

GLOUCESTER CITY COUNCIL MEETING

Tuesday, December 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; Jim Duggan; Fire Chief Eric Smith; Kenny Costa; Jeff Towne; Stephen Winslow; Maggie Rosa; John Blanchard; J.J. Bell; Sandra Dahl-Ronan; Deborah Laurie; Tony Gross; Cate Banks; Tom Hovey

The meeting was called to order at 7:04 p.m. Councilor Tobey entered the meeting at 7:04 p.m.

Flag Salute & Moment of Silence.

Oral Communications: None.

Presentations/Commendations: None.

1 of 2: City Hall Restoration Commission-Update on Phase II-Maggie Rosa, Chair

Maggie Rosa, Chair of the City Hall Restoration Commission informed the Council the exterior restoration of City Hall took a great team effort with J.J. Bell and Steve Dexter of the City Hall Restoration Commission with Doug Manley of McGinley Kalsow & Associates, the architectural firm they worked with. She also recognized Jeff Towne, CFO for his efforts to reduce the costs to the City on the project; and to Sandra Dahl-Ronan of the Community Preservation Committee who helped recommend funding from the CPA Fund for this project. The Commission was awarded \$2.6 million to continue the restoration of City Hall. \$2.3 million has been spent in the last 9 months on construction costs.

Review of Restoration Work Completed to Date: The bells in the clock tower's lower level are restored; ground floor windows on the Dale Avenue side replaced, restored and storm windows installed; HVAC installed; all 4 ventilator towers are restored; cornices restored; the north chimney has been rebuilt; the south chimney has been removed; selected slate on the roof has been replaced. The portico restoration is almost finished; there has been repointing of masonry and some repair to windowsills. Gutter covers and stair rails have been installed (all work was done with CPA funding).

Warranty repairs: The windows on the cupola level have been replaced and clock face repairs were needed because of inappropriate installation.

ADA Accessibility of City Hall: In order for this project to move forward, the Commission they received significant variances from the Mass. Architectural Board for ADA compliance. But in order to gain the variances, some ADA accessibility work was necessary – door levers; signage; additional ADA parking on Dale Avenue; reduction of thresholds in the building; and lower level entryway was necessary to make it more attractive, which was done by the DPW. Using private funds wheelchairs have been provided at City Hall for elevator access, which is non-ADA compliant due to its size.

Weathervane repairs: Through volunteer efforts of led by Craig Herrmann of the Commission, Campbell Construction, CE Construction, Chelmsford Crane Services, North Crane Rental all volunteering their efforts to bring the weathervane down, restore it on site and return it to its perch atop City Hall.

On-Going Restoration Efforts: Using CDBG funds the Commission will be able to make upgrades to lower level bathrooms; add automatic door openers and the recently improved lighting in Kyrouz Auditorium. Because the project came in on budget, there was contingency funding remaining and so they are able to order the replacements, repair and restore windows on the first floor; in particular, the City Clerk's office will have their window issues addressed with an estimated completion date of February 2013. The portico staging will be taken down by December 21st. Exterior painting will still need to be done, but as it is too late in the season it will be done in the spring along with some repointing. The room off of Kyrouz Auditorium has a full-sized window which will be fixed with a mock up. The costs of the window replacements in the auditorium will cost \$264,000. They've received \$12,000 from the Tower Foundation and \$30,000 from the Dusky Foundation to continue the work. Masonry repairs are estimated to cost \$500,000 million. Landscaping work will be done by a joint effort through the

Cape Ann Garden Club with the Commission to improve the entryways on Dale Avenue and Warren Street. There will be a gala fundraiser in May 2013. The Commission continues their work with the National Park Service to designate City Hall as part of a non-contiguous National Historic Landmark District which will allow the Commission to apply for some federal funds. The Commission is also working with other organizations such as the Downtown Gloucester Cultural District which will enable them to apply to Mass. Cultural Council funding. State Rep. Ferrante is helping with that process also. They will go back to CPA for funding and she expressed hope for further CDBG funding as well. She added her thanks to the community for investing in the CPA.

Councilor Ciolino commented the Commission for doing a great job taking on a “tremendous” task, and said folks marvel how beautiful City Hall is which is due to the work of the City Hall Restoration Commission. He expressed his appreciation for the work of Ms. Rosa. **Councilor McGeary** noted the work has been on the envelope of the building and asked had the Commission looked toward work on City Hall’s interior. **J.J. Bell** stated other than addressing the handicap issues within and outside of City Hall, they have concentrated on the envelope to make it water tight and structurally sound. They would like to address the interior of the building once they finish the envelope. **Council President Hardy** added that it makes more sense to address the exterior first which **Mr. Bell** agreed with.

2 of 2: Status update from IT Director, John Blanchard

John Blanchard, IT Director updated the Council on the Kyrouz Auditorium audio and visual engineering that consists of some research. The existing issues are the podium microphone; the remote teleconference meeting participation; poor audio in the auditorium and on TVs at home. They’ve reached out to other communities with similar auditoriums like this; schools, churches, historic buildings that have the echoing effect those new, modern microphone systems go against. They formed an ad hoc committee (Kyrouz Audio/Video Engineering Committee or CAVE) that will meet December 18th at 1 p.m. the Kyrouz Auditorium. There will be a representative from CATV, City administrative staff and City Councilors. At this first meeting they will the committee will look to frame a contract with an engineer to develop a scope of work to see what needs to be done to improve the auditorium. As to the remote participation, IT has upgraded the technology in the room; but there are questions that need to be addressed to the committee regarding the other side of the connection. Initial talk for financing this project was for \$25,000; and found there is \$55,554 in the Comcast Fund, and expect another check in February. Depending on what the committee determines what the needs are, they are in a much better position for funding solutions. There is more to the fixes for the auditorium than just the sound/audio. The CATV representative would be able to advise the committee, although he has said he would not be able to participate actively. **Councilor Cox** asked who the representative from CATV; and **Mr. Blanchard** named Andrew Love whom he said was very knowledgeable and looked forward to working with him. **Councilor Ciolino** noted folks comment when listening to the meeting on TV they only hear one end of the dais and not the other and asked the ad hoc committee check on this with CATV. **Mr. Blanchard** stated the initial quote was to replace the mixer. The mixer only has mono output capability; only have one cable is connected to the mixer where there is two output. The technology is outdated. An initial recommendation from Mr. Love was to run in two cables an XLR cable to help solve most of the problem. The committee needs to see what the room already has. The mixer is relatively new. **Councilor Ciolino** asked when they think the audio problem will be solved. There are funds available now and they hope to move forward right after the committee’s initial meeting. **Councilor Ciolino** spoke to a lack of an active phone jacks in the auditorium to aid remote participation. Mr. Blanchard informed the Councilor there is now an active phone jack in the base of the stage, and there is a conference style phone. However, rather than the speaker on the phone which is only good for a small conference room, there is a need to have the audio plug directly into the mixer so it is broadcast over the speakers. It would benefit to have the ad hoc committee review this also. **Councilor Ciolino** added the Council and the audience can barely hear speakers in the auditorium at the dais. **Mr. Blanchard** noted the audio speakers in the auditorium are dated which will be something the ad hoc committee will look to upgrade. The mixer isn’t the problem; it is how it is tied in and expressed the hope they will see some results after the first of the year. **Council President Hardy** stated the ad hoc committee will look to the big picture rather than short term fixes. She said there has been talk of having the meetings broadcast live over the web through the City’s website and asked was this something the ad hoc will investigate. **Mr. Blanchard** stated that is his area of expertise and didn’t see that as a problem. He said that, too, should be run by the ad hoc committee. Cost is also a consideration. **Council President Hardy** asked if CATV has to be involved in the web broadcast living streaming. **Mr. Blanchard** stated CATV has to tie into their website. **Councilor Verga** asked the ad hoc set a date and a goal so that this is a short-lived committee which should be able to accomplish their goals within three months. **Mr. Blanchard** noted they have added Donna Compton, City Purchasing Agent to the committee to help them through

processes. **Councilor Verga** urged there be some interim remediation steps also. **Council President Hardy** stated ad hoc committee members are: John Blanchard, IT Director; Councilor McGeary; Andrew Love, CATV; Donna Compton, Purchasing Agent; Jeff Towne, CFO and herself. She assured they would work to have this done as expeditiously as possible. **Council President Hardy** said also she wanted to take a trip with Councilor McGeary to Peabody City Hall to see the set up in their auditorium dais with interlocking desks which are removable as well as their sound system. **Councilor Cox** asked since the lighting was improved in the auditorium had it improved the visual broadcast and was informed by **Council President Hardy** that it was.

Confirmation of New Appointments:

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Michael W. Lane to the Licensing Board, TTE 05/31/2018.

DISCUSSION:

Councilor Theken explained that at O&A they ask why someone wishes to volunteer for the City; what their qualifications are; had they taken the State ethics quiz, etc. The Committee is welcoming former Police Chief Michael Lane as an ideal choice as a member of the Licensing Board and personally recommended his appointment to the Council in addition to the Committee's endorsement. **Councilor Ciolino** stated Mr. Lane is a great pick for the position as he knows the serving establishments well. The Council would look forward to his input and expertise. **Councilor McGeary** added in his three years on the Council he has enjoyed working with former Chief Lane who he said will add much to the Commission. **Mr. Lane** informed the Council he was asked by Michelle Harrison, Licensing Board chair to join the Commission, and said he was pleased to serve. He informed the Council that he has gotten to know the bar managers, owners and distributors in his time employed by the City over the last 33 years.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed to recommend to the City Council to appoint Michael W. Lane to the Licensing Board, TTE 05/31/2018.

