

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, August 14, 2012 – 7:00 p.m.

Kyrouz Auditorium – City Hall

**-MINUTES-**

**Present: Chair, Councilor Jacqueline Hardy; Vice Chair, Councilor Sefatia Theken; Councilor Joseph Ciolino; Councilor Melissa Cox; Councilor Steve LeBlanc, Jr.; Councilor Paul McGeary; Councilor Bruce Tobey; Councilor Greg Verga; Councilor Robert Whynott**

**Absent: None**

**Also Present: Linda T. Lowe; Fire Chief Eric Smith; Mary Richardson; Gregg Cademartori**

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

**Flag Salute & Moment of Silence.**

**Oral Communications:**

**David Hodgkins**, 550 Essex Avenue spoke about the Veterans' Services Department's Principal Clerk, Lucia Amero, who has been working alone for several months as no Director of Veterans' Services has been hired to date. He commended Ms. Amero's knowledge base and willingness to help at all times. He asked Ms. Amero be recognized for the work she does on behalf of the City's veterans. **Council President Hardy** expressed appreciation for Mr. Hodgkin's sentiment and noted Ms. Amero has been recognized for her work on behalf of the City's veterans many times by the Council and that a new Director of Veterans' Services is in the process of being hired.

**Consent Agenda:**

• **MAYOR'S REPORT**

1. Appointment of Personnel Director Sally Polzin TTE 02/14/13 (Refer O&A)
2. Request to create a City of Gloucester Water Advisory Committee (Refer O&A)
3. Memorandum, Grant Application & Checklist from Health Director re: BSAS Mass Call Extension Grant for \$70,000 (Refer B&F)
4. Memorandum, Grant Application & Checklist from Health Director re: grant for \$188,742 from Mass Dept. Public Health Emergency Preparedness Bureau (Refer B&F)
5. Memorandum, Grant Application & Checklist from Health Director re: grant for \$5,000 from National Association of County & City Health Officials (Refer B&F)
6. Memorandum, Grant Application & Checklist from Health Director re: grant for \$14,285 from Mass Dept. of Public Health Emergency Preparedness Bureau (Refer B&F)
7. Memorandum from Police Chief requesting permission to pay invoice for services performed by Sgt. Stephen Mays from FY12 With FY13 funds (Refer B&F)
8. Memorandum from Police Chief requesting permission to pay invoice to Destino's Subs from FY12 with FY13 funds (Refer B&F)
9. Memorandum from Police Chief requesting permission to pay invoice from Dell Computers from FY12 with FY13 funds (Refer B&F)
10. Memorandum, Grant Application & Checklist from Police Chief re: State 911 Training & Emergency Medical Grant for \$92,186 (Refer B&F)
11. Memorandum, Grant Application & Checklist from Police Chief re: State 911 Support & Incentive FY13 Grant for \$61,795 (Refer B&F)
12. Memorandum from Building Inspector requesting permission to pay invoice from Sprint/Nextel from FY12 with FY13 funds (Refer B&F)
13. Memorandum from CFO requesting permission to pay invoice from D'Ambrosio, Brown, LLP from FY12 with FY13 funds (Refer B&F)
14. Memorandum from CFO requesting permission to pay prior years invoices from Gloucester Contributory Retirement System From FY13 Funds (Refer B&F)
15. Memorandum, Grant Application & Checklist from Senior Center Coordinator re: FY13 Formula Grant Allocation from Executive Office of Elder Affairs (Refer B&F)

• **INFORMATION ONLY**

1. Communications from Kenneth Hanover Pres/CEO of Northeast Health System re: July 13, 2012 Letter from Peggy O'Maley (Info Only)
2. Response to Oral Communications of July 20, 2012 City Council Meeting re: National Grid (Info Only)

• **APPLICATIONS/PETITIONS**

1. SCP2012-009: GZO Sec. 1.5.5(b), Sec. 3.1.6(b) and Sec. 3.2 for building height over 35' re: Washington Street #132 (Refer P&D)
2. SCP2012-010: GZO Sec. 5.25 Hotel Overlay District re: Commercial Street #47-#61 (Refer PB & P&D)
3. Request & application from Gloucester Fund to hold Labor Day Concert on the Boulevard on September 1, 2012 (Refer P&D)

• **COUNCILORS ORDERS**

1. CC2012-043 (McGeary) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: deleting one space Eastern Avenue #34 (No Referral Required)
2. CC2012-044 (McGeary) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: adding one space Harrison Avenue #2 (Refer TC & O&A)
3. CC2012-045 (Tobey/Hardy) Review of outdoor portable toilets & consideration of new regulations or new ordinance (Refer O&A & P&D)
4. CC2012-046 (Hardy) Review of outdoor dumpsters & consideration of new regulations or new ordinance (Refer O&A & P&D)

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

1. City Council Meeting: 07/24/12 (Approve/File)
2. Standing Committee Meetings: B&F 08/09/12 (under separate cover), O&A 08/06/12, O&A Workshop 08/07/12; Joint P&D & P&D Meeting 06/07/12, Joint P&D & P&D Meeting 7/19/12, Joint Meeting P&D & PB 08/02/12 (under separate cover), Special P&D Meeting 08/13/12 (under separate cover) (Approve/File)

**Items to be added/deleted from the Consent Agenda:**

**Councilor Tobey** asked to remove Items #2 under Applications/Petitions the Special Council Permit #2012-010 by Beauport Gloucester LLC under GZO Sec. 5.25 Hotel Overlay District re: Commercial Street #47-#61.

**Councilor Hardy** wished to pull Item #2 under Approval of Minutes from Previous Meetings, Standing Committee Minutes.

**Councilor Tobey** commented on Item #2, the application for Special Council Permits (SCP) for construction permits for the hotel under the terms of the overlay district on Commercial Street: This matter will be referred tonight by the Council to both the P&D and the Planning Board. It is already under review by the Conservation Commission (ConCom). ConCom's review is relatively narrow; and even though it will have a public hearing, there will be limited public input because the issue is limited. Similarly, as a matter of law, either before P&D or the Planning Board, public input is very limited; particularly at Planning Board which holds only a site review. On Wednesday, August 22<sup>nd</sup> in the 1<sup>st</sup> floor Council Committee Room at City Hall at 7 p.m., P&D will meet. The first item on the agenda is to be a discussion by the Committee as to how they would structure their review so that at an appropriate point in their process they can schedule ahead of time a workshop setting with structured opportunities for public input on the project. In this way, the first opportunity for public input does not happen at the City Council's public hearing at the end of a review process. They should also consider at P&D how written submittals are received on this matter so that they are received to optimize Councilor review opportunities. **The matter was unanimously referred to the P&D Committee and the Planning Board by unanimous consent.** **Councilor Cox** suggested they meet in Kyrouz Auditorium be the venue for the August 22<sup>nd</sup> meeting. **Councilor Tobey** pointed out that people will need to recognize is that the P&D Committee review process is a matter of law and policy, and are public meetings open for observation not for participation. To the extent to accommodate an increased capacity for public observation, that would be less of the case at the Committee's next meeting as they will be only speaking to procedural not substantive matters at that meeting. **Council President Hardy** also noted that not only is the applicant seeking a major permit under GZO Sec. 5.7 and through that under Sec. 5.25 (Overlay District) but are also requesting a separate special permit under Sec. 5.5.4 (Lowlands) which is referenced in the Overlay District under GZO Sec. 5.25.7.2. They are two, distinctive, separate matters.

**Council President Hardy** noted under Item #2 under Approval of Minutes from Previous Meetings, Standing Committee Minutes, there was no P&D Meeting on Monday, August 13<sup>th</sup> and so there are no minutes to approve.

**By unanimous consent the Consent Agenda was accepted as amended.**

**Committee Reports:**

**Budget & Finance: August 9, 2012**

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept under MGL c. 44, §53A a three-year federal grant from the Environmental Protection Agency (EPA) Brownfields Division \$400,000 for Assessment of hazardous substances (\$200,000) and petroleum releases (\$200,000) covering the period of October 1, 2012 through September 30, 2015.

**DISCUSSION:**

**Councilor McGeary** offered this is a new grant which allows the City to use the funds for assessing whether there are environmental degradations on public or private properties in the City. There is no match. This will be very helpful in identifying those areas that may need further attention. They have under a revolving loan fund the ability to help out both private land owners and the City when it is time to remediate them. This grant money is simply to identify those sites in need of remediation under the Environmental Protection Act.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to accept under MGL c. 44, §53A a three-year federal grant from the Environmental Protection Agency (EPA) Brownfields Division \$400,000 for Assessment of hazardous substances (\$200,000) and petroleum releases (\$200,000) covering the period of October 1, 2012 through September 30, 2015.**

**Ordinances & Administration: August 6, 2012**

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 that a letter be sent to the MassDOT requesting permission to allow two 30-minute parking spaces, plus one handicapped parking space in front of the WWII Memorial on McKinnon Triangle at Kent Circle on Western Avenue.

