

GLOUCESTER CITY COUNCIL MEETING

Tuesday, January 8, 2013 – 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; Kenny Costa; Jeff Towne; Mike Hale; Rose LoPiccolo; Tony Gross; Jim Caulkett; Aleesha Nunley; Tom LoGrande; Deputy Fire Chief Stephen Aiello

The meeting was called to order at 7:01 p.m.

Flag Salute & Moment of Silence: The moment of silence was dedicated to the lost F/V “Foxy Lady.”

Oral Communications: None.

Presentations/Commendations: None.

Consent Agenda:

- **MAYOR’S REPORT**

1. Memorandum from Mayor & revised RFP re: 65 Rogers Street (I4-C2) (Refer P&D)
2. Memorandum & Special Budgetary Transfer Request (2013-SBT-14) from Fire Chief (Refer B&F)
3. Memorandum from Police Chief re: amendment to FY13 State E911 EMD Training Grant (Refer B&F)
4. Memorandum from Acting Community Development Director re: Northeast Hospital Corporation Community Collaborative Grant
In the amount of \$10,000 (Refer B&F)
5. Memorandum from Harbormaster re: appropriation of funds from Waterways Enterprise Fund Retained Earnings in the amount of \$217,571.00 (Refer B&F)
6. Supplemental Appropriation-Budgetary Request (2013-SA-25) from Harbormaster’s Office (Refer B&F)
7. Supplemental Appropriation-Budgetary Request (2013-SA-26) from Harbormaster’s Office (Refer B&F)
8. Supplemental Appropriation-Budgetary Request (2013-SA-27) from Harbormaster’s Office (Refer B&F)
9. Supplemental Appropriation-Budgetary Request (2013-SA-28) from Harbormaster’s Office (Refer B&F)
10. Supplemental Appropriation-Budgetary Request (2013-SA-29) from Harbormaster’s Office (Refer B&F)
11. Supplemental Appropriation-Budgetary Request (2013-SA-30) from Harbormaster’s Office (Refer B&F)
12. Supplemental Appropriation-Budgetary Request (2013-SA-31) from Harbormaster’s Office (Refer B&F)
13. Supplemental Appropriation-Budgetary Request (2013-SA-32) from Harbormaster’s Office (Refer B&F)
14. Supplemental Appropriation-Budgetary Request (2013-SA-33) from Harbormaster’s Office (Refer B&F)
15. Supplemental Appropriation-Budgetary Request (2013-SA-34) from Harbormaster’s Office (Refer B&F)
16. Request from Gloucester Public Schools Director of Finance to pay invoices for services procured w/out a P.O. in place (Refer B&F)
17. Memorandum from Police Chief re: Council acceptance of MIAA reimbursement for \$38,832 for cruiser totaled in accident (Refer B&F)
18. Memorandum from Police Chief re: request permission to pay invoice for services procured w/out a P.O. in place (Refer B&F)
19. Special Budgetary Transfer Request (2013-SBT-15) from Police Department (Refer B&F)

- **COMMUNICATIONS/INVITATIONS**

1. Motion to withdraw Council Order 2012-022 (FCV)
2. Memorandum from City Auditor re: City’s FY2011 OPEB Actuarial Expense Budget (Refer B&F)
3. Communication from City Clerk to Michelle Tassinari, Director/Legal Counsel, Elections Division re: local non-binding question
On Special State Election Ballot (File)

- **INFORMATION ONLY**

1. Gloucester Contributory Retirement System Annual 2013 Expense Budget (Info Only)

- **APPLICATIONS/PETITIONS**

1. SCP2012-015: 107 Atlantic Road, Map 72, Lot 1, Replacement of existing pool pursuant to GZO Sec. 5.26.7 (Refer P&D)
2. SCP2012-016: 30 Blackburn Drive, Bldg. 4, Map 262, Lot 24, GZO Sec. 5.13.7 (PWSEF) (Refer P&D)
3. Special Events Application re: Request from YuKan Sports LLC to hold Fool’s Day Dual Road Races on April 7, 2013 (Refer P&D)
4. Special Events Application re: Request from YuKan Sports LLC to hold Triple Threat Road Races on August 3, 2013 (Refer P&D)