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

DISCUSSION:

Councilor Theken explained that the O&A Committee Mr. Sherman was questioned more in depth due to the nature of the commission on which he would serve. She said he is a good candidate for the Conservation Commission (ConCom) based on his background as a former member of the Westminster, Mass. ConCom. He told the Committee he is ready to take the position on. She said the community is lucky to have him as a volunteer. **Councilor Ciolino** informed Mr. Sherman, who came to the podium at the invitation of the Council President, of all the boards and commissions, ConCom is the most intimidating to the public and ConCom, has to guide applicants that come before them through the Commission's processes. He also wished him well in his new volunteer position with the Commission.

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

Consent Agenda:

• **MAYOR'S REPORT**

1. Memorandum from Mayor related to the State of the City 2012 Presentation (Info Only)
2. Memorandum from DPW Director re: requesting \$500,000 from available certified Sewer Enterprise free cash to fund Improvements in the Annisquam neighborhood (Refer B&F)
3. Memorandum from DPW Director re: requesting \$500,000 from available certified Sewer Enterprise free cash to fund Sewer improvements in the Commonwealth Avenue neighborhood (Refer B&F)
4. Memorandum from DPW Director re: request a loan authorization in the amount of \$4,000,000 to fund construction related to the

- CSO modified Consent Decree and Long Term Control Plan (CSO-005-1 Area Construction) (Refer B&F)
5. Memorandum from Harbormaster re: request establishment of three Stabilization Funds and a Waterways Improvement and Maintenance Fund (Refer B&F)
 6. Supplemental Appropriation-Budgetary Request (#2013-SA-16) from Harbormaster's Office (Refer B&F)
 7. Supplemental Appropriation-Budgetary Request (#2013-SA-17) from Harbormaster's Office (Refer B&F)
 8. Supplemental Appropriation-Budgetary Request (#2013-SA-18) from Harbormaster's Office (Refer B&F)
 9. Supplemental Appropriation-Budgetary Request (#2013-SA-19) from Harbormaster's Office (Refer B&F)
 10. Supplemental Appropriation-Budgetary Request (#2013-SA-20) from Harbormaster's Office (Refer B&F)
 11. Memorandum from Gloucester Public Schools Director of Finance re: requesting permission to pay FY12 invoices with FY13 And permission to pay services/goods procured without a purchase order in place (Refer B&F)
 12. Memorandum from Police Chief re: permission to reimburse expenses for an officer's EMT certification, some of which were Incurred in FY12, from FY13 EMT budget line items (Refer B&F)
 13. Communication and Stated Contract Form from Assistant to the EMD re: request City Council acceptance of a \$4,500 CERT grant From MEMA (Refer B&F)
 14. Memorandum from Police Chief re: Gloucester Police Department's response to dealing with presence of coyotes in City and Councilors' concerns regarding the City's Animal Control Officer (Info Only)
 - **COMMUNICATIONS/INVITATIONS**
 1. Communication from Standard & Poor's Rating Services re: City's State Qualified Bonds, Series 2009 (Refer B&F)
 2. Standard & Poor's Rating Services Summary of Gloucester, Massachusetts; Non-School State-Programs (Refer B&F)
 - **APPLICATIONS/PETITIONS**
 1. SCP2012-014: Mansfield Street #3/Washington Street #24, Map 6, Lots 36 & 37; GZO Sec. 1.8.1 and Sec. 2.3.1(7) Conversion to or new multi-family or apartment dwelling, four to six dwelling units (Refer P&D)
 2. Special Events Application re: Request to hold Camp Calumet Walk-A-Thon on May 11, 2013 (Refer P&D)
 - **COUNCILORS ORDERS**
 1. CC2012-068 (LeBlanc) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" and Sec. 22-274 "Two-hour parking Re: 133 Washington Street (Refer O&A & TC)
 2. CC2012-069 (Whynott) Amend GCO by ADDING new section 2-28 in Chapter 2, "Administration" Article II "City Council" Entitled "City Schedule of Fees Approved by City Council" (Refer O&A)
 3. CC2012-070 (Whynott) Amend GCO Chapter 8, Article I "in General", Sec. 8-1 re: License for storing inflammables fees" Subsection (C) (Refer O&A)
 4. CC2012-071 (Whynott/Hardy) Amend GCO Chapter 4, Article II "Dogs" Sec. 4-22 "Fees and penalties" subsection (a) re: Dog license fees (Refer O&A & B&F)
 5. CC2012-072 (Hardy/McGeary/Verga) Request City Council review Law Proposed by Initiative Petition 3 re: zoning/ Marijuana dispensaries (Refer P&D & PB)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 1. City Council Meeting: 11/27/12 (Approve/File)
 2. Standing Committee Meetings: B&F 12/06/12 (under separate cover), O&A 12/03/12, Joint Meeting of P&D & Waterways Board 12/05/12 (under separate cover), P&D 12/05/12 (under separate cover) (Approve/File)

Unanimous Consent Calendar

1. Motion to Advertise for Public Hearing to Amend Chapter 9, Section 9-2 (Trash/Recycling Containers) (FCV or Refer O&A)

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

Councilor Whynott asked to remove Items #3 under Councilors Orders.

Councilor Verga wished to remove Item #2 and #3 under the Mayor's Report.

Councilor Whynott stated in the case of CC2012-071 should be referred to B&F as well as O&A; to which the Council assented

Councilor Verga stated as to Items #2 and #3 under the Mayor's Report, request for funding from the DPW Director for sewer work in Annisquam and water work in the Commonwealth Avenue neighborhood respectively, he urged the B&F Committee to be reminded that folks in Ward 5 have subsidized sewer and water infrastructure work elsewhere in the City and are now "left holding the bag" on water issues; and while these two matters don't relate directly to those events, indirectly they do.

Council President Hardy wished to pull Item #9 from the Mayor's Report re: Supplemental Appropriation #2013-SA-19; that on the agenda no action was indicated next to it and should be referred to B&F, to which the Council assented.

Council President Hardy also asked the Council to vote to advertise for public hearing to again amend Sec. 9-2 Trash and Recycling. A past public hearing took place on April 12, 2011 to amend GCO Chapter 9 "Trash, Recycling and Litter" Sections 9-1 and 9-2. It was advertised incorrectly, and so the motion put on the floor was also incorrect. It should have said to amend Sec. 9-2(a) in its entirety. The result was the inadvertent deletion of several other subsections as part of that process which now needs to be reinstated into the ordinance.

MOTION: On motion by Council President Hardy, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed TO ADVERTISE FOR PUBLIC HEARING to Amend GCO Chapter 9, Sec. 9-2, "Trash/Recycling Containers."

Council President Hardy announced the matter would be advertised for public hearing and go directly to the City Council.

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

Committee Reports:

Budget & Finance: December 6, 2012, 2012

MOTION: On motion by Councilor Cox, seconded by Councilor McGeary, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Hardy) abstaining, to recommend to the City Council that \$246,000.00 (Two Hundred and Forty-Six Thousand Dollars) be appropriated (2013-SA-21) from the General Fund Unreserved Fund Balance ("Free Cash") to Account #101000.10.220.51300.0000.00.000.00.051 Fire Dept., Sal/Wage Overtime for the purpose of opening outskirt fire stations more frequently through June 30, 2013.

DISCUSSION:

Councilor McGeary explained that \$46,000 was requested by the Fire Chief to make up for an anticipated shortfall in the current overtime budget to maintain the contractually required minimum staffing of 14 firefighters per shift to open Central Station and West Gloucester. The additional \$200,000 will allow the Fire Chief to open, exclusively Bay View, as frequently as possible but not 24/7. The Committee deferred action on a request for an additional \$200,000 to be put into an "overtime stabilization account" that would have been used to keep Bay View open more often until the Administration presents their overall view of free cash allocation. The Committee said that given the immediate shortfall with the Chief being down to his last \$100,000 in overtime which would be expended by the end of the month, this should fill the basic anticipated overtime gap and give him some funding to allow Bay View to stay open during a season prone to holiday fires. The vote was 2 in favor, 1 (Hardy) abstained.

