

GLOUCESTER CITY COUNCIL MEETING

Tuesday, May 22, 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 Whyntott

Absent: None

Also Present: Linda T. Lowe; Kenny Costa; Jim Duggan; Jeff Towne; Mike Hale; Gregg Cademartori; Bill Sanborn; Joanne Senos; Jonathan Pope; Mark Cole; William Goodwin; Dr. Richard Safier; Jonathan Pope; Valerie Gilman; Kathy Clancy; Roger Garberg; Tony Gross

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

Flag Salute & Moment of Silence.

Oral Communications:

Russell Hobbs, 1166 Washington Street noted he was a citizen representative for the Fire Chief Search Committee, which he viewed as a long and comprehensive process. He wished to lend his support to Mayor Kirk's decision to appoint Deputy Fire Chief Eric Smith of Westland, Michigan as the new Gloucester Fire Chief. He submitted his opinion on this matter to the Council in a letter dated May 22, 2012 (placed on file).

Presentation:

1 of 1: Marguerite Debby, Senior Vice President of Asset Management for the Mass Development Finance Agency – Status Report regarding Jodrey State Fish Pier

Councilor Tobey introduced Marguerite Debby, Senior Vice President of Asset Management for the Mass Development Finance Agency (MDFA). The Fisheries Commission has been very concerned whether and how they can proceed to find new fisheries promotion opportunities by further development of the Jodrey State Fish Pier. Working on its behalf with the Administration, he discovered Ms. Debby was the right contact, someone whom he had known since 1988 when he was an attorney at the Mass. Water Resources Authority when she came on board as one of the key personnel in the real estate acquisition and development work of that Authority. She moved from there after 15 years to the MDFA. He pointed to Ms. Debby's qualifications to see projects to fruition, and welcomed her on behalf of the community.

Ms. Debby introduced Claire King, Manager; and Anthony Militello, Facilities Manager of the Jodrey State Fish Pier. Making a power point presentation, Ms. Debby explained that:

- MassDevelopment is a quasi-public finance and development agency. MassDevelopment has a State mission but does not take any State money, and are totally self-supporting. They were formed in 1988 and have 160 employees statewide with regional offices; the regional office covering Gloucester is in Lawrence.
- They partner with banks to enhance financing for nonprofits and businesses adding jobs; work with communities to re-claim challenging development sites including Brownfields, distressed and abandoned properties. During FY11 MassDevelopment financed or managed more than 300 projects generating an investment of \$3.8 billion across the State and created more than 10,000 jobs. They provide early stage financing, developing sites the private sector will not, sites like old army bases (ex. MassDevelopment owns most of Fort Devens) and have been developing that for the last 10 years. They help to provide bridge financing for projects for projects that banks will not take a chance on. The agency views themselves as "patient capital" and whose mission is to help the State's economy.
- Since 1982, MassDevelopment has managed the State Fish Pier. The State owns the 8 acre pier. They are responsible for physical repair and maintenance of the facilities; the leasing of space; collection of rent and fees; maintenance of all accounting records; maintaining operations and replacement reserve accounts. The freezer building is fully leased to Cape Seafoods; and Cape Ann Fisheries Development Center is fully

- leased between Cape Seafood and a new tenant, BASE Gloucester who will be putting in a display auction. All of the berths are leased. They hope to add two more 50 ft. berths in during the next fiscal year.
- In the past 30 years there have been many changes. In the early 1980's old buildings were demolished to make room for a new freezer building. In the early 1990's there was a lot of dredging and construction to create the new pier that is currently in place. There is a 650 ft. finger pier and the berthing for the docks for large boats and 46 floating docks for smaller boats. In the mid-1990's they demolished and replaced the north wharf; later the Cape Ann building was erected. In 2009 they renovated the small office building they use that also houses the Environmental Police and Coastal Zone Management. They also did some rehabilitation of the pier and some of the pilings.
 - Believing they had under-utilized space on the pier, about a half acre, they hired a consulting firm, the Cecil Group (in 2009) to do a plan to look at what was possible to utilize this space for some project for the fishing industry. They looked at fish processing pre-treatment, protein processing facilities and multi-use facilities. They concluded that none of these options were viable and could not find evidence of real demand at that time. The study suggested MassDevelopment look to future economically feasible proposals that come forward that are consistent with the mission of the State Pier which is to support commercial fishing. At the time, the consulting firm spoke with Neptune's Harvest who did not have enough product then and didn't need any more companies coming in to compete with them. The idea was they needed a new processing facility.

Ms. Debby concluded her presentation by stating MassDevelopment is open and willing to work with the City and the commercial fishing community to identify feasible uses for the State Fish that would benefit the fishing industry. **Councilor Tobey** suggested it was of critical importance to create an energy to be poised for further development of the State Fish Pier. This site, together with I4-C2 and 110 Commercial Street are three places the City should make a commitment to the commercial fisheries. He suggested the Council, through the Administration and the P&D Committee on one side, the Fisheries Commission on another, collaborate in the coming months with Ms. Debby and MassDevelopment to come up with some proposals and financing incentives that might yield a collaborative RFP. There has been some conversation that perhaps they could do a small stalls building, which was the original incubator on the State Fish Pier, where smaller operations could set up shop. However, he pointed out a challenge would be the need for supplementary pre-treatment given that the City does not have a secondary water treatment plant. He further suggested one option they may wish to consider is a linked RFP crafted to test the market for possible tenants in such stalls who would be willing to pay the fees necessary to run a pre-treatment unit so there is a viable business opportunity created at the State Pier. **Councilor Theken** extended an invitation to Ms. Debby on behalf of the Fisheries Commission to appear before one of their meetings to repeat her presentation and discuss related issues. **Councilor Ciolino** stated with the remodeling of the Environmental Police building on the State Fish Pier there was a question of lack of handicapped accessibility to it as it is a public building, and asked if there are plans to remediate the situation. **Ms. Debby** would report back her findings to the Councilor as she was unable to respond at this time.

MOTION: On motion by Councilor Tobey, seconded by Councilor Whynott, the City Council voted 9 in favor, 0 opposed to refer the matter of the business development of the Jodrey State Fish Pier to the Planning & Development Committee collaborating with the MassDevelopment Finance Agency, the Administration, and the Fisheries Commission; and to bring their findings back to the City Council and the community in three months time.

Appointments:

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Geoffrey Bradford to the Cable TV Advisory Committee, TTE 02/14/15.

DISCUSSION: None.

MOTION: On motion by Councilor Theken, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed to appoint Geoffrey Bradford to the Cable TV Advisory Committee, TTE 02/14/15.

Consent Agenda:

- *MAYOR'S REPORT*

1. Memorandum from Harbormaster re: request Council approval for withdrawal of funds in the amount of \$27,100 from Waterways Enterprise Free Cash account for two planned projects (Refer B&F)
2. Memorandum from CFO on behalf of Senior Center Coordinator re: permission to pay invoice without a purchase order in place (Refer B&F)
3. Memorandum from Acting Community Development Director re: Get Fit Gloucester! Mass in Motion Grants (Refer B&F)
4. Memorandum, Grant Application & Checklist from DPW Director re: Mass Interlocal Insurance Assoc. Loss Prevention Grant In the amount of \$20,000 (Refer B&F)
5. Memorandum from Public Health Director re: Mass Dept. of Public Health, Bureau of Substance Abuse Services (BSAS), Mass Call Extension Grant in the amount of \$30,000 (Refer B&F)
6. Memorandum, Grant Application & Checklist from Acting Community Development Director re: FY2012 Mass Local Acquisition For Natural Diversity (LAND) Grant for Briar Neck Crossing (Refer B&F)
7. Memorandum, two Grant Applications & Checklists from CAO re: Brownfields Redevelopment Fund-Site Assessment Applications for grants to perform environmental assessments of 91 and 110 Commercial Street (Refer B&F)
8. Special Budgetary Transfer Request (#2012-SBT-36) from the Police Department (Refer B&F)
9. Memorandum from Police Chief re: Council acceptance of a donation of a 2004 Ford Astro Van from Cape Ann Transportation Authority (Refer B&F)
10. Memorandum & related information from Acting Community Development Director re: Get Fit Gloucester! Safe Routes to School Application for Safe Routes Assessment by the MassDOT (Info Only)
11. Reappointment: Gloucester Housing Authority TTE 05/28/17 Andrew C. Nickas
New Appointment: Conservation Commission TTE 02/14/15 John Feener (Refer O&A)
 - **COMMUNICATIONS/INVITATIONS**
 1. Memorandum from City Clerk: Group Free Petition under City Charter Sec. 9-1(b) re: Commercial Street HOD (Refer P&D & City Council)
 2. Invitation to Memorial Day Ceremony on Monday, May 28, 2012 (Info Only)
 3. Invitation to Firefighter's Memorial Services on Sunday, June 10, 2012 (Info Only)
 - **APPLICATIONS/PETITIONS**
 1. **COUNCILORS ORDERS**
 1. CC2012-028 (Verga) Amend GCO Sec. 22-269 entitled "Stop Signs re: Paws Way (Refer O&A & TC)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 1. City Council Meeting: 05/08/2012 (Approve/File)
 2. Standing Committee Meetings: B&F 05/17/12 (under separate cover), O&A 05/14/12, Joint Meeting PB and P&D 05/03/12 (under separate cover), P&D 05/16/12 (Approve/File)

Unanimous Consent Calendar:

1. Addendum to Mayor's Report for the May 22, 2012 City Council Meeting re: Mayor's decision to allow remote participation By all local bodies (Info Only)

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

Councilor Verga noted a memo from the Mayor regarding the remote participation at meetings under the Unanimous Consent Calendar. He expressed this was a great opportunity for public bodies but also expressed concern that there was potential for misuse of this new option and would like this referred to the O&A Committee to review the Council's Rules of Procedure. According to the City Solicitor, the Mayor does have the right to make this ruling for all City committees, boards and commissions; but in turn, each has the right to adopt their own variation as long as they don't water it down; they can make it more stringent. He asked that the Ordinances & Administration take a look at this matter to look at how the Council will want to use it and whether further restrictions need to be put in place.

By unanimous consent the Mayor's Memo of May 22, 2012 re: Decision to allow remote meeting participation by the City Council and Standing Committees of the City Council was referred to the O&A Committee.

By unanimous consent the Consent Agenda was accepted as it stood, and the Unanimous Consent Calendar was accepted as amended.

Council President Hardy announced Committee Reports by agreement of the Council will be taken up after the scheduled public hearings.

Scheduled Public Hearings:

1. PH2012-027: 2012-007: Loan Authorization in the amount of \$1,654,000 re: Gap Financing Newell Stadium

This public hearing is opened.

