

GLOUCESTER CITY COUNCIL MEETING

Tuesday, July 10, 2012 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Jacqueline Hardy; Councilor Paul McGeary; Councilor Joseph Ciolino; Councilor Steven LeBlanc, Jr.; Councilor Greg Verga; Councilor Robert Whynot; Councilor Bruce Tobey
Absent: Councilor Cox; Councilor Theken
Also Present: Linda T. Lowe; Kenny Costa; Larry Durkin; Paul Keene; Sharon DuBois

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

Council President Hardy noted Councilor Cox is away on business and Councilor Theken is away on vacation.

Flag Salute & Moment of Silence: Council President Hardy dedicated the Moment of Silence in honor of Firefighter Michael Smith.

Oral Communications:

Margaret O'Malley, RN, 56 Washington Street, Co-Chair of Partners for Addison Gilbert Hospital (PFAGH), expressed that group's growing concern about actions taken since the official merger of May 1, 2012 between Northeast Health Systems (NEHS) and Lahey Health Systems (LHS). PFAGH offered to Leahy Health Systems their willingness to participate cooperatively in activities including publicizing available services at the Addison Gilbert Hospital (AGH) and being participants in the health needs assessment. This health needs assessment was a part of the merger agreement with the Public Health Council in addition to a guarantee that no services would be eliminated or changed at AGH for a period of three years. LHS was also required, she said, by the Department of Public Health to undertake a community health needs assessment in this period; and within two years go back before the Public Health Council with the results of the assessment and outline their plans for AGH. The PFAGH have learned that Northeast Health System has undertaken a community health needs assessment which they say was a process started last December. To PFAGH's knowledge, they have had no such communication on this matter. One thousand Cape Ann households got a community health survey by mail of 131 questions, none of which referred to AGH (copy of survey with attendant cover letters submitted at meeting and on file). She expressed the PFAGH great interest to have an active role in this process, and asked the Council to consider what actions they might take to go on record to express confidence in PFAGH as "a reliable source of information" about the community's needs; and that prompt action is needed. She also asked the Council to consider a direct communication with LHS CEO, Dr. Howard Grant and the Commissioner of Public Health stating the Council's concern that this process be an unbiased and inclusive process regarding the community health needs assessment. She noted the Rockport Selectmen have sent such a letter. She expressed her understanding there is a meeting with local elected officials in early August with LHS, and again expressed concern about a short timeline, requesting that the Council to act promptly.

John Giglio, Jr., 205R Western Avenue (near Stage Fort Park and Old Salem Road) stated he was in attendance with several neighbors who were attempting to connect their homes to the City sewer system, about 140 feet from their homes. Having worked on this project over a number of years, they are close to bringing that project to completion. It would also resolve a problem with some ledge near Old Salem Road. He expressed they are willing to move it, but encountered a problem when it was discovered a 100 year old gas main was below the ledge. The group met with an engineer from National Grid on site several weeks ago. The engineer informed them the gas main would be disrupted if they moved the ledge. Nearby on Tolman Avenue, a gas main was removed and replaced because it was leaking. When the engineer was asked why this piece of gas main had yet to be replaced, they were informed that the group could replace it themselves at their expense, but the engineer had been instructed by his superior that National Grid would not pay for the replacement of the old gas main. He asked for the City's help to advocate for these residents in petitioning National Grid to be a better partner with their customers on such projects. **James Whitmore**, 6 Old Salem Road reiterated their neighborhood group has spent a better part of a decade putting this project together. This is the last 35 ft. of ledge to be broken up in order to complete the project. He was at the meeting Mr. Giglio related to the Council and confirmed they were told it would be their responsibility to take care of this gas main issue, estimated to cost approximately \$100,000. He asked that the City to strongly encourage National Grid to work with their group to gain better cooperation from the utility company to see their project to completion. **Council President Hardy** asked with whom the group had coordinated on City

staff on their project. **Mr. Whitmore** responded it was mostly with DPW Director, Mike Hale and Mayor Kirk. They have also had three attorneys working with them. **Councilor Ciolino** asked if they are extending the sewer installed by an Old Salem Road neighbor. **Mr. Whitmore** confirmed they were.

Consent Agenda:

• **MAYOR'S REPORT**

1. Memorandum from CFO re: Loan Order for purchase of Brierneck Crossing (Refer B&F)
2. Memorandum from Police Chief re: request to accept equipment from the Department of Defense (Refer B&F)
3. Memorandum & documentation from General Counsel re: City's obligations to enact regulations to insure compliance with The Clean Water Act (Refer O&A & B&F)
4. New Appointment: Historic District Commission TTE 02/14/15 Stephen H. Goodick
Reappointment: Planning Board TTE 02/14/17 Richard Noonan (Refer O&A)

• **COMMUNICATIONS/INVITATIONS**

1. Response to Oral Communication of June 12, 2012 City Council Meeting re: Wingaersheek Beach Bathrooms (File)
2. Communication from Senator Tarr in support for Senate Bill 2286 "An Act Designating a Portion of Route 128 Extension in the City of Gloucester as the Purple Heart Highway" (File)

• **INFORMATION ONLY**

1. Memorandum from Commissioner of Public Safety re: Preemption of Municipal Action (File)

• **COUNCILORS ORDERS**

1. CC2012-039 (Hardy/Tobey/Theken/Cox/LeBlanc) Amend GCO Chapter 8 "Fire" Article II, "Fire Department" Sections 8-16, 8-17 & 8-18 (Refer O&A)
2. CC-2012-040 (Hardy/Tobey/Theken/Cox/LeBlanc) Amend GCO Chapter 17 "Police" Article II "Police Department" Sections 17-16, 17-17 & 17-18 (Refer O&A)

• **APPLICATIONS/PETITIONS**

1. Request & application for road closures to hold the Magnolia Library's Annual 5K Road Race on August 30, 2012 (Refer P&D)
2. Request & application from North Shore Habitat for Humanity for road closures to hold 5K Road Race on September 30, 2012 (Refer P&D)

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

1. City Council Meeting: 06/26/12 (Approve/File)
2. Standing Committee Meetings: B&F 06/26/12, B&F 07/05/12 (no meeting), B&F 07/10/12 (under separate cover), Joint Meeting O&A & B&F 06/25/12, O&A 07/02/12 (no meeting), P&D 07/04/12 (no meeting) (Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor Tobey asked to remove Item #1 of the Mayor's Report and Items #1 and #2 under Councilors Orders.