Councilor Tobey stated the current practice is Magnolia fire station is never opened which the Chief confirmed. If the Council votes yes on this matter, the Councilor asked will it ever open the Magnolia Fire Station. **Chief Smith** said not with this current budget with this level of funding. Bay View is fairly sporadic given injuries and personnel shortfalls. They are awaiting the Civil Service list. **Councilor Tobey** commented it would mean no Magnolia fire station despite the fact the City has millions of dollars in certified free cash. He asked how frequently open now is the Bay View station. **Chief Smith** said it is opened on a sporadic basis given the level of injuries his department has experienced and are still short on personnel due to retirements and waiting on Civil Service to give them a new list which is quite late in coming. The department hopes to get the new personnel on board but doesn't make it easier for them even once they are hired because of their having to go to the Fire Academy for training. Bay View will be open more frequently. Currently it is open several times a month. He said it is a moving target and is dependent on holidays and vacations because they are running at a, "less than barebones staffing." On inquiry by **Councilor Tobey**, **Chief Smith** informed him Bay View was open this month about five shifts thus far out of 2 shifts per day, or 5 shifts out of 22 shifts. **Councilor Tobey** asked if this is the norm for the months he's been with the City. **Chief Smith** stated it is higher this time of year when vacation periods are lower. As they get closer to the holidays it will wane. **Councilor Tobey** asked if the Council votes yes will Bay View open more frequently increase and by how much. **Chief Smith** said, "Absolutely." He hoped to get it for up to at least a half month. It will be broken down per pay period of \$13,333. They will look to times when they have 15 on duty on a shift and hiring for the rest of the shifts to open the station. **Councilor Tobey**, pointing out the holiday period, if the Council votes no what is the frequency opening Bay View; to which **Chief Smith** stated it would be very limited or not at all. **Councilor Tobey** asked how much money the Chief asked for from the Administration for free cash for expending revenues available for upgrading the department's straight time and overtime. **Chief Smith** stated the overtime request he made was for the \$46,000 overtime shortfall; and with the intent to open Bay View 24/7 for balance of FY14 he asked for \$543,000. **Councilor Tobey** asked had the Chief requested funding to open Magnolia. **Chief Smith** said he has not requested funding at this time because the department needs the station roof sealed up and the interior rehabbed to in order for it to be opened. He said it didn't make sense to request overtime

when the station not in condition to be opened. **Councilor Tobey** stated when a similar closure had been in place for years, the Magnolia station reopened in mid-1990s even though the renovations were going on around them. He asked what is different now that it couldn't occur given the millions available in free cash. **Chief Smith** responded the issue is his consideration of the health, safety and welfare of his firefighters. He said he promised upon taking up this job he would never put them in harm's way. He doesn't know what is behind the walls which could be potential hazard to them with the mold, and had no money to fund that investigation; with no point in pursuing that until they seal the building. Then they can do the testing and see what the mitigation is needed and then rehab the interior of the building to make it habitable again. **Councilor Tobey** asked when the Chief will know that to which **Chief Smith** responded he will know that as soon as process of the big picture for free cash in conjunction with the DPW is undertaken. It comes out of the DPW budget to take care of the buildings. He has been working with the Facilities Manager to get a solid estimate of costs to make his request to the Mayor to get the building up and running. He expressed this will be in the next week or two from internal assets; if not, he will seek a bid on his own from outside so has those numbers. **Councilor Tobey** asked, true or false, the only way to get stations opened is either spending money on straight time to hire more firefighters than they currently have or appropriate more money to overtime to pay existing staff to maintain staffing levels so those stations can be opened, which **Chief Smith** stated was true.

Councilor McGeary stated the Chief had alluded to the \$13,333 figure. **Chief Smith** stated that is the division of the \$200,000 over the number of pay periods remaining in the fiscal year. On the dates they have staffing at 15, he can plan to have 16 to open the stations; the department will see how funding can be stretched to open the stations. If they don't use all that money in a pay period, it will roll to the next pay period. It is the funding he has available and managing it appropriately over the fiscal year is his responsibility he said. **Councilor McGeary** stated the request for \$200,000 in a stabilization account would not guarantee Bay View opened 24/7. **Chief Smith** noted the department will fall short. The intent of the stabilization fund would be somewhat lost. The account would have allowed for a more stable use of the funding. That fund would have gotten them closer to opening Bay View full time. It also would act as a rainy day fund. **Councilor McGeary** pointed out the 14 minimum staffing is to open Central and West Gloucester Station only. **Councilor Theken** asked if West Gloucester has been closed. **Chief Smith** stated that station has been opened steadily since he has been on the job. They are going to hire firefighters. They currently are in the process of hiring one firefighter/paramedic and one firefighter. Additionally, the Mayor will go forward to hire another firefighter. They run 3 shifts at 18 and one shift at 17. They hope to get at least one more hire to balance the shifts out. Even at 18 and with the funding in place Magnolia would not open. This is just the emergent piece to staff Bay View through the holidays and forward through the rest of the fiscal year.

Councilor Theken asked if Chief Smith would come before them for the infrastructure of his department through the whole year. Every year for the past 10 years when there is free cash the Council is promised the fire stations will open; there will be more firefighters. She wanted to see infrastructure changes done in phases. **Chief Smith** said he will work diligently to do that. He is looking to do a reorganization of the department with negotiation with the unions. **Councilor Tobey** commenting buildings don't fight fires; staff using the equipment fight fires and asked that in order to open all these stations 24/7 how many full time staff is needed. **Chief Smith** said it takes 24 staff on a four shift basis. **Councilor Tobey** asked when all the station were last open how many were on staff for the department. **Chief Smith** stated it was 90-100 when they were continuously opened, which for 15-20 years they have not been continuously staffed. They need 92 to staff all stations to fight fires. They will have 71 positions on the line once all the vacancies are filled and if the Council moves forward to fund the 18th on the fourth shift, they'll be at 72 uniformed line firefighters. **Councilor Tobey** said that would make them 24 firefighters shy of where they need to be using full time staff to keep the stations opened and asked what it would cost. **Chief Smith** stated it would be \$1.680 million, with **Councilor Tobey** adding that would be about 1/3 of the currently available free cash. He added that when he came back to Gloucester in 1982 as General Counsel and over the course of 30 years, there have been a group of mayors working with the union and with the Chiefs to chip away at that contract and bringing it down. There is also an economic cycle. When times are good the stations are open because the City can afford it and are staffed to the levels the Chief just spoke to. When times are down, and cuts are necessary they get to where they are now. Times aren't down for the City because the City has had good financial management and have solid budgetary footings restored and a very substantial amount of free cash. Giving an example of an overpayment for health insurance coverage for City employees in 1994, when he was the mayor, and were able to use that refund to open all the fire stations by hiring back firefighters. They stayed open until post-911. They should, "declare victory now" and hire firefighters back; recognize progress in union bargaining is incremental and put this behind them. The City, he said, is a service organization not a for-profit organization and pursuant to a social contract where people expect certain levels of service, not the least of which is fire protection. They should do this now. He would vote yes on this but he expressed it was unsatisfactory to him given the City's current financial profile.

Council President Hardy announced that she would abstain from voting under MGL 268A as she has a brother who is a proud member of the Gloucester Fire Department as this involves overtime her brother could benefit by this vote and she would not vote on the matter.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) abstaining, that \$246,000.00 (Two Hundred and Forty-Six Thousand Dollars) be appropriated (2013-SA-21) from the General Fund Unreserved Fund Balance (“Free Cash”) to Account #101000.10.220.51300.0000.00.000.00.051 Fire Dept., Sal/Wage Overtime for the purpose of opening outskirt fire stations more frequently through June 30, 2013.

MOTION: On motion by Councilor Hardy seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to appropriate (#2103-SA-15) \$35,000 (Thirty-Five Thousand Dollars) from Account #294019.10.991.59600.0000.00.000.00.059 to Account #101000.10.141.57840.0000.00.000.00.057 Assessors Revaluation Program so that work associated with the FY14 Triennial Recertification may commence.

DISCUSSION:

Councilor McGeary stated the City sets aside about \$35,000 a year for this triennial revaluation for which a company is hired to do. This motion and the one upcoming are putting the money in place to do the FY14 Triennial Recertification. An additional \$35,000 beyond these two transfers will be by supplemental appropriation.

MOTION: On motion by Councilor McGeary seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to appropriate (#2103-SA-15) \$35,000 (Thirty-Five Thousand Dollars) from Account #294019.10.991.59600.0000.00.000.00.059 to Account #101000.10.141.57840.0000.00.000.00.057 Assessors Revaluation Program so that work associated with the FY14 Triennial Recertification may commence.

MOTION: On motion by Councilor Hardy, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2013-SBT-11) \$35,000.00 from Transfers Out-to Special Revenue Fund, Account #101000.10.992.59600.0000.00.000.00.059 to Assessors Revaluation Program, Account #101000.10.141.57840.0000.00.000.00.057 so that work associated with the FY14 Triennial Recertification may commence.

DISCUSSION: See above.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to transfer (2013-SBT-11) \$35,000.00 from Transfers Out-to Special Revenue Fund, Account #101000.10.992.59600.0000.00.000.00.059 to Assessors Revaluation Program, Account #101000.10.141.57840.0000.00.000.00.057 so that work associated with the FY14 Triennial Recertification may commence.

MOTION: On motion by Councilor Cox, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (2013-SBT-12) of \$1,160.00 from Facilities Longevity, Account #101000.10.472.51400.0000.00.000.00.051 to Public Service Longevity, Account #101000.10.470.51400.0000.00.000.00.051 for funds needed to cover a DPW employee’s longevity and minor computing errors.

Councilor Tobey stepped away from the dais.

DISCUSSION:

Councilor McGeary explained this transfer is required because an employee transferred from one position to another in a different department in the DPW. This transfer moves the longevity costs associated with the staff member to that new department.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1(Tobey) absent, the transfer (2013-SBT-12) of \$1,160.00 from Facilities Longevity, Account #101000.10.472.51400.0000.00.000.00.051 to Public Service Longevity, Account #101000.10.470.51400.0000.00.000.00.051 for funds needed to cover a DPW employee's longevity and minor computing errors.