**DISCUSSION:**

**Councilor Theken** stated this for parking in front of the WWII monument and endorsed this motion. **Councilor Whynott** expressed while there is no parking currently allowed in front of the WWII Memorial, parking does occur there. They wish to ask MassDOT through the City's State legislators to ask that a few spaces for 30 minutes be created, and additionally a handicap space, to allow folks to come and see the memorial. There was concern expressed for a domino effect with more groups representing other monuments nearby asking for a similar consideration, but he was not concerned by this fact and would support those requests also. Something needs to be done at this memorial to create a better parking situation which is under the auspices of the State, and he asked for Council support. **Council President Hardy** confirmed this is just for a letter to be sent.

**MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed that a letter be sent by the City Clerk to the MassDOT requesting permission to allow two 30-minute parking spaces, plus one handicapped parking space in front of the WWII Memorial on McKinnon Triangle at Kent Circle on Western Avenue.**

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 that a letter be sent to the MassDOT asking that parking can be authorized on the westerly side of Essex Avenue from Kent Circle to Western Avenue.

**MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed that a letter be sent by the City Clerk to the MassDOT asking that parking can be authorized on the westerly side of Essex Avenue from Kent Circle to Western Avenue.**

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 that CC2012-036 be withdrawn from consideration.

**DISCUSSION:**

**Councilor LeBlanc** explained that he had received several complaints from people in this neighborhood on Washington Street in the area of Stone Court of train commuters parking in this area and so submitted a Council Order. Upon further investigation, he found that more folks in the neighborhood were against rather than for this change to the Code of Ordinances. His investigation revealed further that there were not as many cars parked in the area by commuters as previously thought, and so he had asked his order be withdrawn.

**MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed to allow CC2012-036 to be withdrawn from Council consideration.**

**Councilor Cox** then offered an **Emergency Preamble** under the City Charter, Sec. 2-11(b) declaring that there was an emergency: owing to the heavy traffic and overcrowding of parking areas on Rogers Street (I4-C2) which involves the safety of the people of the people of Gloucester and visitors to Gloucester and therefore to immediately create and approve a public off-street parking area under the Gloucester Code of Ordinances, Sec. 22-228 (Off Street

Parking Areas) which can be immediately used for the summer season (65 Rogers Street) and constitutes an emergency under Charter Section 2-11(b). **Councilor Whynott** seconded the motion.

#### **DISCUSSION:**

**Council President Hardy** looked for clarification as the matter is going forward to public hearing although not this evening, it would be marked up for public hearing but is not yet heard by the Council. She questioned whether an emergency order was necessary at this time. **Councilor Whynott** reviewed at that the O&A meeting they had discussed this matter and had determined the creation of a parking lot on that parcel had to be done properly with appropriate markings because there have been arguments among drivers and other issues happening there. He understood there will be a public hearing, but it will take some time to get the ordinance on the books and the O&A Committee had expressed their concern regarding the public safety for that area.

The Council then discussed procedural matters with regard to an emergency order and when it was appropriate to bring such an order forward.

**Councilor Cox** expressed her concern that after seeing what happened there after the Block Party and the Sidewalk Bazaar with the overcrowding, people were being ticketed and towed from a parking lot that was not an official City parking lot and didn't understand how that could be enforced. She witnessed several irate exchanges between drivers coming out of the parking lot because there was no parking. There is nothing there but still it is used as a parking lot. It is about adding structure with clearly delineated parking spaces to her appeared to be very important from a public safety standpoint before the next city-wide event. **Council President Hardy** noted there are no lines there, no delineation as to where anyone should park their vehicle. Councilor Cox assured the lines would be painted the following day should the emergency preamble pass. **Council President Hardy** expressed her opinion the Council could hold off on the emergency order that being the case, and suggested Councilor Cox could request more enforcement.

**Councilor Verga** reviewed that this was brought up at the O&A meeting of August 6<sup>th</sup> during the discussion on the kiosks and how could the City charge for parking there is if the property was not yet declared a public parking lot under the Code of Ordinances. The kiosks there were supposed to have gone on line on the 14<sup>th</sup> or 15<sup>th</sup> of August at I4-C2. He suggested it was a disconnect; that they have a parking lot that's really not a parking lot and are about to charge for parking there. He stated he did not vote for a \$1.5 million purchase of a parcel to make it a parking lot.

**Councilor Tobey** asked when will the City be able to charge off the kiosks at I4-C2 for folks to park there; are they being asked approve an ordinance change authorizing that this evening, and expressed the belief the answer was , "No". Until they do, the City can't legally charge people for parking there until then; which **Council President Hardy** confirmed to be her understanding as well. **Councilor Tobey** continued that what they are dealing with now subsequently is the appropriate administration of that area for parking for free in the meantime. He emphasized from the point of view of making sure it is done right moving forward and whether and how people have to start paying to use I4-C2, the failure of others to plan should not drive the Council to do the wrong thing but rather have to do this right. On one hand they can have a motion entertained asking the Administration to paint lines to make sure this is not a disorderly situation. That, he said, would be the limit of what they are doing this evening.

**Councilor Cox** said she was not as worried about paying for parking, but was more concerned about structure and the ability to have control over that area being used as a parking lot. People were upset they were towed. It did not seem right they are enforcing tickets and towing when it is not an official lot.

**Councilor McGeary** stated in the Charter under emergency measure it does not state the nature of a measure; a measure is simply passable by preamble, and expressed his presumption the Council could amend the Code of Ordinances as an emergency and have it take effect, given that it must expire on the 61st day after the passage of the emergency order unless they subsequently pass the actual ordinance change as a permanent measure. He asked for if the Council has the authority under an Emergency Preamble to amend the Code of Ordinances for 61 days without a public hearing.

**Councilor Tobey** asked the emergency measure be read again to be certain it is eligible to be treated as an emergency. **Councilor Ciolino** did not consider this situation an emergency. The DPW Director is in charge of that lot. Councilor Cox could work with the DPW Director to set lines down at the property. As to vehicles being towed, there is a section of the property designated for lobstermen to park with appropriate signage. People have always been ticketed for parking illegally in those spaces. They need to make provisions to delineate the parking spaces, but it is not an emergency. **Councilor Cox** stated she knew the spots cars were towed from were not the spots designated for lobstermen parking. The ticket stated the vehicles were blocking other cars and improperly parked.

**Councilor McGeary** stated as a point of information that the Administration's original plan was to handle this as a regulatory matter and have the Council approve the regulations; but because that would take time, it was offered as a suggestion that doing an emergency preamble could accomplish what regulations could not because an emergency action has a built-in sunset clause of 61 days and so it was thought this might be the best way to accomplish the goal which was to regulate what is currently going on at I4-C2. **Councilor Whynott** thanked Councilor McGeary and added that the DPW Director had stated it would be a regulation and didn't think it had to come to the Council. However, City Clerk, Linda T. Lowe at the O&A meeting had stated it did, which was correct. All regulations come to the Council for approval, not necessarily for public hearing. The Administration was planning on charging for parking on the property right away; and if that had transpired that would have been a difficult situation, as well as not having the lot not properly marked and with appropriate signage. Ultimately, the Committee considered the problems there as safety issues. **Councilor Tobey** expressed great concern that the Administration believed this could be done by regulation; which would be unprecedented. There is a framework where the Administration proposes, or others propose ordinances; and they are enacted by the Council. The provisions in the Charter for DPW regulations are narrow and have nothing to do with this kind of operation. **Council President Hardy** noted that the Administration at that meeting recommended this be a temporary parking lot for five years. To her five years did not constitute a temporary situation; and she expressed she would be putting forward an amendment on that issue at the public hearing because that is not temporary and is not an allowable use in the DPA.

At this time **Councilor Cox** read again the Emergency Preamble. Upon completion of the reading, **Councilor Tobey** commented that the word "preamble" implies there is something else to follow and assumed that this is the case, and this is the emergency matter before them. **Councilor McGeary** added that the Charter states there is a preamble that declares an emergency and then a second motion would need to come forward to make 65 Rogers Street a public parking lot and expressed the belief this was a two step process which **Council President Hardy** confirmed.

#### **Emergency Preamble:**

**MOTION: On motion by Councilor Cox, seconded by Councilor Whynott, the City Council, the City Council voted 8 in favor, 1 (Ciolino) opposed to adopt the following Emergency Preamble under Charter Sec. 2-11(b):**

**Owing to the public safety issues involving heavy traffic and overcrowding of parking areas on Rogers Street which involves the safety of the people of parking areas on Rogers Street which involves the safety of the people of Gloucester and visitors to Gloucester, we therefore declare this constitutes an emergency; and therefore immediately create and approve a public off-street parking area at 65 Rogers Street under the Gloucester Code of Ordinances, Sec. 22-228 (Off Street Parking Areas) which can be immediately used for the summer season."**

**MOTION PASSES.**

**Councilor Theken** then offered a motion under the emergent situation declared by the Council as follows:

**MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to AMEND the GCO Chapter 22, Sec. 22-288 (Off-street parking areas) by ADDING: "65 Rogers Street Parking Lot (Assessors Map #9, Lot #1), containing 115 parking spaces, including five handicapped parking spaces. There shall be a ten (10) hour limit between the hours of 8:00 a.m. to 6:00 p.m. Vehicles violating the hours of operation will be ticketed and towed. This parking lot shall be in effect for no longer than five years from August 15, 2012.**

#### **DISCUSSION:**

**Councilor Theken** pointed out this is the motion that would come forward at the public hearing which does contain the five year period for keeping 65 Rogers Street as a parking lot. **Councilor Whynott** offered a pointed of information that is nothing the Council can vote that can't be changed. A year from now they can change the number of years allowed.

