

GLOUCESTER CITY COUNCIL MEETING

Tuesday, June 12, 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: Mayor Carolyn Kirk; Linda T. Lowe; Kenny Costa; Jim Duggan; Jeff Towne; Jonathan Pope; Melissa Teixeira; Tony Gross; Kathy Clancy; Dr. Richard Safier; Val Gilman; Tom Markham

The meeting was called to order at 7:06 p.m.

Flag Salute & Moment of Silence.

Oral Communications:

Gene Marshall, 13 Lawrence Mountain Road and the Wingersheek Beach concessionaire read and submitted for the record a statement related to an incident which took place on Sunday, June 10th in the parking lot at Wingersheek Beach to regarding sewerage overflow from the tight tank adjacent to the concession that had been replaced six or seven years ago. He reported this happens every year, four or five times per summer. He expressed his concern for his customers and workers who have to experience the pump truck smell, the sewerage puddle or the two to three hour closure of the bathroom facilities there which reoccur frequently. He asked for the Council to address this issue in order to see that a proper septic system is installed.

Marlene Hodgkins, 550 Essex Avenue expressed her thanks to the Council for the addition of the two handicapped parking spaces on Dale Avenue allowing for better handicap access to City Hall.

Presentation/Commendations:

1 of 1: Update regarding Mill Pond Tidal Gate Project by Max Schenk, Manager – Environmental Health Services

Max Schenk, Manager-Environmental Health Services reported that after 10 years the Mill Pond Tidal Gate Project is completed which started in Mayor Tobey's administration through the Bell Administration and his joining the City's Health Department with the Kirk Administration. This is the area is on Washington Street near the area of Captain Hook's. There was one tidal flood gate; and this project installed an additional one. This was a situation of an upland marsh dying. All the fresh water coming down from the reservoir was allowed to pond in that area because it couldn't get out quickly enough, and as a result the salt marsh was dying off. Invasive reeds were overtaking the indigenous natural plants there creating a fire hazard during the winter months. It also caused flooding during extreme weather when water could not exit the area fast enough. Because tidal surges were coming in, the water backed up and flooded the DPW and the neighborhood and Poplar Park causing hundreds of thousands of dollars worth of damage. The greatest benefit is to shellfish habitat. Shell fishing is a food resource for the community and also a resource for fishermen; although shell fishing is not allowed in that area as it is a sea bed. Seeds from shellfish in that area down drift beyond that site and become food for people and for birds. He thanked the City's partners saying that it was all possible to a large extent through the generous effort of the National Oceanographic and Aeronautical Administration (NOAA) Marine Fisheries Services, along with the Conservation Law Foundation which contributed \$63,900 towards the project (Peter Shelley and Eric Hutchins). The Massachusetts Department of Ecological Restoration (Eric Derleth, Georgeann Keer and Franz Ingelfinger) which contributed \$16,000 towards the project. Other partners were the U.S. Fish and Wildlife Service (Eric Delrith); and the Mass. Corporate Wetlands Restoration Partnership and Coastal America Foundation (Susan Redlich) which provided funding of \$4,500. Not only did these organizations contribute funding but their expertise, research and time as well. The City Council, the mayors involved have all been very supportive along with cash contribution of \$25,000 and in-kind services for road repair, etc. totaling \$62,000. This is a huge effort. Beyond the improvement to the Riverdale area was the volunteer effort for the multiple clean ups of the Mill Pond site. Volunteers recognized for their efforts by Mr. Schenk were: The Ann & Steve Parsons family; the Ellis family; Jackie and Rich Jamison;

Lois Bairstow and her family, and Peter Phippen of Eight Towns and the Great Marsh Committee. Other partners present: Liz Duff, Coordinator for Mass Audubon's Salt Marsh Science Program. He introduced Eric Hutchins and John Catena of the NOAA Fisheries Services both of whom were present.

John Catena, Regional Supervisor of the restoration program with NOAA based in Gloucester stated it is people like Mr. Schenk who make projects like this happen. NOAA provides funding and technical expertise to these types of projects to restore fish populations and habitats along the northeast seaboard. They can contribute funds; bring partners to the projects, and expertise; but it is people like Mr. Schenk at the local level who make these projects a reality and whom NOAA relies on to make these projects happen. He then presented Mr. Schenk with a plaque congratulating him for his effort, a NOAA Restoration Center Award of Excellence. **Mr. Schenk** expressed his thanks for the award expressing it has been a partnership and a group effort and that the award was also for them. **Council President Hardy** offered the Council's congratulations also.

Confirmation of New Appointments:

Tourism Commission	(TTE 02/14/13)	Wendie Woodman DeMuth
John Feener	(TTE 02/14/15)	John Feener

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Wendie Woodman DeMuth to the Tourism Commission, TTE 02/14/13.

Councilor Theken explained that the O&A Committee questioned the appointees/reappointees based on their experience, background, professional affiliations as whether they were familiar with the Open Meeting Laws and to file proof of having taken the State Ethics Commission test with the City Clerk's office. They were asked also if they had any possible conflicts if they were on another Board, Committee or Commission in the City. She expressed they are working on the revamping of the Tourism Commission ordinance. They do have an ad hoc committee assisting the O&A Committee in this effort. But the Tourism Commission still exists and needs a quorum to continue their work. The Committee unanimously endorsed Ms. DeMuth's appointment.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to appoint Wendie Woodman DeMuth to the Tourism Commission, TTE 02/14/13.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint John Feener to the Conservation Commission, TTE 02/14/15.

DISCUSSION:

Councilor Theken explained that Mr. Feener had to resign his previous position with the Conservation Commission (ConCom) but has returned after a short absence. The Committee unanimously endorsed his appointment. **Council President Hardy** thanked Mr. Feener for returning to volunteer on ConCom. **Mr. Feener** noted he had been asked when he was before the Committee to help first time applicants come before the ConCom and assist in making their Commission more user friendly. He stated will work with ConCom and the City Council to create community workshops to bring a better understanding of their application process to the public.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to appoint John Feener to the Conservation Commission, TTE 02/14/15.

For Council Vote:

- 1. Motion to Rescind the City Council vote of August 9, 2011 re: Increase in Municipal Lien Certificate Fees and Demand Fees**

Councilor Tobey explained he would not be making a motion to rescind the Municipal Lien Certificate (MLC) and Demand Fee increases at this time. Since the last Council meeting he discussed this matter with Mr. Towne, CFO sharing his deep concern that when matters are brought before the Council for action, and action is taken, that when

those conditions change that originally prompted the Council to take that action, the Council needs to be notified promptly, particularly given their fiduciary responsibility to the citizens of Gloucester. Mr. Towne understands this fully and has agreed this is how he will proceed henceforth. The Councilor expressed he was satisfied.

2. Motion to Rescind the City Council vote of May 8, 2012 re: Receipt of the Mayor's FY13 Proposed Budget

Councilor Tobey stated that this is not meant to be a motion to rescind the referral to B&F; rather it would be a motion to reject the budget. He expressed his feeling the conversation on that matter was made clear at their 5/22/12 meeting. He asked this matter be held in abeyance until after the Administration's presentation is made and the public speaks at the public hearing held later on the Council's agenda this evening and determine if it is necessary to bring forward a motion to reject the FY13 budget. He expects there will be a discussion on the management pay increases and is the matter that prompted him to consider the motion to reject.

This matter is deferred until the closing of Public Hearing #2 and can be found immediately following PH2012-036: Public Hearing on FY13 Proposed Budget.