Councilor Tobey returned to the dais.

MOTION: On motion by Councilor Cox, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (2013-SBT-13) of \$5,000.00 from DPW Central Permanent Positions, Account #101000.10.499.51100.0000.00.000.00.051 to DPW Public Services Permanent Position, Account #101000.10.470.51100.0000.00.000.00.051 for funds needed to cover budget shortfall.

Councilor McGeary stated this similar to the previous situation but doesn't tie to a single employee. The department needs to move the money with the staff that transferred between the departments.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to the transfer (2013-SBT-13) of \$5,000.00 from DPW Central Permanent Positions, Account #101000.10.499.51100.0000.00.000.00.051 to DPW Public Services Permanent Position, Account #101000.10.470.51100.0000.00.000.00.051 for funds needed to cover budget shortfall.

MOTION: On motion by Councilor Cox, seconded by Councilor McGeary, the Budget & Finance Committee voted 2 in favor, 1 (Hardy) opposed to recommend to the City Council to pay invoice #4245523 dated 6/18/12 by FTG Technologies Quincy, Mass., for \$955.00 to be paid from the FY13 IT Department budget without a Purchase Order in place.

DISCUSSION:

Councilor McGeary explained this request and three others are for payment of this and another invoice are from the IT Director regarding a telephone hardware contract. The IT Director had assumed the work would be covered under a service contract, but it was not. The City is "on the hook;" but they did protest the invoicing. This particular contract has since been reviewed, and it will not be renewed because it doesn't do much for the City. The invoices have to be paid, however, as the work was ordered and service rendered.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 8 in favor, 1 (Hardy) opposed pay invoice #4245523 dated 6/18/12 by FTG Technologies Quincy, Mass., for \$955.00 to be paid from the FY13 IT Department budget without a Purchase Order in place.

MOTION: On motion by Councilor Cox, seconded by Councilor McGeary, the Budget & Finance Committee voted 2 in favor, 1 (Hardy) opposed to recommend to the City Council, in accordance with MGL Chapter 44, Section 64, to pay invoice #4245523 dated 6/18/2012 by FTG Technologies, Quincy, Mass., for \$955.00 for services provided in the prior fiscal year with funds from the current FY13 IT Department Budget.

Councilor Whynott stepped away from the dais.

DISCUSSION: None.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 7 in favor, 1 (Hardy) opposed, 1 (Whynott) absent, in accordance with MGL Chapter 44, Section 64, to pay invoice #4245523 dated 6/18/2012 by FTG Technologies, Quincy, Mass., for \$955.00 for services provided in the prior fiscal year with funds from the current FY13 IT Department Budget.

MOTION: On motion by Councilor Cox, seconded by Councilor McGeary, the Budget & Finance Committee voted 2 in favor, 1 (Hardy) opposed to recommend to the City Council to pay invoice #4245011 dated 5/11/12 by FTG

Technologies, Quincy, Mass., for \$955.00 to be paid from the FY13 IT Department budget without a Purchase Order in place.

DISCUSSION: None.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 7 in favor, 1 (Hardy) opposed, 1 (Whynott) absent, to pay invoice #4245011 dated 5/11/12 by FTG Technologies, Quincy, Mass., for \$955.00 to be paid from the FY13 IT Department budget without a Purchase Order in place.

MOTION: On motion by Councilor Cox, seconded by Councilor McGeary, the Budget & Finance Committee voted 2 in favor, 1 (Hardy) opposed to recommend to the City Council, in accordance with MGL Chapter 44, Section 64, to pay invoice #4245011 dated 5/11/12 by FTG Technologies, Quincy, Mass., for \$955.00 for services provided in the prior fiscal year with funds from the current FY13 IT Department Budget.

DISCUSSION: None.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 7 in favor, 1 (Hardy) opposed, 1 (Whynott) absent, in accordance with MGL Chapter 44, Section 64, to pay invoice #4245011 dated 5/11/12 by FTG Technologies, Quincy, Mass., for \$955.00 for services provided in the prior fiscal year with funds from the current FY13 IT Department Budget.

Councilor Whynott returned to the dais.

MOTION: On motion by Councilor Cox, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council to establish under MGL c. 44, Sec. 53E-1/2 a Fire Department Revolving Training Fund #293023 for the purpose of receiving reimbursements for training from various organizations outside governmental channels. The authorized officer of the Fund is Eric Smith, Fire Chief. The fund is credited from reimbursements; expenditure limit is \$15,000; the balance is the available balance, and there are no restrictions to the Fund.

DISCUSSION:

Councilor McGeary explained occasionally when firefighters are sent to trainings the department is reimbursed by non-governmental agencies or government agencies; and there is no fund to track those reimbursements and to tap into to pay back overtime. This is setting up a mechanism so the money can be put to its proper use otherwise it would fall to the general fund. **Councilor Ciolino** stated there is money put aside for every time they do a cell tower that a company erects that they contribute \$5,000 to be used for training. He asked if that money was going to be transferred to this account. **Chief Smith** stated that account is very limited in its scope and what it can be used for which is high angle rescue. This account goes more towards an opportunity with the Marine Incident Response Team. There was a grant for marine firefighting training which was \$600 per student that could be used to reimburse the department for their firefighters' time. That is the type of training that the department is looking at; small amounts that are not coming through the usual sources. It is an opportunity for more training for the firefighters with someone else paying for it.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to establish under MGL c. 44, Sec. 53E-1/2 a Fire Department Revolving Training Fund #293023 for the purpose of receiving reimbursements for training from various organizations outside governmental channels. The authorized officer of the Fund is Eric Smith, Fire Chief. The fund is credited from reimbursements; expenditure limit is \$15,000; the balance is the available balance, and there are no restrictions to the Fund.

Ordinances & Administration: December 3, 2012

There were no items from this meeting for action by the City Council other than the appointments previously confirmed above.

Planning & Development: December 5, 2012.

MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the Council that there be a non-binding ballot question for the 2013 election ballot regarding the future of Fuller School as follows:

“What is your preferred use for the Fuller School site? All options offer potential additional use of site for municipal Safety (Police/Fire) Building”

- ___ A. Relocate municipal offices to an ‘under one roof’ complex
- ___ B. Renewed use as a Public School
- ___ C. Lease and/or sell property”

DISCUSSION:

Councilor Verga stated when he and Councilor Hardy put this forward three years ago there was a consensus this was premature to do this because the School Committee hadn’t determined what to do with the property. Since then there was a report by MassDevelopment and recently two surveys, one by the School Department, and one by the Administration as to what the future use of Fuller should be. He said he was unsure the Administration’s survey was scientific. There were 807 respondents which is 3.5 percent of the population of which 46 respondents were non-residents. The Council still needs to seek more information he said. These three options offered in the non-binding ballot question were being “kicked around,” two of which were not part of the Administration’s survey. This, he said, will give a whole picture. Two of the options he doesn’t even like but would want to hear what the public says to gain a full picture of what the public is interested in and will get behind it. Whatever option is chosen, he added, it will cost a lot of money; and two of the options he stated he didn’t like but was willing to see what the public had to say and get behind whatever they choose. **Councilor Tobey** stated he would vote for this non-binding question but hoped this becomes a moot point. He said that with the evolution of certain events, they need Fuller as a school sooner rather than later regardless how folks feel on the matter. The Charter School future is uncertain; and 100 students will have to be absorbed. The proposed rebuild of West Parish will have fewer seats. The hue and cry is for more innovation in the schools which is why he said he would welcome a Horace Mann arts curriculum based school and that Fuller would be a good facility for it. The building can never be suitable for school use again. And by closing it, they are making sure it is the case. The building is steadily declining. He understood because it was closed as a school expenses will be required for reopening it because ADA exemptions are no longer there. This is a publically owned property that has served the City well that can again. Every day it stays closed they contribute to its negligence. **Councilor Whynott** expressed he agreed if Fuller was needed as a school that should be the first choice. He expressed that he didn’t believe the school was in as bad a shape as was “advertised.” The tour some Councilors took showed him the school needs work. The roof has issues but could be fixed. If not a school, it should be a City campus. A downtown campus does not work; he said and would like to see this on a ballot. The City survey didn’t tell the story. He urged the Council to allow this non-binding question be placed on the ballot to let the public have their say. People tell him that Fuller School is the place to put everything. **Councilor Ciolino** said he would not support the non-binding ballot question because it would take millions of dollars would be involved for all these options. No cost estimate is associated with any of these options. People see no costs with these options and should in order to make a full decision. He expressed his disagreement with Councilor Whynott that a downtown campus doesn’t work. When City Hall was closed, the downtown suffered. The City should move forward towards a combined police and fire station on the Fuller property, and take the current police station and turn it into municipal offices. **Councilor Theken** stated she didn’t have an issue putting anything to vote. She asked if this was the definite wording and had it come from the Legal Department. **Councilor Verga** stated these three options were discussed at P&D. This did not come from the Legal Department. He said it is only fair to those who pay the bills to speak. **Councilor Theken** was concerned about the perception of the “selling” of City Hall. People don’t mind a combined Fire/Police complex, but asked are they moving City Hall and how is it to be addressed properly. **Council President Hardy** pointed this is one motion. **Councilor McGeary** said he could support this as written and it is up to the proponents to say what the options would cost as part of the campaign process and doesn’t need to be part of the ballot question.