By unanimous consent the Consent Agenda was accepted as amended.

Councilor Tobey spoke to Item #1 under the Mayor's Report, the proposed loan order language for the proposed purchase of property known as Brierneck Crossing on Thatcher Road, with the concept being fundraising would offset the costs over time with grant monies making up any difference. He wished this matter to be referred not only to B&F but to P&D, as the Charter says that any item having to do with development in the City should be referred to P&D. Also, he stated, they need to recognize the Council has, under the Charter Sec. 5-1, a process to have a capital improvements program; and among the things it should do: "The capital improvement program shall set forth a schedule for land acquisition, utility expansion or replacement, and major building projects for the next five years." He pointed out that a major water project was coming before the Council this evening as well as the West Parish School issue in the near by. This is a land acquisition and does not appear on a schedule because the City does not have a capital improvements program or a schedule. That program, he said, is supposed to involve input from the Planning Board and the Capital Improvements Advisory Board (CIAB), a body the Councilor viewed as stagnant. He asked B&F in future it should bring nothing forward regarding bond authorizations until the Charter provisions under capital improvement projects and the capital improvement program are met in order to have some compliance in this and other such matters.

Councilor Tobey moved that the proposed loan order for the purchase of Brierneck Crossing be referred to the B&F and P&D Committees, the Planning Board and the CIAB to engage the planning process requirements for capital improvements pursuant to Sec. 5-1 of the City Charter, seconded by Councilor Verga.

DISCUSSION:

Councilor McGeary shared Councilor Tobey's concern regarding the status of the CIAB agreeing this would enhance the capital of the City. However, to the extent that the CIAB is talking about how they use City funds to

make capital improvements; and to the extent that this is intended to be a “freebie,” this is a technical requirement on the application for a State LAND Grant, and is a reimbursement grant. The City has to front the money. It was the Councilor’s understanding, having worked with the proponents for a long time; the intent is that the City is, in essence, receiving a gift. While he did not express objection to referring this matter to the CIAB, he said they have a lot to deal with already, and expressed the opinion this would be a “needless exercise” as it is not a matter of disbursing City funds for capital improvements. As to the P&D referral, the Councilor had no objection. **Councilor Ciolino** asked what the Planning Board contributes to the purchase of the property. **Councilor Tobey** noted in November 1975 the City adopted their constitution, the City Charter. He was referring the matter to the Planning Board because the Charter gives the Planning Board a role in the development of the City’s capital improvement program which is related to land acquisition and is also the CIAB’s job whom the Councilor stated had little on their agenda because the City was not engaging that Board. This would be complying with the Charter, and is the voter-established law which they need to abide by. **Councilor Whynott** wished to learn who the current owners of the property are and also who are the members of the group that are putting this matter forward. He would want this information to come forward at those Committee meetings and related board meetings. **Councilor McGeary** expressed concern that this is an opportunity that has, “a short shelf life.” By referring it to the CIAB and the Planning Board, the process would be extended. He noted this was enabling a loan authorization, not executing the loan nor following through on the purchase, which he said would be a more appropriate time for the Planning Board to be involved before the City commits to the actual purchase of the property. There is a deadline on the LAND grant which is this Thursday; with ConCom as the applying entity. They can wait until July 24th (date of next City Council meeting). He expressed concern that if this matter lingered, it might endanger the grant which is disbursed by the State in the fall. Should that grant fall through, so would the purchase. The Councilor expressed that it would be reasonable to have the Planning Board weigh in at that time on the purchase but reiterated his opinion that the CIAB review is unnecessary. At this time it would be enough oversight to have P&D and B&F for the technical implementation to move forward so that the grant application can move forward.

Councilor Tobey offered an amendment to the main motion to refer the proposed loan order for the purchase of Briernock Crossing that the Council ask the Planning Board and the CIAB to make a recommendation to the City Council no later than the Council’s July 24, 2012 meeting in writing, seconded by Councilor Verga.

DISCUSSION ON AMENDMENT:

Councilor Tobey stated his intent was not to slow the process down, but to do this right. He reiterated the Council is obligated to get the input of the Planning Board and CIAB. As long as they have that at the Council meeting of the 24th he would be satisfied. **Councilor Ciolino** expressed his support of the amendment but added that if the two boards are unable to report in writing by the 24th, he asked that the Council move forward; that July 24th be the “drop dead date” to take Council action on the matter. **Councilor McGeary** expressed his support of the amendment.