- **COUNCILORS ORDERS**

1. CC2013-001 (Hardy) Request review of annual salary of City Councilors pursuant to City Charter Section 2-3 (Refer O&A)
2. CC2013-002 (Whyntott/Hardy/McGeary/Cox/Theken/Verga/LeBlanc) Request to ensure that the auditorium is properly heated for All public meetings for the duration of this winter and possibility of acquiring new system for building (Mayor)
3. CC2013-003 (Verga) Amend GCO Chapter 22, Sec. 22-270 & Sec. 22-291 re: Magnolia Avenue (O&A & TC)

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

1. City Council Meeting: 12/11/12 (Approve/File)
2. Special City Council Meeting: 12/26/12 (Approve/File)
3. Standing Committee Meetings: B&F 12/20/12, 01/03/13 (no meeting), O&A 12/17/12, 12/31/12 (no meeting) P&D 12/19/12, 01/02/13 (no meeting) (Approve/File)

Unanimous Consent Agenda:

1. Agreement for Judgment in the matter Susan Taorimina, et al vs. Jackie Hardy, et al re: Special City Council Permit

(Refer P&D)

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

Councilor McGeary wished to remove the B&F Minutes of December 20, 2012 and the P&D minutes of December 19, 2012.

Councilor Tobey asked to remove Item #1, from the Mayor's Report, and under Communications Items #1 and #3 from the Consent Agenda.

Councilor McGeary explained there was a copy and paste error in the motion related to 2013-SA-18 on page five of the B&F minutes of December 20, 2012 which transfers funds into a Capital Projects Stabilization Fund. That fund should be named the "Harbor Cove" Capital Projects Stabilization Fund instead of the St. Peter's Marina Capital Projects Stabilization Fund. On page 3 under the discussion of the CSO loan order for \$4 million he asked that the words "at least" be inserted before "\$235,000" and in the same sentence the words that follow "a year in" the words "principal and" should be inserted. In the following sentence the word "hundred" should be inserted between the words "several" and "million." He also asked that the Council correct the spelling of a last name of a speaker in the P&D minutes of December 19th by replacing the last name of "Poole" with the last name of "Poulin". Also wherever "Jacques Lane" appears in those same minutes, it should be replaced by "Jacque Lane." **By unanimous assent of the Council the draft minutes of the December 20, 2012 B&F minutes and the P&D minutes of December 19, 2012 were amended as stated by Councilor McGeary.**

Councilor Tobey advised that Item #1 of Mayor's Report the revised RFP for 65 Rogers Street will be heard at the P&D Committee's meeting on Wednesday, January 16th at 5:30 p.m. On the matter he expressed several concerns: the RFP, by its own terms, is to be issued by February 6th. He asked the Administration to consider the purchase price which is less than half of what the City paid for the property. The City bought the property based on a combined assessment from appraisals of the waterfront piece the City already owns and the new parcel purchased through a friendly eminent domain taking. He asked for an explanation as to why the base purchase price is so low, and why the low purchase price was in the public interest. He said he understood the money is going away with state grant money, he noted it is still taxpayer money. As to public policy, he said it appeared the draft RFP allows for the possibility for the sale of the parcel as opposed to just the lease of the parcel. The revised RFP is structured so that the buying party could be a non-profit; a non-profit owner would not pay real estate taxes on the property. **Councilor Tobey** said real estate tax generation was a large part of the reason why the City should be buying this property and converting it to new use. He asked for the Administration's point of view on whether or not a not-for-profit purchase should be prohibited; and if not, why. If it is agreeable to the Administration to preclude non-profit entities from purchasing the property, he asked for language to that effect to amend the RFP to be put forward at the P&D meeting of the 16th when the Committee would take up their review of the draft RFP. **Council President Hardy** added she was requesting from the Legal Department whether or not the potential buyer is a non-profit and agrees to a PILOT (Payment In Lieu of Taxes), how long would the PILOT agreement be good for, and would the PILOT be legally binding. **By unanimous consent the Council assented to the matter's referral to P&D.** Under Communication #1 for a Council vote on the withdrawal of CC2012-022, **Councilor Tobey** said that in his first term as a Councilor following his mayoral terms, he fought against the doubling of the parking meter fees on Main Street. And in the three Council terms since he has tried to remove meters on Main Street so the parking spaces can be regulated by time limits with free parking as done in hundreds of communities across the country. He said the city was "addicted to the money" (from parking meters). There was, he noted, no "traction" with this Council or the Administration to remove the meters from Main Street. Feedback he had received was that a three month pilot program would be too difficult to implement, and said that he would now "give up."

MOTION: On motion by Councilor Tobey, seconded by Councilor Whynott, the City Council voted 9 in favor, 0 opposed to allow for the withdrawal of City Council Order #2012-022 which reads: "ORDERED that the City Council AMEND Chapter 22 "Traffic" by DELETING "Main Street" from Sec. 22-289 and ADDING "Free Parking from the intersection of Main St. and Spring St. to the intersection of Main St. and Washington St. with a two hour limit;" without prejudice.

Councilor Tobey spoke to Communication #3, thanking the City Clerk for reaching out to the State's legal counsel to determine whether a non-binding referendum question on the reuse on the Fuller School could be placed on a

special election ballot, and was told the answer was “No.” He said he took issue with Councilors who say perhaps the Council can reopen this matter, and when the Mayor and the School Committee surplus the property, the Council doesn’t need to talk about Fuller as a school anymore. He asked the Council to “stick to their guns,” and recognize that the inner city wards, Wards 2 and 3 bus their children to Wards 1, 4 and 5 schools. He said those children deserve a neighborhood school as much as anyone else. **By unanimous consent Communication #3 was placed on file.**

Council President Hardy asked and the Council assented by unanimous consent agenda item, Agreement for Judgment in the matter Susan Taorimina, et al vs. Jackie Hardy, et al re: Special City Council Permit to the P&D Committee.

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

Committee Reports:

Budget & Finance: December 20, 2013

- **Special B&F Consent Agenda:**

MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to accept the B&F Unanimous Consent Agenda dated 01/08/13 as presented.

- 1. MOTION by Councilor Cox, seconded by Councilor McGeary, the Budget & Finance Committee voted 2 in favor, 0 opposed and 1 (Hardy) abstained to recommend to the City Council to withdraw the request to establish a Fire Station Opening Stabilization Fund #860000 for the purpose of opening the City’s outskirt Fire Stations more frequently.**
- 2. MOTION: On motion by Councilor Cox, seconded by Councilor McGeary, the Budget & Finance Committee voted 2 in favor, 1 (Hardy) abstaining to recommend to the City Council to withdraw the request that \$200,000.00 (Two Hundred Thousand Dollars) be appropriated (2013-SA-22) from the General Fund Unreserved Fund Balance (“Free Cash”) to the Fire Station Opening Stabilization Fund, #860000.10.991.49700.0000.00.000.00.040, Transfer In from General Fund for the purpose of opening the City’s outskirt Fire Stations more frequently.**

PERMISSION TO PAY INVOICES FOR SERVICES PROCURED WITHOUT A PURCHASE ORDER IN PLACE: GLOUCESTER PUBLIC SCHOOLS

- 1. 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 to pay invoice #108860 dated 06/12/2012 by Gloucester Rental Center, Gloucester, Mass., in amount of \$150.00 for a propane grill rental by the West Parish PTO to be paid from the FY13 School Department Operating General Fund budget without a Purchase Order in place.**
- 2. 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, in accordance with MGL Chapter 44, Section 64, to pay invoice #108860 dated 06/12/2012 by Gloucester Rental Center, Gloucester, Mass., in the amount of \$150.00 for a propane grill rental by the West Parish PTO expenses incurred in the prior fiscal year to be paid with funds from the current FY13 School Department Operating General Fund Budget.**
- 3. 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, in accordance with MGL Chapter 44, Section 64, to pay invoice #11282 dated 1/21/2012 by the Gloucester Police Department, Gloucester, Mass., for \$840.00 for police detail expenses incurred in the prior fiscal year to be paid with funds from the current FY13 School Department Operating General Fund Budget.**

4. **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, in accordance with MGL Chapter 44, Section 64, to pay invoice #11270 dated 12/29/2011 by the Gloucester Police Department, Gloucester, Mass., for \$1,240.00 for police detail expenses incurred in a prior fiscal year to be paid with funds from the current FY13 School Department Operating General Fund Budget.
5. **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 pay purchase requisition #312019 dated 10/22/2012 to Gordon College, Wenham, Mass., in the amount of \$1,575.00 to be paid from the FY13 School Department Operating General Fund Budget without a Purchase Order in place.

PERMISSION TO PAY INVOICES FOR SERVICES PROCURED WITHOUT A PURCHASE ORDER IN PLACE: POLICE DEPARTMENT-REIMBURSEMENT OF OFFICER FOR EMT CERTIFICATION

1. **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 pay purchase requisition #311928 dated 10/12/2012, Invoice #561 dated 11/19/12 to Bishop Fenwick High School, Peabody, Mass., in the amount of \$720.00 to be paid from the FY13 School Department Operating General Fund Budget without a Purchase Order in place.
2. **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, in accordance with MGL Chapter 44, Section 64, to pay overtime salaries expenses dates ranging from 01/07/2012 to 5/16/2012 to Officer Christopher Liacos for \$6,450.63 for overtime salaries expenses incurred in the prior fiscal year to be paid with funds from the current FY13 Police Department Operating General Fund Budget.
3. **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, to reimburse Officer Christopher Liacos for \$1,000.00 for EMT Basic Course Fees expenses to be paid from the current FY13 Police Department Operating General Fund Budget without a Purchase Order in place.
4. **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, in accordance with MGL Chapter 44, Section 64, to reimburse Officer Christopher Liacos for \$1,000.00 for EMT Basic Course Fees expenses incurred in the prior fiscal year to be paid with funds from the current FY13 Police Department Operating General Fund Budget.
5. **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, to reimburse Officer Christopher Liacos for \$150.00 for the Commonwealth of Massachusetts EMT Practical Exam Fee expenses to be paid from the current FY13 Police Department Operating General Fund Budget without a Purchase Order in place.
6. **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, in accordance with MGL Chapter 44, Section 64, to reimburse Officer Christopher Liacos for \$150.00 for the Commonwealth of Massachusetts EMT Practical Exam Fee expenses incurred in the prior fiscal year to be paid with funds from the current FY13 Police Department Operating General Fund Budget.
7. **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, to reimburse Officer Christopher Liacos for \$175.00 for the McNeilly EMT Basic Practical Exam Site Fee expenses, Invoice #369, dated 02/24/2012, to be paid from the current FY13 Police Department Operating General Fund Budget without a Purchase Order in place.

8. **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, in accordance with MGL Chapter 44, Section 64, to reimburse Officer Christopher Liacos for \$175.00 for the McNeilly EMT Basic Practical Exam Site Fee expenses, Invoice #369, dated 02/24/2012, incurred in the prior fiscal year to be paid with funds from the current FY13 Police Department Operating General Fund Budget.**
9. **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, to reimburse Officer Christopher Liacos for \$55.00 for the EMT Basic Exam Fee expenses to be paid from the current FY13 Police Department Operating General Fund Budget without a Purchase Order in place.**

GRANT ACCEPTANCE:

1. **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, in accordance with MGL Chapter 44, §53A to accept a \$4,500 federal pass through CCP Community Response Emergency Team (CERT) Grant for FFY2010 from the Mass. Emergency Management Agency (MEMA) for use by Gloucester CERT.**

END OF B&F UNANIMOUS CONSENT AGENDA.

- ***DPW WATER AND SEWER ENTERPRISE FUND APPROPRIATIONS***

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 the appropriation 2013-SA-23 in the amount of \$500,000.00 (Five-Hundred Thousand Dollars) from the Water Enterprise Fund Retained Earnings ("Free Cash") to Water Enterprise Fund, Infrastructure, Account #610000.10.450.58760.0000.00.000.00.058 for the purpose of water main replacement in the Annisquam neighborhood in the City of Gloucester.

DISCUSSION:

Councilor McGeary explained that the Water Enterprise Fund has certified retained earnings ("free cash") of \$1,718,715. The DPW Director recommends using \$500,000 to complete water main replacement in Annisquam who had explained that the pipes are very old, heavily tuberculated and causes discolored water in the area. The \$500,000 should get them close if not complete for this project. **Councilor Verga** added that areas of the City where folks aren't considered the routine water rate payers who pay the water rate but don't seem, he said, to benefit. There was talk of a report from the Administration about prioritizing areas for improvement, he said, and expressed his hope that the report comes forward to the Council and that an ad hoc committee is established to explore how to implement the improvements to the areas found to be in the greatest need.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to appropriate 2013-SA-23 in the amount of \$500,000.00 (Five-Hundred Thousand Dollars) from the Water Enterprise Fund Retained Earnings ("Free Cash") to Water Enterprise Fund, Infrastructure, Account #610000.10.450.58760.0000.00.000.00.058 for the purpose of water main replacement in the Annisquam neighborhood in the City of Gloucester.

