

GLOUCESTER CITY COUNCIL MEETING

Tuesday, September 11, 2012 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

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

Absent: None

Also Present: Linda T. Lowe, Noreen Burke

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

Flag Salute & Moment of Silence.

Oral Communications: None

Presentations/Commendations: None.

Consent Agenda:

- **MAYOR'S REPORT**

1. Appointment of Veterans' Services/Veterans' Agent Richard E. Barbato TTE 02/14/14 (Refer O&A)
2. Memorandum from Director of Public Works requesting permission to pay an invoice from FY12 with FY13 funds (Refer B&F)
3. Memorandum from Police Chief re: City Council acceptance of E911 Grant in the amount of \$61,795 from State Dept. of E911 (Refer B&F)
4. Memorandum, Grant Application & Checklist from Harbor Planning Director re: grant in amount of \$125,000 from Seaport Advisory Council (Refer B&F)
5. Memorandum, Grant Application & Checklist from Harbor Planning Director re: a portion of Seaport Advisory Council Grant For the replacement of the Gloucester High School Sailing Program floats (Refer B&F)
6. Memorandum from CFO requesting approval to pay a prior year (FY11) invoice with FY13 funds (Refer B&F)
7. Memorandum from CFO and Supplemental Appropriation-Budgetary Request (#2013-SA-1) (Refer B&F)
8. Memorandum from CFO and Supplemental Appropriation-Budgetary Request (#2013-SA-2) (Refer B&F)
9. Memorandum from CFO and Supplemental Appropriation-Budgetary Request (#2013-SA-3) (Refer B&F)
10. Letter to Governor Patrick requesting release of funds from the Transportation Bond Bill for sidewalk repairs & installation on Rt. 127 and 133 around the elementary schools and on Railroad Avenue leading to and from the train station (Info Only)

- **COMMUNICATIONS/INVITATIONS**

- **INFORMATION ONLY**

- **APPLICATIONS/PETITIONS**

1. SCP2012-012: Kondelin Road #16, GZO Sec. 5.13.3.1(a) and Sec. 5.13.7 (PWSF) (Refer P&D)
2. SCP2012-013: Great Republic Drive, GZO Sec. 5.13.3.1(a) and Sec. 5.13.7 (PWSF) Modification (Refer P&D)

- **COUNCILORS ORDERS**

1. CC2012-050(Tobey) Request that City Council develops policy, rules or ordinance re: governing City Councilors Communications (Refer O&A)
2. CC2012-051(LeBlanc) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: Summer Street #44 (Refer O&A & TC)
3. CC2012-052(LeBlanc) Amend GCO Sec. 22-270 "Parking Prohibited at all Times" re: Lincoln Avenue (Refer O&A & TC)
4. CC2012-053(Tobey) Request presentation from City Auditor re: City's FY13 Chapter 70 allocation re: Charter School (Refer City Auditor)

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

1. City Council Minutes: 08/28/12 (Approve/File)
2. Special City Council Minutes 09/05/12 (Approve/File)
3. Standing Committee Meetings: Special B&F 09/05/12, B&F 09/06/12 (no meeting); O&A 09/03/12 (no meeting); Joint Meeting P&D & PB (08/20/12 (under separate cover), P&D 09/05/12 (Approve/File)

Unanimous Consent Calendar

1. Addendum to Mayor's Report for the September 11, 2012 City Council Meeting re: appointment of Leonard Campanello as Police Chief for the City of Gloucester (Refer B&F & O&A)

Items to be added/deleted from the Consent Agenda:

Councilor Tobey asked to remove for brief discussion Council Order #1, 2012-050 under Council Orders. He explained that he had filed Council Order #050 as a request that City Council develop a policy, rules or some City ordinance that governs City Council communications. They have now embarked, for example, on a very sensitive and important special council permit review process regarding Beauport LLC and some of them have already been tested by outsiders looking to weigh in on us one at a time through various channels. When City Councilors proceed to review a special council permit, they do so in a manner such that they are behaving in a quasi judicial role that means extreme limitations on how, with whom, and when they communicate regarding this matter.