Linda T. Lowe, City Clerk to read into the record from the City Charter, Sec. 9-7 at **Council President Hardy’s** request as follows: “At each regular city election there may appear on the ballot up to three nonbinding advisory questions to determine voter sentiment. Two of these questions shall be proposed by the city council and shall deal

with the affairs of the city in general. The third question may be posed by the school committee and shall, if so used, deal with a question relating to affairs under its jurisdiction. In the event that the city council or the school committee do not use the questions allowed them under this section, the city council or school committee may propose up to three questions. Within three months following the organization of the city government following each election the city council or the school committee shall take up the subject matter of the advisory questions which were proposed by it and act upon their merits.”

Councilor Whynott pointed out to the options would not be free but recalled there were dollar figures for going to Fuller and a downtown campus should it be kept. He pointed out it was more to stay downtown. The Administration’s survey asked how often people go to City Hall, with 50 percent of respondents saying it was on a quarterly basis or less. He also pointed out the question of the school’s use can come before there are answers. The City can still keep some utilization of City Hall if the municipal offices are moved to Fuller saying that there is plenty of time for discussion and it doesn’t have to be all at once. **Councilor Theken** reiterated this question is not binding; that it would be for public input. It would be up to the City three months after the non-binding question was voted to take action. **Councilor Tobey** added there is a process that the School Committee has to vote to surplus the property which they haven’t done yet and expressed his hope they never do. He said he wanted to see a reinvestment in it; fix it and reopen it as a school. The Council would have to fund the reuse. **Councilor Ciolino** reiterated this is premature. The Council should focus on a new fire station most important and secondly a new police station. There should be no discussion on the Fuller building. He stated his understanding there is an MOU coming from the School Committee to relinquish the Fuller school; that the school be used for West Parish [during a school renovation/construction]. **Council President Hardy** asked how the School Committee can relinquish Fuller with an MOU and also asked how he knew of such an MOU. **Councilor Ciolino** responded the non-binding question is putting, “the cart before the horse.” **Councilor Cox** disagreed with Councilor Ciolino and said voting on this question has nothing to do with what happens with Fire and Police Departments, stating this is a completely separate question. **Councilor Verga** clarified that the question does state that a combined Police/Fire complex goes with that option (a). The field at Fuller was declared surplus which is a possible location for a combined emergency services headquarters. He asked the Council to put the question to the voters to find out what the public wants. It will cost a lot of money to do any option, he said, and that the people who are going to pay for it should have a say as to its disposition. **Councilor Theken** commented this has nothing to do with money at this time. This just puts a question on the ballot. This is not to stop anything from happening in the City. There will be a need for educating the public on the options. She would vote in favor of letting the public have their opinion known, expressing agreement with Councilor Cox. **Council President Hardy** added the statement of, “one ballot, one vote.”

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 1 (Ciolino) opposed that there be a non-binding ballot question for the 2013 election ballot regarding the future of Fuller School as follows:

“What is your preferred use for the Fuller School site? All options offer potential additional use of site for municipal Safety (Police/Fire) Building”

- A. Relocate municipal offices to an ‘under one roof’ complex**
- B. Renewed use as a Public School**
- C. Lease and/or sell property”**

Council President Hardy stated she would ask the School Committee if they will be looking to add a non-binding question to the municipal ballot.

MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND the Open Air Parking Lot License for 2 Long Beach Road to include the name of Angela (Angelina) Procaccini, Trustee.

DISCUSSION:

Councilor Tobey explained that there are currently two family members on this license, and Ms. Procaccini has been active all along and would become the third principal to this operation.

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted 9 in favor, 0 opposed to AMEND the Open Air Parking Lot License for 2 Long Beach Road to include the name of Angela (Angelina) Procaccini, Trustee.

MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to ADOPT the following RESOLUTION for the City Of Gloucester's Hazard Mitigation Plan:

WHEREAS: the City of Gloucester, Massachusetts established a committee to prepare the Hazard Mitigation plan; and

WHEREAS: the Gloucester Hazard Mitigation Plan contains several potential future projects to mitigate Potential impacts from natural hazards in the City of Gloucester; and

WHEREAS: a duly-noticed public meeting was held by the Gloucester City Council on June 22, 2010; and

WHEREAS: the City of Gloucester authorizes responsible departments and/or agencies to execute their responsibilities demonstrated in the plan.

NOW, THEREFORE

BE IT RESOLVED: That the Gloucester City Council adopts the Hazard Mitigation Plan in accordance with MGL c. 40, §4 or the Charter and Ordinances of the City of Gloucester.

DISCUSSION:

Councilor Tobey explained that this resolution is a prerequisite requirement to be eligible for grant rounds for a project pending with FEMA for funding. The presentation on the grant was made to the Council in June. FEMA said they are ready to consider the application but need the resolution adopted to proceed.

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted 9 in favor, 0 opposed to recommend to the City Council to ADOPT the following RESOLUTION for the City Of Gloucester's Hazard Mitigation Plan:

WHEREAS: the City of Gloucester, Massachusetts established a committee to prepare the Hazard Mitigation plan; and

WHEREAS: the Gloucester Hazard Mitigation Plan contains several potential future projects to mitigate Potential impacts from natural hazards in the City of Gloucester; and

WHEREAS: a duly-noticed public meeting was held by the Gloucester City Council on June 22, 2010; and

WHEREAS: the City of Gloucester authorizes responsible departments and/or agencies to execute their responsibilities demonstrated in the plan.

NOW, THEREFORE

BE IT RESOLVED: That the Gloucester City Council adopts the Hazard Mitigation Plan in accordance with MGL c. 40, §4 or the Charter and Ordinances of the City of Gloucester.

Councilor Tobey stated on Saturday, December 15th, the P&D Committee will conduct a site review of the Fort neighborhood for the City's evolving infrastructure plan as to water and sewer, meeting at the second entrance to the St. Peter's Parking Lot. The site visit will commence promptly at 8 a.m. rain or shine.

Scheduled Public Hearings:

1. PH2012-073: SCP2012-010: Commercial Street #47-61, GZO Sec. 5.25 HOD, 5.7 Major Projects & Sec. 5.5.4 Lowlands

This public hearing is opened.

Linda T. Lowe, City Clerk informed the Council this hearing has been continued to this date and upon agreement with the attorney for the applicant to be further continued to January 22, 2013.

This public hearing is closed and continued to January 22, 2013.

2. PH2012-092: GCO Article IV, Repair of Private Ways, Sec. 21-83 & Sec. 21-84 re: Petition for road Repairs – Stewart Avenue

This public hearing is opened.

Ms. Lowe stated this hearing is to be continued upon agreement of the P&D Committee and the petitioners to January 8, 2013. **Council President Hardy** asked if this was sufficient time for a continuance. **Councilor McGeary** stated it would be sufficient time. The required paperwork from the Administration is almost in place. **This public hearing is closed and continued to January 8, 2013.**

3. PH2012-092: GCO Article IV, Repair of Private Ways, Sec. 21-83 & Sec. 21-84 re: Petition for road Repairs – Norseman Avenue Extension (Cont'd from 10/23/12)

This public hearing is opened.

Those speaking in favor:

Ron Fleet, 37 Norseman Avenue stated this is an old dirt road that needs a lot of repair. He noted this has been a difficult ordinance driven process. It has been discussed with the DPW Director. The abutters have a description of what needs to be done and a cost estimate from the DPW Director. There are five abutters, with only three using the street for access. The other two use other streets to access their homes. All the abutters understand the costs involved and all paperwork is submitted. The abutters know that all five are responsible for a portion of a payment. **Council President Hardy** noted in her absence for about a week, Ms. Lowe handled most of the paperwork on this and expressed her appreciation. **Ms. Lowe** said, as Mr. Fleet had noted the ordinance is difficult to work with. He has been very diligent in taking all the necessary steps with his neighbors as required by the ordinance. There is a document prepared by the DPW Director (on file) with his estimate of \$22,060.

Those speaking in opposition: None.

Communications: None.

Questions by the Council: None.

This public hearing is closed.

MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council under Sec. 21-83 of the Gloucester Code of Ordinances that the City is to repair/repave the private section of Norseman Avenue Extension. The abutters agree to provide all easements, rights of way, designs, permits and legal certifications necessary for said improvements. The cost resulting from said improvements to be carried out is described in Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is understood to be on or about and not to exceed \$22,060.00.

DISCUSSION:

Councilor Tobey stated there was good discussion at P&D establishing that the neighborhood had the requisite meeting to discuss the matter of the paving with a vote occurring. There is coordination underway with the DPW Director and the property owners. While funding may not be in place now, there is a plan within the current fiscal year through transfers and/or supplemental appropriations. **Councilor Ciolino** would support this action noting from personal experience the road is in bad condition and a dangerous situation. **Council President Hardy** added that this is in Ward 4 and would support it; again thanking Ms. Lowe for her assistance through the process. There are quite a lot of other streets in Ward 4 that would like to take advantage of this particular program. She agreed with Ms. Lowe the ordinance needs reworking, and O&A should expect to see some suggested reworking of the ordinance soon.