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 appropriation 2013-SA-24 in the amount of \$500,000.00 (Five-Hundred Thousand Dollars) from the Sewer Enterprise Retained Earnings ("Free Cash") to Sewer Enterprise Fund, Reserve for Capital Outlay, Account #600000.10.440.58000.0000.00.000.00.058 for the purpose of replacing of sewer collection systems in the Commonwealth Avenue neighborhood as well as repairs to sewer pump stations in the City of Gloucester.

DISCUSSION:

Councilor McGeary said that the certified retained earnings for the Sewer Enterprise Fund is \$1,971,986 of which \$500,000 would be used for the purpose of capital improvements in the Commonwealth Avenue neighborhood. The DPW Director told the B&F Committee that the sewer in the Commonwealth Avenue neighborhood is a bit convoluted and having been done some time ago even runs through private properties leaving questions as to what connects to what. This funding would repair a lot of those issues. That project would cost about \$300,000. In addition, the DPW had also identified a number of deficiencies within the sewer pump stations around the City which are burdened, one in particular is at Hartz Street and that would use the remainder of the \$500,000.

Councilor Verga added that the City is restoring areas that are downtown. He asked that the Council not forget its neighbors in West Gloucester who were shut out of the City expansion of the sewer system and left to deal with their own private systems.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to appropriate 2013-SA-24 in the amount of \$500,000.00 (Five-Hundred Thousand Dollars) from the Sewer Enterprise Retained Earnings (“Free Cash”) to Sewer Enterprise Fund, Reserve for Capital Outlay, Account #600000.10.440.58000.0000.00.000.00.058 for the purpose of replacing of sewer collection systems in the Commonwealth Avenue neighborhood as well as repairs to sewer pump stations in the City of Gloucester.

- ***WATERWAYS BOARD – ESTABLISHMENT OF CAPITAL PROJECTS STABILIZATION FUNDS AND FUNDING OF SAME FROM WATERWAYS ENTERPRISE RETAINED EARNINGS***

MOTION: On motion by Councilor Hardy, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed in accordance with MGL Chapter 40, Section 5B, to recommend to the City Council to establish a Dun Fudgin Boat Ramp Capital Projects Stabilization Fund #730000 for the purpose of improvements to the Dun Fudgin Boat Ramp.

DISCUSSION:

Councilor McGeary said that this sets aside money for the specific repairs to the Dun Fudgin public ramp near the high school. Under the Waterways Board’s contract with the State, the Board is allowed to charge fees and use them for the operation of the Dun Fudgin ramp and public landing. Using the Board’s formula, it was determined that \$24,824 of the board’s retained earnings should be set aside in the stabilization fund for Dun Fudgin. There was a question as to whether the income from the fees could be used for some other boat ramps overseen by the State public access board, but this is specifically for the Dun Fudgin public ramp. **Councilor Ciolino**, the Council’s representative to the Waterways Board, explained the Board’s books were previously organized into one big “pot”. This matter and those related that follow will separate money into individual stabilization accounts. He said the Board is reorganizing and working with the City Auditor to better manage their accounting and financial obligations.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed in accordance with MGL Chapter 40, Section 5B, to establish a Dun Fudgin Boat Ramp Capital Projects Stabilization Fund #730000 for the purpose of improvements to the Dun Fudgin Boat Ramp.

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 appropriation of 2013-SA-16 in the amount of \$25,000 (Twenty-Five Thousand Dollars) from the Waterways Enterprise, Retained Earnings (“Free Cash”) to Transfer In-Dun Fudgin Boat Ramp CP Stabilization Fund #730000.10.996.49700.0000.00.000.00.040 for the purpose of improvements to the Dun Fudgin Boat Ramp.

DISCUSSION:

Councilor McGeary explained this appropriation funds the newly created Dun Fudgin Capital Projects Stabilization Fund.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to appropriation of 2013-SA-16 in the amount of \$25,000 (Twenty-Five Thousand Dollars) from the Waterways Enterprise, Retained Earnings (“Free Cash”) to Transfer In-Dun Fudgin Boat Ramp CP Stabilization Fund #730000.10.996.49700.0000.00.000.00.040 for the purpose of improvements to the Dun Fudgin Boat Ramp.