Communications take all forms, its oral, its letters, its emails, its tweeter, its facebook. They cannot be communicating about things like a special council permit application through these mediums unless they want (a) to be subjected to personal liability and (b) jeopardize the action upon which they are expending their effort. He asked that this be expedited and believed the Chair is considering a special workshop on a general review of their rules of procedure. They need General Counsel working with the City Clerk as a team to engage this quickly, so that hopefully no later than the first Council meeting in October, they can have what he would see amendments to council rules of procedure, that set very clear standards and make certain that there are no slip ups of any matters of consideration before this Council. **Councillor Tobey** asked that this be referred to **O&A, General Counsel and City Clerk** for prompt action to accomplish amendments to City Council's Rules of Procedure. **Council President Hardy** stated that they have a unanimous consent calendar for an addendum submitted by the Mayor regarding the Mayor's appointment of Leonard Campanello as the Chief of the Gloucester Police Department. The Mayor is requesting that this be referred to the O&A and B&F committees. **The matter of the addendum to the Mayor's Report was unanimously added to the Consent Agenda and referred to the O&A and B&F Committees.**

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

Council President Hardy announced that there was a request made to move the for council vote regarding the two matters for the Board of Health grant acceptances out of order so that they can be heard now and let the Board of Health Department move along for the evening. **Council President Hardy** asked if there was any objection, and without objection asked **Councillor Tobey** if he would like to proceed where they had left off at the last meeting.

DISCUSSION:

Councillor Tobey thanked Health Agent and Board members that were here this evening. His concern was simply what is being bought with this grant money; what the program is and that it isn't some new fangled security theatre measure that seemed all the rage out of Homeland Security coming out of the tragedy of 9/11 or is this something real and substantive that has been around for a while. **Councillor Tobey** requested some background on this. **Noreen Burke, Health Director**, introduced Claudia Schweitzer, Chair of BOH, Rich Sagall, Vice Chair, and Karen Carroll, who is the Emergency Preparedness Coordinator for the North Shore and Cape Ann. Ms. Burke stated that The Medical Reserve Corp is a staple of public health preparedness work and has been for quite a few years. In the post 911 world, all 2,700 local public health departments in the country were required to have medical and non medical volunteers ready to assist in public health preparedness and emergency response. The situations that they would have a key role in is sheltering, if there is a need to shelter in a public health emergency, or if there is a need to distribute some counter medical measures, such as an anthrax attack. There are two grants that are at stake here tonight. One is from NACHO, which is the National Association of City and Health Officials, of which all of those 2,700 health departments are a member, as Gloucester is, and that \$5,000 is a capacity building grant on top of the \$14,000 which is the second grant on the list here. The \$14,000 comes originally from the CDC, the Centers for Disease Control in Atlantic, through the Bureau of Emergency Preparedness at the State Public Health Department, and then it is distributed. Ms. Burke went on to explain that the fiscal agent for Region 3 of which Gloucester is a part of, is the Westford Board of Health. There is an MRC in every part of the state, and Gloucester is one of Region 3 MRC coalitions. She stated that it is important for people to know this really helps Gloucester and Cape Ann. They have over 40 active medical reserve corps volunteers on Cape Ann, and they assist with the delivering of flu clinics. When they deliver the flu vaccine every year, they use the flu vaccine as an opportunity to practice the delivery of the services using volunteers. The flu clinic is where they try to practice their drills and call downs. There are another 100 plus volunteers in the medical practice database, who are already CORI'd and SORI'd, and have over 300 active and inactive in their database enhancing the capacity to respond to emergencies as a regional entity. This funding, in particular, pays for the Medical Reserve Corp Coordinator, and she keeps volunteers engaged, keeps credentials updated and provides trainings. Several scenarios she gave i.e. if people show up at shelter with pets, how you keep pets separate from humans and how do you keep everyone safe; if someone shows up with a substance abuse or mental health issue, what kind of credentialed or trained behavioral health professional would you need to interact with that person. **Councillor Tobey** thanked Ms. Burke and stated that the information to be very helpful and to the whole community. Given the fact that they live in an era where newspapers don't share this kind of information because they have their own resource issues, he encouraged Ms. Burke and other department heads to take advantage of these kinds of financial trigger events to come before the Council, and let the community know what is going on, as there is a Cable TV camera here and people watch it. This is important information and appreciated Ms. Burke sharing it.