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted **BY ROLL CALL 9** in favor, 0 opposed under Sec. 21-83 of the Gloucester Code of Ordinances that the City is to repair/repave the private section of Norseman Avenue Extension. The abutters agree to provide all easements, rights of way, designs, permits and legal certifications necessary for said improvements. The cost resulting from said improvements to be carried out is described in Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is understood to be on or about and not to exceed \$22,060.00.

4. PH2012-063: Amend GCO Chapter 22, Sec. 22-289 "Parking meter zones-On streets" re: Main Street

This public hearing is opened.

Council President Hardy stated this public hearing will be continued. Upon consultation with **Councilor Tobey** the public hearing would be continued to January 8, 2013.

This public hearing is continued to January 8, 2013.

5. PH2012-090: Home Rule Petition eliminating parcel located at 65 Rogers Street, Gloucester from the Designated Port Area

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition:

Sunny Robinson, 20 Harvard Street noted the statement she presents this evening is from herself, Peter Anastas, Denise Foley, Rona Tindall and Lauren Tarantino (prior to the Council Meeting Ms. Robinson submitted a full written statement to the Council on file). She pointed out balancing commercial interests so that development of I4-C2 is at least 50 percent MI (Marine/Industrial)/water dependent may be challenging but not impossible. She said it takes creativity and commitment to seek the funding to foster MI development as New Bedford had. There are a number of proposals that came forward for I4-C2 development. There are industries that can qualify as MI/water dependent and have research and education components. It is not a landlocked parcel but a unified parcel she said. It has dockage, and there is the possibility of some small amount of expansion of it which could support the MI use on the uplands. If bio-marine research goes there, it needs to be water dependent. A blend of what is allowed in the DPA is extensive; and she encouraged commitment to pursue those options. She urged the Council to turn down the effort at removing I4-C2 from the DPA. **David Bergeron**, 33 Beacon Street, Gloucester Fisheries Commission opposed the Home Rule Petition on behalf of the Commission. They see the harbor plan process as important and support that process. Their focus is looking at economic development opportunities in Gloucester. They are undertaking projects with Seaport Bond money to do a census of the commercial fishing fleet in the harbor. There has never been a complete map of the boats in the harbor. They will develop a plan to accommodate long term planning; and working with MassDevelopment who has hired a couple of consultants with the idea to look at every economic development opportunity that may present itself moving forward. In the Gulf of Maine the biomass remains stable. What changes is the composition of the species. Gloucester is perfectly positioned to take advantage of this permanent economic opportunity. The Commission has nominated Paul Vitale to serve on the Harbor Plan Committee. John Muller, Regional Administrator from NOAA will meet with the Commission to talk about the Mass Development work and for the City to foster these opportunities. The Commission understands there is a lot of frustration about the parcel's development, but they need a scientific process, and said that the Harbor Plan is the right way to move forward. **Angela Sanfilippo**, President of the Gloucester Fisherman's Wives Association stated on December 5th the board voted against the Home Rule Petition. She pointed out that San Diego, California 41 years ago was one of the leading fishing ports in the country. There is a harbor walk, fancy stores and restaurants there now. She realized what was missing was seagulls and said harbor is dead. She didn't want Gloucester to become that City. She added that San Diego has only one active fishing boat left in that port. **Nathaniel Mulcahey**, 33 Middle Street stated he met with the Mayor and Jim Duggan, CAO in the spring with Ann Molloy and Rona Tindal. He asked the Mayor how many grants has the City requested for improving marine industries or fisheries. "The answer was zero." When he asked of the funds available, how many the City has requested for these specific funds and was told again none were. He met with Scott Lang, former mayor of New Bedford who told him the reason that city was able to leverage \$2-3 million funding is because the majority of the harbor is owned by the city. If the City takes 65 Rogers Street out of the DPA they relinquish their right to access those funds. He asked the Council not to prevent future people from asking for those opportunities for funding that the City has neglected to ask for. **Susannah Altenberger** 66 Atlantic Street stated I4-C2 is an opportunity to leave a legacy focused on the future. This is one piece of property out of 80 on the harbor. It is a place that could be a manufactory of marine related items and marine industrial scientific vocational training. There is no one private developer that can do it. If the Council says they are not interested in State support they've already leveraged they are saying to the head of the Seaport Advisory Council they don't respect that body's efforts for the City. The Mayor said they should give this a serious amount of thinking of how to maximize the use of the property. This is a rare economic development opportunity. **Ann Molloy**, Neptune's Harvest, Oceancrest Seafood stated her main concern is a domino effect of the new hotel in the Fort; loosening of the DPA, and a chipping away of it. She cited the removal of 65 Rogers Street from the DPA as a "tipping point," and asked the Council to vote against this parcel being removed from the DPA. **Marsha Hart**, 2 Freemont Street agreed with prior speakers. She saw a great value

in the fishing industry in Gloucester despite those who say it is dead. There are lots of opportunities in the marine industries and should take advantage of those and not deny the City to the access to funding. It is appropriate to allow the Fisheries Commission to discuss and vet it and for the harbor plan to discuss it and said she didn't see the need to rush to take the property out of the DPA.

Former Mayor John Bell stated he was opposed to a Home Rule Petition and didn't think it would pass the legislature and expressed that he hoped it wasn't a "knee jerk reaction" in being unsuccessful in the first pass at the development of the parcel. The City owns I4-C2; the City doesn't own much on the waterfront other than Cripple Cove and the Ciarmartaro/Gemellaro playgrounds and State Fish Pier. As Mr. Bergeron recommended and by others, there is a process of the Seaport Bond Council (SBC) which has worked well. Former Mayor Tobey, Major Kirk and this Council have worked well with it. The SBC has invested millions of dollars in the community based on shoring up its working waterfront. Everyone understands the DPA needs help to be made smarter with true smart waterfront growth. It has been allowed to become stagnant. The Mayor has representation on the SBC. They have good standing on it. It is the perfect body, he said, to take a look at the DPA ports and move forward through with harbor plans with the SBC and make the changes together as ports throughout the Commonwealth. The destination started with Mayor Leo Alper. As a result of that designation, they have a valuable marine asset in their harbor, and he said they need to treat it with "sacred care." There are a lot of uses. As a member of the Northeast Seafood Coalition he said this is not just fisheries issue and isn't about for or against Gloucester's fishing community; this is how they represent this community as they grow as a significant maritime port. He urged the Council to go through a process that is well spelled out and work with partner communities to make some adjustments to the DPA designation but maintain the maritime integrity of the City.

Communications: None.

Questions by the Council: None.

This public hearing is closed.

MOTION: On motion by Councilor Tobey, seconded by Councilor Ciolino, the Planning & Development Committee voted BY ROLL CALL 2 in favor, 1 (Ciolino) opposed to recommend to the City Council to submit a Home Rule Petition as follows to the Commonwealth of Massachusetts State Legislature for their approval:

"Home Rule Petition eliminating parcel located at 65 Rogers Street, Gloucester from the Designated Port Area:

That the Gloucester City Council requests that its State legislators file a Home Rule Petition; and based on said petition, the General Court approve and enact a Special Act as follows:

Section 1: Notwithstanding any general or special law, rule or regulation to the contrary, a certain parcel of land located at 65 Rogers Street, Gloucester is hereby eliminated as a Designated Port Area under C.M.R. 25 and 310 C.M.R. 9 and any other applicable provision of the Code of Massachusetts Regulations. Said parcel is located at 65 Rogers Street in the City of Gloucester, Assessor's Map #9, Lot #1, and contains approximately 79,248 square feet of land; and is more fully described in the Order of Taking vesting title in the City of Gloucester recorded at Book 29423, Page 177 in the Essex South County Registry of Deeds.

Section 2: This Act shall take effect upon its passage.