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted 7 in favor, 0 opposed, 2 (Cox, Theken) absent that the proposed loan order for the purchase of Briernock Crossing be referred to the B&F and P&D Committees. Further, that the Planning Board and the CIAB be engaged in the planning process requirements for capital improvements by submitting in writing their recommendations to the City Council by the July 24, 2012 City Council meeting pursuant to Sec. 5-1 of the City Charter,

Councilor Tobey then spoke to Councilor Orders #1 and #2, each dealing with the “Chief’s issue,” to review and recommend amendments to the Fire Chief selection ordinance and to the Police Chief selection ordinance. The Councilor reported that the Mayor issued memo that day to the Police Chief selection committee that they would proceed with the ordinance they have now for Police Chief selection or postpone, or stop the search. He suggested those were “falsely limited” choices. A third choice would be if O&A could efficiently and quickly at its next meeting of Monday, July 16th to engage members of both the Fire and Police Chief selection committees, assess lessons learned so that they can accommodate them with the existing process with some interim reopening of the advertising [for the position of Police Chief]. He asked they take advantage of this, referring it to O&A for a speedy review working with both the Fire and Police search committees. He reminded the Council this was not a Mayor’s process but a community process about openness and transparency and accommodation. As the Council accommodated the Mayor’s concern and amended the Fire Chief selection ordinance, the Council should do the same to accommodate the concerns of the community. He said they can do the remedial fixes and not postpone or stop this process.

Councilor Tobey moved, and Councilor Whynott seconded that the matter of CC2012-039 (Hardy/Tobey/Theken/Cox/LeBlanc) Amend GCO Chapter 8 “Fire” Article II, “Fire Department” Sections 8-16, 8-17 & 8-18 and CC-2012-040 (Hardy/Tobey/Theken/Cox/LeBlanc) Amend GCO Chapter 17 “Police” Article II “Police Department” Sections 17-16, 17-17 & 17-18 be referred to the O&A Committee.

Councilor McGeary, noting he recently joined the Police Chief selection committee, and expressed concern that the recrafting the ordinance of the Police Chief might cause substantial delay that they could lose some candidates that they might not wish to lose. The search committee is meeting Thursday where there are two items on the agenda: to gather the committee’s thoughts on recrafting the Police Chief search ordinance and whether the Committee feels they wish to proceed in parallel with the recrafting of the ordinance or whether they would wish to wait. The amending of the Fire Chief selection ordinance is a less pressing. He expressed further concern that the recrafting of the ordinance could jeopardize the process by requiring a re-advertisement. If it can be done speedily, they would accept it. However, the Councilor cautioned, the Council there is a process that is on-going. They are at the point where they would have started to narrow the field of candidates. They will not do that at their meeting Thursday, but rather will rather discuss mostly changes to the ordinance and the timeline to be prepared to offer their recommendations to the O&A Committee. Their concern is how quickly the changes can be done. He had no problem with Councilor Tobey’s request. **Council President Hardy** stated it appeared these two matters would run in parallel; and everyone would work as quickly as possible to get to the end. She expressed concern whether the consultants’ contract would need rebidding due to the extra work involved once the ordinance was amended. She expressed further concern regarding the status of the membership of the current Police Chief search committee. The ordinance calls for the Emergency Management Director, the Personnel Director (who acts as Chair) to be members, and at this time both of those City positions are not filled. She asked how many original members of the committee remain. **Councilor McGeary** responded there are two police officers, Ms. Loretta Perez, himself, and Dr. Rick Maybury. That morning the Mayor appointed Danielle Prophet (Personnel Assistant) of the Personnel Department as a member. **Council President Hardy** pointed out the ordinance does not allow for that appointment; it specifies the representative from that department is the Personnel Director. Had the Mayor appointed Ms. Prophet to be the Acting Personnel Director? **Councilor McGeary** expressed the belief that was not the case. **Council President Hardy** also pointed out the search committee was in confidential negotiations with confidential resumes currently which **Councilor McGeary** confirmed. **Council President Hardy** also pointed out it should only be the committee allowed in the room noting the Fire Chief search committee excused the CAO, Jim Duggan, from the room during their deliberations. If they have support staff, they can address them after the meeting. **Councilor McGeary** expressed his understanding Ms. Prophet was appointed as a member of the Committee, not as its Chair. **Council President Hardy** asked that Councilor McGeary, as the Council representative to the search committee, to bring that point up, reiterating the City ordinance does not allow for anybody other than those named in the ordinance to be a member. If the Mayor wants to appoint Ms. Prophet as the acting or temporary Personnel Director, then it would be in compliance with the ordinance. **Councilor McGeary** expressed the belief there was language in the ordinance allowing the Mayor to appoint a member under pressing circumstances which is what the Mayor used to justify the appointment. **Council President Hardy** did not recall such a clause having worked under the ordinance during the Fire Chief search where they had an issue with the Emergency Management Director being unable to participate because he was an applicant. They reviewed that situation several times and found there was no substitution. It should follow suit, she said, and that the Personnel Director should not be substituted either. She suggested they should scrap the whole thing and start over again. **Councilor Whynott** offered if there was a way to expedite the process that was fine; however, there is always time to do something over and do it right and did not wish to rush to judgment. **Councilor McGeary**, responding to the Council President’s question noted language from the Police Chief search ordinance Sec. 17-18 (a)(6), “the Mayor may appoint support personnel to facilitate operations of the selection committee.” **Council President Hardy** reiterated Ms. Prophet is acting as support personnel and as did Ms. Dougwillo of that department when the previous Personnel Director was on the Fire Chief search committee. Ms. Prophet, she reiterated, is not a member of the committee. **Council President Hardy** then asked for a straw poll of the Council whether they should send a message through the City Council representative to the committee that only the Personnel Director or the Emergency Management Director that is designated by the Mayor should be there, or those whom the Mayor be seated on the search committee has appointed as acting or temporary in those two positions: **Councilor Whynott** expressed if the Mayor had placed someone in an acting position, then the Mayor has the right to make that appointment to the search committee, but failing that, the Mayor has to abide by the ordinance. **Councilor Verga** also saw the point of scrapping the process at this juncture because of too many questions. He did

not agree with a substitution. While they may lose candidates by scrapping the process, he agreed with Councilor Whyntott. **Councilor LeBlanc** agreed that Ms. Prophet would have to be appointed as acting or temporary Personnel Director in order to be appointed to the search committee. As to scrapping the process, good applicants would “stick around”. **Councilor Ciolino** stated they’re asking O&A to look over the ordinance at their next meeting and expressed the opinion it will be hard to come out of that meeting with a crafted ordinance. He suggested perhaps it is time to scrap the process; and they need to know there will be a chief. He agreed that the ordinances need work with the Fire Chief ordinance handled as secondary for now. **Councilor McGeary** clarified that they’re saying it is within the Mayor’s power to name support personnel but that they not to attend confidential portions of the meetings, until they appoint finalists. He would convey the sentiment of the Council to the committee when they meet on Thursday. He felt they should get the search committee’s input on the ordinance. They may readvertise the position, dependent on the results of the O&A meeting. **Councilor Tobey** stated he viewed this as someone who was designated as support staff, not as a member. When the committee gets to confidential matters, the support staff is simply removed from the meeting. He pointed to an issue coming out the Fire Chief search. The ordinance states flatly three years experience as a Lieutenant. He suggested simply inserting the words “or equivalent” on experience; with regard to the requirements of academic degrees, amending the ordinance the same way by adding the phrase “or equivalent.” It could be done in one meeting, and done quickly, such as they did to accommodate the Mayor’s concern on the Fire Chief search process.

MOTION: On motion by Councilor Hardy, seconded by Councilor Tobey, the City Council voted 7 in favor, 0 opposed, 2 (Cox, Theken) absent to ask the City Council representative to the Police Chief search committee to put on the table at their next meeting a motion amongst the search committee members as recognized by the Gloucester Code of Ordinances to discuss that only the members as outlined and identified by City ordinance attend future meetings when dealing with confidential matters.

By unanimous consent of the City Council CC2012-039 and CC2012-040 were referred to the O&A Committee.

Committee Reports:

Budget & Finance: 07/10/12

MOTION: On motion by Councilor Ciolino, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council under MGL c. 44, Sec. 53A to accept a MassDevelopment Brownfields Redevelopment Fund-Site Assessment Grant to perform environmental assessments of 91 Commercial Street in the amount \$24,700. Said property is legally described as Assessors Map #1, Lot 66.

DISCUSSION:

Councilor McGeary explained this is a grant from the quasi-public agency MassDevelopment which would pay for the cost of assessing whether there are Brownfield issues at the 91 Commercial Street site (taken by the City in tax title); and there is a similar grant for 110 Commercial Street as well. There is a “match” that will be handled by staff time. If the City were to sell the property, it would have to reimburse the funds to MassDevelopment for the cost of the assessment. The Councilor presumed if it were worth selling they would include the \$24,700 into the selling price, but that there were no guarantees, and is a risk they take.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino the City Council voted 7 in favor, 0 opposed, 2 (Cox, Theken) absent under MGL c. 44, Sec. 53A to accept a MassDevelopment Brownfields Redevelopment Fund-Site Assessment Grant to perform environmental assessments of 91 Commercial Street in the amount \$24,700. Said property is legally described as Assessors Map #1, Lot 66.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council under MGL c. 44, Sec. 53A to accept a MassDevelopment Brownfields Redevelopment Fund-Site Assessment Grant to perform environmental assessments of 110 Commercial Street in the amount \$24,700. Said property is legally described as Assessors Map #1, Lot 6.

DISCUSSION:

Councilor McGeary stated the disposition plans for the property supporting economic development is for 91 Commercial Street. The disposition for 110 Commercial Street, he understood, is that the property may be sold by the City. The disposition of both properties depends somewhat on the results of the assessments.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 7 in favor, 0 opposed, 2 (Cox, Theken) absent under MGL c. 44, Sec. 53A to accept a MassDevelopment Brownfields Redevelopment Fund-Site Assessment Grant to perform environmental assessments of 110 Commercial Street in the amount \$24,700. Said property is legally described as Assessors Map #1, Lot 6.

Ordinances & Administration: 07/02/12

This meeting was cancelled – all items on this agenda are to be taken up at the regularly scheduled July 16, 2012 meeting of the Committee.

Planning & Development: No meeting due to July 4th holiday.

Scheduled Public Hearings:

1. **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.

Linda T. Lowe, City Clerk explained the Council is in receipt of a communication from the applicant's attorney, Catherine Schlichte requesting the public hearing be continued to July 24, 2012.

This public hearing is continued to July 24, 2012.

2. **PH2012-039: Loan Order #2012-009: Loan Authorization in the amount of \$12,400,000 for Phase 4 Water System Upgrades, Babson Dam Repairs, Phase 3A Water Pipeline Project; Additional Funds and Engineering**

This public hearing is opened.

Those speaking in favor:

Larry Durkin, DPW Environmental Engineer, who was in attendance with Paul Keane, City Engineer, explained this request for funding is for some very important projects for the City. These projects were identified in the 1999 Public Water System Master Plan commissioned by the Tobey Administration. The first main project is the Water Treatment Plant. Some of this funding will be to finish the upgrades at the West Gloucester plant to improve the mechanical and electrical systems. The second phase, Phase B, is to install two new pipelines under the Annisquam River to replace the City's reliance on the Spooner Tunnel constructed in 1904. Seventy percent of the City's population resides on the island side of the river. It is about reliability of the water supply. The Babson Dam repair and improvements are also very important. The dam is deemed a high hazard dam due to its proximity to population. The State has also said the dam does not have the capacity to withstand a design event storm. Also budgeted within the loan authorization is for the Phase 3A pipeline project. Part of that pipeline helps support the river crossing. There are also funds within the loan authorization earmarked to support additional engineering and permitting of the projects. Phase 4A is for work at the Babson and West Gloucester water treatment plants, but principally the West Gloucester Plant. At this juncture they've upgraded the water treatment plants, the water treatment tanks and the pumping stations; so they are now looking at, with proper maintenance, those plants being operational for 20 to 25 years which will be the main focus of the DPW following Council approval of these upgrades.

Those speaking in opposition: None.

Communications: None

Questions:

Councilor Tobey pointed out he had spoken earlier about the City Charter Sec. 5-1, the capital improvements plan; and the requirement there be input on capital improvement projects from the CIAB. He asked Mr. Durkin had the CIAB been consulted on this loan authorization of over \$12 million in compliance with the City Charter. **Mr. Durkin** said he was not able to speak to that matter, just that it had been identified in the Master Plan. **Councilor**

Tobey asked when this would be put out to bid. **Mr. Durkin** explained he was meeting the following day with the consultant to review some prospective dates; their hope is to go out to bid as early as August. The principal project being pushed is the water treatment plant upgrades. This spring there was a situation at the West Gloucester water treatment tank where an original valve failed to close in a sedimentation tank which caused the tanks to drain into Little River Pump Station. Crediting the work of the water contractors the City hired, the City avoided a sanitary sewer overflow. They are looking to make sure there is not another occurrence. **Councilor Tobey** commented no one questioned the critical nature of the work needing to be done. He expressed concern that due to the lack of Charter compliance, it could affect the view of previous bond authorizations in financial circles. He asked the Council to continue the public hearing to their next regular meeting so the CAO and CFO could speak to these issues. He expressed he would be satisfied on an interim basis to learn the two weeks had been used to call a meeting of the CIAB so that Mr. Durkin and the team can speak with them, and that the Council receives that Board's feedback, as the Charter requires, that this is a worthy project. He added that the Council needs to see a Capital Improvement Plan, a plan that the Council must approve. **Councilor McGeary** asked if they delay Council action by two weeks what would happen to the timing of the West Gloucester water treatment plant repairs. **Mr. Durkin** stated they have a six-month window for the shut down of the water treatment plant. They're trying to award a contract as early as October 1st. There is a 10 week lead time ordering the sedimentation basin equipment. The shut down, which they anticipate at the West Gloucester plant starting December 7th, that during that six month period to get the new sedimentation basin equipment installed. A delay in time lessens their ability to meet that window. **Councilor McGeary** asked if they could go out to bid without the loan authorization approval. **Mr. Durkin** responded they could not. The Phase 4A and 4B project are included in the State drinking water revolving fund (MWPAT) which requires that they have to have a Council Certificate of Vote to move forward to be qualified. **Councilor Ciolino** asked what the cost is for the West Gloucester Water Treatment Plant which **Mr. Durkin** pegged at \$5.5 million for that work which also included some work at the Babson water treatment plant. The river crossing is \$2.5 million. The Babson Dam improvements are \$2.5 million. The additional Phase 3A work is \$1.5 million and additional engineering and permitting is \$400,000. **Councilor Ciolino** stated that if they authorized the \$5.5 million, it would allow them to move forward with the West Gloucester Water Treatment portion of the work, and there would be a little bit of time to get the rest of the loan authorized for the rest of the work. **Mr. Durkin** stated that was correct. They have the design on the water treatment plant work in technical review with Mass. DEP; and are waiting to submit the completed package to them when they have a positive vote from the Council. **Councilor Tobey** pointed out they don't need a bond authorization vote to meet with consultants, and asked would the delay of two weeks for approval impair putting this work out to bid in August if the Council were to continue this matter to July 24, 2012. **Mr. Durkin** affirmed they would be able to move ahead.

MOTION: On motion by Councilor Tobey, seconded by Councilor Hardy, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 2 (Cox, Theken) absent to continue PH2012--039: Loan Order #2012-009: Loan Authorization for \$12,400,000 to the next regularly scheduled City Council meeting of July 24, 2012.

Council President Hardy reminded the Council that the motion which came out of Budget & Finance was not yet on the floor. The public hearing was ended at the City Council discussion phase.

This public hearing is continued to July 24, 2012.

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

This public hearing is opened.

Those speaking in favor:

David Archambault, Network Building & Consulting of Narragansett, RI representing Sprint Spectrum, LP explained that the applicant wishes to modify an existing wireless communication facility housed on a tower at New Way Lane #50 by updating their antennas and base equipment to handle more data capacity in the area by removing three existing antennas and in their place install three newer technology antennas together with related equipment; six remote radio head units and adding a new equipment shelter and replacing two older cabinets for a total of three equipment shelters at the base of the communications tower. These updates will prevent them from searching out new sites to keep that number as low as possible. **Council President Hardy** confirmed with the Clerk of Committees that the Affidavit Notice to Abutters for the Planning & Development Committee was submitted by the applicant, and stated this public hearing had been duly advertised in a local newspaper as well. **Mr. Archambault** explained there were several concerns raised by the P&D Committee regarding the existing site. He viewed it to

address those concerns, confirming there were no dead trees or tree limbs that were part of the site that would hinder or endanger anyone or equipment. As to the question of planting shrubs around the site, there is a mix of shrubs and brush on three sides of the compound leaving space where the locked gate is situated with signage on it. Signs, however, are only on one side right now. The tower owner from whom Sprint Spectrum LP leases their space was spoken to and would see that signage was posted on all four sides, although some signs would then be behind bushes. **Council President Hardy** pointed out if they have to cut bushes down to make the signage visible as was originally conditioned, it will have to be done; it is safety first. **Mr. Archambault** also confirmed that the fencing is 3 to 5 inches above ground all the way around the compound, which was another concern. He reiterated that the compound is locked.

Those speaking in opposition: None.

Communications: None.

Questions:

Council President Hardy inquired as to when the signs would be put up. **Mr. Archambault** stated it would be a minimum of a month or a month and a half after the decision has been adopted and will be done before they apply for the building permit. **Council President Hardy** stated the Building Inspector would be involved in this matter as well to ensure compliance.

This public hearing is closed.

MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant Sprint Spectrum, LP a Special Council Permit (SCP2012-007) for modification of an existing Wireless Communications Facility pursuant to Section 5.13.7 to remove three (3) existing antennas and to install three (3) newer technology antennas, together with six (6) remote radio head units, and other associated antenna equipment such as cabling, surge arrestors and global positioning system antennas, for new network service upgrades with associated electronic equipment within a new additional Sprint Spectrum LP equipment shelter and replacing two (2) older cabinets for a total of (3) at the base of the tower compound owned by Pasquale Barletta Tower Co., located at New Way Lane #50, Gloucester, MA (Assessors Map #221, Lot #46) zoning classification R-30 with the following conditions to continue to apply as set forth in the original Special Council Permit:

- 1) Removal of two trees as noted at the original site visit (one dead and one dying);
- 2) Planting of shrubbery around the perimeter of the site;
- 3) Caution signs installed on all four sides of the fence and the main panel to be secured with locks;
- 4) That the fencing be brought down towards the ground to prevent access underneath;
- 5) That an independent review of radio frequency levels and sound emissions be conducted on behalf of the City of Gloucester [by Nextel, Inc.] Personal Wireless Service Facility at 50 New Way Lane, and that the applicant be responsible for the cost of such reviews, which shall be completed and filed with the city Council within 180 days from the date of the issuance of the permit; and provided further, that if the results of that study do not comply with the FCCC/RF guidelines, this permit will be null and void *[end of original permitted conditions]*;
- 6) And, that Sprint Spectrum LP is not to impede use of the communication tower located at New Way Lane #50 by Gloucester public safety organizations when maintaining and installing hardware necessary to their communications systems.

DISCUSSION: None.

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted **BY ROLL CALL 7 in favor, 0 opposed, 2 (Cox, Theken) absent** to grant Sprint Spectrum, LP a Special Council Permit (SCP2012-007) for modification of an existing Wireless Communications Facility pursuant to Section 5.13.7 to remove three (3) existing antennas and to install three (3) newer technology antennas, together with six (6) remote radio head units, and other associated antenna equipment such as cabling, surge arrestors and global positioning system antennas, for new network service upgrades with associated electronic equipment within a new additional Sprint Spectrum LP equipment shelter and replacing two (2) older cabinets for a total of (3) at the base of the tower compound owned by Pasquale Barletta Tower Co., located at New Way Lane #50, Gloucester, MA (Assessors Map #221, Lot #46) zoning classification R-30 with the following conditions to continue to apply as set forth in the original Special Council Permit:

- 1) Removal of two trees as noted at the original site visit (one dead and one dying);
- 2) Planting of shrubbery around the perimeter of the site;

- 3) **Caution signs installed on all four sides of the fence and the main panel to be secured with locks;**
 - 4) **That the fencing be brought down towards the ground to prevent access underneath;**
 - 5) **That an independent review of radio frequency levels and sound emissions be conducted on behalf of the City of Gloucester [by Nextel, Inc.] Personal Wireless Service Facility at 50 New Way Lane, and that the applicant be responsible for the cost of such reviews, which shall be completed and filed with the city Council within 180 days form the date of the issuance of the permit; and provided further, that if the results of that study do not comply with the FCCC/RF guidelines, this permit will be null and void [end of original permitted conditions];**
 - 6) **And, that Sprint Spectrum LP is not to impede use of the communication tower located at New Way Lane #50 by Gloucester public safety organizations when maintaining and installing hardware necessary to their communications systems.**
4. **PH2012- 040: Amend Chapter 22, Sec. 22-287 “Disabled veteran, handicapped parking” re: Eastern Avenue #19**

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to AMEND the Gloucester Code of Ordinances, Chapter 22, Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING: “one handicapped parking space in front of Eastern Avenue #19.”

DISCUSSION:

Councilor Whynott commented this was passed unanimously by the Traffic Commission. They did confirm the person requesting the creation of the handicapped space was in need.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the City Council voted **BY ROLL CALL 7** in favor, **0** opposed, **2** (Cox, Theken) absent to AMEND the Gloucester Code of Ordinances, Chapter 22, Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING: “one handicapped parking space in front of Eastern Avenue #19.”

5. **PH2012- 041: Amend GCO Sec. 22-274 “Two Hour Parking” re: Washington Street #133**
6. **PH2012-042: Amend GCO Sec. 22-287 “Disabled Veteran, handicapped parking” re: Washington Street #133**

These public hearings are opened.

Those speaking in favor: None.

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 GCO Sec. 22-274 (Two Hour Parking) by DELETING “Azorean lot, after the current entrance, and beginning ten feet from pole #27-1, in a southerly direction, on the easterly side for a distance of 85 feet (approximately 4 spaces)” and by ADDING “Washington Street, beginning at a point 127 feet from Railroad Avenue, in a northerly direction on the easterly side, for a distance of 66 feet (approximately 3 spaces)”.

DISCUSSION:

Councilor Whynott explained that this change to the Code of Ordinances was recommended by the Traffic Commission as the Council Order was presented and also voted unanimously by the O&A Committee.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 2 (Cox, Theken) absent to AMEND GCO Sec. 22-274 (Two Hour Parking) by DELETING “Azorean lot, after the current entrance, and beginning ten feet from pole #27-1, in a southerly direction, on the easterly side for a distance of 85 feet (approximately 4 spaces)”; and by **ADDING “Washington Street, beginning at a point 127 feet from Railroad Avenue, in a northerly direction on the easterly side, for a distance of 66 feet (approximately 3 spaces)”**.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sec. 22-287 (Disabled Veteran, Handicapped Parking) by ADDING “133 Washington Street one space on the easterly side, beginning at a point 105 feet from Railroad Avenue in a northerly direction for a distance of 22 feet.

DISCUSSION: None.

MOTION: On motion by Whynott, seconded by Councilor Tobey, the City Council voted 7 in favor, 0 opposed, 2 (Cox, Theken) absent to AMEND GCO Sec. 22-287 (Disabled Veteran, Handicapped Parking) by ADDING “133 Washington Street one space on the easterly side, beginning at a point 105 feet from Railroad Avenue in a northerly direction for a distance of 22 feet.

7. PH2012-043: Amend Chapter 22, Sec. 22-159 “Parking prohibited between certain hours and on certain days” re: Davis Street Extension
8. PH2012-044: Amend Chapter 22, Sec. 22-265 “Turning Movements-Generally” re: Chapel Street at its Intersection with Davis Street Extension
9. PH2012-045: Amend Chapter 22, Sec. 22-267 “One-Way Street-Generally” re: adding Chapel Street
10. PH2012-046: Amend Chapter 22, Sec. 267 “One-Way Street-Generally” re: deleting Chapel Street from Davis Street Extension to the intersection with East Main Street during certain hours when school is in Session

These public hearings are opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Questions: None.

These public hearings are closed.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to AMEND the Gloucester Code of Ordinances, Chapter 22, Sec. 22-159 (Parking prohibited between certain hours and on certain days) by ADDING a new subsection (3) as follows:

“(3) Davis Street Extension beginning at the northwest corner of 3 Davis Street Extension and continuing southeasterly on the southerly side for a distance of 60 feet between the hours of 8:00 a.m. to 9:00 a.m. and 2:00 to 3:00 p.m. on school days when school is in session.”

DISCUSSION:

Councilor Whynott stated that there was a great deal of work done on this matter by Ward 1 Councilor McGeary; Robert Ryan, Traffic Commission Chair; Lt. Joseph Aiello of the Gloucester Police Department; Mike Hale, DPW Director; then Principal of East Gloucester Elementary School, Greg Bach; and now retired Assistant Superintendent Brian Tarr. As a result, the following motions reflect a coordinated effort on the part of these people with the active participation of neighbors of the East Gloucester Elementary School. **Councilor McGeary** thanked everyone involved who worked on this matter. He explained that in April, working under an emergency Police order, they tried the new traffic pattern for a few days. There was a problem with cars coming in the Davis Street Extension making it difficult for school buses to pick up students because corners were too tight. After this test run, was clear

there were other problems associated with accessing the school during drop off and pick up times. The traffic now will come down Chapel Street and will have to exit on Davis Street unless they are school staff vehicles or a school bus. Neighbors he spoke with who were originally concerned were pleased with the results of the changes with the smoother flow of traffic, and most importantly making it safer for the children.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 2 (Cox, Theken) absent to AMEND the Gloucester Code of Ordinances, Chapter 22, Sec. 22-159 (Parking prohibited between certain hours and on certain days) by ADDING a new subsection (3) as follows:

“(3) Davis Street Extension beginning at the northwest corner of 3 Davis Street Extension and continuing southeasterly on the southerly side for a distance of 60 feet between the hours of 8:00 a.m. to 9:00 a.m. and 2:00 to 3:00 p.m. on school days when school is in session.”

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to AMEND the Gloucester Code of Ordinances, Chapter 22, Sec. 22-265 (Turning Movements – Generally) by ADDING: “Chapel Street at its intersection with Davis Street Extension ascending from East Main Street, right turn only between the hours of 8:00 a.m. to 8:45 a.m. and 2:00 p.m. and 2:45 p.m. on school days when school is in session. Chapel Street, at its intersection with Davis Street Extension descending from Mt. Pleasant Avenue, left turn only between the hours of 8:00 a.m. to 8:45 a.m. and 2:00 p.m. to 2:45 p.m. on school days when school is in session.”

DISCUSSION:

Councilor Verga asked if temporary signage was being used and be up to school staff to post and remove each day. **Councilor McGeary** understood the crossing guard at Davis and Chapel Streets puts up signage and moves sawhorses into place, moving them aside when a school bus or staffer comes in to go to the school, and then removes them once school is in session. The Traffic Commission will revisit this matter in six months to see how this works for a semester to see if the ordinance requires tweaking at that time. **Councilor Whynott** also pointed out this would not inhibit anyone who is handicapped from driving into the school area which the school crossing guard is aware of.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 2 (Cox, Theken) absent to AMEND the Gloucester Code of Ordinances, Chapter 22, Sec. 22-265 (Turning Movements – Generally) by ADDING: “Chapel Street at its intersection with Davis Street Extension ascending from East Main Street, right turn only between the hours of 8:00 a.m. to 8:45 a.m. and 2:00 p.m. and 2:45 p.m. on school days when school is in session. Chapel Street, at its intersection with Davis Street Extension descending from Mt. Pleasant Avenue, left turn only between the hours of 8:00 a.m. to 8:45 a.m. and 2:00 p.m. to 2:45 p.m. on school days when school is in session.”

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to AMEND the Gloucester Code of Ordinances, Chapter 22, Sec. 22-267 (One-Way Streets – Generally) by ADDING: “Chapel Street, in an easterly direction, from the intersection of East Main Street to Davis Street Extension during the hours of 8:00 a.m. to 8:45 a.m. and 2:00 p.m. to 2:45 p.m. on school days when school is in session. Chapel Street, in a westerly direction, from Mt. Pleasant Avenue to Davis Street Extension during the hours of 8:00 a.m. to 8:45 a.m. and 2:00 p.m. to 2:45 p.m. on school days when school is in session. Davis Street in a southerly direction, from its intersection with Davis Street Extension to Highland Street during the hours of 8:00 a.m. to 8:45 a.m. and 2:00 p.m. to 2:45 p.m. on school days when school is in session.”

DISCUSSION: None.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 2 (Cox, Theken) absent to AMEND the Gloucester Code of Ordinances, Chapter 22, Sec. 22-267 (One-Way Streets – Generally) by ADDING: “Chapel Street, in an easterly direction, from the intersection of East Main Street to Davis Street Extension during the hours of 8:00 a.m. to 8:45 a.m. and 2:00 p.m. to 2:45 p.m. on school days when school is in session. Chapel Street, in a westerly direction,

from Mt. Pleasant Avenue to Davis Street Extension during the hours of 8:00 a.m. to 8:45 a.m. and 2:00 p.m. to 2:45 p.m. on school days when school is in session. Davis Street in a southerly direction, from its intersection with Davis Street Extension to Highland Street during the hours of 8:00 a.m. to 8:45 a.m. and 2:00 p.m. to 2:45 p.m. on school days when school is in session.”

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to AMEND the Gloucester Code of Ordinances, Chapter 22, Sec. 22-267 (One-Way Streets – Generally) by DELETING: “Chapel Street, from Davis Street Extension to the intersection with East Main Street during the hours of 7:30 a.m. to 8:30 a.m. and 1:30 p.m. to 2:30 p.m. on school days when school is in session.”

DISCUSSION:

Councilor Whynott explained that this motion is to delete what was currently in the Gloucester Code of Ordinances originally placed as a temporary measure. The preceding motions now replace this one temporary measure.

Councilor McGeary confirmed this section needs to be deleted as they are now reversing the direction of traffic by the motions just passed.

MOTION: On motion by Councilor Whynott, seconded by Councilor Verga, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 2 (Cox, Theken) absent to AMEND the Gloucester Code of Ordinances, Chapter 22, Sec. 22-267 (One-Way Streets – Generally) by DELETING: “Chapel Street, from Davis Street Extension to the intersection with East Main Street during the hours of 7:30 a.m. to 8:30 a.m. and 1:30 p.m. to 2:30 p.m. on school days when school is in session.”

Unfinished Business: None.

Individual Councilor’s Discussion including Reports by Appointed Councilors to Committees:

Councilor

Councilors’ Requests to the Mayor:

Councilor Whynott requested that the repair of the elevator in City Hall be expedited, expressing his opinion that no meeting should be held in Kyrouz Auditorium until it is repaired as it inhibited handicapped persons from attending meetings there.

Councilor Tobey asked that the DPW, now that it is July, to get message boards for the Grant Circle area and the Concord Street exit area, so that when the beach parking lots are full folks don’t go down to them backing up City streets and inhibiting the residents from passage. He received many calls on the back up of vehicles at Good Harbor Beach, and asked they take care of it by the following weekend.

Councilor McGeary expressed his agreement with Councilor Tobey’s request. He will also be having a ward meeting at 6:30 p.m. in the City Hall 1st Fl. Conference Room.

Councilor Ciolino reminded the Council of the replacement of the flag poles for the Vietnam Memorial using some City Council funds. With the support and help of Gorton’s of Gloucester, one of their trucks will pick them the poles up in Connecticut carrying them to the City on top of a load of fish. The Administration has committed the DPW to install the flag poles. This is all in honor of the 50th anniversary of the Vietnam War. They are looking for someone to donate landscaping time to install some shrubs to further beautify the memorial. The Downtown Block Parties are the third Saturday of July, August and September. He suggested everyone visit the downtown at that time.

Councilor LeBlanc noted Firefighter Michael Smith was a childhood friend and would mourn his loss.

Council President Hardy reminded the City Council the Charter allows the Council to require any city officer, member of a multiple-member body or city employee to appear before it to give information the Council may require in relation to the City services, functions, powers or duties under Sec. 2-6(b) City Officers; Members of Multiple-Member Bodies, and City Employees, and expressed the Council did need to hear first-hand what the CIAB has been doing. She asked the City Clerk’s office to reach out to the CIAB to set a date for their appearance before the Council and offered the following motion:

MOTION: On motion by Council President Hardy, seconded by Councilor Tobey, the City Council voted 7 in favor, 0 opposed, 2 (Cox, Theken) absent requesting that the CIAB appear before the City Council at an upcoming meeting to report on their agenda schedule; what matters are currently before the Board and as to why the Council had not had communication with that Board for some time pursuant to City Charter Sec. 2-6(b).

Councilor Whynott stated the City needs to do something to get rid of the rag weed which negatively affects many residents annually, and asked the City Council to request through the Mayor to have the DPW use their “Tiger” machine to cut it down around the City. **Councilor Tobey** added he asked the Health Department several years ago to look into this same matter, it being a public health issue, and should be referred to that department as well.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:36 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Copy of letter to Dr. Grant, CEO Lahey Health Systems and cover letters and survey entitled “North Shore and Cape Ann Community Health Needs Assessment sponsored by Addison Gilbert Hospital and Beverly Hospital dated May 2012 submitted by Margaret O’Malley, RN and Co-Chair of Partners for Addison Gilbert Hospital