For Council Vote:

Councillor McGeary placed the two continued motions (from 8/28/12) back on the floor:

1. Board of Health grant acceptance in amount of \$5,000

MOTION: On motion by Councilor Cox, seconded by Councilor McGeary, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council under MGL c. 44, §53A to accept a \$5,000 grant from the National Association of County & City Health Officials.

MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed under MGL c. 44, §53A to accept a \$5,000 grant from the National Association of County & City Health Officials.

2. Board of Health grant acceptance in the amount of \$14,285

MOTION: On motion by Councilor Cox, seconded by Councilor McGeary, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council under MGL c. 44, §53A to accept a \$14,285 grant from the Public Health Emergency Preparedness Bureau through the Mass. Department of Public Health. Funding is to be used to enhance the Medical Reserve Corps capacity to prepare and respond to public health emergencies.

MOTION: On motion by Councilor McGeary, seconded by Councilor Whynott, the City Council voted 9 in favor, 0 opposed under MGL c. 44, §53A to accept a \$14,285 grant from the Public Health Emergency Preparedness Bureau through the Mass. Department of Public Health. Funding is to be used to enhance the Medical Reserve Corps capacity to prepare and respond to public health emergencies.

Council President Hardy announced that **Councilor Whynott** is asking for permission, while the Health Director and some of the Board members were still present, to address a very important health matter that is surrounding Cape Ann at the moment. Without objection, **Councilor Whynott** stated that in view of the Triple E virus, all the diseases and all the spraying, in tonight's paper, he understood there is a case of Triple E in Manchester. Manchester and Essex are spraying. Is Gloucester going to have any spraying for mosquitoes this year? **Ms. Burke** replied that Gloucester is not part of the Northeast Mosquito Control Spraying Program and hasn't been for quite a few years. The assumption this year is that all mosquitoes are all potential carriers for West Nile and Triple E, so they are encouraging consistency with the State guidelines, and that the Councilor is correct that there have been more cases announced this week. The entire State, not just for Gloucester, the threat level has gone to moderate. This is an epidemic in some parts of the country. They know that spraying is not the be all and end all. There is a significant financial responsibility on each of the municipalities. They know there are precautions of the Mass. Dept. of Public Health which are applying repellent, removal standing water, repairing screens, etc. At this point, it is all around us and spraying has modest results. Gloucester has not been part of that program, and perhaps they should reconsider it for future years. At this point, it is late in the season. She was aware that mosquitoes tested positive for West Nile but wasn't aware if there was a human case. **Councilor Whynott** stated that he hoped money was not the reason for not joining the group and that Gloucester should definitely join the group. **Ms. Burke** stated she would look into this, but is too late for this year. She stated that talking with her predecessors this year, historically she knows that the salt water mosquitoes, that are prevalent in Gloucester, are not the vectors for carrying the West Nile. She thought that good thinking went into Gloucester not being part of this program in the past. **Council President Hardy** stated that it seems to her that the West Nile virus is becoming more prominent year after year. It is now in their neighbor's town, and questioned Ms. Burke on what it would take to reconsider and join the region and apply for grant money. **Ms. Burke** replied that it is determined by land mass and population, i.e. Peabody is paying around \$60,000 to \$80,000 per year to be part of the program. **Council President Hardy** stated that Manchester is smaller and they belong to the program. **Ms. Burke** replied that Essex and Rockport along with Gloucester are among a number of communities that are not part of the program. **Council President Hardy** replied that they want to be on the right side of this and will join **Councilor Whynott** in a request to the Mayor to report back to City Council in writing as to what it is going to take to join and to look at the financial issues. **Council President Hardy** commented that if Gloucester is occasionally playing football in Manchester, and our children are there after 6:30 when the sun goes down, they have to be concerned for them also.

Councilor Tobey stated that there is a lot of speculation based on sound science that these growing outbreaks are also attributable to something that a lot of folks wrongfully scoff at the notion of climate change and asked Ms. Burke for her thoughts on this. **Ms. Burke** replied that this was not her area of expertise, but heard various researchers talk on NPR, and she didn't think the linkages are clear yet. She has heard the same but hasn't read any papers on it and said that they should be thoughtful of the sources of the information that they promote.

Committee Reports:

Councilor McGeary stated they have no motions. August 23rd was dealt with at Council and September 5th was dealt with at the Special City Council meeting the same night. The only things they had were the two motions for the Board of Health and those have been met. There was no meeting on September 6, 2012 – State Primary

Ordinances & Administration: August 20, 2012

Councilor Theken explained that the O&A did make a motion and was seconded by Councilor LeBlanc to recommend to the City Council the Remote Participation Procedures for the City Council dated September 11, 2012, but they are going to do a workshop immediately to get this done per **Councilor Tobey's** request and concerns. They did go over the issues and asked the City Solicitor to help with some of the concerns and questions. She sent out e-mails to the Councilors for any other comments regarding this. She didn't receive any response back, but O&A did take this matter up. **Council President Hardy** stated that she is working with General Counsel, Suzanne Egan, to get a date for this workshop in coordination with the City Clerk and John, from the IT department, as quickly as possible. Hopefully, next week and they will be getting an e-mail from her shortly.

Ordinances & Administration: September 3, 2012 - No Meeting – Federal Holiday

Planning & Development: September 5, 2012

Councilor Tobey stated that there are no motions to be considered at this point. He noted for the Council's benefit that there will be a site visit at 132 Wingersheek Road on Saturday, September 22nd at 8:00 a.m. regarding their height and reconstruction issues. He also noted that they engaged in the discussion of the Varian Wind Turbine situation. They were advised that only one turbine is to be built rather than two, and given issues of topography and difficult ground, that underground transmission lines will not be built. In conjunction with that one turbine, they will be above ground and that is being dealt with. This is something that the Council does not formally have to embrace, rather is being construed by staff appropriately as a field change. The Planning and Development Committee did vote to accept that field change for the record.

Scheduled Public Hearings:

1. PH2012-034: Rezoning 2012-003: Atlantic Road #107 & #125, Amend GZO to create a new Existing Hotel Overlay District (Cont'd from August 14, 2012)

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 25, 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 25, 2012 at the request of the applicant.

This matter is continued to September 25, 2012.

2. PH2012-038: Modification to Special Council Permit granted to Cape Ann Brewing Company on December 7, 2012 re: Rogers Street #9-11 (Cont'd from July 24, 2012)

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 November 13, 2012.

Council President Hardy then opened and continued the public hearing to November 13, 2012 on the Modification to Special Council Permit re: Rogers Street #9-11.

This matter is continued until November 13, 2012.

3. PH2012-059 Amend Chapter 2 “Administration,” Article V. “Boards, Commissions, Councils and Committees,” Division 15 “Gloucester Water Advisory Board

This public hearing is opened.

Those speaking in favor:

Joan Kimberley residing at 546 Washington Street, Gloucester, presently on the ad hoc water committee, and has been for two years. She stated that this ordinance is to make them a more formal committee. Since this year is the 40th year anniversary of the Clean water Act, she thought the City should have some citizen representation looking into the matters of water. Gloucester has been, in the past two years, the forefront for both updating the water infrastructure, and hopefully let citizens know what it means to them and their precious water supply. The committee is to serve as an advisory committee reporting to the Mayor. By interfacing with city agencies and generally educating and informing themselves, they can become more expert on matters of water, water protection, water quality. In general, and those specifically, affecting Gloucester. The matters that they would be interfacing with the Mayor would be water quality, protection of water resources, watersheds and any issues raised by citizens. Hopefully, they can also work on separating some of the myths and fictions from the facts i.e. the water costs in Gloucester are the most expensive in the nation. Although they are certainly high and everyone would like them to be lower, they are not the most expensive in the nation nor are they the most expensive in the state. In considering Gloucester’s geographical size versus its population size and the infrastructure, it is amazing on what Gloucester has been able to do and continues to improve upon. Water is a complex issue, particularly in Gloucester, and this committee is to take an active role on all matters relating to that especially education and protection, which should be encouraged. In looking at the general board water committees and advisory committees, she found that they have been in effect since the 1800’s in all kinds of places, and in some places have a much more active role than this committee would be. For example in Davis, California, their water committee is in charge of prioritizing the budget for infrastructure so they decide what happens and in what order. A lot of water committees take an active role on budgetary and matters that really fall within the purview of the Mayor and even the DPW. What the committee is looking for is to find out more about the quality of the water, how to protect our water and give that information to the Mayor, and to inform the citizens to make them aware of all the good things that are happening, the money they are spending, where it is going and what it does for them. She thanked the Council for their indulgence.

Those speaking in opposition: None.

Communications: None.

This public hearing is closed.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to create and AMEND the Gloucester Code of Ordinances, Chapter 2, Administration, Article V, Boards, Commissions, Councils and Committees to ADD the following new subsections 2-560 to 2-561 Gloucester Water Advisory Committee:

Division 15 – Gloucester Water Advisory Committee:

Sec. 2-560 Created:

The Gloucester Water Advisory Committee is created to advise and recommend to the Mayor and the City Council policies on the management, protection, improvement and conservation of Gloucester’s water supply, watersheds, storm water and wastewater infrastructure.

Sec. 2-561 Membership:

1. The Committee shall consist of seven (7) members. As required by the City Charter, members shall be appointed by the Mayor and approved by the City Council. Members shall serve staggered two-year terms beginning at the date of appointment and ending on February 14 as required by the City Charter. Committee members shall be City residents. Members will be selected based on relevant experience and knowledge. A vacancy occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment.

2. The terms of the members shall be staggered, as such, three initial members' terms shall be for one year and four initial members' terms shall be for two years.
3. The Committee shall:
 - a. Meet on a monthly basis and retain meeting minutes;
 - b. Report to the Mayor on a quarterly basis; and
 - c. Beginning six months after its initial formation the Committee shall submit to the City Council on a semi-annual basis a report of its activities and its progress achieving its mission.

DISCUSSION:

Councilor Theken explained that this was brought forward by the Mayor to the O&A for an advisory board like the Traffic Commission and the Fisheries Commission. Some of the hot topics the Mayor gave i.e. were the Rockport Road or the trespassing of Klondike Reservoir. This would help to ask for a recommendation and forward it to City Council to take the burden off the City Engineer, who is involved in the water infrastructure phase and upgrades. This committee would be set up so that Council can have discussions. **Council Theken** stated that Mr. Orange, who has been so great in doing a wonderful job on our reservoirs and our sheriff, can have someone to go to and help to investigate and bring things forward. This was a concern from everyone, and thanked **Councilor Tobey** for years ago and still continues saying, this is a major concern. The people of Gloucester citizen's group that made up the water committee, is actually a committee that's really needed at this time in the City of Gloucester. **Councilor Whynott** had one concern at the O&A meeting about the committee, and that was where they get the subjects they discuss. If they are given to them by the Mayor or the City Council, he had no problem with that. He wouldn't like to see them take up, i.e. if someone wrote a letter from Rockport, and have them take up a vote of the watershed, which he agrees with **Councilor Tobey** is a nonstarter. He wouldn't like to see it even discussed on a committee like this. This was his only concern. **Councilor McGeary** stated that he was also in attendance at the O&A meeting, and while he appreciates **Councilor Whynott's** concern, he did ask that the language specifically not limit the committee to things referred to them by either the Administration or the Council. That as people concerned about water issues in the City with particular expertise and a volunteer organization, they have the right to explore and conduct their own inquires into water quality issues. He was assured that the language does not preclude that. **Councilor McGeary** didn't think anyone would want, as an advisory committee having its own agenda forever and forever, but he thought it would be important because they are so sensitive to this issue that they have some freedom of action within their charter.

Council President Hardy commented that a committee is a committee. It is not a board. It's not a commission. It's a committee, it's an advisory committee. They do not have the legislative power to enact anything. They would have to come to Council for enactment. She did, however, have one amendment that she would like to offer to Section 2-561 regarding membership number 3(a). Currently it reads "3. The Committee shall: "Meet on a monthly basis and retain meeting minutes;" She would like to amend, through the Chair, to read "Meet on a monthly basis and file timely meeting minutes with the City Clerk".

MOTION: On motion by Councilor Hardy, seconded by Councilor Theken, the City Council voted 9 in favor 0 opposed to amend Section 2-561 Membership, 3(a) to read as follows: "3. The Committee shall: a. Meet on a monthly basis and file timely meeting minutes with the City Clerk;"

MOTION: On motion by Councilor Theken, seconded by Councilor Hardy, the City Council voted 9 in favor and 0 opposed to waive the reading of the entire ordinance itself.

**MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to create and to AMEND the Gloucester Code of Ordinances, Chapter 2, Administration, Article V, Boards, Commissions, Councils and Committees to ADD the following new subsections 2-560 to 2-561 Gloucester Water Advisory Committee:
Sec. 2-560 Created:**

The Gloucester Water Advisory Committee is created to advise and recommend to the Mayor and the City Council policies on the management, protection, improvement and conservation of Gloucester's water supply, watersheds, storm water and wastewater infrastructure.

Sec. 2-561 Membership:

1. **The Committee shall consist of seven (7) members. As required by the City Charter, members shall be appointed by the Mayor and approved by the City Council. Members shall serve staggered two-year terms beginning at the date of appointment and ending on February 14 as required by the City Charter. Committee members shall be City residents. Members will be selected based on relevant experience and knowledge. A vacancy occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment.**
2. **The terms of the members shall be staggered, as such, three initial members' terms shall be for one year and four initial members' terms shall be for two years.**
3. **The Committee shall:**
 - a. **Meet on a monthly basis and file timely meeting minutes with the City Clerk;**
 - b. **Report to the Mayor on a quarterly basis; and**
 - c. **Beginning six months after its initial formation the Committee shall submit to the City Council on a semi-annual basis a report of its activities and its progress achieving its mission.**
4. **PH2012-060 Amend GCO Chapter 22 Traffic and Motor Vehicles, Sec. 22-1 "Definitions" by adding a new parking control device**

The public hearing is opened.

Councilor McGeary explained that the Administration has requested that this hearing and the five subsequent hearings be continued for 30 days while they finish up some preparations specifically having to do with the requirement. If they are going to put a parking lot at I4-C2, it may require a DEP permit. Since the summer tourist is now gone by, as the maker of the motions, **Councilor McGeary** had no problem with that. **Council President Hardy** asked the Councilors on whether there were any objections to continuing the next five or six public hearings until October 9, 2012.

Council Discussion: **Councilor Tobey** didn't have an objection; although, he expressed concern that they had been receiving assurances from the Administration that this was an allowable temporary use under the DEP standards and asked if anyone was here from the Administration. Seeing none, **Councilor Tobey** requested some discussion of this ahead of time in writing. Ms. Garcia sensibly was all over this, for example, and they are entitled to know as is the community "what's up" For the record, the City Council requests of the Mayor to file a memo with City Council as to why the delay, what is the situation as **Councilor Tobey** has asked. **Councilor Cox** stated that she was also puzzled about this because she didn't know how it got this far if it wasn't allowable use. She didn't know why they wasted so much time and energy on this single subject when they didn't even know if it is an allowable use. **Councilor Cox** stated why is there one of those fancy meters down there wasting away? Why were we allowed to put this revenue in their current budget if this is not an allowable use? This has thrown off everything the Budget and Finance has worked on with the budget. **Councilor McGeary** apologized that the Administration was not here, but he did have a conversation with the Chief Administrative Officer. It is not that it is not an allowable use. It needs a permit, and however, the permit process has not been completed. It is a permitted use as a temporary use, and as **Councilor Cox** will recall or maybe it was at O&A, they did add a sunset clause on this so that it could not go for more than five years or one year. He couldn't recall, but in any case, it is an allowable use, and they just need to go through the process of getting the DEP permit. They are hopeful it is a very short process to get it done. That was their response to **Councilor McGeary**. **Councilor Ciolino** stated that, during the budget process as **Councilor Cox** stated, B&F took a higher figure for meter revenues as they thought that the new parking kiosk would go into effect and would increase the revenues because they couldn't reuse the money. It has taken so long to put it all together and that line item needs to be watched. At the rate they are going, they are certainly not going to make the goal that they thought it was going to be. **Councilor Tobey** stated that it is not just about the money. They have to get pass this notion, especially when it comes to parking, that people who drive cars and machines like PEZ devices, you push them and out comes money. It isn't just about hitting a line item. It is about giving the community a sense of confidence when it comes to the future of the I4-C2 lot bought 20 months ago that the gang is going to shoot straight. They were also promised at P&D, a promised reiterated in this room at that podium that they would receive tonight at this meeting the draft RFP for second bite at the apple for development of the site. They do not have it and it is as if it wasn't said. Now they have, and he apologized if he overstated, that it is not an allowable use, but it is an allowable use only if you get a permit that no one ever talked about it before. **Councilor Tobey** stated that we have to get this stuff right the first time starting now. **Councilor Cox** stated that even if it is an allowable use, the permit should have been thought about before the money was put in the budget and before they