3. Decision to Adopt: SCP2012-002: Washington Street #834, GZO Sec. 1.8.3 and 5.13.7.1 (PWSF) Modifications

Council President Hardy noted she spoke with the Legal Department the previous day because the original legal decision dated June 12, 2012 provided to the City Council had typographical errors which the Legal Department corrected which were on Page 2, Condition #1 and #3. The corrected copy of the Decision is what the Council is adopting which now read as follows:

- "1) That all previous Special City Council Permits and conditions continue in full force including but not limited to the global positioning system to be installed on the façade on the southwest side of the building is not to exceed the height of the building where the system is located; and
- 3) All associated equipment shall be housed within the AT&T's existing equipment room in the basement of the church and/or the expansion of the room as approved by the church;"

MOTION: On motion by Councilor Tobey, seconded by Councilor Theken, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to adopt the SCP decision for Washington Street #834, pursuant to Sec. 1.8.3 and 5.13.7.1 of the Gloucester Zoning Ordinances.

4. Decision to Adopt: SCP2012-004: Blackburn Drive #90-99, GZO Sec. 5.13.7 (PWSF) Modifications

MOTION: On motion by Councilor Tobey, seconded by Councilor Theken, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to adopt the SCP decision for Blackburn Drive #90-99, pursuant to Sec. 5.13.7 of the Gloucester Zoning Ordinances.

5. Decision to Adopt: SCP2012-005: Kondelin Road #16, GZO Sec. 5.13.7 (PWSF) Modifications

MOTION: On motion by Councilor Tobey, seconded by Councilor Theken, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to adopt the SCP decision for Kondelin Road #16, pursuant to Sec. 5.13.7 of the Gloucester Zoning Ordinances.

Consent Agenda:

- **CONFIRMATION OF REAPPOINTMENTS:**
 1. Gloucester Housing Authority Andrew C. Nickas TTE 05/28/17
- **MAYOR'S REPORT**
 1. Memorandum from Mayor Kirk requesting City Council approval of appointment of Eric Smith as City of Gloucester Fire Chief (Refer to O&A & B&F)
 2. Memorandum from Principal Assessor re: Declaration of an Overlay Surplus for FY10 in the amount of \$150,000 and FY11 in the amount of \$120,000 (Refer B&F)
 3. Memorandum from Environmental Engineer re: request for funding for Phase 4 Water System Upgrades, Babson Dam Repairs, Phase 3A Water Pipeline Project additional funds and engineering (Refer B&F)
 4. Request for City Council acceptance of Committee for the Arts grant award in the amount of \$5,000 (Refer B&F)

5. Memorandum from CAO: permission to pay invoice for the Committee for the Arts for goods procured without a P.O. in place (Refer B&F)
6. Request for City Council acceptance of City of Gloucester Visitor Welcome Center grant award in the amount of \$2,650 (Refer B&F)
7. Year-end Supplemental Appropriation-Budgetary Requests #2012-SA-9, #2012-SA-10, #2012-SA-11 (Refer B&F)
8. Memorandum from City Auditor: Grant application and checklist for Personnel Department re: grant from the Dept. of Health & Human Services/Early Retiree Reinsurance Program (Refer B&F)
9. Year-end Special Budgetary Transfer requests starting with #2012-SBT-37 up to and including #2012-SBT-89 (Refer B&F)
 - **COMMUNICATIONS/INVITATIONS**
 1. Cape Ann Amateur Radio Association re: June 23, 2012 outdoor public demonstration (Info Only)
 2. Communication from U.S. Board on Geographic Names re: approved proposal to apply the new name Montgomery Cove to an Unnamed bay in Essex and supporting documentation from Harbormaster (Info Only)
 3. Communication from members of Gloucester Fire Fighters Local 762 IAFF-PFFM re: Fire Chief (File)
 4. Petition to Overturn Mayor Kirk's Decision for Gloucester's New Fire Chief (Info Only)
 - **APPLICATIONS/PETITIONS**
 1. Request and Application from Reid's Ride 8th Annual 28 Mile Bike-a-thon on July 15, 2012 (Refer P&D)
 2. Request from the GFAA for road closures to hold Run Gloucester 5K and 7-Mile races on August 19, 2012 (Refer P&D)
 3. SCP2012-008: Maplewood Avenue #89, GZO Sec. 2.3.1 (7) Conversion to or new multi-family or apartment dwelling, four To six dwelling units (Refer P&D)
 - **COUNCILORS ORDERS**
 1. CC2012-029 (Verga/Ciolino) Resolution re: Equitable treatment of residents who are City water users, customers & rate payers & amend GCO Sec. 22-58 to reflect the requirement of equitable treatment of all customers (Amended CC2012-023) (Refer O&A)
 2. CC2012-030 (LeBlanc/Whynott) Amend GCO Sec. 22-287 re: handicapped parking in front of Cleveland Street #20 (Refer TC & O&A)
 3. CC2012-031 (Hardy/Ciolino/Theken) Amend GCO Chapter 1, Article IV, Division 4 "Department of Veterans' Services" Sec. 2-291 re: Veteran's Director (Refer O&A)
 4. CC2012-032 (Whynott) City Council request to State for permission to allow 30 minute parking in front of WWII Memorial (Refer O&A)
 5. CC2012-033 (Cox) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" by deleting one (1) handicapped parking Space in front of School Street #30 (No referral required)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 1. City Council Meeting: 05/22/12 (Approve/File)
 2. Standing Committee Meetings: B&F 06/07/12 (under separate cover), O&A 06/04/12, Joint Meeting PB & P&D 05/03/12 (under separate cover), P&D 06/06/12, Joint Meeting PB & P&D 06/07/12 (under separate cover) (Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor Tobey asked to remove CC2012-031 (Hardy/Ciolino/Theken) Amend GCO Chapter 1, Article IV, Division 4 "Department of Veterans' Services" Sec. 2-291 re: Veteran's Director under Councilor Orders #3; and under the Mayor's Report, Memorandum from Environmental Engineer re: Request for funding for Phase 4 Water System Upgrades, Babson Dam Repairs, Phase 3A Water Pipeline Project additional funds and engineering

Council President Hardy advised that the Council had received a communication regarding Item #2 under Applications/Petitions; the request from the GFAA for road closures to have been referred to the P&D Committee has now been withdrawn by the GFAA.

Councilor Tobey spoke to the Phase 4 Water System Upgrade matter pointing out that by Charter recommendations are required from the Capital Improvement Advisory Board (CIAB). He asked the CIAB give their input and advice on this matter so the Council can vote as the Charter requires, once they have that Board's advice as well as that of the B&F Committee. The Councilor requested this matter be referred to the CIAB as well as B&F. **This matter was referred to the CIAB and B&F Committee by unanimous consent of the Council.**

The Councilor then spoke to the matter of Councilor Order #3 to amend the Code of Ordinances for restoring the position of Veteran's Director to the status it held for years as a department head position which requires City Council confirmation on an annual basis. He expressed concern over the "erosion" of positions that come before the City Council for confirmation. He highlighted this was an important amendment due to recent events and the hiring of a new Veterans' Director in the near future, and endorsed the effort. He also suggested this effort needed to be the first step in more such ordinance amendments to come forward. Finally, he asked that his name be added to the Council Order. **By unanimous consent, Councilor Tobey's name was added to CC2012-031 and the matter referred to O&A.**

By unanimous consent the Consent Agenda was accepted as amended.

The Council recessed at 8:18 p.m. and reconvened at 8:25 p.m.

Committee Reports:

Budget & Finance: June 7, 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 accept under MGL c. 44, Sec. 53A-1/2 to accept a donation of a 25 foot 1994 Parker Marine Custom Fire/Rescue Boat from the City of New Bedford with an approximate value of \$50,000, serial number PKMKH220I394.

DISCUSSION:

Councilor McGeary asked this motion be voted down. Further review since this vote was taken by the Committee at their May 19th meeting, it was determined that it is not the recommendation by the Harbormaster and the Waterways Board that the City accept the boat. However, the Committee does thank the City of New Bedford for their offer. A suggestion has been made that the boat might go to the CERT volunteer organization which serves the City in emergency capacities and would be reviewed separately.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 0 in favor, 9 opposed to accept under MGL c. 44, Sec. 53A-1/2 to accept a donation of a 25 foot 1994 Parker Marine Custom Fire/Rescue Boat from the City of New Bedford with an approximate value of \$50,000, serial number PKMKH220I394.