**Councilor Whynott** then offered an amendment to the motion on the table that the hours of operation are from 9 a.m. to 6 p.m. like all of the other parking places in the City. **Councilor Cox** seconded the amendment to on the hours of operation.

**Councilor Tobey** stated it made no difference as to the hours of operation as they are not voting for authorizing people to pay for parking there when meters or kiosks are in effect. Council President Hardy confirmed they are not dealing with people paying for parking in this area this evening. **Councilor Tobey** offered he did not believe they don't need that. He also expressed Councilor Cox was correct that all they are doing is good for 60 days. Therefore, the Council just needs a motion to they set up "X" number of spaces for 60 days under the provisions of the ordinance that regulates the structure of what goes on not the collection of money. **Councilor Cox** expressed the motion that should have been read was another put forward at the August 6<sup>th</sup> O&A meeting to add 65 Rogers Street as a parking lot only to add it to the parking lot list.

**The Council unanimously allowed the motion put forward by Councilor Theken to be withdrawn, thereby making the amendment offered to it by Councilor Whynott moot.**

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to AMEND the GCO Chapter 22, Sec. 22-290 (Same-Off-street parking areas) by ADDING: "65 Rogers Street Parking lot, spaces one through 115."

#### **DISCUSSION:**

**Councilor Theken** offered an amendment to the motion on the table to add "which includes the creation of five handicap parking spaces, seconded by **Councilor Ciolino**. The amendment to the motion on the table was passed unanimously by the Council.

#### Temporary Amendment to the Gloucester Code of Ordinances Under Declared Emergency:

MOTION: On motion by Councilor Cox, seconded by Councilor Verga, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND the GCO Chapter 22, Sec. 22-290 (Same-Off-street parking areas) by ADDING: "65 Rogers Street Parking Lot, spaces 1 through 115 which includes the creation of five (5) handicapped parking spaces."

#### **MOTION PASSES.**

Under Charter Sec. 2-11(b), this ordinance amendment shall expire on the 61<sup>st</sup> day unless further extended or permanently enacted.

**Planning & Development: August 13, 2012 – Cancelled.**

**There were no items for Council action.**

#### Scheduled Public Hearings (Public Hearing #3 was taken up out of order):

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

**Linda T. Lowe**, City Clerk advised that the Council was in receipt of a letter from the applicants' attorney requesting and agreeing to a continuance of this hearing to September 11, 2012.

**Council President Hardy** then opened and continued the public hearing on Rezoning 2012-003: Atlantic Road #107 & #125, Amend GZO to create a new Existing Hotel Overlay District to September 11, 2012 at the request of the applicant.

**This public hearing is continued to September 11, 2012.**

- 3. PH2012-054: Amend GCO c. 23, "Utilities", Article V "Non-Storm Water Discharges", Section 23-124 Through 23-136**

**Ms. Lowe** announced that the Administration requests that this public hearing be continued to August 28, 2012.  
**Council President Hardy** opened and continued the public hearing to August 28, 2012.

**This public hearing is continued to August 28, 2012.**

**2. PH2012-053: Amend GCO Sec. 22-287 “Disabled veteran, handicapped parking” re: Cleveland St. #20**

**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 Whynott, 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: “one (1) handicapped parking space in front of Cleveland Street #20”.

**DISCUSSION:**

**Councilor Theken** explained that this matter was vetted by the Traffic Commission who found this was a necessity to create this handicapped parking space. **Councilor Whynott** stated additionally because this was a serious situation they informed the requestor they did not need to appear this evening before the Council.

**MOTION: On motion by Councilor Theken, seconded by Councilor Whynott, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING: “one (1) handicapped parking space in front of Cleveland Street #20.”**

**4. PH2012-054: Amend Gloucester Code of Ordinances, Chapter 2, “Administration”, Art. V “Boards & Commissions, Councils and Committees,” Div. 6A, “Tourism Commission”**

**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 Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to AMEND the Gloucester Code of Ordinances, Chapter 2, “Administration”, Art. V “Boards, Commissions, Councils, and Committees,” Div. 6A “Tourism Commission” as follows:

Sec. 2-471 Purpose:

- (a) In recognition of the continuing need for tourism in the city as a means to encourage economic revitalization and the promotion of history, culture and recreation, a tourism commission DELETE “is hereby recreated and reestablished” and ADD “has been established and shall be funded by the City;”
- (b) It shall be the purpose of the tourism commission to encourage and promote tourism throughout the year and throughout the city. The Commission may undertake but not be limited to the following activities:
  - (1) Recommend ADD “and implement” overall coordinated tourism and DELETE “program and ADD “plan” that is related to the city’s community and economic development activities, historical resources, recreational opportunities, ADD “visitor welcoming” and natural and scenic attractions;

- (2) Recommend the organization, creation and maintenance of tourist attractions ADD “and welcoming services;”
- (3) Recommend and implement DELETE “an advertising” ADD “a marketing program for the city;
- (4) Coordinate public and private DELETE “efforts” ADD “Collaborations and communications concerning tourism within the city;”
- ADD (5) “With assistance of the community development department staff implement and manage a Grant program to help accomplish the purposes referenced in this section.”

#### Sec. 2-472 Tenure; composition

DELETE entire section and ADD new as follows:

“The tourism commission shall consist of not less than seven members and may be up to eleven members if deemed necessary by the tourism commission. All members shall be appointed by the mayor and confirmed by the city council for the following terms:

- (1) At least two members for one year;
- (2) At least three members for two years;
- (3) At least two members for three years; and,

Consideration shall be given so that members are chosen from persons with a vested interest in tourism who are distributed among the several tourism sectors of restaurants, accommodations, tourist attractions, retailers, arts and culture; and there shall be at least one at large member. One member shall be a City Councilor who shall be ex-officio.”

#### Sec. 2-473 Requirements

- (a) Residency requirements. All members shall be residents of the city, ADD “however up to two members, who need not be residents, but who otherwise meet the requirements of this section and section 2-472, may be appointed as ex officio members for a term of up to two (2) years.

DELETE “(b) Membership requirement. One member of the commission shall be a member of the Cape Ann Chamber of Commerce.”

#### Sec. 2-474 Vacancies

“In case of resignation, death or disqualification of any member of the commission, for the purposes of filling the vacancy for any other reason, the appointment DELETE “of” ADD “for” the unexpired term DELETE “immediately” shall ADD “promptly” be made by the mayor and forwarded to the city council for their approval.”

#### Sec. 2-475 Assistance of city officials, boards and employees

DELETE entire section and ADD as follows:

“The commission shall receive regular support and assistance from the community development department including but not limited to planning, implementation, communications and assistance on securing and managing tourism grants. Further, when the commission determines that it requires assistance, the commission may request, through the mayor, and upon request shall receive the serves of and assistance from other city officials and boards on matters based on the performance of their duties.”

Sec. 2-476 DELETE “Semiannual reports” and ADD “Periodic Reports and Plans”.

DELETE entire section and ADD new:

“Beginning in 201\_ the commission, with the assistance of the community development department, shall prepare and submit a five-year plan for tourism to the mayor and the city council; and in addition, based on the execution of the Plan, the commission shall submit quarterly reports with the assistance of the community development department as provided in Sec. 2-475 submitted to the Mayor and forwarded by the Mayor to the City Council.”

**DISCUSSION:**

**Councilor Theken** explained through the O&A and P&D Committees, they held mini-workshops on this matter to start the process to bring forward these amendments to the ordinance, ensuring that all sectors of the tourism community were represented. They added suggestions from the community as to the composition of the Commissions, what is needed to promote the City. They also had an Ad Hoc Committee on Tourism developed through an O&A Workshop which was an inclusive process with good representation from the tourism community; and with the guidance of the City Clerk, Linda Lowe who helped to develop the ordinance amendments before the Council this evening. The Councilor reiterated this was a collaborative effort by members of Gloucester's tourism community and the O&A Committee and expressed she was pleased with the results.

**Councilor Ciolino** expressed his support, complimenting the O&A Committee for their hard work along with the Ad Hoc Committee on Tourism who helped to frame the ordinance. In the past few years the Tourism Commission has been "broken," and likened these ordinance amendments to a repair; that the ordinance did need updating. The visitor economy is important part of the City's economy which requires a good Commission. When this ordinance is in place, Council President Hardy will appoint a City Councilor to be on that Commission which is new. Having a City Councilor on a Commission tends to strengthen and help with the communication between a Commission and the Council. This is a key change in order to move the Tourism Commission forward. **Councilor Tobey** stated another key to success is that the Administration be 100 percent committed to the success of the Tourism Commission and delivers on that commitment. There has been a mixed history of support of the Commission model in the past. This is a great opportunity for a fresh start. **Councilor Cox** commended the O&A for their job well done and looked forward to seeing the newly refreshed Tourism Commission. **Councilor Theken** added her thanks to Councilors Hardy and Cox for bringing the Council Order forward.

**MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND the Gloucester Code of Ordinances, Chapter 2, "Administration", Art. V "Boards, Commissions, Councils, and Committees," Div. 6A "Tourism Commission as follows:**

**Sec. 2-471 Purpose:**

- (a) In recognition of the continuing need for tourism in the city as a means to encourage economic revitalization and the promotion of history, culture and recreation, a tourism commission **DELETE** "is hereby recreated and reestablished" and **ADD** "has been established and shall be funded by the City;"
- (b) It shall be the purpose of the tourism commission to encourage and promote tourism throughout the year and throughout the city. The Commission may undertake but not be limited to the following activities:
  - (1) Recommend **ADD** "and implement" overall coordinated tourism and **DELETE** "program and **ADD** "plan" that is related to the city's community and economic development activities, historical resources, recreational opportunities, **ADD** "visitor welcoming" and natural and scenic attractions;
  - (2) Recommend the organization, creation and maintenance of tourist attractions **ADD** "and welcoming services;"
  - (3) Recommend and implement **DELETE** "an advertising" **ADD** "a marketing program for the city;
  - (4) Coordinate public and private **DELETE** "efforts" **ADD** "Collaborations and communications concerning tourism within the city;"
  - ADD** (5) "With assistance of the community development department staff implement and manage a Grant program to help accomplish the purposes referenced in this section."

**Sec. 2-472 Tenure; composition**

**DELETE** entire section and **ADD** new as follows:

**“The tourism commission shall consist of not less than seven members and may be up to eleven members if deemed necessary by the tourism commission. All members shall be appointed by the mayor and confirmed by the city council for the following terms:**

- (1) At least two members for one year;**
- (2) At least three members for two years;**
- (3) At least two members for three years; and,**

**Consideration shall be given so that members are chosen from persons with a vested interest in tourism who are distributed among the several tourism sectors of restaurants, accommodations, tourist attractions, retailers, arts and culture; and there shall be at least one at large member. One member shall be a City Councilor who shall be ex-officio.”**

#### **Sec. 2-473 Requirements**

- (a) Residency requirements. All members shall be residents of the city, ADD “however up to two members, who need not be residents, but who otherwise meet the requirements of this section and section 2-472, may be appointed as ex officio members for a term of up to two (2) years.**

**DELETE “(b) Membership requirement. One member of the commission shall be a member of the Cape Ann Chamber of Commerce.”**

#### **Sec. 2-474 Vacancies**

**“In case of resignation, death or disqualification of any member of the commission, for the purposes of filling the vacancy for any other reason, the appointment DELETE “of” ADD “for” the unexpired term DELETE “immediately” shall ADD “promptly” be made by the mayor and forwarded to the city council for their approval.”**

#### **Sec. 2-475 Assistance of city officials, boards and employees**

**DELETE entire section and ADD as follows:**

**“The commission shall receive regular support and assistance from the community development department including but not limited to planning, implementation, communications and assistance on securing and managing tourism grants. Further, when the commission determines that it requires assistance, the commission may request, through the mayor, and upon request shall receive the serves of and assistance from other city officials and boards on matters based on the performance of their duties.”**

#### **Sec. 2-476 DELETE “Semiannual reports” and ADD “Periodic Reports and Plans”.**

**DELETE entire section and ADD new:**

**“Beginning in 201\_ the commission, with the assistance of the community development department, shall prepare and submit a five-year plan for tourism to the mayor and the city council; and in addition, based on the execution of the Plan, the commission shall submit quarterly reports with the assistance of the community development department as provided in Sec. 2-475 submitted to the Mayor and forwarded by the Mayor to the City Council.”**

#### **5. PH2012-056: Loan Authorization in the amount of \$750,000 re: Brierneck Crossing**

**This public hearing is opened.**

**Those speaking in favor:**

**(Note: the first four speakers utilized a power point presentation which was placed on file)**

**Bill Watkins, 4 Beachcroft Road read a written statement (placed on file) dealing with a proposal of a property on Thatcher and Witham Street expressing that they do not wish to see the historical opportunity pass, recalling the parcel’s history of development through the years as well as the long fight to stop the development of the property in recent history. He also noted the four City committees that have made their recommendation to endorse the Good**

Harbor Gateway proposal: Conservation Commission, Budget & Finance Committee, Open Space & Recreation Committee and the Planning Board. He urged the Council to accept this proposal for a loan order.

**Tom Todd**, 4 Salt Island Road read a written statement (placed on file) in which he recalled as a young man observing the wildlife on the Saratoga Creek and marsh which he noted by his observation to be greatly deteriorated since then. The salt marsh is being invaded by phragmites and other invasive plants. There are a number of scientific studies being made on the property which point to a measurable decline of species and flora. The average size of fish is much smaller as the creek appears to become shallower on this side of the marsh. Native plants are being squeezed out. He showed the Council a pre-1920 photograph depicting the marsh at Good Harbor across from the parcel on Thatcher Road., and asked for the Council to support the loan order.

**Chris Egan**, 10 Old Nugent Farm read a written statement (placed on file) observing that tourism in Essex County and Gloucester is on a significant increase, stating that City has had the foresight to develop into a beacon of tourism for Essex County. The draw is the coastline and beaches which are unsurpassed. The careful stewardship of the open spaces, marshes and like are important to draw even more tourists interested in eco-tourism. He pointed out the loan order is a positive thing for the City.

**Denton Crews**, 45 Old Nugent Farm read a written statement (placed on file) saying he represented the of Friends of Good Harbor (FOGH), a non-profit corporation of about 40 members who support the preservation and enhancement of the beach, marsh and wetlands surrounding Good Harbor. He pointed out the results of the illegal filling of the parcel in question from the 1970's and showing the frequent flooding of Witham Street. This flooding is encroaching on the health of the marsh. He also pointed out the deterioration of a culvert there as well causing stormwater to overflow into the marsh contributing to its deterioration. A summer monitoring study is gathering information on the marsh. Planning is underway to assist in the pedestrian safety for the immediate area. They are also speaking of an Essex County Greenbelt conservancy for the property. They are, however, needful of securing the property first. There would be upon purchase an enhancement of the property to have it as a destination of artists and birdwatchers, environmentalists and be included in the Essex Greenbelt guide. Good Harbor presents the City with a rare opportunity to preserve a natural and recreational resource. This would transcend a 40 year adversarial situation. If this does not move forward, the LAND grant submitted to the State would not be able to be accepted nor would the proposed CPA funding, the property owner's contribution of \$125,000, no Dusky Foundation funding for \$50,000, nor could they accept the FOGH donors' pledge for \$50,000. The Good Harbor Gateway property will contribute its highest value to the City in eco-tourism, economic development and in quality of life. He urged the Council to support this loan order.

**Ruth Pino**, 82 Wheeler Street, realtor, expressed her support stating she has been an advocate of development. Protecting the surrounding marsh by its purchase is important. The funding sources are appropriate through the CPA, the State, and private donations. A development in the marsh is the worst possible location. She urged passage of the loan authorization.

**Russell Hobbs**, 1166 Washington Street stated he has no responsibility in this but supported the loan order as an example of quality citizens coming forward with a plan to restore this marsh back to its original condition which is of the utmost importance. He expressed hope the Council would agree this marsh needs to be restored to its original condition. The tax payers should not pay for it, rather people donating money and grants should be used to pay for it. Taking this property off the City's tax roll is not a problem to him. He is for keeping the natural resources together.

**Ron Gary**, 209 Atlantic Road expressed he works in business development and works with local scientists about what they can do as a community beyond the regulatory environment for the support of the fishing industry. They talked about importance of the salt marshes and eco-systems which are the nurseries for the support of the food chain throughout the world. What humans do is assault that chain. This is an opportunity to reverse this affect. He spoke of the ecological damage caused by development and that any development close to this salt marsh will further stress the ocean. This overrides the costs, the revenues and is for the fisheries preservation.

**John Bell**, 257 East Main Street, former Mayor of the City of Gloucester expressed appreciation to the Council for taking up this matter as it is important not only to the immediate area of the marsh but to the entire City. In the 1970's when he and Councilor Whynott were on the Council, there was a developer who dumped 25 creosote laden lamp posts on the marsh. At that time, people began to recognize that such areas are what makes this community so precious and will be vital as they rebuild the fisheries. At the present time with all the surveys being done and the lack of fish it is clear fishermen are not to blame for overfishing. It is hatchery habitat being filled in up and down the coastline. He called upon the Council to help in the habitat rebuilding.

**Gail Smith**, 44 Salt Island Road stated that as officials the Council needs to be fiscally responsible, asking them to think of themselves as stewards in maintaining the specialness of the resources of Gloucester. This is an opportunity to bring the marshes together to be one resource for the community. There will be other opportunities for

development. The cost benefit can not be just in hard dollars. This is unique and could be lost forever and asked for the Council for their support.

**Katherine German**, 45 Old Nugent Farm wished to disabuse the notion that those who live on the marsh are all about the view. She agreed the view was unparalleled; but the houses that ring the marsh only add to the landscape. They are about the condition of the marsh. Old Nugent Farm owns 68 acres of marsh which they have preserved. This provided the impetus to establish the FOGH. The marsh preservation is an opportunity to right an injustice when it was filled illegally forty years ago. The courts ruled against the City all along the way in the fight against development, stating they have the opportunity to correct this injustice. There is the matter of the tax base which is important to maintain. Briarneck Crossing contributes about \$6,000 per year. With 12 condos on it, it would be a possible contribution of \$60-\$70,000; but there is no assurance those condos would ever be built. She asked they not choke off another Gloucester open space and asked the Council for their support on the loan.

**Those speaking in opposition:**

**Ralph Hobbs, Jr.**, a lifelong resident (no address given) expressed whatever the issues are between ConCom, the legal issues or the personal or emotional issues have nothing to do with this. They are voting tax payers dollars. He counted 15 folks here; if they think the City should ante up the money, he suggested they "ante" up the money on the line and invest themselves. He asked why the City should guarantee a loan. There is not a developer or bank that would step in and take this on. He asked the Council to vote this loan order down. This would make him pay more taxes so this small group of people can further their own agenda. Let them fund the money instead. If the City funds the money for the loan, if the entities that are supposed to step in and take up the funding, the City will end up paying the bill.

**Blake Gilson**, 3 Becker Circle commented there are a few pieces of property on the waterfront that couldn't support preservation. He voted for Poles Hill. He opposed the original site for Market Basket. To him, in this instance, the reason for opposition to the loan order is the use of taxpayer money to fund this project. By pulling the property off of the tax rolls, it is the on-going loss of tax money to the City also. He pointed to the Paint Factory and its lack of tax income over the last 10 years. He hears the Council speak of lack of City revenues; the requirements of the DEP. He understood the proponent's desire for this property, did not support the loan order.

**Rebuttal:**

**Mr. Crews** pointed out this these funds do not come from taxes. The \$375,000 is a proposal to the State for a designated grant allocated by the State which Gloucester has to be awarded. The CPA funds are a separate fund from the City's operating budget designated for this type of purpose. It is not asking people to ante up more money for that purpose. The owners are willing to contribute \$125,000 towards the price; a private foundation has pledged \$50,000 and through the FOGH will donate \$25,000. The acquisition is \$720,000 with other costs at \$30,000. If the total amount is not achieved they cannot close on the property.

**Rebuttal to the Rebuttal:**

**Ralph Hobbs, Jr.** spoke about the City guaranteeing the loan saying that he CPA has already donated \$150,000 which is taxpayer's money. He reiterated that these proponents' should fund the purchase of the property themselves and guarantee the loan themselves.

**Communications:**

**Ms. Lowe** reported that the City Clerk's office, on behalf of the Council, was in receipt of 33 communications received via email in support with no written communications received in opposition of the loan order from the following individuals:

Mary and David Thielscher, 4 Barberry Lane; Kathe German (no address); Tom and Rebecca Todd, 4 Salt Island Road; Ken Curran, 56 Old Nugent Farm; Patricia and Fred Rhineland, 58 Old Nugent Farm; Fred White, Hawaii; Allen Rome, 46 Old Nugent Farm; Helen Stone, 8 Starknaught Heights; Ronni Solman, 20 Beachcroft Road; Judy Bidwell (no address); William and Susan Watkins, 4 Beachcroft Road; Gary and Stephanie LeDuc, 69 Old Nugent Farm; Helen and Joe Soussou, 22 Old Nugent Farm; Peter & Maura Briggs, 12 Old Nugent Farm; Mary Sullivan, 62 Old Nugent Farm; Collette Knowlton (no address); Elizabeth O'Dess, 59 Old Nugent Farm; Joseph & Jeannine Gallo, 14 Old Nugent Farm; Ken Curran, 56 Old Nugent Farm; Anne and Fred Johnson, 12 Salt Island Road; Donald Shannon, 51 Old Nugent Farm; Delores Mack (no address); Widge Merrill, Topsfield; Jan Williams, 5 Old Nugent Farm; Penny Warren and Evely LeBlanc, 54 Old Nugent Farm; Cindy and Jim Vincent, 17 Beachcroft Road; David Rhineland, 16 Pine Street; Dough Smith, 2 Mayflower Lane; Beth Graham, 25 Old Nugent Farm; Stephan and Donna Keegan, 8 Carrie Lane; Frederick Cefalo, 24 Beachcroft Road; Betsy Works (no address).

**Questions:**

**Councilor Theken** asked to clarify the City using this loan as collateral and once this is paid who owns the property. **Gregg Cademartori**, Interim Community Development Director responded the way this has been set up, the City would own the property. The other aspect is a conservation restriction will be required to be held by

another entity; the Essex County Greenbelt Association (ECGA) has been identified potentially to hold that restriction. **Councilor Theken** stated the grant, CPA, private donors, if all the funding comes through, \$750,000, the City guarantees the loan, they pay it back through the grants and donations. If one of the grants does not go through who then is responsible. **Mr. Cademartori** understood if one of those entities' funding does not go through then the purchase can not go through. The LAND grant is a reimbursement grant and requires the loan authorization in the full amount of the project to be in place. He also understood there is language in the motion of the Council that if that funding is not secured, the loan would not go forward. **Councilor Theken** commented then the City actually has no risk. **Mr. Cademartori** responded that if this scenario of these funding sources supporting this project, then the Council vote would be moot. **Councilor Theken** further stated if this all goes through, the grant comes in, understanding that the CPA money is taxpayers' money, is this project eligible for CPA funding. **Mr. Cademartori** informed the Councilor it is eligible for funding under the heading of open space, the other two being housing and historical preservation. There are only two projects for Round 3 CPA funding under open space, and this is one of the two. Public and private entities may apply for CPA funding. He reiterated that the LAND grant is a reimbursement grant. The State will fund up to \$375,000; but it is only after that acquisition of the property occurs. They're looking for a complete package going forward, then they reimburse. There is a match which is supported by the CPA funding and private funding.

**Councilor Tobey** understood the allowable uses for CPA funds as relates it to open space and recreational facilities has recently been expanded by legislative actions on a State level. **Mr. Cademartori** agreed it had. It has changed particularly in the open space area; in order to utilize funds in the past prior to this change, if an entity wanted to do restoration or expand use on a parcel it had to be purchased by CPA funds. This is to potentially utilize CPA funds for existing facilities. **Councilor Tobey** pointed out this could be used for rehabilitation of Burnham's Field as an example. **Mr. Cademartori** knew that to be the intent of the broadening of the language. **Councilor Tobey** asked had the FOGH considered a financing plan "B" if this plan this evening implodes. **Mr. Crews** responded the major amount is the \$375,000. All the other pieces comprising the financing they have great confidence in. Their Plan B is to seek federal funds which are even more competitive. He spoke of the Town of Rowley who acquired a marsh with CPA funds and were able to obtain a grant from federal wetlands funds. They are not in a position to say that really is a Plan B they can be confident in; but it would be attempted to the extent they could. **Councilor Tobey** assumed that the \$125,000 that the current owners are kicking in is actually a reflection of favorable tax benefit and treatment that will accrue to him based on this transaction taking place. Given the 68 acres of marshland that Old Nugent Farms owns and controls, might that together with this site be the basis of some comparable conservation donation of the site that would generate tax credits sufficient to raise the money to do the deal and had they looked into that option. **Mr. Crews** could not speak to Old Nugent Farms who has its own Board of Directors. They did present the opportunity to that entity for a conservation restriction; and there is a strong disposition to support it. That marsh would be protected in perpetuity which is a major concession from Old Nugent Farm. As to what more could the investors who own Briernack Realty do, they were readily agreeable to an appropriate percentage of the appraised price established from two appraisals from Vadala Associates of \$720,000. FOGH presented the amount what they thought was fair because it meant the investors don't recover their investment; but it is a bit more than the actual sale price was; but taxes and legal expenses have to be added. So it seemed fair to the FOGH to negotiate that price which was accepted. **Councilor Tobey** noted if this matter is voted down or for any other reason the proposal fails, he suggested that the FOGH and the condominium association may hold the assets that can provide the funding resources to accomplish this a second way.

**Councilor Verga** confirmed that CPA is a tax and that the new rules mean this project is competing with all the City parks they already own. It seems it was the intent of the change in the CPA.

**Councilor LeBlanc** heard this evening about restoration and preservation of this piece of property. He asked if there were plans in place for that and have they been approved by ConCom. **Mr. Crews** noted they have met with several agencies at the state level that specialize in restoration. This will take a long time and is a separate and expensive phase. Estimates are at \$100,000 to \$200,000 per acre for restoration, so that intentionally they have put off that item at this time. All of the funding sources identified understand that they cannot answer that question at this point. But they have to own the property first. **Councilor LeBlanc** asked who would be responsible for the restoration and preservation. **Mr. Crews** responded the FOGH will not go away. They will work cooperatively with the City departments, particularly with the DPW. They are committed to that phase, but have no specific plan for it at this time. **Councilor LeBlanc** expressed his concern that moving forward that they will be asking for more money to clean up the property and conserve it.

**Councilor McGeary** stated in terms of the restoration of the marsh, the FOGH has commissioned their own study by the Salem Sound Coast Watch of the marsh. **Mr. Crews** confirmed that fact to compare the condition of the marsh in 2012 to 2005 when a baseline study was done by that group. They hope in a forum in October that the

results can be shared with a final report by the end of the year. **Councilor McGeary** asked if it is true that in order to restore the marsh the City would need the ownership rights. **Mr. Cademartori** confirmed that. Any future application would require the City's permission.