DISCUSSION:

Councilor Tobey thanked the folks who spoke for their thoughtful input saying they all love their fisheries heritage. He expressed doubt that any Councilors remembered when 65 Rogers Street was in productive marine industrial use. This isn't about a domino theory effort to destroy the fisheries. Rather it is about recognizing the reality of a unique piece of land which could play a pivotal role in revitalization in the downtown. It is landlocked; it is a separate lot; and is not part of the bulkhead lot where the lobsterman marina is. He questioned whether anyone could persuade the lobstermen to relocate so that particular marina could be open to the waterfront to be productively put back into marine industrial utilization. He recalled "even the notion" of rebuilding the St. Peter's marina was met with resistance by some of the tenants there. He said resistance to change will never be more vigorous on that wharf. But the fishing industry has changed. In his youth he spent six summers working in the dehydration plant and said you could "walk across the harbor" over the boats then. The small fishing fleet now will be a different fleet. He said the question needs to be honestly answered; and asked in a changing world with environmental circumstances and oceans impacted, how much land to do they need to land bank for the "hoped for" restoration of the fisheries;

how much is enough. When can they say a landlocked piece of property, owned by the citizens of Gloucester, bought with their taxpayer dollars and State tax dollars, isn't doing what it needs to in order to be the economic engine it should be, they need to decide how that can be accomplished without hurting the fisheries, saying it could be done. He suggested of those who spoke in opposition to the Home Rule Petition, he would have asked them if one of them had a bankable business plan under the parcel's current [DPA] status. He said that other than "hopes and dreams" and talks of grants, the answer is no. Banks, he added, would not finance dreams. He expressed respect for the heartfelt desire of many to have research and education facilities on that lot, but it is not allowed in the DPA. They have to change the DPA to that extent. There is good talk about the harbor plan process which is a good process but he said it is not a process that drives change. Applications to the bureaucrats to change parcels selectively from DPA designations will not happen through bureaucratic and planning processes. Private property owners looking to redevelop their land get hurt when the City develops that site if they somehow could with grant money; thereby subsidizing an operation they can't compete with because they don't have access to that money. He said it could not be both ways. The public land is landlocked and has been out of fisheries use for 50 years. He said he didn't expect this motion to pass, but it would serve the City well if it did. **Councilor Ciolino** refuted the statement that the parcel is not landlocked. The City owns the land and the waterfront. He would not support this. They are putting together a harbor planning committee; and said some of the past mistakes of the Council are to appoint committees but not listening to their recommendations. They should let the harbor planning committee work its work, and its make recommendations. People in the private sector have asked why the City is taking care of itself by taking I4-C2 out of the DPA when they are stuck with it which is not fair to them and their issues with the DPA. He said the City should be leaders. He would wait for the harbor plan and relook at the parcel's status at that time. He would not support a Home Rule Petition. **Councilor Verga** stated when he voted this at P&D he wanted it to go to the Council for discussion. As member of the harbor planning Committee and Fisheries Commission he would vote no but could be open to this discussion in the future. **Councilor Theken** stated she is on the Fisheries Commission and is also a Vice President of the Gloucester Fishermen's Wives Association. She can vote on this matter. She would not support this tonight. The property has been sitting dormant for 20 years when in private hands and opportunities were passed up. But now it is publicly owned. Everything the City has been told to do they did when the economy was much better. The City supported seminars, seafood festivals, and a position of Fisheries Commission director. They educated their sister community of New Bedford which has the same DPA regulations and stand behind their properties. She was surprised to learn the City has never gone after a grant for that property, but then it was only recently purchased by the City. There is not a ripple effect. Sarah Garcia, Harbor Planning Director who attended a Fisheries Commission meeting said they could put a non-binding question to take the parcel out of the DPA on the ballot. They can't go after grant money if they have nothing to back it up. She expressed confidence that by people working together they will accomplish a great deal to move the property forward. She pointed out people do get grants. They have changed in 20 years and while the fisheries have downsized so have the surrounding industries. **Councilor Cox** noted earlier in talking about Fuller School the phrases "premature planning" and "jumping the gun" were used and said that is the case here. She agreed that some of what Councilor Tobey said has merit, but she was not willing to give up yet on finding someone who can utilize this property within the confines of the DPA. She pointed out it has only been a year since the first RFP was issued. She will not support the Home Rule Petition. **Councilor McGeary** said he disagreed with Councilor Tobey and will not support the Home Rule Petition as it is premature at this time. He is a member of the Harbor Planning Review Commission which is a natural environment to see if any adjustments in the DPA are needed. The time may come when it would be necessary for a Home Rule Petition. If they went another several years without a bankable proposal then he said it may be appropriate. It is time to appeal to the Department of Environmental Protection to put a parking lot for a temporary use to defray a cost incurred when purchasing the property and asked the Administration to come forward with it in time for next summer's tourist season. He would vote against the proposal. **Councilor Whynott** stated there is a premature aspect to the Home Rule Petition and expressed he understood the motivation is to get something to happen. He was willing to support anything that would pay taxes that would reimburse the City its \$700,000 spent to purchase the property. The idea that the hotel in the Fort will cause a domino effect with the harbor he said did not have merit and is a totally different issue. However, he stated he had a concern that taking one parcel out of the DPA would cause a domino effect on the harbor itself. If nothing happens in a year the Council could look at it again. **Councilor LeBlanc** stated by removing the property from the DPA it will send the wrong message to private property owners. The message it sends is that the City is more important than they are in developing property and would not support it. **Council President Hardy** said she was leaning in supporting the Home Rule Petition before the hearing; but with no speakers in support this evening she would not vote to take property out of the DPA. She suggested they start on the East Gloucester side of the harbor first. She would not be hesitant to place this as a ballot question which could be looked into at another meeting. She

had some concerns as to exactly what the DPA does for the City is it more of a hindrance. On inquiry from the **Council President** who asked for a very brief definition of the DPA, **Mr. Mulcahey** explained it gives the City access to Federal and State funding which is only available to municipalities and their owned property. 65 Rogers Street is the only piece of property of 116 on the harbor. Gloucester owns one property. East Gloucester has nothing to do with City funding. It has contingencies for the fishermen, fishing industry for state and federal support; protects the boats and fishermen by providing funding for infrastructure improvement. He suggested the fishermen are not taking advantage of all the opportunities of the DPA. They are hindered by the DPA by their own inability of taking advantages of the opportunities it provides them he said. **Councilor Tobey** pointed out that he is not close having the votes for this motion to pass. He heard the Council say this may be premature. The Mayor's request for a ballot question on the parcel in or out of the DPA is before P&D now for consideration. **Councilor Theken** urged the Council learn the full definition of the DPA saying it can't be briefly explained and suggested starting with the City's website. The DPA does more than described this evening.

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 1 (Tobey) in favor, 8 opposed to submit a Home Rule Petition as follows to the Commonwealth of Massachusetts State Legislature for their approval:

“Home Rule Petition eliminating parcel located at 65 Rogers Street, Gloucester from the Designated Port Area:

That the Gloucester City Council requests that its State legislators file a Home Rule Petition; and based on said petition, the General Court approve and enact a Special Act as follows:

Section 1: Notwithstanding any general or special law, rule or regulation to the contrary, a certain parcel of land located at 65 Rogers Street, Gloucester is hereby eliminated as a Designated Port Area under C.M.R. 25 and 310 C.M.R. 9 and any other applicable provision of the Code of Massachusetts Regulations. Said parcel is located at 65 Rogers Street in the City of Gloucester, Assessor's Map #9, Lot #1, and contains approximately 79,248 square feet of land; and is more fully described in the Order of Taking vesting title in the City of Gloucester recorded at Book 29423, Page 177 in the Essex South County Registry of Deeds.

Section 2: This Act shall take effect upon its passage.

MOTION FAILS.

6. PH2012-023: Amend GCO Chapter 10 “Waterways Administration” Sec. 10-51(e) “Fees” re: proposed increase of 10A Float fees

This public hearing is opened:

Those speaking in favor:

Tony Gross, Waterways Board Chair explained that before the Council was the Waterways Board proposal that 10A float fees be increased. These are floats that don't come under c. 91 licenses. They are changing the fee structure to a straight 50 cents per foot. Cate Banks and Tom Hovey were also present from the Waterways Board to lend their support for the fee increase.

Those speaking in opposition: None.

Communications: None.

Questions by the Council:

Councilor McGeary asked that there was a cap. **Mr. Gross** confirmed there is a cap of \$350.00.

This public hearing is closed.

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed recommend to the City Council that under Chapter 10, Waterways Board, Sec. 10-51 (e) Fees, the Fees for 10A floats shall increase from \$50 per season to 50 cents per square foot up to a maximum of \$350.00.

DISCUSSION:

Councilor Theken explained when this first came before O&A there were questions, especially from Councilor LeBlanc, as to their originally recommended 10A float fee structure. The Waterways Board went back, reworked the fee structure, and O&A re-voted the same motion that was taken by B&F as presented.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed that under Chapter 10, Waterways Board, Sec. 10-51 (e) Fees, the Fees for 10A floats shall increase from \$50 per season to 50 cents per square foot up to a maximum of \$350.00.

7. PH2012-094: Recommendation of the Community Preservation Committee re: \$85,000 from CPA funds to Newell Stadium Renovation Project

This public hearing is opened.