MOTION FAILS.

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to approve the appropriation of \$25,000 (Twenty Five Thousand Dollars) from the Waterways Enterprise Retained Earnings Fund (700000.10.492.35900.0000.00.000.00.000) to the Solomon Jacobs Park Waterways Capital Projects Fund (710000.10.996.49700.0000.00.000.00.040) for the purpose of the design, engineering and permitting of a new float system at Solomon Jacobs Park.

DISCUSSION:

Councilor McGeary explained this is an opportunity coming out of the environmental clean up by National Grid of Solomon Jacobs Park at Harbor Loop. The existing wharves and piers will be removed. This money would be used for preliminary design work on a new float system to be installed after the clean up is completed. **Councilor Ciolino** clarified that the money that helped to pay for I4-C2 came from this Seaport Bond funding of the pier.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to approve the appropriation of \$25,000 (Twenty Five Thousand Dollars) from the Waterways Enterprise Retained Earnings Fund (700000.10.492.35900.0000.00.000.00.000) to the Solomon Jacobs Park Waterways Capital Projects Fund (710000.10.996.49700.0000.00.000.00.040) for the purpose of the design, engineering and permitting of a new float system at Solomon Jacobs Park.

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to approve the appropriation of \$2,100 (Two Thousand One Hundred Dollars) from the Waterways Enterprise Retained Earnings Fund (700000.10.492.35900.0000.00.000.00.000) to the Lanes Cove Fish Shack Revolving Fund (293021.10.996.49700.0000.00.000.00.040) for the purpose of the repairs to the Lanes Cove Fish Shack.

DISCUSSION:

Councilor McGeary stated this is generous help from the Waterways Board with their continuing stewardship of the waterfront to assist in the repair of the Lane's Cove Fish Shack. **Council President Hardy** personally thanked the Waterways Board for coming forward again this year with additional monies to help support the restoration effort. The Fish Shack is located in her ward, Ward 4, and asked for the Council's affirmative vote.

MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to approve the appropriation of \$2,100 (Two Thousand One Hundred Dollars) from the Waterways Enterprise Retained Earnings Fund (700000.10.492.35900.0000.00.000.00.000) to the Lanes Cove Fish Shack Revolving Fund (293021.10.996.49700.0000.00.000.00.040) for the purpose of the repairs to the Lanes Cove Fish Shack.

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 #8769, dated 4/29/12 from Boston Kiln Sales & Service of Medford, MA for a downdraft vent system with installation to a kiln for the Council on Aging at the Rose Baker Senior Center, at a cost of \$1,097.00 without a purchase order.

DISCUSSION:

Councilor McGeary explained this was a simple oversight by the Senior Center Coordinator who thought she had requested and had a purchase order in place for this equipment and installation. It is the first time she had done this in her 20 year tenure with the City. **Councilor Ciolino** noted this equipment was a necessary to vent an area of the Senior Center. **Kenny Costa**, City Auditor confirmed for the Council the funds used to pay for this equipment were an appropriation out of "free cash".

MOTION: On motion by Councilor McGeary, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed to the City Council, in accordance with MGL c. 30B, to pay Invoice #8769, dated 4/29/12 from Boston Kiln Sales & Service of Medford, Mass for a downdraft vent system with installation to a kiln for the Council on Aging at the Rose Baker Senior Center, at a cost of \$1,097.00 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 accept under MGL c. 44, §53A an additional twelve month grant totaling \$60,000 from the Mass Dept. of Public Health and associated funding partners for the Mass in Motion Municipal Wellness and Leadership Program which funds Get Fit Gloucester!

DISCUSSION:

Councilor McGeary stated this is new money for a 4th year of the grant which largely funds the salary of the Senior Project Manager, Stephen Winslow who directs all the Get Fit Gloucester programs which helps to make the City more "walkable" for exercise and encourage more exercise. There is no match.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to accept under MGL c. 44, §53A an additional twelve month grant totaling \$60,000 from the Mass Dept. of Public Health and associated funding partners for the Mass in Motion Municipal Wellness and Leadership Program which funds Get Fit Gloucester!

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 a grant of \$20,000 from the Massachusetts Interlocal Insurance Association Loss Prevention.

DISCUSSION:

Councilor McGeary stated this grant of \$20,000 includes the development of a downtown area sewer cleaning and inspection program in the first year of the grant for \$10,000; in the second year of the grant for \$10,000 there will be the development of an annual city-wide investigation and rehabilitation program for the same purpose. The engineering firm of Weston & Sampson did the program development of engineering services. There is no match.

MOTION: On motion by Councilor McGeary, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed to accept under MGL c. 44, §53A a grant of \$20,000 from the Massachusetts Interlocal Insurance Association Loss Prevention.

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 Community Development Department in conjunction with the Gloucester Conservation Commission to apply to the Mass. Dept. of Conservation and Recreation, for a FY2013 Massachusetts Local Acquisition for Natural Diversity (LAND) grant of \$300,000 for funding in support of the acquisition of the property known as Briarneck Crossing, located at the intersection of Witham Street and Thatcher Road. The said property is legally described as Assessors Map 184, Lots #5 and #9, also known as 70-74 Thatcher Road.

DISCUSSION:

Councilor McGeary stated this allows the City to make an application from the Mass. Dept. of Conservation and Recreation, for a FY2013 Massachusetts Local Acquisition for Natural Diversity (LAND) grant for the acquisition of open space. This is an effort headed by the Friends of Good Harbor (FOGH) in partnership with the City, since the grant can only be awarded to a municipality to acquire the property known as Briarneck Crossing. The City legally fought for many years to prevent the development of that site. However, the developers have the legal right to develop that property. This was an initiative by a private group to see if the current owners of the property would be interested to sell the property to the City. This potential purchase will have to have a number of alternative funding sources. This is just one part on which the purchase price payment would be "built". The City is required to front the money and then be reimbursed if the grant is awarded. There will be a second piece coming forward for the loan order. This is to allow the Community Development Department to apply for the grant. **Councilor Ciolino** expressed his feeling that this land acquisition needs to be a high priority for the City to stop future development on this property. This parcel is across from Good Harbor Beach where developer had wanted to build a condo complex. This is a start to reclaim the property whether the City or Essex County Greenbelt Association ends up with stewardship. **Councilor Tobey** noted this property has been a property of contention for the City for thirty years. The City lost a lawsuit regarding the redevelopment of that site. He urged that it was time to recognize the owner has rights and can exercise them. He would vote against the grant application expressing it was the right thing to do. **Councilor Cox** would support the application. She asked that the negative sign posted on a telephone pole at the property be removed as a gesture of goodwill. **Councilor Whynot** noted that if the sign is posted on a telephone pole it is in violation of City ordinance and can be removed for that reason. **Council President Hardy** suggested that the Building Inspector be contacted to see about the removal of the sign. **Councilor McGeary** commented that no one is trying to frustrate the interest of the developer. The developers are interested in selling the property; and it is an opportunity for a win:win for the community; and is not a misuse of the money to acquire a key piece of the City's environmental heritage and open space.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted **BY ROLL CALL 8 in favor, 1 (Tobey) opposed to permit the Community Development Department in conjunction with the Gloucester Conservation Commission to apply to the Mass. Dept. of Conservation and Recreation, for a FY2013 Massachusetts Local Acquisition for Natural Diversity (LAND) grant of \$300,000 for funding in support of the acquisition of the property known as Briarneck Crossing, located at the intersection of Witham Street and Thatcher Road. The said property is legally described as Assessors Map 184, Lots #5 and #9, also known as 70-74 Thatcher Road.**

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 MassDevelopment Brownfields Redevelopment Fund-Site Assessment Applications for grants to perform environmental assessments of 91 Commercial Street for the amount \$24,700. Said property is legally described as Assessors Map #1, Lot 66.