**Councilor Cox** asked if the loan order goes through and the State grant does not come through they are done with this financing project. **Council President Hardy** responded the City would then not spend the money.

**Council President Hardy** asked if the City owns other wetlands and are there maintenance programs already in place for all of them. **Mr. Cademartori** responded the City does not. They do own other wetlands; but do not have management plans for all of them. There are some that are in the works, particularly associated with the Area of Critical Environmental Concern (ACEC) in West Gloucester near Farm Creek (at the back side of Coffin's Beach) at Wingersheek. There is a multi-community project that is a part of that marsh system in progress to create a management plan for those areas. There are a number of things identified this evening related to changes in the CPA and what those funds can be applied for and how those funds get carried over. There are currently recommendations of a funding round now. Until that change, there will continue to be a source of funding for these types of projects which will continue to compete as well as potentially new options as was pointed out by Councilor Tobey. In terms of management plans, there are some. There is not a comprehensive City-wide management plan but there are regulations surrounding them. **Council President Hardy** asked if this was approved, where would this plan and its mitigation to bring the marsh back to the 2005 level, where would it fit with all the other marshlands that need remediation. **Mr. Cademartori** noted specific projects have been proposed that haven't gone forward, a specific project on the back side of Wingersheek Beach. There are specific State agencies that fund these kinds that type of development of restoration and management plans. There is a wetland restoration program in the state as well as when projects involve potential fish habitat, there is another arm of the State, the Department of Ecological Restoration that does proactive projects but also has community participation in those. There are other are other funding sources out there to develop those plans as well as restorations. He did not know too many that have been specifically funded by an individual community. **Council President Hardy** asked if there is a maintenance plans in effect for Mill Pond in Riverdale. **Mr. Cademartori** stated the DPW does have some form of maintenance and regulations. **Council President Hardy** asked if there were phragmites and other invasive species there which **Mr. Cademartori** confirmed there were. **Council President Hardy** asked if there was a maintenance plan in place for Plum Cove Beach/Plum Cove/Bay View. **Mr. Cademartori** would have to defer to the DPW. **Council President Hardy** expected that Mr. Cademartori would have to acknowledge there are phragmites and other invasive species present in those locations as others as well as well. She pointed out that these are some of the locales in Ward 4 that she's asked ConCom to step in through its agent to remediate for Ward 4, and that she has pointed out only three locations. All over the City there are many marshlands in a similar situation; and asked if Mr. Cademartori would agree that all of them are just as important as the Briernock Crossing Marsh as far as feeding the estuaries, the fisheries, etc. **Mr. Cademartori** pointed out it would depend more upon the specifics of the particular area. They all have a general equal value.

**Councilor Theken** asked if the City was given the property, and the City was to turn around and give the property to the EGBA, who would be responsible then for the marsh preservation, would it be the EGBA or whatever entity held the conservation restriction. **Mr. Cademartori** stated the City would take ownership of the property with the EGBA holding a conservation restriction on the property. That is the scenario before the Council. He did not know if the City would gift it further to another entity. Once the state funds are used to purchase it, it would be the City's property. **Councilor Theken** in noting other properties around the City that are marshes in need of restoration and maintenance which effect the estuaries and fisheries, could they not go out to Seaport Bond Council to ask for funding? **Mr. Cademartori** didn't know if this was the kind of acquisition that could utilize such funds. He stated the funding sources that have been identified at the State level, the LAND program is exactly for this type of acquisition. There are a number of infrastructure things they might utilize the Seaport Bond money for. On further inquiry by **Councilor Theken**, **Mr. Cademartori** explained that preservation and restoration is two separate things. Before the Council tonight is to obtain the property for open space and public access. **Councilor Theken** asked if it is mandated they have to preserve it. **Mr. Cademartori** confirmed it is not.

**Councilor Cox** asked about the Planning Board's recommendation. **Mr. Cademartori** stated much of the concern from municipal boards is of the primary issues as to whether this area is appropriate for any type of development as it is flood prone. The area was designated by FEMA as a flood plain prior to the filling in the 1960's and 1970's and was salt marsh before that. The FEMA map amendment process identified it was buildable however by tenths of a foot whether it is in the flood plain or not. Consistent with the Planning Board's recommendation (on file) is that this is not appropriate for development. ConCom is the entity that applied for the LAND grant. There is a support letter that went with the grant application to the State and forwarded to the Council (on file). There is a recommendation from the CPA Committee to support this project as well. **Councilor Cox** asked if the State grant

comes through and all other funding sources come through which is \$700,000, the FOGH are fundraising \$50,000 of it. Should the loan authorization pass and the FOGH is unable to raise all that money, what happens then. **Council President Hardy** stated the City doesn't borrow the money. It was her understanding that all the money has to be in by the closing. If the money is not present they do not authorize the loan to go through. **Councilor McGeary** confirmed that language is in the loan order that they must have committed or in hand \$720,000 of the \$750,000 total price otherwise they cannot legally execute the loan. The difference between the \$720,000 and \$750,000 is a \$30,000 estimate which allows for "wiggle room". They will have to provide from the funding sources the full purchase price of the property or there is no deal. It is not a loan guarantee per se. It is a short term borrowing that the City is reimbursed for. **Councilor Cox** expressed concern with the term "committed" which is not guaranteed. **Councilor McGeary** stated he did not believe the owners of the property would sell without a check in hand to them.

**Councilor Tobey** wished to understand the nature of the current owners' role at the closing as this deal is now contemplated, and asked will the owner be coming to the closing and putting \$125,000 on the table or will it be some future tax benefit that accruals as a result of which the prices is effectively discounted. **Meredith Fine**, 38 Pleasant Street, attorney for FOGH who is negotiating the P&S agreement explained that the \$125,000 comes off the purchase price at the closing. Councilor Tobey asked why they would need a loan authorization for \$750,000; rather it should be \$625,000. **Ms. Fine** responded the owners are taking as a credit on the Purchase & Sale (P&S) agreement, at the closing. The price of the property is still \$720,000. **Councilor Tobey** confirmed the \$125,000 of value will be on the table when the closing takes place. **Ms. Fine** didn't believe that was the case which prompted Councilor Tobey to ask how they could they fulfill the requirement of the bond which says the money has to be in place and committed for the City's bond issuance to proceed. **Ms. Fine** responded they are not actually getting a loan, the money would all be in place and the City would never have to issue the bond.

**Councilor McGeary** reiterated they would not need the loan authorization except that the State Department of Energy and Environmental Affairs requires the City to have raised and appropriated and have a loan authorization in place for the total cost of the project to indicate "earnestness" to that State agency. The way the loan is structured it would never be executed. If they don't get the money, it would be illegal to execute it.

**Councilor Tobey** noted it is the \$375,000 grant from the State is a reimbursement grant, which was confirmed. The Councilor asked how that reimbursement occurs; and does the City have to front some of the money. **Mr. Cademartori** stated that this is the companion grant program to the PARC grant (as with the just secured \$500,000 grant for the Newell Stadium project) based on the acquisition being completed; then the State reimburses the money. There is a lag time between the award; they look for the funds to be utilized, and then there is the reimbursement. He did not believe the grant is paid out by installment but is reimbursed in a lump sum. The City would have to do a short-term borrowing. **Councilor McGeary** assented there may be a short-term borrowing. They would know before that occurs that the grant had been received. The money must be in hand or committed and is in the language of the loan.

**This public hearing is closed.**

**MOTION:** On motion by Councilor McGeary, seconded by Councilor Ciolino, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Hardy) abstained, to recommend to the City Council the following loan authorization:

**ORDERED:** That the City of Gloucester appropriates up to Seven Hundred Fifty Thousand Dollars (\$750,000) to pay costs of purchasing two parcels of land located at 70 and 74 Thatcher Road in Gloucester, comprising 5.94 acres, more or less, which are shown on Assessors' Map 184, as Lots 5 and 9, and more commonly known as Briernec Crossing, which includes the payment of all costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, M.G.L. Chapter 44B (the Community Preservation Act), or pursuant to any other enabling authority. The Mayor, with the approval of the City Council, is authorized to apply for and accept any and all grants or gifts that may be available to the City to pay costs of this purchase. In the event that Community Preservation Act funds are utilized for this purchase, the Mayor, with the approval of the City Council, is authorized to grant a conservation restriction on the property purchased with such funds, to the Essex County Greenbelt Association, as required by the Community Preservation Act. The amount authorized to be borrowed by this Order shall be reduced by any grants or gifts received by the City on account of this project. No amount shall be borrowed or expended pursuant to this Order unless and until the City shall have received confirmation that grants, gifts or donations have been made available to pay costs of this project in a total amount of at least \$721,000.

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

#### DISCUSSION:

**Councilor McGeary** thanked FOGH and everyone who came this evening in support for what he considered to be an important project to the City. FOGH took it upon themselves to find a solution to a “vexing” problem that has troubled the City for over ten years to find a solution that will benefit all who live in Gloucester. He pointed to the balancing act by the Council weighing the relative merits of development and preservation. Sometimes, as in a hotel overlay district on Commercial Street or in the purchase of I4-C2, they opt for development. Sometimes, as in the North Gloucester Woods or the Babson Watershed, they opt for preservation. In the case of the marsh at Good Harbor, he said they must choose preservation. They have the opportunity to undo the damage of the past and rescue a vital environmental and economic resource from degradation and decline. He addressed two concerns that if the FOGH fails in their fundraising the city will be left “on the hook” and the pressure to fill that the gap from the general fund will be great. He stated it cannot happen because at B&F extraordinary language was in the loan order that forbids the city from borrowing no money unless the financing set forth by the FOGH in their proposal has been achieved. This extraordinary language has never, to the Councilor’s knowledge been included in any previous loan order. If the money is not there, the loan order cannot be executed. As to concerns expressed that they are taking a developable parcel off the tax rolls, it is true the potential tax revenue from a condo project would not happen, but if the full vision of the FOH and the City is achieved, potential revenues from hotel and meals taxes and eco-tourism could outweigh any such revenue and would do so without adding additional burden to the City’s schools, public safety and public works budgets. However, there was another impact to consider, referred to by the proponents in a 2005 report by the State office of Coastal Zone Management entitled: Assessment of Potential and Actual Sources of Nonpoint Source Pollution in the Good Harbor Drainage area. On page 32, where the project staff “recommends that the capacity of the sewer system be determined. The results of...a study is critical to determine whether existing problems are the result of storm water filling the sewer system.” To the Councilor, this seemed to be “carefully crafted bureaucratese” that there is a distinct possibility that the City could likely be called upon to undertake yet another multi-million dollar CSO project because of the deteriorating marsh can no longer serve its natural function as a “sponge” for storm water runoff. By restoring the marsh’s capacity to absorb and purify storm water runoff, they might avoid such a heavy burden. The Councilor pointed to a recent article in the Gloucester Times in which reported next year’s quotas for ground fish landings which may be cut by the federal government by as much as 70 percent. A reduction of that magnitude in allowable catch will make it difficult for fishermen of this port to even make a modest income. The same report he just cited had a similar figure, “Elevated freshwater flow from stormwater runoff diminishes salinity and, over time, can alter a salt marsh into a brackish marsh. This is of particular concern because...salt marshes provide important spawning and nursery habitat for the recreational and commercially valuable fish and shellfish industries. An estimated 71 percent of the dockside value of fish landed in the United States is derived from fish species that depend directly or indirectly on coastal wetlands.” Many Councilors have seen the Boston Globe article on how the town of Rowley used \$250,000 in CPA funds to preserve the Rough Meadows marsh. If “tiny” Rowley is willing to spend that kind of money to preserve a habitat critical to the fisheries, could Gloucester do anything less. The Council and The Administration have pleaded with Senators Kerry and Brown and Congressmen Tierney and Frank to intercede with NOAA to pull back its harsh regulations of the fishery. He asked what message it sends if they are not willing to do their “bit” to restore a critical piece of habitat to the sustainability and health of the fishery. This is a matter of hard-headed economic necessity as well. It is a vital action that may spare the taxpayers and ratepayers the burdensome costs of yet another open-ended multi-million dollar CSO project. It is an investment to preserve the industry that has been the heart and soul of the City for nearly 400 years. And finally, they should do this because it is the right thing. They are stewards of the City’s resources. They have an obligation to preserve “our natural capital”. He will be voting enthusiastically for this loan order and urged his colleagues to join him in support of the City’s future economic and environmental vitality and viability.

**Councilor Whynott** commented one of the speakers previously wanted the Council to acknowledge this parcel’s importance; but he could not support the loan order as he did not think the City should be co-signing a loan order for a private group of individuals to purchase land to prevent development, no matter how worthwhile the cause. Even if the loan order doesn’t go through, it sets a precedent. There are many other areas of the City that could ask the Council to do the same thing. The land was filled years ago with commercial uses on it; it hasn’t been a salt marsh

for a long time. To restore it to a pristine condition would cost more than \$750,000. As much as many people are sincere about the environment, but he cautioned this has an element of “not in my back yard” surrounding it. The City fronted funds for the Senior Center, and then had to come up with much of the funding. He expressed concern that just such a thing would happen with the Newell Stadium project funding as well. Even if they support buying the property, it should not be sanctioned with public funds, and wished the proponents well in their goal to preserve the property.

**Councilor Tobey** expressed his gratitude for the high quality presentation, and for the extensive input received prior to the meeting from the proponents, having read all the input from the proponents prior to this meeting, listened to them this evening and at Committee. For reasons of perspective on the facts and on philosophy, he would not vote for this. He put forward whether the site was developable. Would the flood plain issues prove impossible to overcome; would economic conditions stop development; might zoning considerations be altered. That last point addresses a remark made that a “vengeful” property owner might build storage facility on the parcel; and suggested the Council should amend the zoning ordinance to disallow a “spite use” on a site immediately adjoining a City recreational facility (Good Harbor Beach). He expressed concern about the impact on the tax roll on this property and the message it sends. Over the Councilor’s lifetime he recalled low impact commercial uses of the parcel which should not be prohibited by the “sins” of 30 years ago. He has watched many development proposals come forward where there was usually a group of opponents. They could have settled all of them and gave the example of I4-C2 that is proving troublesome and stated, “let’s make it a park.” There is the matter of the Fort development and again reiterated they could make it a park. Yet they can’t make everything a park. They have to make land use control responsibly. They are fiduciaries and owe the citizens their responsibility towards that tax money. The CPA money cannot be treated differently. Just because this is not general fund money it is no different. Serious consideration needs to be given as to what they seek grant money for and what they use it for. If they care about the health of this marsh, the step that needs to be taken is not the acquisition of the site, they should be going back to what caused the problem in the 1950’s which was the filling that went on (referring to the Stop & Shop plaza on Bass Avenue and Thatcher Road). The Harbor’s ability to flush that marsh, the interconnection was lost. That is what they should be seeking grant money for. As to the CSO project matter, he noted his mayoral administration negotiated an interconnect for the Town of Rockport sewerage treatment for the Long Beach stretch which the Bell administration saw through, and a key piece by that administration on the project was seeing to the rebuilding of that sewer main to ensure adequate capacity. It will not be an issue he asserted. He also pointed to the Pole’s Hill model which is different from this situation. It was a multiple years of focused public conversation of should a subdivision project be allowed to move forward or should something else happen. The negotiations were shared with the community and so was the decision, done with a Prop 2-1/2 override that required City-wide approval. Sixty percent of every precinct voted in favor of the override. It was 60 acres of unique vistas and the impacts would be very difficult. It was a different process, impact and result. They had plans for its future implications as well with numbers and actions in place in that instance. They do not move forward not knowing what it is going to cost and what the next steps would be. He would not vote in favor for this loan order.

**Councilor Verga** noted when this first came to the Council’s attention he thought it was a great example of a partnership, much like the Newell Stadium project. But having observed closely as the loan order progressed through the Council he started to realize it was not the same thing. The difference between Newell Stadium, or even the Senior Center was widespread City support. In listening to the City Clerk read off the addresses from the communications received by the Council in favor of the loan order, and when he did the same research from the emails he’s received personally, they were from folks who lived in about a one mile radius of the marsh. The feedback he got from his ward (Ward 5), and while a ward Councilor, they do represent the whole City, was that this wasn’t the best idea. It appeared to him also that there was a lack of support from wards 2, 3 and 4 as well. There is also CPA money, which is taxpayers’ money, and questioned if there wasn’t better use of tax money, and he expressed the opinion that there was. When Councilor LeBlanc asked about the commitment going forward, there was a pause of the proponents not really knowing what will happen in the future. Councilor Whynott pointed out the actual cost may be for that kind of restoration of the area. He also noted Max Schenk of the City’s Health Department had recently been before the Council being congratulated for seeing the Mill River Gateway Project to completion that took 10 years to do. The Councilor expressed his concern that the City would find itself in the same position taking on another parcel of land they won’t be able to take care of like Burnham’s Field or Magnolia Woods. He could not support the loan order.

**Councilor Ciolino** was involved with these neighbors when he first became a ward 1 Councilor to fight this property’s development. The only way to build on this lot is to do a 40B (Chapter 40B is a state statute, which enables local Zoning Boards of Appeals to approve affordable housing developments under flexible rules if at least 20-25% of the units have long-term affordability restrictions) is because they circumvent all the permitting processes

in the City. If the City doesn't take action now, the property owner will put it back on to the market under 40B with high-end "affordable" housing. The City has been in court for years on this parcel. They can make the claim Good Harbor Beach is a jewel of the City, and they are entrusted to protect that a beach by taking this loan order and make it work to connect that marsh back to the beach as it was before. As to the funding of the restoration, they have to own the property first. There is money is out there for restoration. They did it on the Mill River and West Gloucester and other parts of the City. They are still paying the note on Poles Hill. If all goes well and all the pieces fall in the place, the City will pay nothing to acquire this marsh. Last year at this time when they were doing the CPA funding, they approved an application for the Tompson Street Reservation Gateway. They helped the Essex County Greenbelt Association buy 6.7 acres of money with CPA funds. At that time they didn't say it only benefited the neighbors in West Gloucester. It belongs to the entire City. As to the loss of revenue, the Council always takes input from the City's boards, committees and commissions whom the Mayor appoints and the Council confirms. He quoted the memorandum (on file) from the Planning Board in support of this acquisition. The only thing they're looking at is a potential of a 40B being built on this parcel. ConCom, the Open Space and Recreation Committee, the Community Preservation Committee all support this acquisition. This Council and Administration is different in that have an attitude that says if they are approached with an idea that they think is a good idea, they will ask proponents "to run with it", and then ask what the Council and Administration can do to help. He is asking the Council to "hand the ball" to the FOGH by passing this loan order, and let them fail or succeed. He will be voting for this loan order.

**Councilor Theken** listened to her fellow Councilors this evening, and expressed thanks to Councilor McGeary's explanations this evening. She expressed her belief this was a winning situation and is for the whole community. If they don't come up with the money, the deal falls through. This loan would only be for about 90 days. They've given CPA funds to private entities. This is for open space. City boards, committees and commissions are supportive of this acquisition. She did get emails from citizens around the City, and did not receive any negative responses, only positive responses to this loan order. This, if it doesn't happen could be a 40B (situation). I4-C2 was tax payer's money that funded the purchase; and in this case, the City will also own this property. She wants this property to belong to the City and would support the loan order.

**Councilor Cox** expressed that the group needs their "shot" at this opportunity. This is why the CPA was created and their request for \$150,000 in CPA funds is a valid use of this round of funding. She supported the loan order.

**Councilor LeBlanc** expressed he is supportive of open space. However, for this area in question, he could not support the loan order. It is opening a "Pandora's Box" in the future; furthermore, there was no Plan B.

**Councilor Tobey** commented when the Maritime Heritage Center acquisition was on-going there was lengthy conversation as to how the City could participate. The Council did not buy in and the City role did not materialize. But the Maritime Center did come to fruition. He believed there was a Plan B out there for this group of proponents.

**Councilor McGeary** noted the reason this is happening so quickly and what gives them the opportunity is the economy is in difficult straights; but that will change in the future. Those are impervious surfaces with rainwater run off that is further deteriorating the marsh causing problems for all the citizens of Gloucester. There are many marshes in the City that are not getting attention. They cannot preserve before they own the property. It is true CPA money is taxpayer funded, but the voters voted for it when they adopted the Community Preservation Act which is a legitimate requirement. They have a moment that will not last forever and can be a benefit for all of the citizens of Gloucester in the future and hoped his fellow Councilors would vote for the loan order.

**Councilor Ciolino** stated to compare this purchase with the Maritime Center was incorrect. This will not cost the City a dime to acquire the parcel. He didn't see how they could say this is not a good program. There are Councilors who say they are for open space, but not for this parcel. This is a prime piece of real estate that is open space. He is for open space and reiterated he would vote for the loan order.

**Council President Hardy** stated she supports open space, but the City doesn't maintain what they have. It is not going to cost taxpayers any money because they've already paid the taxes, the CPA money. The State has already notified the City as to how much money they will receive and divided it up 30 percent/30 percent/10 percent as to how it can be spent. She expressed concern the City is not maintaining the properties they already have and was not convinced the funding will be in place and didn't want to run the risk of voting for this hoping that the funding is in place. She was not in favor of this as she said it is setting a poor precedent. If this purchase goes through, next they'll receive a request for a sidewalk be put in which will be at a cost to the City. There is no plan on how that is to be paid for. It is not just a ward 1 issue to protect Good Harbor Beach. The Council President pointed out other beaches with phragmites growing on them also. They are just as important to those neighborhoods. The City doesn't have maintenance plans for those parcels which she has asked for but are not forthcoming. She could not approve this loan order and let all the other estuaries and marshlands go wanting. This would say they don't matter and this project comes first. She would not support the loan order.

Council President Hardy informed the Council the vote they are is on borrowing, a loan authorization under State laws and requires a two-thirds vote of the Council, which is six votes of the nine Councilors to pass.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 4 in favor, 5 (Tobey, Verga, Whynott, Hardy, LeBlanc) opposed, of the following loan authorization:**

**ORDERED: That the City of Gloucester appropriates up to Seven Hundred Fifty Thousand Dollars (\$750,000) to pay costs of purchasing two parcels of land located at 70 and 74 Thatcher Road in Gloucester, comprising 5.94 acres, more or less, which are shown on Assessors' Map 184, as Lots 5 and 9, and more commonly known as Briernock Crossing, which includes the payment of all costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, M.G.L. Chapter 44B (the Community Preservation Act), or pursuant to any other enabling authority. The Mayor, with the approval of the City Council, is authorized to apply for and accept any and all grants or gifts that may be available to the City to pay costs of this purchase. In the event that Community Preservation Act funds are utilized for this purchase, the Mayor, with the approval of the City Council, is authorized to grant a conservation restriction on the property purchased with such funds, to the Essex County Greenbelt Association, as required by the Community Preservation Act. The amount authorized to be borrowed by this Order shall be reduced by any grants or gifts received by the City on account of this project. No amount shall be borrowed or expended pursuant to this Order unless and until the City shall have received confirmation that grants, gifts or donations have been made available to pay costs of this project in a total amount of at least \$721,000.**

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

**MOTION FAILS.**

The Council recessed at 10:12 p.m. and reconvened at 10:18 p.m.

6. PH2012-057: CC2012-035 (LeBlanc) Amend GCO c. 22, Sec. 22-270 "Parking Prohibited at all Times"  
Re: intersection of Mansfield Street and Western Avenue

**This public hearing is opened.**

**Those speaking in favor:**

**Those speaking in opposition: None.**

**Communications: None.**

**Questions: None.**

**This public hearing is closed.**

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sec. 22-270 (Parking Prohibited at all times) by ADDING: "Western Avenue southerly side in the westerly direction from its intersection with Mansfield Street for a distance of 50 feet in an easterly direction, starting across from the northwest corner of Mansfield Street.

**DISCUSSION:**

**Councilor Theken** commented that this order was brought forward by Councilor LeBlanc due to heavy trucks frequently striking and damaging the residence on the corner of this street. But in addition, there was the issue of access by emergency vehicles to this street area which was hampered by the parking situation as confirmed by City safety personnel. This ordinance amendment to change parking at this corner assures appropriate access and better safety for this immediate area on Western Avenue and Mansfield Street. **Councilor Whynott** added that large

trucks do have issues around this corner. **Council President Hardy** would support the ordinance amendment as well since she knew this corner was difficult for large trucks and emergency vehicles to negotiate.

**MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND GCO Sec. 22-270 (Parking Prohibited at all times) by ADDING: "Western Avenue southerly side in the westerly direction from its intersection with Mansfield Street for a distance of 50 feet in an easterly direction, starting across from the northwest corner of Mansfield Street**

**For Council Vote:**

**1. Warrant for State Primary Election: September 6, 2012**

**MOTION: The City Council voted BY ROLL CALL 9 in favor, 0 opposed to adopt the warrant for the State Primary Election to be held September 6, 2012.**

**Unfinished Business: None.**

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

**Councilors' Requests to the Mayor:**

**Councilor Whynott** commented that ragweed in the City is still an issue.

**Councilor Verga** acknowledged his brother, Steve, who watches the Council meetings on CATV.

**Councilor McGeary** thanked the Councilors who voted with him on the loan authorization. He was sure they will come up with a Plan B, and will work with them if they do. There is a concert at the Temple Ahavat Achim to celebrate the rebirth of the temple after their fire on Thursday, August 16<sup>th</sup> at 7 p.m.

**Councilor Ciolino** stated this Saturday at the Stage Fort Park Bandstand is the Rotary Club pancake breakfast raising funds for the North Shore Health Project, Senior Care and the Senior Center. Also on Saturday is the Downtown Block Party and encouraged all to attend the two events.

**Councilor LeBlanc** asked the DPW to touch up downtown crosswalks. They are faint or not noticeable at all. It is a safety matter.

**Councilor Theken** congratulated former Councilor Foote on the rededication of his park. She also acknowledged the great Sidewalk Bazaar. The O&A Committee had a workshop on health care. From that meeting there is now a subcommittee which she will be a part of to explore health insurance issues. She reported that the City doesn't have to adopt any MGL regarding health insurance reform; and whether the City goes with the GIC is a separate issue. For her seniors she reminded them that open enrollment starts October 15<sup>th</sup> and goes to December 7<sup>th</sup>. She expressed her hope that the FOGH will come forward again because it may pass if brought forward again. The CPA money is still there.

**Council President Hardy** thanked the DPW for clearing the brush behind the Bay View Fire Station. She also extended her thanks to Councilor McGeary for his efforts with regard to the Briarneck Crossing loan authorization; and that the Council appreciated his work with the FOGH.

**Councilor McGeary** also noted Sunday, the 19<sup>th</sup> starting at 9 a.m. they will be interviewing the finalists for Police Chief; four finalists are scheduled. The interviews take place in Kyrouz Auditorium at City Hall.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 10:31 p.m.**

**Respectfully submitted,**

**Dana C. Jorgenson  
Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- **Written statements by proponents for the loan order under Public Hearing submitted by:**  
**Bill Watkins, 4 Beachcroft Road**  
**Tom Todd, 4 Salt Island Road**  
**Chris Egan, 10 Old Nugent Farm**  
**Denton Crews, 45 Old Nugent Farm**