MOTION: On motion by Councilor Cox, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed in accordance with MGL Chapter 40, Section 5B, to recommend to the City Council to establish a St. Peter’s Commercial Marina Capital Projects Stabilization Fund #740000 for the purpose of improvements to the St. Peter’s Commercial Marina.

DISCUSSION:

Councilor McGeary said the money in this fund to be created would be used for the maintenance and repair of the St. Peter’s Commercial Marina.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed in accordance with MGL Chapter 40, Section 5B, to establish a St. Peter’s Commercial Marina Capital Projects Stabilization Fund #740000 for the purpose of improvements to the St. Peter’s Commercial Marina.

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 appropriation of 2013-SA-17 in the amount of \$150,000 (One-Hundred and Fifty Thousand Dollars) from the Waterways Enterprise, Retained Earnings (“Free Cash”) to Transfer In-St. Peter’s Commercial Marina CP Stabilization Fund #740000.10.996.49700.0000.00.000.00.040 for the purpose of improvements to the St. Peter’s Commercial Marina.

DISCUSSION:

Councilor McGeary said this transfer is to fund the newly created St. Peter’s Commercial Marina Capital Projects Stabilization Fund. The \$150,000 was based on a 1999 figure; and while it is an old figure, he said it was a starting point.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to appropriation of 2013-SA-17 in the amount of \$150,000 (One-Hundred and Fifty Thousand Dollars) from the Waterways Enterprise, Retained Earnings (“Free Cash”) to Transfer In-St. Peter’s Commercial Marina CP Stabilization Fund #740000.10.996.49700.0000.00.000.00.040 for the purpose of improvements to the St. Peter’s Commercial Marina.

MOTION: On motion by Councilor Hardy, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed in accordance with MGL Chapter 40, Section 5B, to recommend to the City Council to establish a Harbor Cove Commercial Marina Capital Projects Stabilization Fund #750000 for the purpose of improvements to the Harbor Cove Commercial Marina.

DISCUSSION:

Councilor McGeary explained the creation of this stabilization fund deals with the marina in front of 65 Rogers Street.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed in accordance with MGL Chapter 40, Section 5B, to establish a Harbor Cove Commercial Marina Capital Projects Stabilization Fund #750000 for the purpose of improvements to the Harbor Cove Commercial Marina.

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 appropriation 2013-SA-18 in the amount of \$12,300 (Twelve Thousand, Three Hundred Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash") to Transfer In-Harbor Cove Capital Project Stabilization Fund #750000.10.996.49700.0000.00.000.00.040 for the purpose of improvements to the Harbor Cove Commercial Marina.

DISCUSSION:

Councilor McGeary stated this transfer funds the account for the maintenance of docks and piers at 65 Rogers Street, Harbor Cove Commercial Marina. When the Waterways Board took over control from the Redevelopment Authority, the board received \$12,300. This money is being set aside for the direct purpose of maintenance support of the facility. **Councilor Tobey** asked as this matter was specifically discussed for funding for maintenance and upkeep at the Harbor Cove Marina, did anyone from the board give an indication whether it has contemplated adjusting the layout of the marina so that the landlocked I4-C2 parcel could have access to the harbor. **Tony Gross**, Waterways Board Chair confirmed that did not come up under the B&F Committee discussion because this matter was about putting the Waterways Board books in order. The Board understands that in the draft RFP their letter discusses reconfiguration of that particular dock float system as a possibility. The Board, he said, cannot design anything until it knows what the needs of the lease holder or purchaser are. Depending on what takes place with the RFP for I4-C2, the Board would then make it a topic for discussion on their agenda. **Councilor Tobey** clarified that the Board would have to make its own independent assessment of whatever might be proposed by a potential developer of I4-C2 and make its own call as to whether the Board can realistically engage the issue. **Mr. Gross** said the Board would work cooperatively to fit the needs of the successful bidder with the needs of the tenants of the marina. He also said he did not see any resistance by the board to do that. **Councilor Tobey** asked if there was potential resistance on the part of the tenants at the marina to a reorganization of marina assets. **Mr. Gross** stated several years ago when this matter came up it did not meet with much resistance from the tenants. It is a priority to the tenants that clear access is maintained and the Board will work with them also, he said. **Council President Hardy** commented this is also so the Waterways Board can set their budget knowing how much money is going towards a particular marina and be a better way to track revenue. The Council President thanked Councilor Ciolino the City Auditor on this project as well as the Waterways Board.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted **BY ROLL CALL 9** in favor, **0** opposed to the appropriation of 2013-SA-18 in the amount of \$12,300 (Twelve Thousand, Three Hundred Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash") to Transfer In-Harbor Cove Commercial Marina Capital Project Stabilization Fund #750000.10.996.49700.0000.00.000.00.040 for the purpose of improvements to the Harbor Cove Commercial Marina.

- ***SUPPLEMENTAL APPROPRIATIONS FROM WATERWAYS BOARD RETAINED EARNINGS***

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 appropriation 2013-SA-19 in the amount of \$38,850 (Thirty Eight Thousand, Eight Hundred and Fifty Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash") to Transfer In-Municipal Waterways Improvements and Maintenance Fund #720000.10.996.49700.0000.00.000.00.040 for the purposes outlined in MGL c. 40, §5G.

DISCUSSION:

Councilor McGeary said that this motion and the one to follow will fund the Municipal Waterways Improvements and Maintenance Fund. He explained that when someone is granted a Ch. 91 license from the State the license holder has the option of making a contributing to the City in order to not to have to provide public access through their private property. That money from here and from a special reserve account will be mingled in the Municipal Waterways Improvements and Maintenance Fund for general maintenance and enhancement of public access. **Council President Hardy** asked if the amount of money received from Ch. 91 license mitigation fees differs from license to license. **Mr. Gross** confirmed it does. Access to this money will decrease as Ch. 91 licenses wanes as there is only so much City waterfront property. The money is being used to fund the design phase of the Solomon

Jacobs float system, for improvements to public landings, for City-owned ramps, to build dinghy docks, to put in transient moorings, as a few examples. At this time the money totals about \$53,000.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to the appropriation of 2013-SA-19 in the amount of \$38,850 (Thirty Eight Thousand, Eight Hundred and Fifty Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash") to Transfer In-Municipal Waterways Improvements and Maintenance Fund #720000.10.996.49700.0000.00.000.00.040 for the purposes outlined in MGL c. 40, §5G.

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 appropriation of 2013-SA-20 in the amount of \$14,500 (Fourteen Thousand, Five Hundred Dollars) from the Waterways Enterprise, Retained Earnings Chapter 91 Donation Reserve to Transfer In-Municipal Waterways Improvements and Maintenance Fund #720000.10.996.49700.0000.00.000.00.040 for the purposes outlined in MGL c. 40, §5G.

DISCUSSION:

Councilor McGeary said that this brings the amount to the \$53,000 previously referred to by Mr. Gross. The \$14,500 had been held in a special Chapter 91 Donation Reserve Account. This is placing the money into a fund where it can be expended for public access purposes.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to appropriation of 2013-SA-20 in the amount of \$14,500 (Fourteen Thousand, Five Hundred Dollars) from the Waterways Enterprise, Retained Earnings Chapter 91 Donation Reserve to Transfer In-Municipal Waterways Improvements and Maintenance Fund #720000.10.996.49700.0000.00.000.00.040 for the purposes outlined in MGL c. 40, §5G.

Ordinances & Administration: December 17, 2012

There were no matters for Council action from this meeting.

Planning & Development: December 19, 2013

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Camp Calumet Walk-A-Thon to benefit the Camp Calumet Fund for Campership on Saturday, May 11, 2013 with the following conditions:

1. Certificate of Insurance: A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's Office on or before April 19, 2013.
2. Road Closure Plans: Memoranda from the Police Department and Fire Department giving approval of the plans for the Camp Calumet Walk-A-Thon to be on file with the City Clerks office on or before April 19, 2013. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before April 19, 2013. After City Council approval if either the Police Chief or the Fire Chief, or their designees, determine that a substantial change(s) has been made to the route then the applicant shall obtain City Council approval for the change(s).
3. Refuse and Comfort Stations:
All event refuse and recycling must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the first day of the event or early in the morning of the day of the event and removed by 3:00 p.m. Saturday, May 11, 2013.
4. Emergency Services: A signed, visible and staffed first aid station must be in place in an accessible location in the area of the route throughout the event.
5. Staffing: Event staff is to have cell phones and be identified by the public with distinct shirts, and a list of event staff and their cell phone numbers submitted to the Police, Fire or DPW Departments.