put this fancy meter down there. This is the prime example of cart before the horse. It is a trickle down effect that affects so many different things. It is not just about the money. It is about appearances, it's about we look, how the administration looks with doing things completely and absolutely out of order. **Council President Hardy** stated for the record that the e-mail that went to **Councilor McGeary** appeared to have gone to her as well. Unfortunately, she was not home at 5:44 pm this evening before the City Council meeting to receive it. It came late to the Council. It was a complete astonishment to her that they are requesting a continuance on these items and she had spoken to the Administration at least six times on the phone today. This was the first she heard of it. They are totally frustrated with it and directed the Assistant City Clerk to work with her later so that we can get this to the Mayor first thing in the morning to tell her the urgency of the matter.

MOTION: On motion by Councilor Hardy, seconded by Councilor Theken, the City Council voted 9 in favor and 0 opposed to continue public hearing until October 9, 2012.

Councilor McGeary stated that Councilor Cox was concerned because the lot was not striped for parking. In talking to the Administration, Mr. Duggan assured him that they will be striping the lot for the Block Party this week so that it is not at least a 'free for all' there. **Councilor President Hardy** commented that they scheduled quite a few public hearings based on the number of public hearings scheduled for this evening. Now they do not have all those public hearings and they delayed other people from coming before them because of this. It is unacceptable, and this should have been cleared with the City Council President before the meeting by early afternoon.

This PH2012-060 is opened and continued to October 9, 2012.

5. PH2012-061 Amend GCO Chapter 22 Traffic and Motor Vehicles, Sec. 22-220 "Deposit to extend parking Time beyond maximum legal time prohibited"

This public hearing is opened and continued to October 9, 2012.

6. PH2012-062 Amend GCO Chapter 22 Traffic and Motor Vehicles, Sec. 22-288 "Off-street parking areas"

This public hearing is opened and continued to October 9, 2012.

7. PH2012-063 Amend GCO Chapter 22, Sec. 22-289 "Parking meter zones-On streets"

This public hearing is opened and continued to October 9, 2012.

8. PH2012-064 Amend GCO Chapter 22 Traffic and Motor Vehicles, Sec. 22-290 "Same-off-street parking areas"

This public hearing is opened and continued to October 9, 2012.

9. PH2012-065 Amend GCO Chapter 22, Art. V, Div. 2 City-owned Off Street Parking Areas, Sec. 22-191 "Established"

This public hearing is opened and continued to October 9, 2012.

FOR COUNCIL VOTE:

3. CC2012-047 (Verga) Request Letter to Mass DOT to allow placement of directional sign on Rte. 133 at the intersection of Lincoln Street & Essex Avenue

Councilor Verga explained that there is no signage. He had a call from someone, who has family out of town, who could not find the cemetery. We cannot put a sign on Rte 133 without State permission.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the City Council voted 9 in favor, 0 opposed to direct the City Clerk to forward a letter to Mass DOT asking that the City be allowed to place a directional sign on Rte. 133 at the intersection of Lincoln Street & Essex Avenue for the City cemetery known as Dolliver Memorial Cemetery located at Lincoln Street.

4. Decision to Adopt: SCP2012-007: New Way Lane #50, GZO Sec. 5.13.7 (PWSF) Modifications

MOTION: On motion by Councilor Tobey, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to ADOPT the SCP2012-007 decision for New Way Lane #50 pursuant to Sec. 5.13.7 (PWSF) Modifications of the Gloucester Zoning Ordinances.

5. Decision to Adopt: SCP2012-008: Maplewood Avenue #89, GZO Sec. 2.3.1(7) Conversion to or new multi-Family apartment dwelling

MOTION: On motion by Councilor Tobey, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to ADOPT the SCP2012-008 decision for Maplewood Avenue #89 pursuant to Sec. 2.3.1(7) Conversion to or new multi-family apartment dwelling of the Gloucester Zoning Ordinances.

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilor Whynott commented that he heard the question that's on the City website regarding the use of Fuller School is not quite unbiased in the way it is place, and he thought this was too bad, and hoped people will ask questions.

Councilor Verga stated that he agreed with **Councilor Whynott**.

Councilor Cox thanked the Administration for repairing the City sidewalks, however, upon completing the work it is very important to replace the meters in a timely manner. She has also noticed some missing meters. With all the new machines and the removal of old meters, they should have plenty of pieces to fix this problem. The lost revenue should be calculated and taken out of next year's budget from the DPW. **Councilor Cox** announced that on Sunday, September 23rd at 9:00 a.m. is the registration for a 5K organized by a Gloucester teenager. Her goal is to raise \$5,000 for cancer research. It is at Stage Fort Park at the Gazebo There is also a benefit to fund the Phyllis A. Restoration on the Schooner Lannon on Monday, September 17th from 5:30 pm to 7:30 pm and is \$50.00 per person. Contact anyone on the committee for tickets.

Councilor Tobey wanted to piggyback on the backs of fellow Councilors about the inadequacy of the facility survey. The bone he would pick is a deliberate exclusion for reuse as a school. He would argue that single potential reuse should be on the table particularly when we are considering substantial expenditures for elementary school construction. He would also like to discuss his decision to resign from the Fisheries Commission, which was shared with the Council President, given professional travel obligations that are consistently in the way. He is grateful for the opportunity the Chair gave him and saluted the commission for the work that is already undertaken.

Councilor McGeary wanted to call the citizen's attention for a forum tomorrow afternoon from 3-5 p.m. at the new Endicott College facility at 33 Commercial Street on medical marijuana. There will be a ballot question on this year's November ballot legalizing marijuana for personal medicinal use. This forum doesn't necessarily take a position on that, but it is important that people understand implications of legalizing marijuana. There will be people from both sides of the issue present including former White House advisor on marijuana. Free and open to public and encouraged everyone to attend.

Councilor Ciolino stated that the Purple Heart Highway designation has passed. He is working with State Senator Tarr and State Rep. Ann-Margaret Ferrante for a ceremony when the signs are installed. Possibly Veteran's Day or thereabouts for the ceremony to be held on the Main Street side of the 128 Extension to be closed off for the ceremony. He will email everyone when he has more information. This Saturday is the last block party and encourages everyone to come down and celebrate. On Sunday morning, the Eurodam cruise ship will be arriving with 2,000 passengers plus 700 crew members. There is a lot going on in Gloucester this weekend, and it is final salute to the summer.

Councilor LeBlanc announced that the Gloucester High School groundbreaking for Newell Stadium will take place this Friday morning at 9:00 am, and is looking forward to seeing this project up and running.

Councilor Theken announced that time for open enrollment again for Medicare RD plans on October 16th at 10:00 am at the Rose Baker Senior Center that the SHINE Director and Elder Affairs will come down for presentation. Lydia Bertolino is now certified new SHINE representative.

Council President Hardy announced that it is with regret that she had accepted the resignation of Councilor Tobey from the Fisheries Commission and thanked him for his service. She was pleased to announce that Councilor Verga has accepted her appointment to serve out balance of Councilor's Tobey's term. She thanked Councilor Verga, and looked forward to hearing from him in the future.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:52 p.m.

**Respectfully submitted,
Joanne Senos
Assistant City Clerk & Substitute Recorder**

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.