DISCUSSION:

Councilor McGeary explained that this motion and the one that follows are two separate grant application requests both to MassDevelopment for the environmental assessments of two city-owned properties located at 91 and 110 Commercial Street. This is a necessary first step, commenting it is money well spent, for a 20% match for each of these grants if the City receives them. MassDevelopment can fund up to \$500,000 per property for remediation should it be determined there is pollution on the site(s). **Councilor Ciolino** stated that this is a good opportunity for the City to help the area of the Fort by retaining the 91 Commercial Street parcel; its end use yet to be determined.

On inquiry by **Councilor Theken, Councilor McGeary** stated this is an actual grant; although the paperwork noted the word “loan” because it is a “boilerplate” application for MassDevelopment. **Councilor Theken** asked if MassDevelopment would help with the clean up if necessary. **Councilor McGeary** stated they can then apply for up to \$500,000 in grant funds per property to do the clean up if either or both were found to need remediation.

MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed to permit the Community Development Department to apply for MassDevelopment Brownfields Redevelopment Fund-Site Assessment Applications for grants to perform environmental assessments of 91 Commercial Street for the amount \$24,700. Said property is legally described as Assessors Map #1, Lot 66.

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 MassDevelopment Brownfields Redevelopment Fund-Site Assessment Grant to perform environmental assessments of 110 Commercial Street for the amount \$24,700. Said property is legally described as Assessors Map #1, Lot 6.

DISCUSSION:

Councilor McGeary stated the City intends to continue ownership of 91 Commercial Street; but 110 Commercial Street would be put out to bid for commercial development on the waterfront. **Councilor Ciolino** confirmed his understanding that the 110 Commercial Street property would be put out to bid in an RFP stating it must be for commercial use. They can't do anything until they find out what is going on with the property. **Councilor Cox** stated her understanding that 110 Commercial Street also has to remain zoned Marine/Industrial as another stipulation. **Councilor McGeary** stated it was in the discussion at B&F that the Administration would require any developer to conform to the current zoning. **Councilor Tobey** stated that if some pollution found [on the parcel(s)] the City can sell them, but define what the level of that pollution is through this report. If they found a few spots of petroleum hydrocarbon pollution it can be removed in order to sell the property immediately. It is not an issue to stand in the way of selling the parcel. **Councilor Theken** confirmed with **Councilor McGeary** it was the intent of the Administration to keep the property of 110 Commercial Street zoned as Marine/Industrial.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to permit the Community Development Department to apply for MassDevelopment Brownfields Redevelopment Fund-Site Assessment Grant to perform environmental assessments of 110 Commercial Street for the amount \$24,700. Said property is legally described as Assessors Map #1, Lot 6.

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, Sec. 53A-1/2 to accept a donation of a 2004 Ford Astro Van VIN# 1FDWE45F43HB77331 from Cape Ann Transportation Authority with an approximate value of \$600.

DISCUSSION:

Councilor McGeary explained that Cape Ann Transportation Authority (CATA) has a 2004 Ford Astro 16 passenger van with a handicapped wheel chair lift. CATA has federal requirements that they can't hold onto a vehicle more than 7 years no matter their condition. The Master Fleet Mechanic with the DPW inspected the vehicle which was found to be sound. The wheelchair lift would assist the police in transporting handicapped prisoners and any other use the department may find for it. **Councilor Ciolino** stated this van will be kept at the DPW yard and be offered to any other City agency who needs the use of it.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to accept under MGL c. 44, Sec. 53A-1/2 to accept a donation of a 2004 Ford Astro Van VIN# 1FDWE45F43HB77331 from Cape Ann Transportation Authority with an approximate value of \$600

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council, in accordance with M.G.L. Chapter 59, Section 25, to approve the appropriation in the amount of \$270,000 (Two Hundred Seventy Thousand Dollars) from Unifund

Account # 101000.10.000.32200.0000.00.000.00.000 entitled "Fund Balance Reserved for Overlay Released by the Assessors for Expenditures (Overlay Surplus)" to Unifund Account # 101000.10.000.32800.0000.00.000.00.000 entitled "Fund Balance Reserved for Special Purposes". The purpose of this appropriation from Overlay Surplus is to reduce the Fiscal Year 2013 Tax Levy.

DISCUSSION:

Councilor McGeary stated this is a technical motion so that this money doesn't fall to the General Fund at the end of the fiscal year and get tied up during the free cash certification. The Assessors are required under State law to assign an "overlay" to have funds on hand for abatements or deferrals the City may issue for property. In FY10 and FY11 they didn't use all the money that was set aside. These funds can be used for FY13. This helps to balance the budget and adds to the revenue. If the Council appropriates the money now, the funds will be reserved and will not fall to free cash.

Councilor Whynott stepped away from the dais.

MOTION: On motion by Councilor McGeary, seconded by Councilor LeBlanc, the City Council voted in favor, 0 opposed, 1 (Whynott) absent, in accordance with M.G.L. Chapter 59, Section 25, to approve the appropriation in the amount of \$270,000 (Two Hundred Seventy Thousand Dollars) from Unifund Account # 101000.10.000.32200.0000.00.000.00.000 entitled "Fund Balance Reserved for Overlay Released by the Assessors for Expenditures (Overlay Surplus)" to Unifund Account # 101000.10.000.32800.0000.00.000.00.000 entitled "Fund Balance Reserved for Special Purposes". The purpose of this appropriation from Overlay Surplus is to reduce the Fiscal Year 2013 Tax Levy.

Councilor Whynott returned to the dais.

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to approve the appropriation in the amount of \$180,000 (One Hundred Eighty Thousand Dollars) from Unifund Account #101000.10.000.35900.0000.00.000.00.000 entitled "General Fund Unreserved Fund Balance - Free Cash" to Unifund Account #101000.10.000.32800.0000.00.000.00.000 entitled "Fund Balance Reserved for Special Purposes". The purpose of this appropriation from "General Fund Unreserved Fund Balance - Free Cash" is to reduce the Fiscal Year 2013 Tax Levy.

DISCUSSION:

Councilor McGeary stated this was money certified as free cash. If they let the money fall to the bottom line it would be tied up on July 1st until free cash is certified again. This sequestering of the funds will make them available for the FY13 budget immediately on July 1st.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to approve the appropriation in the amount of \$180,000 (One Hundred Eighty Thousand Dollars) from Unifund Account #101000.10.000.35900.0000.00.000.00.000 entitled "General Fund Unreserved Fund Balance - Free Cash" to Unifund Account #101000.10.000.32800.0000.00.000.00.000 entitled "Fund Balance Reserved for Special Purposes". The purpose of this appropriation from "General Fund Unreserved Fund Balance - Free Cash" is to reduce the Fiscal Year 2013 Tax Levy.

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-SA-12) \$1,087.33 (One Thousand Eighty Seven Dollars and Thirty Three Cents) from the Treasurer/Collector - Debt Service, Bond Issuance Costs, Unifund Account #101000.10.145.59450.0000.00.000.00.059 to Chapter 90, Transfer In- from General Fund, Unifund Account #230000.10.991.49700.0000.00.000.00.040 for the purpose to resolve an old deficit in the Chapter 90 Fund.

DISCUSSION:

Councilor McGeary explained this is an old deficit in the Chapter 90 (Road Repair) money from Fiscal Year 2006 and 2007, and will take that deficit off the books which otherwise would be a hit against free cash..

MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to transfer (#2012-SA-12) \$1,087.33 (One Thousand Eighty Seven Dollars and Thirty Three Cents) from the Treasurer/Collector - Debt Service, Bond Issuance Costs, Unifund Account #101000.10.145.59450.0000.00.000.00.059 to Chapter 90, Transfer In- from General Fund, Unifund Account #230000.10.991.49700.0000.00.000.00.040 for the purpose to resolve an old deficit in the Chapter 90 Fund.

Ordinances & Administration: June 4, 2012

No matters to come forward for Council action.

Planning & Development: May 16, 2012

Councilor Tobey explained this motion for the permit for the Sidewalk Bazaar for 2012 was held up by the Committee because there was uncertainty whether the City's insurance would cover it; and received the assurance of Jim Duggan, CAO and the City's insurance provider that, in fact, the event is covered under the City's liability insurance.

MOTION: On motion of Councilor McGeary, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant permission to the Downtown Gloucester Association (DGA) through its agent, Grace Numerosi, to close Main Street from Pleasant Street to Washington Street, including Hancock, Center, Porter and Short Streets to all vehicular traffic from 7:00 a.m. to 6:00 p.m., Thursday, August 2, Friday, August 3, and Saturday, August 4, 2012 for the purpose of conducting the Gloucester Sidewalk Bazaar with the following conditions:

1. Certificate of Insurance: A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's Office on or before July 20, 2012;
2. There are no vendor set ups on the sidewalk blocking hydrants, crosswalks or handicap ramps; Vendor set ups are not to extend beyond the marked parking lines on the streets (The handicap access is at the crosswalk. This is where the curb cuts are.);
3. No vendor set ups in front of the police station other than the area designated by Lt. Aiello of the Gloucester Police Department;
4. All vendor set ups must allow for unobstructed drivable area along the entire Sidewalk Days route - slightly wider at the curve of Palazola's Sporting Goods to maintain adequate access for emergency vehicles. Failure to provide this unobstructed margin of drivable area may necessitate the removal or relocation of the vendor at the discretion of the Fire Department, the Police Department or the event agent of the DGA;
5. The organizers shall allow the Fire Department drive-through access with a fire engine once each day of the event, on or about 9:00 a.m., and one random drive through to be decided by the Fire Department;
6. No parking or unloading of goods of any vehicles on any of the above-mentioned streets after 8:50 a.m. until 5:00 p.m. on each of the days of the Gloucester Sidewalk Bazaar;
7. Signage showing the location of the comfort stations to be located throughout the event area.
8. 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 in advance of the first day of the Sidewalk Bazaar;
9. Responsibility of the DGA: 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 filed in a timely manner with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

DISCUSSION: None.

MOTION: On motion of Councilor Tobey, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to grant permission to the Downtown Gloucester Association (DGA) through its agent, Grace Numerosi, to close Main Street from Pleasant Street to Washington Street, including Hancock, Center, Porter and Short Streets to all vehicular traffic from 7:00 a.m. to 6:00 p.m., Thursday, August 2, Friday, August 3, and Saturday, August 4, 2012 for the purpose of conducting the Gloucester Sidewalk Bazaar with the following conditions:

1. **Certificate of Insurance: A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's Office on or before July 20, 2012;**
2. **There are no vendor set ups on the sidewalk blocking hydrants, crosswalks or handicap ramps; Vendor set ups are not to extend beyond the marked parking lines on the streets (The handicap access is at the crosswalk. This is where the curb cuts are.);**
3. **No vendor set ups in front of the police station other than the area designated by Lt. Aiello of the Gloucester Police Department;**
4. **All vendor set ups must allow for unobstructed drivable area along the entire Sidewalk Days route - slightly wider at the curve of Palazola's Sporting Goods to maintain adequate access for emergency vehicles. Failure to provide this unobstructed margin of drivable area may necessitate the removal or relocation of the vendor at the discretion of the Fire Department, the Police Department or the event agent of the DGA;**
5. **The organizers shall allow the Fire Department drive-through access with a fire engine once each day of the event, on or about 9:00 a.m., and one random drive through to be decided by the Fire Department;**
6. **No parking or unloading of goods of any vehicles on any of the above-mentioned streets after 8:50 a.m. until 5:00 p.m. on each of the days of the Gloucester Sidewalk Bazaar;**
7. **Signage showing the location of the comfort stations to be located throughout the event area.**
8. **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 in advance of the first day of the Sidewalk Bazaar;**
9. **Responsibility of the DGA: 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 filed in a timely manner with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.**

Councilor Tobey stated there are no items for action for the Council from the meeting of June 6th, but the P&D minutes of 6/6/12 did not reflect the conditions the Committee viewed during a tour of the Fuller School; and asked Vice Chair of the P&D Committee, Councilor Verga, to give a verbal report on the building's current condition. **Councilor Verga** stated Jim Hafey, Facilities Manager for the DPW gave the Committee a tour of the Fuller School which took about 25 minutes. They skipped the Administrative wing which is in use and in the best condition. They viewed the School Committee chambers where the meeting was held; the gym and the auditorium; the transportation office (former principal's office); some classrooms to the left of the auditorium, several classrooms on the second floor, and the basement. Its condition was to be expected given the building's little, or no use in some areas, for six or seven years. There were several spots with significant puddles at the top of the stairs on the second floor. The building is brick and cement slabs. The paint was chipping and peeling in many areas on ceilings. The area of greatest concern was the basement. There are two boilers "on their last legs" expressing it was day to day whether or not they would work. The systems go back to the mid-1960's. If there was any use of the building, there is a major concern for the heating, electrical and plumbing systems. Once the feasibility study comes out and determines Fuller School is needed as the holding school for West Parish students, they will need a more extensive view of what needs to be done in the short term to hold those students. The gym and auditorium looked to be in decent shape. There is concern for the roof which is in major disrepair and need to keep an eye on it. If they hold onto the building longer than a few months, they will need to look to the roof repair. He expressed there is hope for the building. **Councilor Whynott** commented he went on the tour expecting to see the school in much worse condition; it is a well built facility; structurally sound and offered that it would make a good City Hall. **Council President Hardy** stated she was also in the building and saw several spots that were very moldy. If they could get some quick patches to the roof, it would go a long way to preserving this City asset, unless it was the intent of the Administration to tear it down. She expressed she was in favor of the building being maintained until the School Committee decides what to do with the building and then the City Council. **Councilor Tobey** thanked Councilor

Verga for his summary stating that this is a public asset owned by the citizens of Gloucester. They must do something to the building because of the near term possible use if a new West Parish school is built.

Councilor Tobey noted that the public hearing regarding the cell tower on New Way Lane due to notice problems will not be up for Council vote this evening. The Committee also had a good conversation regarding the new I4-C2 RFP in development and the collaborative conversation with the EDIC on the inventory of industrial space in the community both of which remain works in progress.

The Council recessed at 8:18 p.m. and reconvened at 8:25 p.m.

Scheduled Public Hearings:

- 1. PH2012- 035: Amend GCO Appendix C “the Personnel Ordinance” at Appendix A, the Classification Plan by adding the creation of a new position of Grants Compliance Manager” and Amend Appendix B of the Personnel Ordinance, the Compensation Plan, by adding “Grants Compliance Manager” at the level of M7; amend GCO appendix C “The Personnel Ordinance” at Appendix B, the Compensation Plan, to amend the pay grade for the position of “Assistant City Auditor” from M5 to M7; amend GCO Appendix C “The Personnel Ordinance” at Appendix B, the Compensation Plan, to amend the pay grade for the position of “General Ledger Accountant” from M4 to M6; amend GCO Appendix C “The Personnel Ordinance” at Appendix B, the Compensation Plan, to amend the pay grade for the position of “Account Specialist” from grade 8 to grade 8A; and under City Charter Sec. 7-1, whether the City Council should approve the Reorganization Plan of the Auditor’s Department as submitted to the Council by the City Auditor on April 24, 2012**

This public hearing is opened.

Those speaking in favor:

Kenny Costa, City Auditor explained that the Auditor’s office is a four-member team. This reorganization includes the following:

Grants Compliance Manager. The addition of the position of Grants Compliance Manager (a middle management position) is to address the issues in the area of grants compliance for federal grants for both the City and schools. There have been 70 findings by the external auditors, on grants over the last three years: FY11-27 findings; FY10-31, and FY09-16 findings. The creation of this position is a management recommendation by the external auditors, Sullivan & Rogers, Co. who discussed the 27 findings in the FY11 audit review at an April B&F Committee meeting. The City expended about \$6 million in federal grants in FY11 and is at risk if federal agencies require the City to repay those monies because of questioned costs related to the external audit’s grant report (Note: questioned costs equate to findings). These questioned costs are approximately \$550,000 in FY11 (which are related to required documentation not in place); equating to 9% of the total expenditures. **Mr. Costa** reiterated this is serious risk the City is carrying. He expressed concern should the City be required to repay these funds to the grantors, and where those funds would be found. All these grant issues relate to Federal Circular OMB A-33 and A-87 both of which are very complex. The City of Chelsea has two staff members doing this function, one for the City side and one for the school side. He expressed he was comfortable that one Grants Compliance Manager could handle both sides for Gloucester. The goal is to have this position be 100% grant funded, that is, when the City applies for grants, part of this position’s salary will be a part of the administrative costs of the grants. Progress, however, has been made in the financial statement audit. There were findings in FY09-15 findings; in FY10-3 findings. In FY11 they had no findings. That means their books are clean. It is a great accomplishment for the City.

Assistant City Auditor. The City wasn’t able to close its books in FY05, FY06 and FY07 and Mr. Costa is looking to assure that the City will never not be able to close their books again. Not being able to close the books puts the City on the Department of Revenue (DOR) watch list. The City is no longer on that list. Right now he is the only person on staff who can perform this process from beginning to end. Not being able to close the books is unfavorable to the rating agencies. The City should be able to close their own books and not rely on an outside firm which is quite expensive. He is looking to train the Assistant City Auditor to do this function. There is a lot of work that goes behind closing those books to get it ready for the financial statement audit; to set the tax rate; the tax recap; it affects the schools with their required End of Year report; the balance sheet submitted to DOR which relates to free cash, as well as Schedule A. The City needs a solid close. This is what stalled the School’s End of Year Report in the past. He would provide the training to the Assistant Auditor and would still supervise the closing of the books. By closing the books in house it saves the City \$3,000 a year. The Assistant City Auditor prepares the package on free cash for the DOR. The City has had favorable free cash in the last two years. Further, they work

with other departments regarding grant deficits also, grants being a hit against free cash certifications; FY11-\$3.22 million; FY10-\$1.9 million. Additional responsibilities: School Department's End of Year Report and provides assistance to the outside auditors when they come to review that report; the 1099 reporting to the IRS (**NOTE:** a comprehensive list of additional responsibilities for each position is on file in the Council's 6/12/12 agenda packet). General Ledger Accountant. **Mr. Costa** stated that a large part of this job is reconciliation with the Chapter 90 paving funds from MassDOT. Reconciliation is done; and they now have a system with the DPW Director, himself and the General Ledger Accountant who takes care of the reporting. The reimbursements are submitted and the moneys are received back to make the City financially whole. Another added responsibility is from the MSBA school roof project reconciliation. He and the General Ledger Accountant went to the MSBA in Boston to learn their "ProPay" system, an MSBA on-line reimbursement system. That project has been completed very successfully. If there is a new school that is partially funded by the MSBA, reimbursements will have to be done and the burden falls on their department. Another added responsibility is budgets for capital projects which are now being inputted into the system. They are also being reconciled which prevents deficit spending, a good internal control. This position also assists the Gloucester Cultural Council, paying bills, entering P.O.'s, as well as to assist other departments who don't have access to the City's financial system.

The Account Specialist. This position has added responsibilities of posting deposits to the General Ledger, investigates any discrepancies daily; prepares payroll for non-contributory retirees which has a reporting mechanism with the State also as well as manage the contract book.

Mr. Costa stated he has added other responsibilities pertaining to the entire staff. There is a new inter-departmental form for incremental services provided like police details that are ordered for the DPW, a paperless system. They are doing this all on the General Ledger, and they now have a journal entry form. Things like that are important internal controls. He has been providing training to his staff and encourages cross training. They also prepare quarterly reports for the Community Preservation Committee regarding the CPA funds. He interfaces with the ratings agencies also and works as a part of the City's financial team. He has received support from the unions, AFSME and GMMA, for this reorganization. He thanked the Council for their continuing support.

Those speaking in opposition: None.

Communications:

Questions:

Councilor McGeary noted that the Grants Compliance Manager is not funded for FY13 although they are creating the position. At this time there is no money for it. **Mr. Costa** confirmed that was the case. It is the intent to fund this over time through grants administration overhead. He stated he wants to look into creating an indirect cost factor, something the City of Chelsea is doing now and get that in place first. He expressed he intends this position to be fully funded by grants. For FY13, in the best case, the funding will not happen until April 2013. **Councilor McGeary** suggested by having this position created, they could possibly find funding the position through the General Fund if grant money could not be obtained.

This public hearing is closed.

Councilor Theken stated that the O&A Committee reviewed the reorganization of the Auditor's Department and supported the reorganization unanimously.

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 the City Auditor's Reorganization Plan based on the chart as submitted to the City Council on April 24, 2012 in accordance with the City Charter Sec. 7-1.

DISCUSSION:

Councilor McGeary stated the B&F Committee unanimously endorsed the reorganization of the City Auditor's Department. This motion is for the organization chart Mr. Costa outlined. **Councilor Ciolino** stated his support of the reorganization which he supported at B&F. Stating ways of doing business have changed, he was pleased to see the Auditor was seeking solutions. The Grants Compliance Manager is an important position for the City. As they encourage the department heads to go for grants, with more grants coming to the City, this position is a key position for the Auditor's office. He urged his fellow Councilors to support the motions coming forward in support the reorganization.

MOTION: On motion by Councilor McGeary seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed, to accept the City Auditor's Reorganization Plan based on the chart as submitted to the City Council on April 24, 2012 in accordance with the City Charter Sec. 7-1.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed, in connection with the City Auditor's 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 "Grants Compliance Manager";
2. That Appendix B, Compensation Plan be amended by setting the compensation for said position of "Grants Compliance Manager" at the Pay Grade of M7.

DISCUSSION:

Councilor McGeary explained that this is the actual incorporation of the Grants Compliance Manger into the Code of Ordinances and setting up the pay grade for that position. As the Auditor stated, they had 70 findings in the last three years on federal grants and commented, "A good number of findings is zero."

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 City Auditor's 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 "Grants Compliance Manager";**
2. **That Appendix B, Compensation Plan be amended by setting the compensation for said position of "Grants Compliance Manager" at the Pay Grade of M7.**

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 amend the Gloucester Code of Ordinances, The Personnel Ordinances, Appendix C., Compensation, Appendix B to change the pay grade for the position of Assistant City Auditor from M5 to M7.

DISCUSSION:

Councilor McGeary commented this recognizes the position has enhanced and new responsibilities. The office has been doing a good job, as has the entire financial team, in making sure that not a single tax payer's dollar goes astray. This is a difficult job requiring a great attention to detail. They have been improving each year, year. **Council President Hardy** asked was it the City Auditor's mindset to train his staff to have as much knowledge as he; and that he was confident the Assistant City Auditor could step into his shoes through his training. **Mr. Costa** responded, "Absolutely."

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to amend the Gloucester Code of Ordinances, The Personnel Ordinances, Appendix C., Compensation, Appendix B to change the pay grade for the position of Assistant City Auditor from M5 to M7.

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 amend the Gloucester Code of Ordinances, The Personnel Ordinances, Appendix C., Compensation, Appendix B to change the pay grade for the position of General Ledger Accountant from M4 to M6.

DISCUSSION:

Councilor McGeary stated the responsibilities of this position are increased and this increase in pay grade reflects that fact.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to amend the Gloucester Code of Ordinances, The Personnel Ordinances, Appendix C., Compensation, Appendix B to change the pay grade for the position of General Ledger Accountant from M4 to M6.

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 amend the Gloucester Code of Ordinances, The Personnel Ordinances, Appendix C., Compensation, Appendix B to change the pay grade for the position of Account Specialist from Pay Grade 8 to Pay Grade 8A.

DISCUSSION:

Councilor McGeary explained this is reflective of the enhanced duties of the position. **Council President Hardy** stated this position is under AFSME B; and asked if it was a confidential classification such as that of the Council's Clerk of Committees or the Mayor's secretary. **Mr. Costa** confirmed this was not a confidential secretarial classified position. **Council President Hardy** asked that this clarification be reflected in the minutes for future Councilors to see that the intent is not to make this position "confidential".

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to amend the Gloucester Code of Ordinances, The Personnel Ordinances, Appendix C., Compensation, Appendix B to change the pay grade for the position of Account Specialist from Pay Grade 8 to Pay Grade 8A.

Councilor Theken reconfirmed the O&A Committee supported the reorganization unanimously. **Mr. Costa** thanked the Council for their continuing support and that they have a great financial team. **Council President Hardy** also expressed Mr. Costa had a great partner in the financial team with the Treasurer/Collector's office and thanked them for their role on the financial team..

2. PH2012- 036: Public Hearing on FY13 Proposed Budget

This public hearing is opened.

Those speaking in favor:

Mayor Carolyn Kirk stated On May 8th, the Administration presented the FY13 budget to the City Council and it was accompanied by a long memorandum describing the budget and their rationale for the decisions made when formulating the budget. Since the budget was submitted to the Council, she reported the Administration and the B&F Committee have worked cooperatively in addressing concerns about the budget, and responding to new information as it has arisen during the past month or so. The Mayor highlighted four significant areas that have been identified for revisits:

1. **Personnel Director:** They had originally planned on filling the position by October 1st; however, they have realized the value provided by the Personnel Director in handling grievances, managing turnover of staff, supporting recruitment efforts for both the Police and Fire Chiefs, and maintaining good order in all aspects of employment with the City. They now propose to fill that vacancy by July 1st.
2. **Fire Dept. Overtime:** Each year there is some dispute as to how much overtime is needed to fulfill the City's obligation under that contract. She reported they have reached agreement with the Fire Dept. regarding the level of overtime for FY13 and have proposed the appropriate adjustment.
3. **Reclassifications of Certain Positions:** This budget also funds the reclassification of certain positions that were approved by the City Council earlier this year. In response to the feedback from the Council, they are working through a compromise with the B&F Committee to reduce the impact of these changes. A plan has been agreed upon that keeps the placement of the positions at the mid-range of the benchmark that was established by comparing these positions to similar positions in 17 other area communities. They further agreed to a 12-month freeze on any salary increases beyond those related to the reclassification. The total savings identified are approximately \$36,000.

4. School Budget: They are still working to close a gap in the school budget and anticipate a resolution by the time the revisits take place. The proposed increase for the school budget that is before the City Council now is an increase 4% or \$1.35 million over last year's appropriation.

The Mayor expects there to be further adjustment and didn't anticipate any surprises. Overall, she stated that the FY13 budget process has been smooth, and was grateful for a positive working relationship with the City Council.

Those speaking in opposition:

Andrea Pretzler, 31 Cleveland Street, President of Gloucester Teacher's Association recognized other members of the School District in the audience who all stood comprising approximately 2/3 of those seated in the auditorium. She spoke of the inadequate funding of the Gloucester Schools over the 20 years she has been teaching here. She spoke of the school facilities deterioration; the classroom equipment and supplies stocked to the barest minimum. Ms. Pretzler submitted a petition from the Gloucester Teachers Association urging the School Committee, the City Council and the Mayor to advocate for increased funding for the Gloucester School System. She expressed that the City's students are counting on their providing what they deserve. **Curt Lichtenwald**, 875 Washington Street stated he taught in the system for 14 years and has seen his budget continually cut. **Jason Grow**, 12 Marble Road, former City Councilor pointed out it is challenging to review the budget each year. He spoke to the Fire Department overtime issue and the opening of outlying fire stations. With the Schools, the "buck stops with the Council" to provide the education the community expects. They face challenges with school choice, the Charter School. They face the perception that the schools are just adequate and not doing the job they should. He said the perception is wrong; but they have to have schools that people are proud of. That responsibility belongs to the Council. Last year they lost 45 positions in the schools. They are putting a 4% increase in, but are still behind with school services. Private organizations cannot fill in the funding gaps. They have to create a progressively better district. The School Committee will make due with what the Council gives them. The teachers do the same. But they are cutting essential programs like the AP (Advanced Placement) testing for high school seniors. They cannot continue to cut the school budget while all the area schools continue to invest in their districts. Gloucester teachers are the lowest paid teachers on the North Shore and some of the lowest paid in the State. They have to do better by them, by the children and by the City and have a responsibility to build for tomorrow. **Jonathan Pope**, School Committee Chair stated this is a difficult situation. Councilor McGeary and the B&F Committee have worked very hard. But the bottom line is that the schools are held accountable by families, by the State and Federal governments. At the same time they have to work with what they're given. They know what they can do better, but it costs money, and doing the best they can with what they have. He also noted the loss of 45 school staff, of which 37.5 were full-time positions. Yet they are making educational gains due to the City's teachers. Gloucester teachers are on the bottom of the 17 North Shore communities salary range. Yet the Council voted for potential raises for City staff. They have no money to negotiate contracts. Their contracts are being signed retroactively. This is a cycle that the School Committee Chairman stated must stop. They are the City's biggest department. The delta between where they are in the budget and what the Mayor has recommended is \$833,635. They have already cut out of their budget in excess of \$1 million. They froze supplies in the beginning of October. Teachers are buying paper, pencils, copying books as a result of previous budget cuts. The accountability, he stated, starts with the Council, and asked they give the School budget serious consideration. **Cynthia Mochowski**, 13 Wall Street, a teacher at Gloucester High School and advisor to the Gloucester Interact Club, a club, she stated, that was greatly underfunded. Their club donates to the Art Department so that students can afford to take extra classes and have supplies. They also, because of the custodial cuts, not only raise funds but do service work, going into the classrooms to clean them. **Cynthia McNamara**, 64 Langsford Street a teacher for 16 years at West Parish School commented they are now buying their own pencils; and has personally spent \$1,200 in supplies this school year. Teachers have suffered cutbacks in medical benefits. She is making less than a few years ago. They started practicing a lock down drill, where they must close classroom windows shades and lock their classroom doors. She has no window shades and can't lock her door – it's broken. This, she said, is not a safe place to be if they cannot secure their classrooms. She listed some other negative physical conditions in the school.

Carol Gray, Library Director, 59 Woodbury Street (full written statement submitted and on file) stated that as Library Director she feels obligated to speak against the library budget that does not fund it to the level the State requires. The Mayor has done a great job in difficult times, and the City is starting to turn a corner. The library has had to bear more than its fair share of the burden. They have lost an Assistant Director, other staff, cut hours and cut a bookmobile. The budget for FY13 is \$1,000 less than the budget of 2004 and doesn't account for inflation. This is the fifth year the library has been without an Assistant Director. This year the Assistant Library position was eliminated from the budget. Funds have been budgeted for hiring this position in April 2013. It will be the fifth consecutive year they must apply to the State for a waiver. She warned that the City may not prevail for a waiver this year. If they lose their certification they will lose their ability to borrow from other libraries. She also

expressed concern for the security of the library. She asked for an increase of \$13,000 approximately and stated the library could add \$13,000 from State aid to hire an Assistant Library Director. She asked how much longer the citizens of the City must see their library underfunded. **Meredith Fine**, 20 Eastern Avenue and a member of the Library Board of Directors emphasized the issue of the waiver from the State. The increase of the budget is good, but the State feels it should be higher for a community of its size. They stand to lose state aid, grants and the interlibrary loan program, receiving books every day from that service. The library is only 1% of the City's budget. The Board asks that the Council do their best for the library. **Rebecca Aliberte**, 10 Cedar Lane, a volunteer at the Children's Library commented on the deficiencies of the children's library: not enough space, lack of materials for the school children of the City, enough books for required school reading, school projects and pleasure. They are at risk of the loss of State funding because they don't have the money to fill the Assistant Library Director's position. She appreciated what the Mayor has done for the City but the children of the City rely on the library's resources. **Mary Weisbloom**, Ledge Road, a former Library Board member read a letter in support of full year funding for an Assistant Library Director from another Library board member, Jerry Ackerman, not in attendance. The letter touched upon the resources currently at the library but also what the library still needs so as not to have to apply for a waiver from the State. **Peter Jenner**, President of the Board of the Friends of the Sawyer Free Library spoke to the lack of the staffing of the position of the Assistant Library Director which has led to the lack of workshops for job training and genealogy research. The Library Director can't manage more responsibilities nor does she have time for long-range planning because of the day-to-day issues of running the library. Planning is needed in order for the library to be an institution in the 21st century that will provide the new services needed for the future.

Rebuttal:

Mayor Kirk stated that they have some time before the budget is finalized. They will take this input of the public hearing; but that there are still difficult choices to be made. They look forward to continuing the financial improvements and the flexibility free cash has given the City.

Communications:

Questions:

Councilor McGeary asked about teachers in Gloucester where they rank, and were the teachers paid less than their peers on the North Shore. **Dr. Richard Safier**, Superintendent of Schools stated they are 12th out of 12 North Shore districts. Danvers is at the top of the Masters Level Step 1 range at \$46,871; noting several other communities on the North Shore, all higher than Gloucester with a \$7,000 difference at a Master's Level, Step 1 between Danvers and Gloucester.

This public hearing is closed.

Council President Hardy stated the actual budget passage is on June 19th at a Special City Council meeting.

Councilor McGeary stated B&F has reviewed the budget for all departments line by line once. They put anything that they wished to cut or amended aside so they would revisit it after the budget had been reviewed once. The Council cannot increase a specific line item except for the Schools. They can cut a line item and put it in a special reserve account; those funds can then be used for other purposes that would be agreed to by the Administration and Council. On Thursday at 9 a.m. in City Hall they will start the revisit process in an all-day session which they hope to get through the entire revisit list. It is at that point they will go over the thirty or so line items to be debated and prepare the motions which will happen next week in which every department, its personnel and ordinary accounts (non-personnel items and any capital) will be voted by this Council with an amount line item by line item. They're at the point with having heard the input at the public hearing and with folks coming before the Committee in 10 sessions for the City's major departments. They reviewed their budgets; they will review them again item by item. The input this evening will be considered. He commented it would be "disingenuous" to pretend there was a lot of money "lying" around which is not the case. They are bound by Proposition 2-1/2 that has held City for more than 30 years without an override making the City fall increasingly behind with the real needs of the community; not just with teachers, but with fire stations, police, road repair, and maintenance of the schools. It costs money. It is an untruth to think they can have all of that and not pay for them. Furthermore, everyone would like to believe the City is, "a Mayor's nest of inefficient welfare cases that couldn't get a job somewhere else." He said that to the extent they don't fight that every time someone makes a "crack" about a DPW worker; about how teachers get the summer off; they are perpetuating that untruth. They need to address the revenue side. The Councilor was willing to work hand-in-hand with the City in that effort. He urged the audience to speak to their neighbors and friends to make clear that what is at risk is the future of the City's children and homes. In the end these are their children, their schools, their homes. The "buck" stops in the auditorium with them all, not just with the Council; all citizens have an obligation. The Administration would like nothing more than to have more money to give out. He urged the public to be disabused of the notion that they can have all that they want but not pay for it. He stated that to close

the school gap, it would cost the average Gloucester taxpayer about \$50 a year to level fund the school department and is where they must attack the problem. He invited the public to the 9 a.m. B&F Committee FY13 Revisits meeting on Thursday, June 14th in the 1st Floor Council Committee Room at City Hall.

City Clerk, Linda T. Lowe read a letter written and submitted by Joan Ciolino, 28 High Popples Road, Library Board Member regarding the underfunding of the library budget (submitted and on file) and encouraging better funding of that City institution.

Councilor Tobey noted earlier this evening the Council deferred the vote whether to reject the budget and announced he would not be making that motion this evening stating he didn't believe he would have enough votes for its passage, or possibly even a Councilor to second it. He highlighted that the City is at a crossroads having made great progress in restoring the City's financial integrity and critical services. The Mayor and her team have done a good job and B&F is doing their best. They have to do their best to close the budget a week from now, which he hoped the remote voting technology would in place as he would need to avail himself of it. He expressed they have to determine the models the City wishes to aspire to. One model is the Wall Street model; to generate lots of free cash by starving services. Or do they model on a former GHS teacher, Jim Brennan, who instilled a love of lifelong learning and joy of reading spoken about previously this evening. The City is also focusing on economic development centers to make the City stronger from a jobs production perspective. If the schools aren't "up to snuff", that, he said, won't happen. He urged the B&F Committee to consider the needs of the library and figure out what they can do so that 18 months from now they aren't generating large amounts of free cash; but rather, building a community. **Council President Hardy** noted the votes on the budget passage will be taken next Tuesday at 7 p.m., in Kyrourz Auditorium at a Special City Council Meeting. Councilor Tobey has requested remote participation which is possible as long as a quorum of the Council is present. All votes taken at a remote participation meeting are roll call votes. She would work with the Chair of B&F and the Administration to streamline the process.

3. PH2012-037: SCP2012-007: New Way Lane #50, GZO Sec. 5.13.7 (PWSF) Modifications

This public hearing is opened.

Council President Hardy stated this public hearing is continued to July 10, 2012 per written request by the applicant.

This public hearing is continued to July 10, 2012.

3. PH2012-038: Modification to Special Council Permit granted to Cape Ann Brewing Company on December 7, 2010 re: Rogers Street #9-11

This public hearing is opened.

Council President Hardy stated this public hearing is continued to July 10, 2012 per written request by the applicant.

This public hearing is continued to July 10, 2012.

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilor Whynott asked the Council contact Mrs. Amaral to have a ceremony regarding the dedication of the harbor vessel.

Councilor Cox requests the Administration do an inventory of all materials in the Fuller School, in particular the unused classrooms which have boxes and boxes of books. The Fuller School library has reference materials that are not utilized. **Council President Hardy** stated the Mayor is their conduit to report this request to the School Committee and would report back to the Council.

Councilor McGeary recognized the Healthy Gloucester Collaborative and work that group does from many parts of the City; but Joan Whitney, in particular, to keep youth from involved in illicit drugs and alcohol who do a fine job.

Councilor Ciolino thanked the DPW for putting the streets back together downtown and throughout the City.

Councilor LeBlanc stated that a neighbor next to the High School has heard loud music after 10 p.m. and asked there to be frequent police cruiser visibility during the Relay for Life so that the noise levels can be monitored and alcoholic beverages banned from the event.

Councilor Theken stated she would be participating at the Relay for Life event at Gloucester High School this Friday, walking for cancer victims to raise awareness and funds, and be alert to the situation Councilor LeBlanc described, but assured there are no adult beverages allowed at that event.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Under Oral Communications: Written statement by Gene Marshall re: Wingersheek Beach sewerage issue
- Under FY13 Budget Public Hearing:
 1. Written statement by Andrea Pretzler, President, Gloucester Teachers Association and Petition urging advocacy by the School Committee, Mayor and City Council for increased and adequate funding for the Gloucester Public School System;
 2. Written statement by Carol Gray, Library Director in opposition of the current library funding;
 3. Letter from Jerry Ackerman, Library Board member as read by Mary Weisbloom;
 4. Letter from Joan Ciolino, Library Board member as read by City Clerk, Linda T. Lowe.