Those speaking in favor:

Richard Wilson, 12 Village Road, GFAA President Emeritus and Chair of the Newell Stadium Fundraising Committee stated as per the Administration's information in the Council Agenda Packet, they are requesting gap (or bridge) financing for the Newell Stadium project if they are to start and complete it within a year. The GFAA has raised \$350,000, a large portion of which will be paid over time, like the New Balance fee for the naming rights of the stadium of \$50,000 to be paid over ten years. To obtain the rest of the \$300,000, they will continue their fundraising efforts. As soon as the facility is completed it will become self-sustaining. They can charge rent for events held there which has been done in other communities and can work in Gloucester. They can apply for another PARC grant also (they had already received one PARC grant from the State for \$500,000). The Building Committee is hopeful that bids will come in under expectation which will allow them to return funds to the City. They look to make a Stadium Commission to oversee the running of the new stadium. They will look at creative ways to save money. They've built in the project's budget \$75,000 for demolition of the old bleachers. They've found someone to take them down for nothing and to take them away for scrap. They have another business who will take the loam off the field at no cost saving the project another \$50,000. The gap financing is needed to get the bids off the ground; and is the last step to be taken, and asked the Council for their support. **Jeff Towne**, CFO also stated the gap financing would be necessary if the project is to get off the ground. They can't "let" the contract without the funding in place. He and Mr. Wilson will spend a lot of time together organizing the financing; working with the cash flow; working with the City's Bond Counsel, and all of the donors which will also be a large undertaking for the Committee and his department to make sure it is all tracked and kept on a current, timely basis.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor McGeary noted they will set up a special fund to track donations and the funds won't be comingled with other monies coming into the City. **Mr. Towne** stated the account has already been set up, and they've already received an initial donation of \$100,000 from the GFAA into that account. **Councilor Ciolino** inquired as to the accommodations for the sports teams at the high school while the stadium is being constructed. **William Goodwin**, Gloucester High School Principal explained that the football team will be playing at Endicott College; the track team will continue to use Gordon College; the lacrosse teams will play at the Magnolia Woods as will boys and girls soccer. O'Maley School fields will also be utilized. **Mr. Wilson** added the track team hasn't had a home track for five years (due to conditions at Newell Stadium). He thanked the Mayor; Jim Duggan, CAO; Kenny Costa, City Auditor; Linda Lowe, City Clerk; Suzanne Egan, City Solicitor; and Jeff Towne who have been of great assistance to him.

This public hearing is closed.

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 the following Loan Order:

ORDERED: That an additional \$1,654,000 (One Million Six Hundred Fifty-Four Thousand Dollars) for a new adjusted total of \$3,154,000 (Three Million One Hundred Fifty-Four Thousand) is appropriated to pay costs of making various improvements to Newell Stadium, including, among other things, track and field facilities, a multi-purpose athletic field, spectator seating, ADA and lighting improvements, irrigation and building improvements, and for the payment of all other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow an additional \$1,654,000 under G.L. c44, §7(25) or pursuant to any other enabling legislation; that the Mayor is authorized to contract for and expend any federal or state aid available for the project; and that the Mayor is authorized, with the approval of the City Council when required, to take any other action necessary to carry out this project, including the acceptance of any private grants or gifts received by the City on account of this project. The treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require.

DISCUSSION:

Councilor McGeary stated they need to raise and appropriate the money so that as bills come in they can be paid; and anticipated there would be some bonding involved with incoming donations used to offset the City's share of the costs. Money has to be in place first to pay off the indebtedness that result; as with donations, like the New Balance funds that come in over time. **Councilor Verga** added his support by stating his opinion this is a perfect

public/private partnership. The City never would have funded this if they had to pay \$3.5 million out of pocket. The 50:50 match with the GFAA and folks who want to help out make all the difference. **Councilor Ciolino** would support the financing. This is not a new method of financing for the City. This is how the Rose Baker Senior Center was built with a public/private partnership, and would work for Newell Stadium as well. He lauded the work of the Newell Stadium Building Committee. The stadium, he said, will be a great place for the youth of Gloucester to participate in sports and be a great legacy. **Councilor Theken** asked about the bonding for the project and if it would affect the City's bond rating; to which **Councilor McGeary** responded it is this well within the City's cap. **Councilor Theken** also expressed her approval of the private/public partnership for getting the project done. Stating that the children are the City's future she expressed this is a win:win situation for the entire community and that it was good to see so many people in the community working together to move the project forward.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed the following Loan Order:

ORDERED: That an additional \$1,654,000 (One Million Six Hundred Fifty-Four Thousand Dollars) for a new adjusted total of \$3,154,000 (Three Million One Hundred Fifty-Four Thousand) is appropriated to pay costs of making various improvements to Newell Stadium, including, among other things, track and field facilities, a multi-purpose athletic field, spectator seating, ADA and lighting improvements, irrigation and building improvements, and for the payment of all other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow an additional \$1,654,000 under G.L. c44, §7(25) or pursuant to any other enabling legislation; that the Mayor is authorized to contract for and expend any federal or state aid available for the project; and that the Mayor is authorized, with the approval of the City Council when required, to take any other action necessary to carry out this project, including the acceptance of any private grants or gifts received by the City on account of this project. The treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 0 in favor, 9 opposed to reconsider the vote on the appropriation for the Newell Stadium gap financing of \$1,654,000.

MOTION FAILS.

2. PH2012- 028: Loan Order #2012-008: Loan Authorization in the amount of \$500,000 re: West Parish Feasibility Study

This public hearing is opened.

Those speaking in favor:

Mayor Carolyn Kirk focused her remarks on two areas: 1) what the deliverables are as a result of the study, and 2) how the reimbursement on the \$500,000 will work. She also wished to correct some misinformation on the reimbursement by the MSBA for the feasibility study which she received in writing from them that day and would present that information to the Council. The MSBA is the City's funding partner on any school building project; every step taken has to be in collaboration with the MSBA.

There are initially two deliverables – the first is a fully documented condition of the West Parish School. This is a verification of all the previous condition assessments, but one hasn't been done in the last 10 years by a third party. The second deliverable is a full set of options for the City to consider. MSBA says they have to pass a micro test on the school project and a macro test; what are the impacts on the district and the community. If the negatives outweigh the positives, the project doesn't go forward. That is the step where they address the questions that the community and the Council has. From there, it is a "decision point" to make a choice of which option to choose. (This is in 3.1.6 of the module 3 document the Council has been given previously entitled "Evaluation of Alternatives" on file). If an option is not selected, then the process stops. If the funding is approved this evening by the Council, and they are able to advance to the next stage with the MSBA, should the MSBA board vote in favor of the funding as a partner, the City signs a feasibility study agreement with the MSBA. It states no matter the outcome of the feasibility study, they will reimburse the City for their share of the feasibility study at a rate of

48.27% which as noted earlier she has in writing from the MSBA. With those deliverables and with the reimbursement, she expressed the opinion this was worthy of the Council's support.

Jonathan Pope, School Committee Chair stated in 2002 the School Committee commissioned a comprehensive assessment of the school buildings, the Mt. Vernon Report. In that report, issues were identified with all of the schools but West Parish was the most concerning with its lack of comprehensive facilities for SPED, a psychologist's office; art and music rooms, etc. It was behind all the other buildings. MSBA at that time was \$10 billion in debt then run by the Dept. of Education. They put forward a plan that would have put Grades 3, 4 and 5 in the Fuller School, and have small learning centers at the elementary schools which was rejected by the community. The City at that point decided that buildings should not dictate the programs, but that programs should dictate the buildings for effective learning communities. This is a project completed in 2007 and still stands as the benchmark of how they make decisions about buildings; and was accepted by the School Committee. This led to the time when the population was contracting and financial difficulties which was the basis for the closure of the Fuller School. The MSBA was taken over by the Dept. of Treasury, and in 2007 they started taking applications once more and created a funding source through the State sales tax. In 2008 the School Committee put together a list of projects and in 2009 it was resubmitted which the City Council voted unanimously to support. The MSBA looked at the list and told the City to prioritize. As West Parish was the neediest they put it forward. In 2010 the City asked for an extension from the MSBA, and was given a three year extension. In 2012 the extension was up. It was a decision to make a new application or go back to the bottom of the process; and the School Committee voted unanimously again to move forward on this project. He pointed out the MSBA have stringent criteria. There is much more accountability. It is required that the City hire an owner's project manager, a registered architect or engineer to advise the City through the process. He hoped the Council could support this loan authorization as an important step they need to take.

Dr. Richard Safier, Superintendent of Schools stated the building of a new West Parish School is consistent with the City plan for the educational community. The Plan for Effective Learning Communities was established in 2008; therefore establishing local community schools. The model was that children from the same neighborhood to the extent possible would go to school in their area. Local community schools define themselves by culture; by interests; and by lifestyle. It is the recognition that there is a greater sense of belonging and potential for schools to make connections with families. The research on school size and low income students shows a correlation between school size and student achievement of these low income students who learn more effectively and are more successful in small schools. Forty percent of the department's students are on free and reduced lunch. Current research reaffirms the same facts which the Superintendent went on to cite studies regarding smaller school sizes and disadvantaged students; one done in Pennsylvania and another from California. There is improved accountability and satisfaction among teachers, as well, in small local community schools. Smaller schools may also be safer as children tend to be less alienated and more nurtured. Small schools are close knit and flexible communities. They recently conducted a survey presented on May 9th to the School Committee with over 500 respondents on the issue of local community schools. Of the respondents, 66% prefer elementary students be educated in a smaller setting; 61% prefer a smaller local elementary school schools because of increased individualized attention. 62% felt smaller schools provide a safer learning environment. Another recent survey, where they canvassed parents of out-of-district students, respondents noted 12-14 criteria; with facilities scoring the lowest of all the categories, when asked to compare the Gloucester School District with their new school district. The West Parish School is a chance to provide a state-of-the-art school and provide the most cost effective educationally-based solution.

Lisa Groleau, 58 Western Avenue, and PTO President at West Parish School noted all three of her children will be at West Parish School this coming fall. She expressed how wonderful she viewed the school to be but the building is in bad shape. She sent a questionnaire to the West Parish parents about the school, and received about 100 responses (submitting 85 questionnaires for the record with her full written statement). She shared several excerpts from these responses with the Council, all of which were in favor of the MSBA feasibility study funding. For the staff, students and future students and for the community, she urged the Council's vote for the MSBA loan authorization.

Lisa Nogalo, 24 Fuller Street, and West Parish parent, serves on the Site Based Management Council, is an alumna of West Parish and graduate of the Gloucester school system. She and her husband moved to West Gloucester before their children were born for the schools. Choosing to buy a home in Magnolia rather than Manchester was due to a belief that an education in a diverse school system would best prepare their children for college and life. Local community-based elementary schools serving kindergarten through 5th grade promote the ideal learning environment for the City's youngest students. The Plan for Effective Learning Communities also endorses this model. She expressed her opinion that it was critical the building plan be created around the education program and in the best

interest of their students. She also expressed that taking advantage of the reimbursement is in the best interest of the community. She stressed the importance of retaining diversity of families in the community, and part of the school district plan is to stem the outflow of students to other communities. She has been impressed with the quality of education her children receive at West Parish and was inspired by the sense of community at the school. She is, however, disappointed by the condition of the building. She considered opting out of the school system; but chose not to. She wants her sons to be educated in Gloucester to help shape their world view. She urged the Council to act and move forward with the feasibility study.

John Keys, 17 Birch Grove Heights viewed the loan as an investment in infrastructure which is the responsibility of each member of the community to improve it. He commented that better schools retain better teachers, create better students and attract families to the City. School improvements should not be completed without a full study of the matter. He asked the Council to vote for the feasibility study.

Jim Cook, 2 Great Ledge Lane noted City buildings have had a great maintenance program implemented recently, and now is the time to look at those buildings that haven't been maintained in the past. He felt there would be surge in enrollment in the lower grades. He pointed out a closet is used for special education at West Parish. The bonding is only for 50% of the project. They wish to see their investment to be stabilized and a great school is part of it.

Graziella Paone 4 Cedarwood Road has two children at the West Parish School and another coming to the school in the fall. West Parish has great teachers and staff but the safety of the school is questionable. A parent should not have these concerns for their children. The school is 67 years old, a school that has passed its life expectancy.

Ms. Paone asked for a safe, healthy environment for the children; and asked those in the audience to stand for that fact. Nine-tenths of the Kyrouz Auditorium audience stood in response.

Valerie Gilman, School Committee member, 75 Revere Street stated this Council has approved the modular classrooms and five of seven school roofs loan. She expressed it is time to take advantage of this reimbursement opportunity of 48.27% to make Gloucester schools a choice once again. Regarding school choice, the Superintendent's idea of increasing the headcount capacity at West Parish in the feasibility study to possibly accommodate up to an additional 100 students will encourage both intra- and inter-district school choice students. It is also likely that the feasibility study could include a recommendation to house pre-K classes, the preschool and administration there. They need to continue to invest in the City's schools and make Gloucester a district of choice. There is an assumption that the elementary school population is dwindling. In 2010 they reported a City birth rate prediction showing evidence of a 20 student net increase of over 20 students in the next 10 years. Their CFO reported in March a reduction of only 57 elementary students in the last four fiscal years, less than 4% of their elementary school population. The survey Dr. Safier noted shows they're doing the right thing to stay on track in keeping community based/smaller schools. By this Council's affirmative vote, "it will prove that the City values education."

Maria Zervos, 153 Western Avenue, mother of a third grader at West Parish expressed that while her daughter would not benefit from this new school, she has received a wonderful education at this community school. She was before the Council because she believes in public schools. A new school would show the City is committed to its schools. She hoped the Council would support the feasibility study.

Kathy Clancy, School Committee member, Chair of the School Committee's B&F Committee, 78 High Popples Road, stated the West Parish feasibility study would allow them to look at the challenges being faced by the schools across the community. Her hope is when they assess the building it has a benefit for all the elementary schools. It is an investment in education. As a parent, she noted all the schools were built within 15 years of each other. These schools are their great grandparent's schools. West Parish is the oldest and most in need of repair.

Council President Hardy at this time acknowledged Melissa Teixeira, Roger Garberg and Tony Gross, three other members of the School Committee in the audience.

Yoshi Campbell 30 Uncas Road, former PTO leader of West Parish and **Kristen Michelle** 864A Washington Street and also a former PTO leader, who has a child at the O'Maley School. **Ms. Campbell** commented upon the \$3.5 million investment in modularity to minimize the impact of the retreat from Fuller School. They submitted a petition several years ago about the investment in the schools. She pointed out these signers of the petition came from across the City to advocate for all the children in support of the priorities by the then Superintendent and the School Committee. When the Council made the decision to invest in the modularity the West Parish community didn't object that it was not in their area; it was an investment in the school system. **Ms. Michelle** noted that as a parent they're focusing on education because of the investment of this Council; and the Council and School Committee before them who invested in the schools and urged them to continue their investment.

Those speaking in opposition: None.

Communications:

Linda T. Lowe, City Clerk read five communications into the record by the following individuals:

Diane Stefan, 68 Magnolia Avenue expressed her support.

Karen Harrison, West Parish School parent expressed her concern for the physical condition of the school and supported the loan authorization for the feasibility study.

Lori Gleason, another West Parish School parent expressing her endorsement of the loan authorization for the MSBA feasibility study.

Erica Morse, School Psychologist at West Parish School expressing concern for the physical condition of the current school; lauding the staff and students and families of the school; and endorsed the feasibility study funding.

Sylvia Vandenberg, a school district parent endorsing the feasibility study. She encouraged no consolidation of schools but rather to keep neighborhood schools.

Questions:

Councilor Ciolino asked Dr. Safier why the Fuller School was not an option as a school. **Dr. Safier** stated if they treated the Fuller School as a separate entity and looked at similar spaces on the MSBA website of construction cost of buildings of similar square footage, repair or renovation would cost \$20-\$35 million. Fuller is not in the MSBA "pipeline;" and so there would be no reimbursement at this time. If they were to consider consolidating schools, up to three schools placed there would result in a low income population in excess of 50% with a population of 750 students. He pointed to his statements earlier referring to the relationship of the intimacy of a local community school and capacity of its teacher to reach for those for whom the learning can be a challenge. **Councilor Ciolino** stated it would cost the same as building a brand new school at West Parish than refurbishing the Fuller School. If they remodel the Fuller School at this time, they would receive no reimbursement. **Dr. Safier** added they would also have to send back the money of the schools that were closed and monies for roof repairs as well. **Councilor Ciolino** commented it would then be in the best interest of the City to build a new school. **Dr. Safier** expressed in his judgment, it would be "yes". He noted they didn't speak about what a 21st century school building looks like or the possibility of conservation measures for maintenance of the building being built into the school which could bring a higher reimbursement rate which would be looked at during the feasibility study. **Councilor McGeary** commented about the possible 100+ additional seats that could be added at the new West Parish and asked how that met with the Superintendent's own estimates of the student population moving forward. Further, if the City is in a period of stable or declining enrollment can they put in for a school that is bigger. **Dr. Safier** responded, "Yes"; the feasibility study looks at the entire district and the needs of the entire district to help assess what the best resolution might be at the most cost effective price. Another possibility would be to looking at the pre-school. **Councilor McGeary** stated the net effect is a new West Parish School could relieve some of the crowding issues at other elementary schools. **Dr. Safier** responded it was possible. Mentioned also was the capacity to bring back children and families who have chosen to choice out of the district; that intra-district choice through a lottery system should be discussed. This is a larger discussion with many elements involved to make the best decision. **Councilor McGeary** asked regarding the question of reimbursement and that there was some confusion about it. In reviewing notes from the B&F Committee's meeting on the matter, it was said at that meeting that the reimbursement would be upon completion of the project. However, this evening the Mayor said that if they get the "green light" to go ahead with a feasibility study, and it results in the determination they shouldn't build the school, they would still be reimbursed for it by the MSBA. **Mayor Kirk** stated at B&F they were incorrect. With the authorization, they procure the service; and at 48.27% reimbursement rate. That is part of the signed agreement as they enter the feasibility study phase. They don't have to turn the money back. She clarified that the population of elementary students in the district is 1,500. Fuller School can only accommodate 750-800 children. They need to dispel the notion they can have Fuller serve as one giant elementary school. It is not possible at that capacity. **Councilor Tobey** asked how many 1st graders will be enrolled in September 2012. **Dr. Safier** responded the estimate is 255. **Councilor Tobey** asked what the projection for 2017 is. **Dr. Safier** stated they only have birth rates up to 2016. Kindergarten in 2016 is 246. For 2020 they have a standard figure of 246 because children aren't born yet. **Councilor Tobey** understood West Parish is most in need. He didn't want to see one community school benefit over another for want of a comprehensive plan and planning process that will lay out the district needs for 20 year of bonds for the rebuilding of these schools and asked where that plan would come from. **Dr. Safier** noted the West Parish project it would be a catalyst. It gives them all a chance now to begin to work towards that plan. They have begun their preliminary conversations about taking care of the facilities. There are companies that do conservation audits with projected savings which would help pay off the debt; but it was early yet. **Councilor Tobey** didn't see them having a context coming out of the process Dr. Safier described. He reviewed the Module 3, on page 10 of the document, the preliminary evaluation of alternatives he reads it as a City-wide study of all facilities; all population projections and then figuring out what the possibilities are. He asked if this gives a comprehensive plan for what the entire district needs. **Mayor Kirk** noted this evening they've focused on one stage, the feasibility study. The stage they're in is Module 1. In Module 1 there are seven requirements that have to be met in order to proceed.

One is the establishment of a school building committee, money for the feasibility study and comprehensive enrollment study. This is done with the MSBA. On Friday they will review with the MSBA population trends. That is a deliverable of Module 1 which they are currently performing. **Councilor Tobey** asked the study tonight they're funding is Module 3. **Mayor Kirk** continued they are in Module 1 of the eligibility phase. They then go through all seven steps; they'll go back to the MSBA board in July with the seven steps done; then that board will challenge the district and City on those seven steps. There is a standard they must meet by July. **Councilor Tobey** expressed concern for his granddaughter going to East Gloucester Elementary where he went. Will that school community gain a sense of "solace" by a comprehensive needs study. **Mayor Kirk** stated the vertical view is taking an in depth look at West Parish up to and including where the electrical sockets go. Horizontally, across the district, they will begin to layer out what those next projects could be that get into the cue. By definition they must look across the district at population. They won't go deep on any further buildings except for West Parish and is what is required by the MSBA. They touch upon all across the district – a full set of options to be considered before the trigger of a new school is pulled. **Councilor Tobey** commented all of that would have been done against the backdrop of a developed appreciation of system-wide needs and conditions of the district facilities; philosophical considerations; and an array of items on page 10 of the document. **Mayor Kirk** stated if she could point to one single determining factor, it would be the population and the enrollment. They don't want to over- or under-build a school. **Councilor Tobey** noted 30 years ago the community was "ripped apart" by the closing of Eastern Avenue School, for instance, under the premise that populations were declining. Ten years later the population didn't remain flat; and they had to scramble to find space. He expressed concern they will need the safety valve of the Fuller School, if West Parish is going to be rebuilt or torn down. He did not recommend students remaining in the school during construction and asked where they were in evaluating the status of the Fuller School. **Mr. Pope** stated the following functions remain at the Fuller School: School Administration, the pre-school program; the transportation department; the gym and playing fields; the cafeteria space, and the auditorium are used; the City's maintenance department. They've explored the possibility to moving the pre-K to the Pathways building and renting space there; but it is on hold indefinitely as the Pathways board didn't approve it. They don't have a viable spot for the Administration to move to at this time either. The building is 175,000 square feet with no classes there other than the preschool. Regarding excess capacity, he described it as, "overkill," to use the entire building for any future educational needs. The concept of building some extra capacity at West Parish gives them flexibility. East Gloucester has major concerns with overcrowding, with some classes having over 25 students. Stating he shared the Councilor's concern for the future, but he saw no indication that Fuller was the answer. He pointed out that when the City of Beverly did all their elementary schools they started by building a new school then moved a population into it, and then moved on and did another renovation and so on until they finally tore down one old school, which is a model they wished to try to pursue. **Councilor Tobey** asked if the School Committee in the next 20 months would vote to surplus the Fuller School. **Mr. Pope** stated if they had answers to all the questions he enumerated, and if they had a home for all the departments housed in the school, they would. There is also the possibility if the feasibility study says that the best option is to renovate West Parish in its existing footprint; and if they don't want to renovate with students in it, Fuller might be one option to house those students during the renovation. They would have to get information on what it would take. There are things that might be cost prohibitive to do that; at this time he didn't have any answers. **Mayor Kirk** stated the Administration would not take any action until a feasibility study was conclusive that they needed the Fuller School as a holding school or not. Whether it is declared surplus, she viewed it as a technical matter. If the best option of all the options is to rebuild West Parish School, and they don't want the students there during that time, they'd have to go to Fuller. **Councilor Tobey** expressed concern about the uncertainty about Fuller, noting as a result the Cape Ann Symphony is moving to Manchester. He asked the Mayor if she was confident they are investing enough in the maintenance of the Fuller School. **Mayor Kirk** stated the complete deterioration would take place if they turned off the heat and water and sewer utilities. They're now trying to constrain the location of uses and manage the heat so it is at a level to maintain the integrity of the building should they have to put it back into service. This makes the argument that they get the answers that result from the feasibility study if they have to find a place for West Parish students during the building of a new school. **Councilor LeBlanc** stated his wife works in the Gloucester school system as a teacher's aide at Plum Cove School; and would be voting on this matter. Expressing he was in favor of neighborhood schools and that the school system is the foundation of the City, he stated better schools will encourage families to move to the City. His vote would be in favor of the loan authorization for the feasibility study.

This public hearing is closed.

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 the following Loan Order:

ORDERED: That the City of Gloucester appropriate the amount of Five Hundred Thousand (\$500,000) for the purpose of paying costs of a feasibility study to consider alternative renovation/reconstruction options for the West Parish School, located at 10 Concord Street, including the payment of all costs incidental or related thereto, and for which the City of Gloucester may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), and said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to MGL Chapter 44, or pursuant to any other enabling authority. The City of Gloucester acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City. The amount of the borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the City and the MSBA.

FURTHER ORDERED: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for those purposes.

DISCUSSION:

Councilor McGeary stated the Administration and School Administration had made a case for this, and was a good use of City funds. **Councilor Theken** thanked Melissa Teixeira, her liaison to the School Committee, for educating her on the feasibility study. She thanked the School Committee, and the parents who sent her emails to help educate her as well. She listened to the community about not merging the elementary schools. She commented that Fuller is not out of the picture. She would support the feasibility study as she believed this would be a good project. She, too, is a product of the City's school system and expressed her belief in the need for small neighborhood schools. **Councilor Verga** stated Harry Truman was the President of the United States when West Parish was built. He sees West Parish from his home; and was one of the volunteers that built some of the additions at the school in the late 1990's. Closets are one-on-one rooms currently. The 2002 Mt. Vernon report showed the systems had outlived their life. The 48.27% reimbursement is important making half of the feasibility cost reimbursable. He endorsed the loan authorization by stating it was time to build something new that would benefit the City. **Councilor Ciolino** congratulated the West Parish PTO for their organization and for all the emails they sent. He commented years ago there was talk of building a magnet school. In every meeting he attended no parent wanted their child at a magnet school. Rather, they wanted them in neighborhood school for reasons of education and safety. It is what they wanted then and want now. He would support this feasibility study loan authorization. **Councilor Cox** would also support the loan authorization. She thanked the School Committee for helping to educate her on the matter as well as thanking the president of the West Parish PTO. Enumerating several unfortunate problems in the school, the Councilor commented those problems take away from the ability to teach and from the children's learning environment. She also looked forward to getting the study done and forward to a brand new school to compliment the City. **Councilor Whynott** expressed his support for neighborhood schools. He was at the Mt. Vernon School on Mt. Vernon Street many years ago. His son went to the Maplewood School. He expressed his dislike of studies, but stated the City needs a new West Parish School. He understood the building of a school is only one part of the study. He would vote for this.. **Councilor Tobey** stated for him it is that the Mayor did extensive digging in to the full scope of the study and was why he will vote in favor of the loan authorization. They will need to see a comprehensive plan coming out of this, however. A school system that has one good elementary school and other schools that are not "up to snuff" is not appropriate. If this project proceeds, they need to maximize a green building which is 5% more in reimbursements; a building off the shelf is 5% more also. There are further savings to be realized and hoped the City would avail themselves of those opportunities. He stated it is a worthy project with all the needs of the City's students being taken into consideration. **Council President Hardy** stated the \$500,000 seemed unfair; but after a lengthy discussion with the West Parish School PTO president and more information from Val Gilman of the School Committee, she believed most importantly that the health and safety of the children is tantamount. The Council President expressed her support of the loan order.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed the following Loan Order:

ORDERED: That the City of Gloucester appropriate the amount of Five Hundred Thousand (\$500,000) for the purpose of paying costs of a feasibility study to consider alternative renovation/reconstruction options for the West Parish School, located at 10 Concord Street, including the payment of all costs incidental or related thereto, and for which the City of Gloucester may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), and said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to MGL Chapter 44, or pursuant to any other enabling authority. The City of Gloucester acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City. The amount of the borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the City and the MSBA.

FURTHER ORDERED: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for those purposes.

The Council recessed at 9:15 p.m. and reconvened at 9:23 p.m.

3. PH2012-029: Amend GCO Chapter 12, Article II “Wetlands” by DELETING the current Section 12-27 In its entirety and ADDING a new Sec. 12-27 Floodplain Management

This public hearing is opened.

Those speaking in favor:

Gregg Cademartori, Planning Director stated these necessary updates to the Wetlands Ordinance have been in the making for three years. In 2009 FEMA notified they would be updating their maps. He explained the City has had the draft FEMA maps on the website for about three years now. Along with the presentation of the new maps; there is a requirement that they also be in the zoning ordinances. The flood plain definitions are addressed in Section 12-27. The language submitted was done in concert with the State Dept. of Conservation and Recreation. The language is primarily definitions from FEMA; and also making map references to the new maps the City received. The maps depict the areas that are flood prone in the City. By adopting this language, those who are eligible now for subsidized flood insurance will continue to be eligible. This was reviewed by O&A and is recommended by the Committee. They will look to try to make these maps available on the City’s website for the community.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is 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 the Gloucester Code of Ordinances by DELETING the current Section 12-27 Floodplain Management of the Gloucester Wetlands Ordinance in as follows:

Sec. 12-27. Floodplain Management.

(a) *Statement of Purpose*

The purposes of regulating activities in Floodplain Areas are to:

- 1) Ensure public safety through reducing the threats to life and personal injury;
- 2) Eliminate new hazards to emergency response officials;
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;

- 5) Eliminate costs associated with the response and cleanup of flooding conditions;
- 6) Reduce damage to public and private property resulting from flooding waters.

(b) *Definitions*

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, AE, or VE.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

COASTAL HIGH HAZARD AREA means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone VE.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on a FIRM as Zone A, AO, AE, AH, VE.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. STRUCTURE, for insurance

coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONE AH and **ZONE AO** means the 100-year floodplain with flood depths of 1 to 3 feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONES B, C, AND X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

ZONE VE (for new and revised maps) means a special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.

(c) Floodplain Area Boundaries and Base Flood Elevation Data

The Floodplain Areas are herein established which include all special flood hazard areas within the City of Gloucester designated as Zone A, AE, AH, AO, or VE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the City of Gloucester are panel numbers 25009C0294F, 25009C0309F, 25009C0311F, 25009C0312F, 25009C0313F, 25009C0314F, 25009C0316F, 25009C0317F, 25009C0318F, 25009C0319F, 25009C0338F, 25009C0432F, 25009C0451F, 25009C0452F, 25009C0453F, 25009C0454F, 25009C0456F, 25009C0457F, 25009C0458F, 25009C0459F, and 25009C0476F dated July 3, 2012. The exact boundaries of the Floodplain Areas may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 3, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Building Inspector, City Engineer, and the City Planning Offices.

(d) Base Flood Elevation and Floodway Data

(1) *Floodway Data.* In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) *Base Flood Elevation Data.* Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

(e) *Notification of Watercourse Alteration*

In a riverine situation, the Building Inspector shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- Bordering States (optional)
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

(f) *Use Regulations*

(1) *Reference to Existing Regulations*

All development in Floodplain Areas, including structural and non-structural activities must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- a. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- c. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- d. Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- e. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

(2) *Submittal Requirements*

So that the commission may determine that fro new construction of buildings, substantial improvements to or relocation of existing buildings, the purposes of this article relative to floodplain areas are met, digital copies of a plan at a scale of one inch equals ten feet prepared by a registered land surveyor or professional civil engineer, shall be submitted to the commission by the applicant. The site plan shall show at least the following:

- a. The location, boundaries, and dimensions of each lot.
- b. Two-foot contours of the existing and proposed land and structures.
- c. Location of existing and proposed land structure, watercourses, and drainage easements, means of access, drainage, and sewer disposal facilities.
- d. The area and location of existing or proposed leaching fields, if any.
- e. Base flood elevation as identified on the area FIRM.

(g) *Other Use Regulations*

- (1) Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

- (2) In Zone AE, along watercourses within the City of Gloucester that have a regulatory floodway designated on the Essex County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (3) Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.
- (4) All new construction within Zone VE must be located landward of the reach of mean high tide.
- (5) All subdivision proposals must be designed to assure that:
 - a. such proposals minimize flood damage;
 - b. all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c. adequate drainage is provided to reduce exposure to flood hazards.

(h) *Permitted Uses*

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are and they do not require structures, fill, or storage of materials or equipment:

- (1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- (2) Forestry and nursery uses.
- (3) Outdoor recreational uses, including fishing, boating, play areas, etc.
- (4) Conservation of water, plants, wildlife.
- (5) Wildlife management areas, foot, bicycle, and/or horse paths.
- (6) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- (7) Buildings lawfully existing prior to the adoption of these provisions.

(i) *Health regulation pertaining to the flood management areas*

The board of health, in reviewing all proposed water and sewer facilities to be located in the floodplain areas established under this article, shall require that:

- (1) new and replacement water supply systems be designed to minimize or eliminate infiltration of flood waters into the systems, and
- (2) new and replacement sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(j) *Liability.*

This article shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance and Mitigation Administration, for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

DISCUSSION: None.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend the Gloucester Code of Ordinances by DELETING the current Section 12-27 Floodplain Management of the Gloucester Wetlands Ordinance in its entirety and by ADDING a new Sec. 12-27 Floodplain Management of the Gloucester Wetlands Ordinance as follows:

Sec. 12-27. Floodplain Management.

(a) *Statement of Purpose*

The purposes of regulating activities in Floodplain Areas are to:

- 1) Ensure public safety through reducing the threats to life and personal injury;
- 2) Eliminate new hazards to emergency response officials;
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- 5) Eliminate costs associated with the response and cleanup of flooding conditions;
- 6) Reduce damage to public and private property resulting from flooding waters.

(b) Definitions

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, AE, or VE.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

COASTAL HIGH HAZARD AREA means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone VE.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, **NEW CONSTRUCTION** means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on a FIRM as Zone A, AO, AE, AH, VE.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. **STRUCTURE**, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONE AH and **ZONE AO** means the 100-year floodplain with flood depths of 1 to 3 feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONES B, C, AND X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

ZONE VE (for new and revised maps) means a special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.

(c) Floodplain Area Boundaries and Base Flood Elevation Data

The Floodplain Areas are herein established which include all special flood hazard areas within the City of Gloucester designated as Zone A, AE, AH, AO, or VE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the City of Gloucester are panel numbers 25009C0294F, 25009C0309F, 25009C0311F, 25009C0312F, 25009C0313F, 25009C0314F, 25009C0316F, 25009C0317F, 25009C0318F, 25009C0319F, 25009C0338F, 25009C0432F, 25009C0451F, 25009C0452F, 25009C0453F, 25009C0454F, 25009C0456F, 25009C0457F, 25009C0458F, 25009C0459F, and 25009C0476F dated July 3, 2012. The exact boundaries of the Floodplain

Areas may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 3, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Building Inspector, City Engineer, and the City Planning Offices.

(d) Base Flood Elevation and Floodway Data

(1) *Floodway Data.* In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) *Base Flood Elevation Data.* Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

(e) Notification of Watercourse Alteration

In a riverine situation, the Building Inspector shall notify the following of any alteration or relocation of a watercourse:

- **Adjacent Communities**
- **Bordering States (optional)**
- **NFIP State Coordinator**
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- **NFIP Program Specialist**
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

(f) Use Regulations

(1) Reference to Existing Regulations

All development in Floodplain Areas, including structural and non-structural activities must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- a. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- c. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- d. Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- e. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

(2) Submittal Requirements

So that the commission may determine that for new construction of buildings, substantial improvements to or relocation of existing buildings, the purposes of this article relative to floodplain areas are met, digital copies of a plan at a scale of one inch equals ten feet prepared by a registered land surveyor or professional civil

engineer, shall be submitted to the commission by the applicant. The site plan shall show at least the following:

- a. The location, boundaries, and dimensions of each lot.
- b. Two-foot contours of the existing and proposed land and structures.
- c. Location of existing and proposed land structure, watercourses, and drainage easements, means of access, drainage, and sewer disposal facilities.
- d. The area and location of existing or proposed leaching fields, if any.
- e. Base flood elevation as identified on the area FIRM.

(g) *Other Use Regulations*

- (1) Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- (2) In Zone AE, along watercourses within the City of Gloucester that have a regulatory floodway designated on the Essex County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (3) Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.
- (4) All new construction within Zone VE must be located landward of the reach of mean high tide.
- (5) All subdivision proposals must be designed to assure that:
 - a. such proposals minimize flood damage;
 - b. all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c. adequate drainage is provided to reduce exposure to flood hazards.

(h) *Permitted Uses*

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are and they do not require structures, fill, or storage of materials or equipment:

- (1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- (2) Forestry and nursery uses.
- (3) Outdoor recreational uses, including fishing, boating, play areas, etc.
- (4) Conservation of water, plants, wildlife.
- (5) Wildlife management areas, foot, bicycle, and/or horse paths.
- (6) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- (7) Buildings lawfully existing prior to the adoption of these provisions.

(i) *Health regulation pertaining to the flood management areas*

The board of health, in reviewing all proposed water and sewer facilities to be located in the floodplain areas established under this article, shall require that:

- (1) new and replacement water supply systems be designed to minimize or eliminate infiltration of flood waters into the systems, and
- (2) new and replacement sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(j) *Liability.*

This article shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance and Mitigation Administration, for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

4. PH2012-030: Amend GCO Appendix C “the Personnel Ordinance” at Appendix A, the Classification Plan by AMENDING the title of the position of “Assistant Treasurer/Collector” to “Assistant CFO/Treasurer/Collector” and AMEND Appendix B of the Personnel Ordinance, the Compensation Plan for said position of “Assistant CFO/Treasurer/Collector” at a level of M8; AMEND GCO Appendix C “The Personnel Ordinance” at Appendix B, the Compensation Plan, to amend the pay grade for the Position of “Senior Account Clerk” from a Grade 6 to a Grade 7; AMEND GCO Appendix C “The Personnel Ordinance”; at Appendix A, the Classification Plan by ADDING the creation of the position of “Collection Specialist” and AMEND Appendix B, the Compensation Plan by ADDING “Collection Specialist at the level of Grade 7; and under City Charter Sec. 7-2, whether the City Council should approve the reorganization of plan of the Treasurer and Collector’s Department as submitted to the Council by the Mayor on April 10, 2012

This public hearing is opened.

Those speaking in favor:

Mr. Towne explained this reorganization comes before the Council at a critical time for his department having already seen the retirement of the Assistant Treasurer/Collector. He waited for that position to become vacant before making wholesale changes within his department. His department also had a layoff last year of the Principal Clerk in the Collector’s office which prompted him to re-examine policies and procedures; the way they conduct their business; even the layout of the office. He came before the Council last fall asking them to increase the Municipal Lien Certificate fee and the Demand fee to help support his department. At the time he believed it would be difficult to function on the Collector’s side with a 25% reduction in staff (from 4 to 3 staff positions). Since that time changes and modifications were made to that department to change the way they did business due to that loss of staff. As a result, it did not necessitate the replacement of that position. Some job duties were changed; some key functions were shifted. Tax title work was farmed out to D'Ambrosio Brown LLP which has worked out well. The fee structure, the combination of the layoff, the retirement and the change he made to the bookkeeper’s position has culminated in what he presented in the Mayor’s report to the Council for the reorganization of his department.

Four key elements to the reorganization are:

- The creation of the position of Assistant CFO/Treasurer/Collector.
- Upgrading the positions of Account Clerks (which are the two collection personnel at the window) to Collection Specialists. One position is paid by through the General Fund and the other is paid by the Enterprise Funds 50/50. They no longer just sit at the window and stamp checks and hand out receipts. These two staff members are calling, researching, refunding money on time (previously in arrears by many months in processing returns of overpayments). They are much more efficient, and effective. Return of overpayments is completely up to date now. Those two positions will also be raised from an Account Clerk, the lowest paid ASFME position left, to that of Collection Specialist at a pay grade of 7.
- Senior Account Clerk, the position that supervises the Collection Specialists. In other departments Senior Account Clerks are rated at a pay grade of 6A, 7 or 7A, but in his department it is a pay grade of 6. This change is to take the pay grade to what he believed the position should be valued. The responsibilities taken on by that position is everything the Principal Account Clerk did, with the exception of some of the tax title work (which the Assistant CFO/Treasurer Collector will do). The Senior Account Clerk has taken on: balancing out daily activity, supervising two people only; and do the electronic payments from Lock Box. About a year and a half ago they set up payments directly through Unifund so people can go onto the website, pull up current bills, and pay them just like an electronic check, which goes right into the City account. Someone has to process all those transactions; and this position handles that function. The position also takes care of numerous other day-to-day matters making the department run more smoothly, efficiently and effectively than when they were staffed with four people.
- Fulfill the need for a City Hall “roaming clerk” under the title of Account Clerk. Mr. Towne explained he had spoken of this need for several years with the Budget & Finance Committee. They all have need for filing, secretarial work, and assistance with special projects from time to time. The City’s Purchasing Agent had requested a full time position in last year’s and this year’s budget but had to be denied due to budgetary constraints. The City Auditor has had a part-time position for a filing clerk in his budget. Mr. Towne had asked for the last two years for a filing clerk/temporary help also. This position is to work with

the union to restore a position that was once in the union but due to budget cuts had been eliminated over time. It was decided this position was best suited to be supervised by his department. He proposed this position would be utilized by the City Auditor's office one day; his office one day a week; one and a half days in the Purchasing Office leaving one day for that position to be utilized for other City departments, be it the City Clerk's office, the Legal Department, whichever department needs the help in City Hall. One day was purposely left available.

Based on the current chart it shows a CFO/Treasurer/Collector (Mr. Towne); the Assistant Treasurer/Collector being vacant; the Principal Collection Clerk being vacant; a Senior Clerk, and two Account Clerks. On the Treasury Division there is a Fiscal Analyst and a Senior Bookkeeper. The Assistant Treasurer/Collector was "sitting" in both roles. The Senior Bookkeeper position is currently vacant; the Principal Collection Clerk is vacant as well as the Assistant Treasurer/Collector is also vacant. Out of eight positions are functioning now with five. **Mr. Towne** explained he was in great need of additional help. It was hard for him to move forward hiring help when he had the reorganization before the Council. He expressed that the Council over the years has seen his dedication to the community, making positive changes and getting positive results.

This new proposal for reorganization shows the CFO/Treasurer/Collector remaining the same. The Assistant CFO/Treasurer/Collector directly beneath him will supervise the day-to-day operations of the department, which are made up of Treasury and Collections. In the Treasurer's office they will have the Fiscal Analyst position not changing, remaining the same pay grade, same job duties and responsibilities with the exception of the Title V work. The Account Clerk is the roaming clerk's position. The Senior Bookkeeper's position is staying the same. The Collection Division will function with the three staff that are there now – Senior Account Clerk and two Collection Specialist (one paid 50% by the Water Enterprise Fund and 50% by the Sewer Enterprise Fund, the other paid 100% through the General Fund).

Other matters handled by the Treasurer/Collector's Department: Treasurer's cash book has 5,625 lines starting at Line 1 and all the transactions that the City functions with every day. There are 36 bank accounts making up over \$30 million. They issue annually approximately 60,000 real estate bills; 2,000 Real Estate Demand bills; 10,000 Personal Property Tax Bills; 1,000 Personal Property Tax Demand bills; 44,000 utility bills; 5,000 Demand bills for Utilities; over 25,000 Motor Vehicle Excise Tax bills. They collect: \$65 million in property taxes and personal property taxes; \$2.8 million in motor vehicle excise taxes; \$13.5 million in water/sewer bills; \$1 million in tax title accounts processed this year which he pointed out was a "phenomenal" collections effort by his staff and D'Ambrosio Brown; \$84,000 in boat excise taxes; \$300,000 in parking fines and penalties; General Fund budget and all the Enterprise Fund budgets – Talbot Rink, Waterways. He also pointed out that the City is a \$105 million corporation now. They handle all the marijuana violations collections; they do the beach stickers; resident parking tickets.

Mr. Towne also explained a main goal of the reorganization is to free him from the day-to-day activities he currently handles like balancing cash books and bank statements. He wished to concentrate his efforts in areas such as how to best fund the School Department building; helping the DPW Director find and manage grants and also the debt service. Since coming to work for the City he had issued more debt than in his entire career. He expressed it showed how far behind the community was yet how far they have come in terms of what has been accomplished. The interest he has saved the City, due to his experience and education, has paid for his entire salary to date. He viewed this as a big accomplishment on his department's part which he could only do because of the work the staff does in support of his efforts; a direct credit to them and the City. Ultimately, the reason behind this reorganization is staff retention, and explained that it is difficult to retain staff at \$29,000 per year which is what one of his staff makes; and commented his staff does an incredible amount of work for not much pay. Furthermore, his staff must deal with the public which is not an easy task, and spoke of how his staff handles some difficult situations. There remain many things to be done: an upcoming software conversion is needed; addressing audit findings; kiosk conversion; controls over beach parking, as just several examples. He has been with the City for four years and has done the necessary improvements he needed to do. There is a lot more he wished to accomplish and expressed he has made an investment with the City, and now finds the need to get more staff in place to do so. He gave the example that if he should be out for a month suddenly there would be a knowledge gap for his staff because he is trapped doing day-to-day functions. He pointed out that job descriptions were given to the B&F Committee of the proposed changes he wished to make; as well as grade and pay ranges. Research was difficult for job comparisons between communities was difficult for some things because most other communities have several people who do what he does, for instance, but tried to attempted to present as full a picture as possible. He again reiterated he had 25% less staff but that his staff is doing a fantastic job and wished to support them. Mr. Towne concluded his remarks by stating that the reorganization does not affect or help him personally other than giving him great satisfaction to support his staff.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor Tobey asked how many positions did Mr. Towne have budgeted including the Municipal Lien Certificate (MLC) person for the current fiscal year. **Mr. Towne** responded for current FY12, it is 7 staff positions that were budgeted (not including two payroll staff). In the Treasurer/Collector's office compared to what he presented this evening it was 7. **Councilor Tobey** asked if it included the MLC increase funded position the Council also authorized. **Mr. Towne** stated that was not budgeted; it was after the appropriation. With that extra money had he added the position, it would have been a total of eight. **Councilor Tobey** asked under this reorganization how many there would be which **Mr. Towne** informed the Councilor there would be 8. **Councilor Tobey** then asked what the salary costs would be from this year to next year assuming Mr., Towne follows the Administration's approach on raises for reclassified positions. **Mr. Towne** stated his total as presented to the Budget & Finance Committee through the Mayor's Report was \$482,625. However, he pointed out there are several important caveats. The FY12 working budget is \$412,439. One important caveat is that \$10,000 is funded by Title V which was paid for out of a separate fund previously. In his budget they have to take it for an "apples to apples" comparison. The City Hall clerk is \$28,000 out of the \$482,625 and is an additional position that is not "apples to apples"; \$14,411 is retroactive pay for two cost of living adjustments of 2%, and is not in the working budget because it hasn't been appropriated yet. The combination of those three items comes to \$52,000. **Councilor Tobey** stated it would be about \$428,000, and then inquired where the MLC money went that Mr. Towne had informed the Council he was going to spend on a clerk, but did not spend on a new clerk. **Mr. Towne** explained part of it is to fund the increases for the Collection Specialists. The funds haven't gone anywhere this year. It is in the bottom line of the General Fund effectively becoming free cash. **Councilor Tobey** expressed he would file a motion to rescind the MLC fee increase in that case. He then asked Mr. Duggan to speak to the Administration's thought having created a floating position covering a variety of functions and putting it in the CFO's department; how did it fit into the organization chart and why it represent good management practice. **Mr. Duggan** responded over the course of several years in meeting with the department heads, they all expressed the need and requirement for additional administrative help. Unable to achieve those goals, it was best practice to establish one floater. Mr. Towne had made the suggestion at a B&F meeting during the budget process last year. It made sense this position is handled out of his department. He reminded the Councilor that the Purchasing Department also reports to the CFO and is one of the departments needing that administrative support. **Councilor Tobey** pointed out that the Auditor reports to the Council as does the City Clerk. He didn't see the strategic thought process in the design or utilization as to who is managing the position asking where the ultimate accountability was. **Mr. Duggan** stated the ultimate accountability would be through the CFO. If the days need to be adjusted should one department find it needs more time by this person, it would be a done. This was the CFO's suggestion, and it is his willingness to take on the oversight which they approve of. **Mr. Towne** further explained the funds created for the extra position by stating one of the reasons why he took no further action about that position was by the time the City Council had approved it, the Demand bills for the real estate FY12 had already gone out. He was not going to collect any funds for the Demand bills until the end of June of this current fiscal year. He did not hold a large amount of money waiting for something to happen. He did get the MLC fees but he had to appropriate it by the time they went to tax recap time. He had to appropriate that full position and come back to the City Council to do that. So MLC fees were collected by that time, but the Demand fees are just going out in June. He stated he understood Councilor Tobey's concern; but it was a timing issue. He did promise if he had enough funds that he could support that position he would appropriate the funds and be back before the Council for an appropriation. **Councilor Tobey** recalled the money was for an express purpose to be executed in short order which didn't happen. He cautioned should there be a next time he would want to know immediately that Mr. Towne had changed his mind.

This public hearing is closed.

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 the CFO Reorganization Plan based on the chart as submitted to the City Council on April 10, 2012 in accordance with the City Charter §7-2.

DISCUSSION:

Councilor McGearry explained that B&F Committee did approve this reorganization. Speaking for himself, but believed he also spoke for his colleagues, when he stated that the ability of the Treasurer/Collector to enlarge upon what has been a very good job so far, and attack some of the strategic financial goals of the City which Mr. Towne

had outlined a number of them, working on the City's indebtedness, securing the best possible rates and structure the debt. Mr. Towne hadn't mentioned work on ambulance funding this evening but was something he brought up in Committee. He wants to look at the betterment projects which have been around since the 1990's. He made the case to the Committee that in order for him to do that he had to back out of much of the day-to-day matters. That seemed to the Councilor to make a compelling case; and stated Mr. Towne has done a good job so far at getting "low hanging fruit." Getting the maximized return out of that office will require the need for him to devote more time to that. That is why he voted for hit and believed was the logic behind the Committee's unanimous vote in favor of the reorganization. **Councilor Ciolino** commented he would vote for the reorganization. He reminded the Councilors they had a big problem in that office before Mr. Towne's tenure with many issues and stated that this is one of the best CFO's the City has ever had. Between Mr. Towne and City Auditor, Kenny Costa it is one of the best municipal financial teams in the State. He trusts Mr. Towne; and if Mr. Towne feels he needs to reorganize this office this way he would support it and all the motions coming forward this evening. **Councilor Tobey** commented he would vote no because of the floating Account Clerk position, expressing it was not well considered, well placed or a sensible placement in the overall scheme of the City's organization plan to have it (funded and supported through) in CFO's department. But for that issue, he would have approved it. He commented that Mr. Towne was a good man, and he respected his work. There was a need to look closely at these proposals; that such a close look would have taken out the Account Clerk floating position.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 1 (Tobey) opposed, to adopt the CFO Reorganization Plan based on the chart as submitted to the City Council on April 10, 2012 in accordance with the City Charter §7-2.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed, in connection with the CFO Reorganization Plan to recommend to the City Council to Amend the Personnel Appendix A and B of Section 4 of the Personnel Ordinance designated as Appendix C of the Gloucester Code of Ordinances as follows:

1. That Appendix A, Classification Plan, be amended by changing the title of the position of "Assistant Treasurer/Collector" to "Assistant CFO/Treasurer/Collector";
2. That Appendix B, Compensation Plan, be amended by setting the compensation for said position of "Assistant CFO/Treasurer/Collector" at the level of M8.

DISCUSSION:

Councilor McGeary stated this is a piece with a reorganization that recognizes the new position of Assistant CFO/Treasurer/Collector which has enhanced duties. Compensation is set appropriately. **Council President Hardy** asked in Mr. Towne's position was he indemnified/bonded/insured especially outside of the City's regular insurance and would his Assistant CFO/Treasurer/Collector be as well. **Mr. Towne** stated he was bonded as was the Assistant Treasurer/Collector. The Assistant CFO/Treasurer/Collector will also be specially bonded.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed, in connection with the CFO Reorganization Plan to AMEND the Personnel Appendix A and B of Section 4 of the Personnel Ordinance designated as Appendix C of the Gloucester Code of Ordinances as follows:

1. That Appendix A, Classification Plan, be amended by changing the title of the position of "Assistant Treasurer/Collector" to "Assistant CFO/Treasurer/Collector";
2. That Appendix B, Compensation Plan, be amended by setting the compensation for said position of "Assistant CFO/Treasurer/Collector" at the level of M8.

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, in connection with the CFO Reorganization Plan to recommend to the City Council to amend the Gloucester Code of Ordinance, The Personnel Ordinance, Appendix C, Compensation, Appendix B to change the pay grade for the position of "Senior Account Clerk" from a Grade 6 to a Grade 7.

DISCUSSION:

Councilor McGeary explained this is recognizing the enhanced duties of this position. **Councilor Tobey** believed they now are into positions in the AFSME unit for clerical and asked if there are any collective bargaining issues that need to be addressed and what was the status. **Mr. Towne** stated the collective bargaining has been addressed with the unions. The unions are in agreement with the job descriptions and also the pay grades. **Councilor McGeary** pointed out that when a person is moved up in pay grade in a union position, the steps they are moved to must be the same in the next grade. **Mr. Towne** stated it was correct, in AFSME. One position is at a step 7, another at step 9 and the other at step 4 and confirmed they will go to equivalent steps in the new pay grade at least. **Council President Hardy** asked if a percentage was associated with those pay increases. **Mr. Towne** did not handle them in that way. **Council President Hardy** commented they would look at it through the budget process.

MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted BY ROLL CALL 9 in favor, 0 opposed, in connection with the CFO Reorganization Plan to AMEND the Gloucester Code of Ordinance, The Personnel Ordinance, Appendix C, Compensation, Appendix B to change the pay grade for the position of “Senior Account Clerk” from a Grade 6 to a Grade 7.

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, in connection with the CFO Reorganization Plan to recommend to the City Council to Amend the Personnel Appendix A and B of Section 4 of the Personnel Ordinance designated as Appendix C of the Gloucester Code of Ordinances as follows:

1. That Appendix A, Classification Plan be amended by adding a new position of “Collection Specialist”;
2. That Appendix B, Compensation Plan be amended by setting the compensation for said position of “Collection Specialist” at the level of Grade 7.

DISCUSSION:

Councilor McGeary stated this is reflective of the enhanced duties of the position.

MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted BY ROLL CALL 9 in favor, 0 opposed, in connection with the CFO Reorganization Plan to AMEND the Personnel Appendix A and B of Section 4 of the Personnel Ordinance designated as Appendix C of the Gloucester Code of Ordinances as follows:

1. That Appendix A, Classification Plan be amended by adding a new position of “Collection Specialist”;
 2. That Appendix B, Compensation Plan be amended by setting the compensation for said position of “Collection Specialist” at the level of Grade 7.
5. PH2012-031: Renewal of Outdoor Parking Permit pursuant to MGL Chapter 148, §56 and GCO Sec. 22-153 re: Charles Richard Pratt for 2 Beachland Avenue Parking Lot

This public hearing is opened.

Those speaking in favor:

Mary Jo Montagnino, attorney, 186 Main Street represented Richard Pratt for the renewal of the outdoor parking permit at 2 Beachland Avenue stated this has been in existence since the 1950's and is renewed every three years. Long Beach does not have a municipal parking lot. Without this parking area which is permitted by the City, there is no public access to the beach. She pointed to several advantages of Mr. Pratt as a licensee by stating Mr. Pratt has rest rooms, shower facilities, trash barrels which he keeps at the beach and around the area and making sure are kept clean by his staff. It also serves out-of-town visitors to have a place to park, especially when the Good Harbor Beach parking lot is full. She reiterated it is a public service keeping public access open to Long Beach.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor Ciolino pointed out this is a rather late time to come forward for the license renewal with Memorial Day weekend only a week away. Will passage of this renewal be done in enough time to allow for them to be open for

business that weekend or would there be a delay. **Ms. Montagnino** stated there should not be a delay. The renewal would be effective immediately.

This public hearing is closed.

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 to renew the License for Richard Pratt for an open air parking lot at 2 Beachland Avenue, with the conditions and restrictions as follows:

1. The lot will hold no more than 225 cars; that number allowed by this license shall be posted;
2. The following shall be posted:
 - A) Hours of operation;
 - B) Hours restroom is open;
 - C) Fees charged for parking;
3. An attendant shall be on duty for those hours;
4. Shrubs along the front of the property shall be maintained;
5. Prior to the issuance of the license by the City Clerk, the applicant shall pay over to the Cape Ann Motor Inn the sum of \$100.00 for the maintenance of the Gloucester portion of Long Beach;
6. Current approval of the Board of Health and the Fire Chief must be on file;
7. The City of Gloucester will not be held liable for any claims incurred by the parking lot operation;
8. A counter is to be used to count the number of cars coming into the parking lot;
9. Grass to be cut in and around the parking lot at all times;
10. Barrels to be brought in at the end of the day and brought out in the morning;
11. License expires 04/30/2015.

DISCUSSION:

Councilor Tobey explained Mr. Pratt has run a first-class operation for many years. The conditions he had just read reflected the standards Mr. Pratt had consistently been meeting. This is a good service and recommended the Council support of Mr. Pratt's license renewal. **Councilor McGeary** pointed out he had checked with the neighbors who all praised Mr. Pratt's operation. The only suggestion was that Mr. Pratt be more proactive in alerting the public when the lot is near to being full so that they won't be tempted to drive down the road and park illegally which Mr. Pratt agreed to do. The Councilor supported the renewal of Mr. Pratt's license.

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted **BY ROLL CALL 9** in favor, 0 opposed to renew the License for Richard Pratt for an open air parking lot at 2 Beachland Avenue, with the conditions and restrictions as follows:

1. The lot will hold no more than 225 cars; that number allowed by this license shall be posted;
 2. The following shall be posted:
 - A) Hours of operation;
 - B) Hours restroom is open;
 - C) Fees charged for parking;
 3. An attendant shall be on duty for those posted hours;
 4. Shrubs along the front of the property shall be maintained;
 5. Prior to the issuance of the license by the City Clerk, the applicant shall pay over to the Cape Ann Motor Inn the sum of \$100.00 for the maintenance of the Gloucester portion of Long Beach;
 6. Current approval of the Board of Health and the Fire Chief must be on file;
 7. The City of Gloucester will not be held liable for any claims incurred by the parking lot operation;
 8. A counter is to be used to count the number of cars coming into the parking lot;
 9. Grass to be cut in and around the parking lot at all times;
 10. Barrels to be brought in at the end of the day and brought out in the morning;
 11. License expires 04/30/2015.
-
6. PH2012-032: Amend GCO Chapter 22, Traffic & Motor Vehicles, Sec. 22-287 "Disabled Veteran, Handicapped Parking" re: Dale Avenue

This Public Hearing is opened.**Those speaking in favor:**

Bill Sanborn, Building Inspector and a member of the City Hall Restoration Committee explained the City Hall Phase II Building \$2.5 million project triggered ADA accessibility issues. In order to do the project under State and Federal laws they have to make City Hall completely accessible. Not being able to do that, the project's architects went before the Mass. Architectural Access Board to seek variances, and were granted a number of them which will save the City over \$500,000 in costs if these would have to be done to the building. There will be a great deal that will be done to make City Hall much more accessible; some ADA compliance matters will be phased in over the next four to five years, and some over the next two years; and some won't happen at all because this Board found some not necessary. Changes to the entrances to the building were waived; the first floor does not need to be made accessible as going through the ground floor was acceptable. One of the variances was a time variance to allow them three to four years to create on-site handicapped parking which would be where managers now park off of Warren Street to the left of the City Hall entrance there. A ramp will be put in place between the granite walls which run along Dale Avenue down to the area for the handicap access to the building at street level on Dale Avenue. However, one of the conditions was that two additional handicap parking spaces must be added on Dale Avenue in front of City Hall and are to be designated with signage that reads, "For City Hall Use Only" in addition to the two currently there (one on either side of the crosswalk). **Marlene Hodgkins**, 550 Essex Avenue stated she was in favor of the creation of the additional two spaces.

Those speaking in opposition: None.**Communications: None.****Questions: None.****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 the Gloucester Code of Ordinances Sec. 22-287 (Disabled Veteran, Handicapped Parking) by ADDING two (2) handicap parking spaces on Dale Avenue, easterly side from a point 46 feet from its intersection with Warren Street for a distance of 44 feet (22 feet per space) in a northerly direction (handicap spaces replacing meters #5 and #6). A sign for each new handicap space is to be erected stating, "City Hall Use Only".

DISCUSSION:

Council President Hardy asked if they can restrict handicapped parking on the public street (Dale Avenue), and wondered if the two existing handicap spaces on Dale Avenue already in place are restricted also. **Mr. Sanborn** stated it is acceptable as it is part of a variance for the two additional spaces. These two spaces will eventually be on site; but they cannot place a time limit on them. The other two spaces are not restricted to City Hall use only.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND the Gloucester Code of Ordinances Sec. 22-287 (Disabled Veteran, Handicapped Parking) by ADDING "two (2) handicap parking spaces on Dale Avenue, easterly side from a point 46 feet from its intersection with Warren Street for a distance of 44 feet (22 feet per space) in a northerly direction (handicap spaces replacing meters #5 and #6). A sign for each new handicap space is to be erected stating, "City Hall Use Only"."

7. PH2012-033: SCP2012-006: Pleasant Street #14, GZO Sec. 3.1.6 building height over 35 feet and Sec. 3.2.2(a) decrease in the minimum lot area and open space per dwelling unit (sf)

This public hearing is opened.

Council President Hardy stated that the Council is in receipt of a letter from Attorney Catherine Schlichte, representing the applicant, requesting a continuance of the public hearing.

This matter is continued to June 26, 2012.

8. PH2012-034: Rezoning #2012-003: Atlantic Road #107 and #125, Amend GZO to create a new Existing Hotel Overlay District

This public hearing is opened.

Council President Hardy stated that the Council is in receipt of a letter from Attorney J. Michael Faherty, on behalf of the applicants, requesting a continuance of the public hearing.

This matter is continued to June 26, 2012.

Councilor Tobey stated the planning Board Public hearing will be on June 7th and P&D will meet with them simultaneously.

Committee Reports:

Budget & Finance: May 17, 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 permit the Mayor's Office to apply for a Essex Heritage Visitor Center grant through the National Park Service for \$2,500 with a \$2,500 match from the FY12 Gloucester Visitor Center budget for volunteer support and promotional materials.

DISCUSSION:

Councilor McGeary explained that this grant supports the visitor's center at Stage Fort Park for printed materials and a familiarization tour for volunteers. The FY12 budget total for Tourism was approved as a match for this grant by the National Park Service.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to permit the Mayor's Office to apply for a Essex Heritage Visitor Center grant through the National Park Service for \$2,500 with a \$2,500 match from the FY12 Gloucester Visitor Center budget for volunteer support and promotional materials.

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 #12165, as received by the B&F Committee on 05/07/2012, for Disposition by Sale of the Maplewood Avenue School, 120 Maplewood Avenue, be authorized by the City Council 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 with a minimum bid of \$100,000.

DISCUSSION:

Councilor McGeary explained the changes in the final version of the RFP consists of 12 one-bedroom units for elderly housing to now be for elderly and/or veterans which both committees endorsed. There was also the addition of a possible extension of time to closing upon agreement by the City. The minimum bid was to set at \$100,000. **Councilor Ciolino** hoped the fifth time was the "charm."

MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted BY ROLL CALL 9 in favor, 0 opposed that Request for Proposal #12165, as received by the B&F Committee on 05/07/2012, for Disposition by Sale of the Maplewood Avenue School, 120 Maplewood Avenue, be authorized by the City Council 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 with a minimum bid of \$100,000.

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, in accordance with MGL c. 30B, to pay Invoice #204039, dated 3/31/12 from Benevento Concrete Corp. for concrete procured on March 30, 2012, at a cost of \$561.00 without a purchase order.

DISCUSSION:

Councilor McGeary stated this was due to an honest error with contracting the wrong company similarly named. Until the invoice arrived, it was not possible to know that the wrong company had received the order. The situation has been remediated with better procedures put in place to prevent this from occurring again.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed, in accordance with MGL c. 30B, to pay Invoice #204039, dated 3/31/12 from Benevento Concrete Corp. for concrete procured on March 30, 2012, at a cost of \$561.00 without a purchase order.

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 permit the Community Development Department to apply for a Seaport Advisory Council grant of \$4,536,000 for the repair and reconstruction of the Stacy Boulevard Sea Wall and the northeast side of the Blynman Bridge with a grant match of 20 percent.

DISCUSSION:

Councilor McGeary explained this grant application request to the Seaport Advisory Council for \$4,536,000 carries a 20% match for repair of the seawall of the canal over towards Stage Fort Park and the canal wall under the bridge tender's house. The lowlands permit was done several years ago. It is hoped that by including the canal wall it would be successful. **Councilor Tobey** asked if they were successful in this application, and if they were to determine that the City would have need for Seaport Advisory Council monies to enhance their ability to redevelop the I4-C2 parcel, would this preclude the City's ability to successfully seek money for that economic development project. **Mr. Duggan** stated it would not.

MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to permit the Community Development Department to apply for a Seaport Advisory Council grant of \$4,536,000 for the repair and reconstruction of the Stacy Boulevard Sea Wall and the northeast side of the Blynman Bridge with a grant match of 20 percent.

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 accept under MGL c. 44, §53A from the Federal Emergency Management Agency (FEMA) passed through the Mass. Emergency Management Agency (MEMA) a Emergency Management Performance Grant of \$6,000 of FFY2010 funds.

DISCUSSION:

Councilor McGeary stated this grant is for electronic equipment for the Emergency Operations Center has a match where part of the Emergency Management Director's stipend is used and is allowed by MEMA; but no cash match is required. All documentation is in place and on file.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted ROLL CALL 9 in favor, 0 opposed to accept under MGL c. 44, §53A from the Federal Emergency Management Agency (FEMA) passed through the Mass. Emergency Management Agency (MEMA) a Emergency Management Performance Grant of \$6,000 of FFY2010 funds.

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 Federal Emergency Management Agency (FEMA) passed through the Mass. Emergency Management Agency (MEMA) a Citizens Corps Program grant of \$2,500 for the Gloucester Community Emergency Response Team program with a contract end date of June 30, 2012.

DISCUSSION:

Councilor McGeary explained that this grant has no match which comes through MEMA for use for CERT team supplies and training. All grant funds will need to be spent by June 30, 2012. He expressed the CERT volunteers do wonderful work as **Council President Hardy** and **Councilor Cox**, as members of the CERT team, knew.

MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to accept under MGL c. 44, §53A from the Federal Emergency Management Agency (FEMA) passed through the Mass. Emergency Management Agency (MEMA) a Citizens Corps Program grant of \$2,500 for the Gloucester Community Emergency Response Team program with a contract end date of June 30, 2012.

Councilor McGeary explained that the matter of the Council acceptance of a donated 25 ft. Parker Marine Custom fire/Rescue Boat from the City of New Bedford while reviewed with the Emergency Management Director and the Committee voted to forward it on to the Council for their consideration. However, after input from the Harbormaster and the Chair of the Waterways Board, he asked that the matter be referred back to the B&F Committee for further review.

By unanimous consent the matter was referred back to the B&F Committee.

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-35) of \$18,000.00 from Treas/Collector, Debt Service Principal, Unifund Account #101000.10.145.59100.0000.00.000.00.058 to Personnel, Contract Services, Unifund Account #101000.10.152.52000.0000.00.000.00.052 to return funds transferred out of this account earlier in year to settle personnel matters.

DISCUSSION:

Councilor McGeary stated this transfer is to fund a portion of the cost associated with the two people who had retired for the early retirement program offered last year. That program was withdrawn; and those two people grieved the decision. The City then settled those grievances. The City has to make the final payments for contracted services and so needs to restore the money they spent out of personnel contract services. This is now to make that account whole to pay for contracted services.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to transfer (#2012-SBT-35) of \$18,000.00 from Treas/Collector, Debt Service Principal, Unifund Account #101000.10.145.59100.0000.00.000.00.058 to Personnel, Contract Services, Unifund Account #101000.10.152.52000.0000.00.000.00.052 to return funds transferred out of this account earlier in year to settle personnel matters.

Councilor Tobey asked regarding the status of the review of the proposed management pay increases for FY13 subject of concern in the community and which he and Councilor Whynott have "weighed in" in suggesting the possibility of a motion to reject the budget so that the Mayor can focus on it on a more personalized way to see if there is a more equitable and less costly approach. He asked had the B&F Committee engaged this matter yet. **Councilor McGeary** stated the Committee had not. The Committee will deal with the budget proposals for FY13 for those departments in which the raises were offered as part of the FY13 budget on May 31st. There are two meetings that day at 4 p.m. and 6 p.m. Raises will come up in both sessions. They, as a Council and a Committee, can recommend any cuts that they wish to make in those proposed raises and the funding for those departments. He explained he has had some preliminary discussion with the Administration; and they are working to come up with an acceptable compromise but the details of it are still in process. **Councilor Tobey** asked if was possible for B&F to give a status report in detail on each of those pay increases, and its discussions with the Mayor as of June 12th (the next City Council meeting) to see if they can avoid the possibility of a motion to reject the FY13 budget. **Councilor McGeary** stated he believed it would to the extent that the matter is not settled but is a revisit, they would have dealt with it; therefore, they would have a report to the Council on the status of the raises by the June 12th meeting. **Councilor Tobey** asked the Mayor be requested to attend that portion of that Council meeting to give the Council a detailed communication on how she sees that matter coming to closure; and further asked the City Clerk to issue that invitation on behalf of the Council. **Council President Hardy** without objection asked the City Clerk to issue an invitation the Mayor to the June 12, 2012 City Council meeting. **Councilor Whynott** commented some of the

raises seemed excessive after what was conveyed to the Council when they voted the reclassifications of these management positions and would like to see an update. **Council President Hardy** commented that June 12th was cutting it very close to reject a budget and have it resubmitted to the City Council. She asked if the B&F Committee could call a special meeting to address this issue. **Councilor McGeary** stated they have a meeting scheduled on May 31st and have time between then and the 12th. He asked if they really need to reject the entire budget as they do have tools – they can cut the personnel appropriations for any and all departments if they choose to and put it into Department 900 (Special Reserve Account). That was a sufficient tool rather than sending the entire budget back to the Mayor. **Council President Hardy** stated that would be, then, on a recommendation of the B&F Committee to the full City Council during the presentation at the budget hearing; which **Councilor McGeary** confirmed. **Councilor Tobey** expressed his dissatisfaction, stating the community deserved certainty how a plan the Council adopted is based on representations as to how it would be implemented. They should be judged by what they agreed to having enabled it by voting yes. The Councilor expressed this needs the Mayor's personal attention and intervention, and is how a more equitable closure can be reached. **Council President Hardy** stated the Council enabled it only so far as allowing for pay grades to be reclassified. The City Council did not place the positions in the steps within those pay grades; which **Councilor Tobey** concurred. **Council President Hardy** continued that the Council tried to get an answer from the Administration as to where staff would be "placed on the ladder," but didn't get it. The Council was told there would be plenty of room for growth, and it was not the Council that allowed this to happen. They allowed the reclassifications to happen to certain pay grades. She took exception to anyone saying that the Council put these positions into these steps within the pay grades. She pointed out the Council addressed two positions; that of the City Auditor who went to the grade that was allowed at step 1 of the next pay grade. The City Clerk went to the next grade and received the slightest increase in pay available. They as a Council tried to set the tone with the positions under their purview, and the Administration didn't follow suit. She reiterated she didn't wish for anyone to think that the Council placed staff in these steps. **Councilor Tobey** expressed his understanding of the Council President's remarks but that he believed they have an obligation because they enacted by their vote the process and the ranges within which this takes effect; and should not passively stand by and "rubber stamp" them. **Council President Hardy** expressed she didn't wish for the public perception to be that the Council enabled the high percentage of wage increases within the pay grade steps. **Councilor McGeary** stated he didn't disagree with his colleagues; but reiterated that they have the power of the "purse" and they can and should, if they feel the raises were not appropriate they can cut the bottom line of those raises which will get the attention of the Mayor. They are trying to reach an equitable and agreeable solution; but it is not a done deal. **Councilor Whyntott** expressed concern stating they can cut the bottom line, but it didn't guarantee that those raises they consider excessive still won't happen. People can always be laid off; money can be gotten from some place else; they need answers. **Councilor McGeary** expressed his belief it will get the Mayor's attention and that they'll get a detailed analysis and explanation from her. **Councilor Theken** suggested the B&F Committee hold a special meeting to be sure they have time if they have to pull the budget and return it to the Mayor expressing concern it not be at the last minute. **Councilor McGeary** pointed out that on May 31st the Executive branch departments are reviewed: the Mayor's department; Legal, Assessors, Purchasing, Personnel, IT, Council on Aging, Veteran's Services, Library and Community Development. They run the gamut of the departments that received the raises. The Council discussed a possible Special City Council but due to scheduled budget review meetings was not feasible. At this juncture, **Councilor McGeary** asked if it was a realistic prospect that they would send the budget back to the Mayor at this late a date. That late date seemed to him to be behind the sense of urgency. He again pointed out to the Council that if they use the tools they have, powerful, if limited in duration, in scope. They can get the Mayor's attention and get this issue resolved without resorting to extraordinary measures. He didn't believe the Council would be exercising their fiscal responsibility at this point to toss the whole budget out. They do have time to deal with the narrow issue of the raises, which he understood has caused some concern in the City; but they can do that within the timeline and with the tools they have. **Council President Hardy** agreed in as much as within the minutes of Budget & Finance's meeting regarding the matter, it could come out as to what the intention is and to cut those specific line items; thereby reducing the bottom line in the departments' budgets. In order for anyone to get a raise over and above (the approved FY13 budget), it would necessitate a transfer coming before the City Council. That transfer would likely be looked upon negatively if it were made into personnel. If there isn't enough money left in for an increase, even inter-departmental, it still has to come before the Council. **Councilor Ciolino** suggested, as a member of the B&F Committee that the Council give the Committee the opportunity to do their job, inviting the Councilors to attend their meetings. They will ask the Mayor to attend the May 31st meeting of the B&F Committee's FY13 review. **Council President Hardy** stated if there was no resolution before June 12th on this matter that the Council would entertain Councilor Tobey's motion at that time. She encouraged Councilor McGeary to ask the Mayor to attend the B&F Committee's May 31st meeting. Therefore, they would let the B&F Committee

handle it and ask Mayor Kirk to attend their June 12th City Council meeting as well where it will be an agenda item. **Councilor Tobey** asked to have this matter be made prominent on the Council agenda of June 12th.

Ordinances & Administration: May 14, 2012

MOTION: On motion by Councilor Theken, seconded by Councilor Whynott, the Ordinances & Administration 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 Clerk, recommends to the City Council the election of Linda T. Lowe as the City Clerk for a term of April 2012 to April 2014.

DISCUSSION:

Councilor Theken explained that as Chair of the O&A Committee she has met with Ms. Lowe and her staff to hear their concerns as well as from the community. Going forward there will have monthly department meetings and a reorganization of the City Clerk's office is in the works as well. **Councilor Ciolino** stated he was one of three Councilors on the Selection Committee for the City Clerk, and felt Ms. Lowe was doing a good job.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, opposed pursuant to the City of Gloucester City Charter Sec. 2-7(a) concerning the election of the City Clerk, elects Linda T. Lowe as the City Clerk for a term of April 2012 to April 2014.

Ms. Lowe thanked the City Council for their votes; and that it is a pleasure to work for them. She then asked that under the Gloucester Code of Ordinances, Chapter 2, Sec. 2-26 the Council to reappoint Joanne Senos as Assistant City Clerk recommending her for the same term to April 2014.

MOTION: The City Council voted BY ROLL CALL 9 in favor, 0 opposed pursuant to the Gloucester Code of Ordinances, Chapter 2, Sec. 2-63 concerning the appointment of the Assistant City Clerk to appoint Joanne Senos as the Assistant City Clerk for a term of April 2012 to April 2014.

Planning & Development: May 16, 2012

MOTION: On motion by Councilor McGearry, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Friends of Seacoast Committee to hold the 9th Annual Seacoast Seven Road Race on Saturday, July 21, 2012 from 6:00 a.m. to 12 noon with the following conditions:

1. Certificate of Insurance:

A Certificate of Insurance naming the City of Gloucester as an additional insured party has been filed with the City Clerk's Office.

2. Road Closure Plans:

Memoranda from the Police Department and Fire Department giving approval of the plans for the 9th Annual Seacoast Seven Road Race on July 21, 2012 to be on file with the City Clerks office on or before July 6, 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 July 6, 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 2:00 PM, June 21, 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 function halls, motels and hotels, and other businesses along the race route.

7. Responsibility of the Seacoast Nursing Home, Friends of Seacoast:

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 the applicant 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 Verga, the City Council voted 9 in favor, 0 opposed to permit the Friends of Seacoast Committee to hold the 9th Annual Seacoast Seven Road Race on Saturday, July 21, 2012 from 6:00 a.m. to 12 noon with the following conditions:

1. Certificate of Insurance:

A Certificate of Insurance naming the City of Gloucester as an additional insured party has been filed with the City Clerk's Office.

2. Road Closure Plans:

Memoranda from the Police Department and Fire Department giving approval of the plans for the 9th Annual Seacoast Seven Road Race on July 21, 2012 to be on file with the City Clerks office on or before July 6, 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 July 6, 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 2:00 PM, June 21, 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 function halls, motels and hotels, and other businesses along the race route.

7. Responsibility of the Seacoast Nursing Home, Friends of Seacoast:

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 the applicant 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.

Councilor Tobey stated the matter of the Gloucester Sidewalk Bazaar permit motion would be postponed to the next Council meeting pending approvals received in from the Police, Fire, and DPW Departments.

For Council Vote:

- 1. CC2012-023 (Verga/Ciolino) Resolution re: Equitable treatment to residents who are City water users, Customers and water rate payers and amendment of Gloucester Code of Ordinances Sec. 23-58 to reflect The requirement of equitable treatment of all customers**

The Council voted unanimously to extend the meeting by a half hour at 11:00 p.m.

Councilor Verga explained that this resolution was put forward after they voted down the changes to an ordinance about private water lines. There should be equity how they treat current water rate payers. He then read the resolution to the Council (on file). **Councilor Ciolino** as co-sponsor of the Council Order deferred to Councilor Verga. **Councilor Theken** asked what they expect out of this resolution. **Councilor Verga** stated when the City is making their master plan of priorities of water improvements there should be no distinction between private and public roads. Those who are rate payers deserve the same treatment whether the lines are public or private as well. The plan should look at priorities. **Councilor Theken** expressed concern they were opening the City up to issues such as when road work is done and a pipe breaks because of that work but is on private property. The property owner would look to the City for the repair. She asked the Council have Legal to look at this. **Councilor Tobey** commented the intention is to capture the water line in the street, and not the service lines to the home, to the extent that the service line is the service line that is on the parcel which is the approach citywide. **Council President Hardy** asked that they continue this matter to have the Legal Department review the language of the resolution. The new revised version would be sent to the O&A Committee to be taken up on their agenda for review when that is received by that Committee from the Legal Department.

This matter is continued to June 12, 2012.

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilor Whynott complained of the improper signage regarding road closures and detours directing traffic and asked that there be a presentation by the Police Chief and the DPW Director at their next City Council meeting.

Councilor Ciolino was pleased to see the hot topping of the Boulevard. He pointed out the Memorial Day events; and the parade route has changed to include the Vietnam War memorial.

Councilor LeBlanc confirmed Tuesday, June 5th in Kyrouz Auditorium there would be a presentation by MassDOT on the Washington Street corridor.

Councilor Theken again extended her thanks to the Council, the School Committee and the PTO's regarding the feasibility study financing as well as the Newell Stadium financing.

A motion was made, seconded and voted unanimously to adjourn the meeting at 11:10 p.m.

Respectfully submitted,

**Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Letter of opinion regarding the decision by Mayor Kirk to hire Deputy Fire Chief Eric Smith of Westland, MI dated May 22, 2012 by Russell Hobbs
- Statement by Lisa Groleau, 598 Western Avenue regarding West Parish School and 85 responses to a questionnaire by West Parish School parents
- Statement to the City Council regarding the loan authorization for a feasibility study on the West Parish School by Valerie Gilman, School Committee member