Those speaking in favor:

J.J. Bell, Co-Chair of the Community Preservation Committee (CPC) with Sandra Dahl-Ronan gave a brief description of CPA funding and explained that the CPC and the Council just finished the third round of CPA funding two weeks ago. Round 4 begins February 1, 2013. However, this particular application is an off-cycle application for funding through the Community Development Department to support the Newell Stadium Capital Improvement Project in association with the Newell Stadium Building Committee/Gloucester Fishermen's Athletic Association, Inc. (GFAA). The CPA allows for off-cycle applications under special circumstances. The Newell "renewal" met the standard because the project would not have qualified under the previous CPA rules. But in July 2012 the State legislature amended the CPA rules to allow funding for recreational facilities that were not acquired or created with CPA funding. The Newell project is time sensitive; it is under construction now; the stadium complex needs to be finished by September 2013. As a result, the CPC makes the recommendation is that the full request be funded; that the City Council appropriate \$298,000 to the Gloucester Newell Stadium Building Committee for the purpose of funding athletic field lights, a red track surface and walking track lights as part of the overall Newell Stadium renovation project to insure a fully functional and high quality recreational facility. The funding would be done in two pieces. There would be the \$85,000 from the CPA fund from leftover dollars from Rounds 1, 2 and 3. The second component would be by a \$213,000 loan (see Public Hearing #8). On behalf of the CPC, **Mr. Bell** complimented the citizens of Gloucester for putting together the \$3.6 million to undertake the renovation of this important City athletic facility. **Stephen Winslow**, Community Development Department stated when the bids went up the Newell Stadium Building Committee and the GFAA didn't have the full funding for the stadium's field lights, the red track and walking lights. Based on site visits to other facilities, the Building Committee determined these were elements that make a quality athletic facility. A red track is preferred; the surface lasts longer and is cooler. In viewing another facility, the Committee saw in addition to athletic lights there were four lower lights allowing the track to be lit in the evening for walkers. These lights are energy saving over time which will pay for them. An update from the GFAA fundraising let them know this will put the GFAA within a few thousand dollars to their match. Their next fundraising effort will put them over the \$1 million goal. **Jeff Towne**, CFO stated his belief that this funding is necessary, and is good use of the funding. \$1.5 million of the funding has come from bond proceeds and debt repayment that the Mayor had requested and the Council had approved originally from taxpayer dollars. GFAA will be within \$1,970 of the \$1 million if this is approved. Of that, about \$129,000 will be paid through pledges over the next few years. He will fund that by borrowing short term, not long term, if all those pledges come in; of which \$53,000 is from the \$1,000 donors' category. Of the major donors, \$75,000 is scheduled to come in by 2014. He may borrow for short term but won't need to borrow for long term because the money will come in by that deadline. He reiterated his belief the funding is absolutely necessary and expressed his support in this role as the City's CFO. **Dick Wilson**, 12 Village Road, GFAA President Emeritus thanked the Council for their assistance. Of all the things he's done in the public sector, he said this has been one of the most satisfying things he has ever done.

Those speaking in opposition: None.

Communications: None.

Questions by the Council: None.

This public hearing is closed.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend to the City Council to appropriate \$85,000 (Eighty-Five Thousand Dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee for the purpose of the City of Gloucester Newell Stadium Building Committee to fund athletic field lights, a red track surface and

walking track lights as part of the overall Newell Stadium renovation project. The appropriation will be allocated to the Open Space category and funded by up to \$85,000 from Unreserved Fund Balance in Fund #270000. The project will be tracked in the Community Preservation Fund Capital Projects – Open Space Projects Fund #340001.

DISCUSSION:

Councilor McGeary expressed his endorsement of the project saying this was an appropriate use of the CPA funds as the legislature has allowed this use; although it did not come through to the Council through the regular cycle of funding. **Council President Hardy** thanked the State legislature amending the CPA rules for allowing existing fields to be included in CPA funding. This is a use the City can truly benefit from.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted ROLL CALL 9 in favor, 0 opposed to appropriate \$85,000 (Eighty-Five Thousand Dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee for the purpose of the City of Gloucester Newell Stadium Building Committee to fund athletic field lights, a red track surface and walking track lights as part of the overall Newell Stadium renovation project. The appropriation will be allocated to the Open Space category and funded by up to \$85,000 from Unreserved Fund Balance in Fund #270000. The project will be tracked in the Community Preservation Fund Capital Projects – Open Space Projects Fund #340001.

8. PH2012-095: Loan Order #2012-012: Loan Authorization in the amount of \$213,000 re: Newell Stadium Renovation Project Expenses

This public hearing is opened.

Those speaking in favor:

Mr. Bell explained that this is the second component combined with the just approved CPA funds of \$85,000 which adds up to \$298,000. The CPC recommended this in the form of debt with a 15 year term. Like with the City Hall renovation funding from the CPA monies, they are in consultation with Mr. Towne as to the timing but also the term of the bonding. Given the low interest rate environment they were able to shorten City Hall's loan to 13 years from 16 years, and hope to do likewise with this loan also.

Those speaking in opposition: None.

Communications:

Questions by the Council: None.

Councilor McGeary asked what this does to the CPA borrowing in the future in terms of the capacity. **Mr. Bell** stated all CPA debt has to be paid by the local surcharge only. The City cannot rely on the State match for it. Theoretically they could use up all locally raised surcharge which is \$400,000. City Hall the debt service is less than \$200,000 for a 13 year term. There is still plenty of capacity. The CPC typically does not want to fund in this manner, but in this case the Committee wanted to be responsive to an important community project that was time sensitive. They will have CPA funds to be used on an annualized basis.

This public hearing is closed.

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the following loan order:

ORDERED: That \$213,000 (Two Hundred, Thirteen Thousand Dollars) is appropriated for the purpose of funding a portion of the following Newell Stadium Renovation project expenses: athletic field lights, a red track surface and walking track lights; that to meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow \$213,000 under G.L. c.44B (the Community Preservation Act) or pursuant to any other enabling legislation; that the Mayor is authorized to contract for and expend any federal or state aid available for the project; and that the Mayor, with the approval of the City Council, is authorized to take any other action necessary to carry out this project; and 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 explained that as the CFO pointed out this is the second part of the \$298,000 package for Newell Stadium.

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

ORDERED: That \$213,000 (Two Hundred, Thirteen Thousand Dollars) is appropriated for the purpose of funding a portion of the following Newell Stadium Renovation project expenses: athletic field lights, a red track surface and walking track lights; that to meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow \$213,000 under G.L. c.44B (the Community Preservation Act) or pursuant to any other enabling legislation; that the Mayor is authorized to contract for and expend any federal or state aid available for the project; and that the Mayor, with the approval of the City Council, is authorized to take any other action necessary to carry out this project; and 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.

Councilor Tobey left the meeting at 10:27 p.m.

For Council Vote:

1. **Decision to Adopt: SCP2012-009: Wingersheek Road #132, GZO Sections 1.5.3(b), 3.1.6(b) & Sec. 3.2 For Building Height in excess of 35 feet**

MOTION: On motion by Council President Hardy, seconded by Councilor Theken, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Tobey) absent, to Adopt the Special Council Permit decision (SCP2012-009) for Wingersheek Road #132, pursuant to Sections 1.5.3(b), 3.1.6(b) & Sec. 3.2 of the Gloucester Zoning Ordinance.

2. **Decision to Adopt: SCP2012-010: Magnolia Avenue #46 (former Blynman School), GZO Sec. 2.3.2(13) Operate a Museum & Cultural Center**

MOTION: On motion by Council President Hardy, seconded by Councilor Verga, the City Council voted BY ROLL CALL 9 in favor, 0 opposed, 1 (Tobey) absent, to Adopt the Special Council Permit decision (SCP2012-010) Magnolia Avenue #46 (former Blynman School) pursuant to Sec. 2.3.2(13) of the Gloucester Zoning Ordinance.

3. **Decision to Adopt: SCP2012-012: Kondelin Road #16, GZO Sec. 5.13.3.1(a) & Sec. 5.13.7 (PWSF)**

MOTION: On motion by Council President Hardy, seconded by Councilor Verga, the City Council voted BY ROLL CALL 9 in favor, 0 opposed, 1 (Tobey) absent, to Adopt the Special Council Permit decision (SCP2012-012) Kondelin Road #16 pursuant to Sec. 5.13.3.1(a) & Sec. 5.13.7 (PWSF) of the Gloucester Zoning Ordinance.

4. **Decision to Adopt: SCP2012-013: Great Republic Drive, GZO Sec. 5.13.3.1(a) and Sec. 5.13.7 (PWSF) Modification**

MOTION: On motion by Council President Hardy, seconded by Councilor Theken, the City Council voted BY ROLL CALL 9 in favor, 0 opposed, 1 (Tobey) absent, to Adopt the Special Council Permit decision (SCP2012-013) Great Republic Drive pursuant to Sec. 5.13.3.1(a) & Sec. 5.13.7 (PWSF) Modification of the Gloucester Zoning Ordinance.

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilor Whynott stated Al Swekla, former Superintendent of Schools and former City Councilor was taken to the hospital and wished him well.

Councilor Verga expressed his appreciation to the Council for their support for the non-binding ballot question.

Councilor Cox announced a fundraising event the following day for the Phyllis A. restoration at Giuseppe's Restaurant when 10 percent of the evening's take will be donated to that non-profit group.

Councilor Ciolino reminded all that Thursday night is the annual Men's Night downtown for holiday shopping. He wished everyone Happy Chanukah and Merry Christmas.

Councilor Theken stated open enrollment is closed. Over 1,500 seniors were served. If they go to the Salem office enquiring about whether they qualify for Medicare, they need to say are they eligible through their spouse. She thanked Council President Hardy for her clothing drive for the victims of Hurricane Sandy which sent an 18-wheeler truck to the affected area. She lauded the Council President as an unsung hero and thanked her for her efforts.

Council President Hardy stated thanks to members of the community and folks from surrounding towns, they were able to fill an 18-wheeler truck with clothing relief for the victims of Hurricane Sandy at free of charge by Hiltz Moving and Storage. She thanked Hiltz Moving and Storage for everything they did for the clothing drive. Without them, she said, this could not have happened. Everything that came through the door was disposed or recycled through Hiltz Waste Disposal and Recycling. She also said the community is there when it counts. A formal thank you will appear in the paper soon.

A motion was made, seconded and voted unanimously to adjourn the meeting at 10:37 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: