditor's election or appointment of Mary Richardson as the Assistant City Auditor under Code of Ordinances Sec. 2-109 passed 8 in favor and 0 opposed.

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 under MGL c. 44, §53A the acceptance of \$833,546.00 for the Community Development Block Grant Program from the U.S. Department of Housing and Urban Development for PY2012 and the anticipated HOME grant for PY2012 from the North Shore HOME Consortium in the amount of \$67,679.00.

DISCUSSION:

Councilor McGeary explained that the CDBG is a significant amount of federal aid that we receive for what it says is used for community development. We did receive a twenty-eight percent cut this year but the amount of \$833,000 is being used well. Some of the highlights: \$100,000 of it will go to a Maritime Development fund which helps create jobs in the waterfront economy, \$216,000 will go for housing rehabilitation, about \$90,000 goes to services for youth, \$186,000 will go to parks and infrastructure improvements, and \$26,000 to city hall. They felt some of the money will be well utilized and that the programs were worthy choices. He urged his fellow councilors to accept this grant. **Councilor Ciolino** stated just as an FYI. We had our auditors come in and talk about what we do well and what we do not do well. One of the things we have not done well is the administration of the grants of keeping track of them, and that was due to the fact that for some reason the bookkeeper was laid off. No one was keeping track of the money and how it was being spent. He informed council that the bookkeeper was back; they are back on track and are following the recommendation of our external auditors. **Councilor Tobey** made a statement that we are grateful for what we are getting, but he didn't want anyone in this room to leave this evening without recognizing that the Community Development Block Grant Program is under constant assault in the United States Congress. It is a disgrace that federal reinvestment in our communities has shrunken and is under steady consistent assault from folks who, for whatever set of reasons, don't get it. Programs occur at the local level. They do not occur in Washington, and they do not happen with best wishes, a pat on the back and nothing else. This council and every local elected official needs to speak out loudly and clearly whenever we get the opportunity that further cuts to the CDBG program are intolerable and that the restoration of the program and its critical funding needs to occur and fast. The national league of cities has been a zealous advocate on this issue. They are not getting the job done and nor any of their partner agencies in Washington. We need to get the word out. We should be communicating regularly with Senator Kerry, Senator Brown, and Congressman Tierney for this proposition.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 8 in favor, 0 opposed under MGL c. 44, §53A to accept the grant of \$833,546.00 for the Community Development Block Grant Program from the U.S. Department of Housing and Urban Development for PY2012 and the anticipated HOME grant for PY2012 from the North Shore HOME Consortium in the amount of \$67,679.00.

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SA-8) of \$10,000.00 from the Highway Force Account, Unifund Account #294015 to Public Services Paving, Unifund Account #101000.10.470.58415.0000.00.000.00.058 for funds needed for paving and for police details associated with paving for the remainder of FY12.

DISCUSSION:

Councilor McGeary explained that the Highway Force Account is an account maintained by DPW Director out of road opening fees. It is used for normal paving projects over the course of the city. This year they have been running a little short as there have been a lot of paving projects going on this year. They need the \$10,000 to cover the shortfall to get them through June 30th.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to transfer (#2012-SA-8) of \$10,000.00 from the Highway Force Account, Unifund Account #294015 to Public Services Paving, Unifund Account #101000.10.470.58415.0000.00.000.00.058 for funds needed for paving and for police details associated with paving for the remainder of FY12.

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-29) \$20,000.00 from Facilities Contract Services, Unifund Account #101000.10.472.52000.0000.00.000.00.052 to Public Service Contract Services, Unifund Account #101000.10.470.52000.0000.00.000.00.052 to fund spring projects (tree work, grass cutting) and port-a-potty rentals.

DISCUSSION:

Councilor McGeary explained that we no longer have a forestry division in the city and there was an unexpected amount of tree work that had to be done this spring to prevent limbs from falling on wires and on streets. They ran a little over on that so the money is being transferred out of the facilities contract services to cover that shortfall.

Councilor Tobey left the dais at 7:57 pm and returned at 7:58 pm

MOTION: On motion by Councilor McGeary, seconded by Councilor Cox the City Council voted BY ROLL CALL 8 in favor, 0 opposed to transfer (#2012-SBT-29) \$20,000.00 from Facilities Contract Services, Unifund Account #101000.10.472.52000.0000.00.000.00.052 to Public Service Contract Services, Unifund Account #101000.10.470.52000.0000.00.000.00.052 to fund spring projects (tree work, grass cutting) and port-a-potty rentals.

MOTION: On motion by Councilor Cox seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-30) \$4,400.00 from Treasurer/Collector, Debt Service, Principal/Debt, Unifund Account #101000.10.145.59100.0000.00.000.00.059 to Auditor, Prof Audit Services, Unifund Account #101000.10.135.53130.0000.00.000.00.052 for Outside Auditors to perform one additional federal grant audit pursuant to the Single Audits Act, OMB Circular A-133 & A-87 (Homeland Port Security Grant).

DISCUSSION:

Councilor McGeary explained that the auditors are required under those two circulars to audit federal grants in excess of \$300,000. The good news is that we had a Homeland Port Security Grant that qualified, but we now need to audit that to make sure we are in compliance, and the cost for that is an additional \$4,400.00.

MOTION: On motion by Councilor McGeary, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to transfer (#2012-SBT-30) \$4,400.00 from Treasurer/Collector, Debt Service, Principal/Debt, Unifund Account #101000.10.145.59100.0000.00.000.00.059 to Auditor, Prof Audit Services, Unifund Account #101000.10.135.53130.0000.00.000.00.052 for Outside Auditors to perform one additional federal grant audit pursuant to the Single Audits Act, OMB Circular A-133 & A-87 (Homeland Port Security Grant).

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-31) \$15,000.00 from Treasurer/Collector, Debt Service, Principal/Debt, Unifund Account #101000.10.145.59100.0000.00.000.00.059 to Auditor, Contractual Services, Unifund Account #101000.10.135.52000.0000.00.000.00.052 for OPEB Actuarial Services per GASB 43/45 as of June 30, 2011.

DISCUSSION:

Councilor McGeary explained that we are required to actuarially determine the amount of our OPEB, (Other Post Employment Benefits) how much we need on hand to service those benefits for current employees. It was last done in 2009. This one will be as of June 30th of last year and will get them on the appropriate calendar which is on a two year cycle. We will know what we are on the hook for.

MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to transfer (#2012-SBT-31) \$15,000.00 from Treasurer/Collector, Debt Service, Principal/Debt, Unifund Account #101000.10.145.59100.0000.00.000.00.059 to Auditor, Contractual Services, Unifund Account #101000.10.135.52000.0000.00.000.00.052 for OPEB Actuarial Services per GASB 43/45 as of June 30, 2011.

DISCUSSION:

Councilor McGeary explained that this is a request from Mr. Costa for a part time person to help him do the paperwork to prepare for the city audit. He needs to file executed contracts and invoices from the city and school departments. They are behind on the filing. This is a 19.50 hour position and it ends on June 30th. He referred to Mr. Costa for other questions from the Council. **Councilor Tobey** would like to put this question on the record and have an answer from the administration. Council recently approved an increase in Municipal Lien Certificate fees so that a full time person dedicated to that would be rehired. He is not aware of whether this has happened and would like a report back on this. **Council President Hardy** commented on whether the school department should contribute to fund part or all of this position for the assistance needed to file executed contracts and paid invoices for the city and school departments. Mr. Costa replied that it would be nice if the school contributed, however, this is more administrative work that needs to be done both on the city and the school side. He wanted to ensure that when the outside auditors come in to audit, they have all of the invoices and contracts in order. His concern was that he preferred not to have a finding in the audit report related to this. It is responsibility of the Auditor's office to have this documentation in order.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-32) \$1,750.00 from Treasurer/Collector, Debt Service, Principal/Debt, Unifund Account #101000.10.145.59100.0000.00.000.00.059 to Auditor, Sal/Wage-Temp Position, Unifund Account #101000.10.135.51200.0000.00.000.00.051 to fund Office Aid position through June 30, 2012.

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 approve the disposition by means of a lease as provided in the Lease Agreement #12131 for the Witham Street Parking Area at 99 Thatcher Road between the City of Gloucester and the Good Harbor Beach Inn Corp., pursuant to the terms and conditions as stated therein. Said term is to be a three year term from May 1, 2012 to April 30, 2015.

DISCUSSION:

Councilor McGeary explained that this is the Witham Street end of Good Harbor Beach for a number of spaces reserved for the guests of the Good Harbor Beach Inn. They have historically used them. The lease proposed was for \$6,500 per year over three years. That number was arrived at in consultation between the Assessors office and Mark Cole, of DPW to kind of get a gauge on revenue the city might have retained had it kept those eleven spaces by itself and not given them over to the Inn. Having looked at Mr. Johnstone's math and spoken to Mr. Cole, it seemed like a reasonable amount for those eleven spaces per season. **Councilor Tobey** commented that the planning and development committee at its last meeting also voted to recommend approval of this arrangement. Requested that staff come up with a more robust justification for the lease amount than that they had received at their meeting. Mr. Johnstone presented and shared more background with the Council. **Assessor Gary Johnstone** stated that this has been leased since 1997. It is difficult to value in terms of a lease because parcels in that area are not typically leased out. They looked over the last three years when the Good Harbor Beach parking lot was full at the \$20-\$25.00 rate charged and what has been done for last five terms. They came up with a calculated annual base amount of \$6,000 that would have been achieved by renting spaces in the public lot, and looked at it from that perspective. **Council President Hardy** asked whether anyone knew whether the Inn charges their clients to park there or can anyone park there for a fee. **Mr. Johnstone** answered that if you look at the lease, it indicates that it is only for their guests. The Inn has only nine parking spaces in front which do not cover the rental rooms in the Inn itself. The lease itself calls for the spaces just to be used for the guests and not to be released or rented out. This lease does not cover the four winter months that the Inn isn't open and those months are open to the general public.

MOTION: On motion by Councilor McGeary, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed to approve the disposition by means of a lease as provided in the Lease Agreement #12131 for the Witham Street Parking Area at 99 Thatcher Road between the City of Gloucester and the Good Harbor Beach Inn Corp., pursuant to the terms and conditions as stated therein. Said term is to be a three year term from May 1, 2012 to April 30, 2015.

Ordinances & Administration: State Holiday-No Meeting

Planning & Development: April 18, 2012

Councilor Tobey updated the council and public on the matter of the two hotel overlay district proposals, which are before P&D. The first is regarding Commercial Street proposed hotel overlay district. The committee had a conversation that focused on narrowing the scope of the district and overlays more by way of setback on the MI structure side, removing beach from the scope of the overlay, further tightening the definition of hotel, so that we excluded a list by way, including but not limited to, uses that were not intended: residential, i.e. long term stay and on others too, knowing anything not authorized is prohibited, providing folks the clear knowledge of what that includes. This matter will be back before the committee on May 2nd, and it is first item on agenda. He is confident that it is the committee's intention to have a motion framed and approved by it so that there is a formal recommendation before the council at the public hearing resuming on May 8th. The second hotel overlay district relates to the back shore. The P&D committee will be having a special meeting at 7:00 pm on May 3rd and will be meeting simultaneously with the Planning Board, which will be opening its public hearing on that matter at that time.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council pursuant to GCO Sec. 2-3(2)(d) to grant an easement at 375 Main Street, Land Court Lot #22 Plan of Land No. 14862N with Certificate of Title #43971 as provided in the easement documents dated 12/13/2011 and as shown on "National Grid Easement Sketch Rose Oil

Company, 375 Main Street, Gloucester” Plan #11295202 dated 8/24/2010 and as shown on Plan attached thereto to National Grid. National Grid is required to record the easement and plan with the Essex County Registry of Deeds.

DISCUSSION: None

MOTION: On motion by Councilor Tobey, seconded by Councilor Ciolino , the City Council voted BY ROLL CALL 8 in favor, 0 opposed pursuant to GCO Sec. 2-3(2)(d) to grant an easement at 375 Main Street, Land Court Lot #22 Plan of Land No. 14862N with Certificate of Title #43971 as provided in the easement documents dated 12/13/2011 and as shown on “National Grid Easement Sketch Rose Oil Company, 375 Main Street, Gloucester” Plan #11295202 dated 8/24/2010 and as shown on Plan attached thereto to National Grid. National Grid is required to record the easement and plan with the Essex County Registry of Deeds.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to approve a licensing agreement as drafted and approved by the City Solicitor between the City and Maritime Gloucester regarding the installation, maintenance, repair and utilization of a 12 ft. in diameter brass and colored glass sculpture; landscaping of the site, a sign and flagpole on city-owned property located in front of the Maritime Gloucester headquarters at 23 Harbor Loop.

DISCUSSION:

Councilor Tobey stated the piece of art in question would be a nice addition to the local downtown landscape and would be maintained and installed by Maritime Gloucester.

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to approve a licensing agreement as drafted and approved by the City Solicitor between the City and Maritime Gloucester regarding the installation, maintenance, repair and utilization of a 12 ft. in diameter brass and colored glass sculpture; landscaping of the site, a sign and flagpole on city-owned property located in front of the Maritime Gloucester headquarters at 23 Harbor Loop.

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DISCUSSION: This matter was already taken up with the Budget & Finance Report.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council to permit Fishbox Derby, Inc. on Sunday, September 16, 2012 to hold the Fishbox Derby (“Soapbox Car” Race) closing Rogers Street from 6 a.m. that day to 4:00 p.m. with the following conditions:

1. Certificate of Insurance:

A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk’s Office on or before September 4, 2012.

2. Road Closure Plans:

Memoranda from the Police Department and Fire Department giving approval of the plans for the Fishbox Derby on September 16, 2012 to be on file with the City Clerks office on or before September 4, 2012. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before September 4, 2012. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.

3. Refuse and Comfort Stations:

All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early in the morning of the day of the event and removed by 5:00 PM, September 16, 2012.

4. Emergency Services:

A signed, visible and staffed first aid station must be in place in an accessible location in the area of the race course throughout the event.

5. Staffing:

Event staff is to have cell phones and be identified by the public with distinct shirts. A list of event staff and their cell phone numbers to be submitted to the Police, Fire or DPW Departments.

6. Notification of Immediate Abutters and Businesses to Race Course:

Notice shall be made by the event organizer by hand or by mail no later than 7 days in advance of the event to any function halls, motels and hotels, and other businesses along the race route.

7. Responsibility of the Fishbox Derby, Inc.:

The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health and the Licensing Commission. It is the sole responsibility of Fishbox Derby, Inc. to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

DISCUSSION: None.

MOTION: On motion by Councilor Tobey, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed to permit Fishbox Derby, Inc. on Sunday, September 16, 2012 to hold the Fishbox Derby ("Soapbox Car" Race) closing Rogers Street from 6 a.m. that day to 4:00 p.m. with the following conditions:

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The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health and the Licensing Commission. It is the sole responsibility of Fishbox Derby, Inc. to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

Council President Hardy expressed her thanks to Gorton's of Gloucester for helping with this event on a yearly basis.

Scheduled Public Hearings:**1. PH2012- 010: SCP2012-001: Foster Street #9, GZO Sec. 2.3.1(6) Conversion to new multi-family or Apartment dwelling, three units**

Council President Hardy opened the public hearing. Based on the letter from the applicant's attorney (on file), the City Council has received that the applicant requests a withdrawal of their application without prejudice. The Council President closed the public hearing without Council action.

This public hearing is closed with no Council action taken on the matter.

2. PH2012- 011: SCP2012-002: Washington Street #834, GZO Sec. 1.8.3 and 5.13.7.1 (PWSF) Modifications

This public hearing is opened.

Edward Pare, Attorney at Brown Rudnick, representing New Cingular Wireless, for the fifth time, and thanks the council for their attention. Attorney Pare explained that AT & T is looking to upgrade its network to provide more speed and more capacity for high tech devices. At the Annisquam Church, AT & T has an existing installation within the steeple. What AT&T is proposing to do, as has been done in the four other presentations, is to add three additional antennas to the installation also within the steeple. There are photo simulations in the Council packets which depict, with some effort, to show exactly where the antennas will be because basically they will be invisible from public ways and around the church. They are also proposing to expand the equipment in the basement so that the additional equipment will be likewise invisible to the public. As mentioned in the prior modifications, AT&T is not providing this new long term evolution service. Currently it is launching the network as we speak for the sites they have are under construction right now. This is the fifth and last time he will appear before council for some period of time. They think it is a great proposal, provides revenue to the Church, and allows AT&T to provide high speed data service. He thanked the Clerk's office for all of their cooperation through handling five of these applications in very short order and in a very professional way.

Those speaking in opposition: None

Those speaking in favor: None.

Communications: None.

Questions: Councilor McGeary asked if this is to increase input and not range. **Attorney Pare** replied that was correct. **Councilor McGeary** asked if there are plans to address some of the holes in coverage in Cape Ann. **Attorney Pare** replied eventually they will attempt try to cover where there is population or sufficient population, so as the technology increases, hopefully the foot print will likewise. As users use more data, more voice, the network shrinks the coverage as you can see from the colored service plots that were typically provided; the higher the frequency, the smaller the footprint. As the LTE progresses, there will be more sites added and hopefully that will resolve some of the gaps that currently exist throughout Massachusetts.

This public hearing is closed.

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 to grant New Cingular Wireless PCS, LLC by AT&T Mobility Corporation a Special Council Permit (SCP2011-006) for a modification of an existing Personal Wireless Communications Facility pursuant to Section 5.13.7 and 1.8.3 to install three (3) new panel antennas (one antenna per sector), together with related amplifiers, cables, fiber and other associated antenna equipment including remote radio heads, surge arrestors and global positioning system antenna, for new network service upgrades with associated electronic equipment within AT&T's existing equipment shelter at the Third Annisquam Parish Church (a/k/a Annisquam Village Church) located at Washington Street #834, Gloucester, MA (Assessors Map #183, Lot #1) zoning classification R-20 (Residential) with the following conditions:

- That all previous Special City Council Permits continue in full force including but not limited to the global positioning system to be installed on the facade on the southwest side the building is not to exceed the height of the building where the system is located;
- The global positioning system and any attendant wiring or other necessary equipment associated with it will be painted to match the building;
- All associated equipment shall be housed within the AT&T's existing equipment room in the basement of the church and/or the expansion of the room as approved by the church;
- The equipment room, whether or not expanded, shall contain modern fire suppression equipment whose plan must be pre-approved by the Building Inspector and Fire Chief; and that the completion of said installation be signed off by same;
- The pull chain located in the choir balcony for the attic stairs be adjusted so that it is a minimum of 10 ft. from the floor;

And that the requirements of section 5.13.5.5(e) and 5.13.4.1 be waived as this is a modification of equipment constitutes a de minimus impact on the site.

DISCUSSION:

Councilor Tobey – None

Council President Hardy wanted to contribute some discussion towards this as the Ward 4 Councilor. First of all she wanted to thank the community of Annisquam for working with the church, AT&T Communications, Brown Rudnick and with the City Clerk's office to make sure that the expansion of what's been happening over in the Church is to the liking and to the safety that is demanded by the residents of Annisquam, as well as the safety of the Church. It is a very old historic building made of wood, and they need to make sure that the fire suppression is with today's technology or better. This is why it took a bit of extra time, there were concerned neighbors about the new RF readings that would be emanated from the building. The doctor came out and did site visits with the neighbors, actually did RF readings from their porches, decks and bedroom windows and ascertained to the neighbor's liking that the readings that they were getting were sufficient and they were not fearful of their beings when they are in their homes. Councilor President Hardy supported this, as she has the last four versions of this application, and hoped that the rest of the City Council supported this as well.

MOTION: On motion by Councilor Tobey, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 absent to grant New Cingular Wireless PCS, LLC by AT&T Mobility Corporation a Special Council Permit (SCP2011-006) for a modification of an existing Personal Wireless Communications

Facility pursuant to Section 5.13.7 and 1.8.3 to install three (3) new panel antennas (one antenna per sector), together with related amplifiers, cables, fiber and other associated antenna equipment including remote radio heads, surge arrestors and global positioning system antenna, for new network service upgrades with associated electronic equipment within AT&T's existing equipment shelter at the Third Annisquam Parish Church (a/k/a Annisquam Village Church) located at Washington Street #834, Gloucester, MA (Assessors Map #183, Lot #1) zoning classification R-20 (Residential) with the following conditions:

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- **The equipment room, whether or not expanded, shall contain modern fire suppression equipment whose plan must be pre-approved by the Building Inspector and Fire Chief; and that the completion of said installation be signed off by same;**
- **The pull chain located in the choir balcony for the attic stairs be adjusted so that it is a minimum of 10 ft. from the floor;**

And that the requirements of section 5.13.5.5(e) and 5.13.4.1 be waived as this is a modification of equipment constitutes a de minimus impact on the site.

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilor Cox announced that the Postal Service will be conducting a Food drive on May 12th. Also, if anyone interested in being a member of CERT team, she is a member, classes start on May 9 and meet every Wednesday for six weeks. Please contact her for information.

Councilor McGeary wanted to call the public's attention to a presentation to be made by the School Superintendent and Administration of the Schools on Monday, April 30th at 6:15 pm at O'Maley School. It is a State of the Schools presentation and encouraged the public to attend.

Councilor Ciolino announced that Pride Stride is this Sunday at Stage Fort Park. Kickoff for walk starts at 11:00 am and festivities start at 10:00 am with all kinds of fun and games, balloons and facing painting for children. It is a fun place to come, be entertained and raise money for worthy causes. Once again, he will be flipping hamburgers, is his tenth year in a row, has now developed a special seasoning and introduces it once a year for Pride Stride. Encourages people to attend, taste his hamburgers and have a good time.

Councilor LeBlanc announced that he will be holding Ward 3 meeting on Tuesday, May 1st in the 3rd floor conference room, City Hall, to discuss issues of concern to Ward 3 residents, including a possible sale of public property at Cunningham Road and Marsh Street, and matters relating to the water main construction. All residents of Ward 3 are invited to attend.

Councilor Theken wanted to thank Regis College and the Annie Theatre for hosting a wonderful play "Six Hands". The play was the history up until the statue being erected for the Gloucester Fishermen Wives. Thank you to Councilor Tobey because if he didn't give us the land, when he was Mayor, we wouldn't have the rock and the statue. We are now going to have flowers for the statue. As we all know, the economy has changed, donations have dwindled. The statue is still owned and maintained by a nonprofit organization, not by the City. Part of the proceeds from the play went to get flowers so that we can enjoy that. Expressed her thanks for those who came down and watched the play. Senator Brown will be getting that phone call to make sure we get the CDBG funds. Also, wanted to let people know what's been happening. She has been getting bombarded from people turning 65 and people who actually turned 65 prior and now are being forced to take Medicare and what can be done. An appointment is not needed. You can reach her Monday, Wednesdays and Fridays at the Addison Gilbert Hospital, 8:30 to 4:00. Tuesdays at the Rose Baker Senior Center from 9:30 to 12:30. If you are not going to retire, you are not through a City or State, and you are going to continue to work and you have insurance through your employer, you don't even have to apply. If you have a spouse turning 65, and you are still working or partner still working, the bad thing about this is in the state of Massachusetts same sex marriages are acknowledged, federal it's not. So unfortunately, if you are turning 65 even though you have insurance through your partner, you still have to take Medicare. If not, you will be penalized and a lot of people are not aware of this. There are a lot of mistakes being made because they thought their partner offered health insurance. If you are a state or city employee, State is now

mandating you, just came up with law. If you paid a penalty for your Medicare, your city has to pick up that penalty. The City better be up and ready for this, because the law is that City is responsible for that penalty. It's a complicated process, please contact her with questions. It is a three tier process.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:30 pm.

Respectfully submitted,

**Joanne Senos
Assistant City Clerk/Substitute Recorder**

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None