6. Notification of Immediate Abutters and Businesses on Walk-A-Thon Route: Notice shall be made by the event organizer by hand or by mail no later than 7 days in advance of the event to any function halls, motels and hotels, and other businesses along the route.

7. Responsibility of the Camp Calumet Walk-A-Thon organization: The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health and the Licensing Commission. It is the sole responsibility of the Camp Calumet Walk-A-Thon organization to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

DISCUSSION:

Councilor Verga said this was a Walk-A-Thon to benefit Camp Calumet which is on May 11, 2013 and goes off rain or shine.

MOTION: On motion by Councilor Verga, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed to permit the Camp Calumet Walk-A-Thon to benefit the Camp Calumet Fund for Campership on Saturday, May 11, 2013 with the following conditions:

1. Certificate of Insurance: A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's Office on or before April 19, 2013.

2. Road Closure Plans: Memoranda from the Police Department and Fire Department giving approval of the plans for the Camp Calumet Walk-A-Thon to be on file with the City Clerks office on or before April 19, 2013. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before April 19, 2013. After City Council approval if either the Police Chief or the Fire Chief, or their designees, determine that a substantial change(s) has been made to the route then the applicant shall obtain City Council approval for the change(s).

3. Refuse and Comfort Stations:

All event refuse and recycling must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the first day of the event or early in the morning of the day of the event and removed by 3:00 p.m. Saturday, May 11, 2013.

4. Emergency Services: A signed, visible and staffed first aid station must be in place in an accessible location in the area of the route throughout the event.

5. Staffing: Event staff is to have cell phones and be identified by the public with distinct shirts, and a list of event staff and their cell phone numbers submitted to the Police, Fire or DPW Departments.

6. Notification of Immediate Abutters and Businesses on Walk-A-Thon Route: Notice shall be made by the event organizer by hand or by mail no later than 7 days in advance of the event to any function halls, motels and hotels, and other businesses along the route.

7. Responsibility of the Camp Calumet Walk-A-Thon organization: The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health and the Licensing Commission. It is the sole responsibility of the Camp Calumet Walk-A-Thon organization to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

Scheduled Public Hearings – Taken Out of Order:

6. PH2013-004: Whether the City should adopt MGL c. 32B, §21, §22, and §23 related to Health Care Reform

This public hearing is opened.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whyntott, the Ordinances & Administration Committee voted 0 in favor, 3 opposed recommend to the City Council to ADOPT MGL c. 32B, §21 entitled, Manner of changing health insurance benefits; estimation of savings; approval of agreement; immediate implementation; time for review; distribution of savings; regulations.

Councilor Theken then moved, and Councilor LeBlanc seconded a motion for the City Council to vote to continue the matter of the adoption of MGL c. 32B, §21 entitled, Manner of changing health insurance benefits; estimation of savings; approval of agreement; immediate implementation; time for review; distribution of savings; regulations to the July 23, 2013 City Council Meeting.

DISCUSSION:

Councilor Theken said at this time the City should not be negotiating anything when there still is a health insurance contract that has to come before the City. The Council, she said, should wait to see how the insurance companies and the City work together. Also, there is more information that needs to come forward before she could make a thorough estimation of what should be done, she said. She reiterated she wanted to give both sides (the unions and the City with the insurance companies) a chance to work the issue through. The Council does not make the decision whether the City should take GIC or any other health care program. This matter of the adoption of the MGL is a different matter altogether. She said she wanted to hear both sides first. Along with several ad hoc committee meetings, she said she had a good workshop meeting with good information but would not wish to vote on the adoption of this MGL until she had further information. **Council President Hardy** added that she, too, was looking for more information and wished to see more bids from more vendors for the City's health insurance contract. It is not a given who would get the City's health insurance contract saying that competition is a good thing. Until bids come in, she said, there is nothing to compare them to. The continuance date will be in advance of the City's decision of whether it goes into the GIC. **Councilor Theken** said it was, and that this is after the City's FY14 budget is approved. She also said she wanted to be sure retired teachers are protected. By July the Council will be better prepared to make an informed decision whether to adopt c. 32B, §21.

The City Council voted 9 in favor, 0 opposed to continue the public hearing on the adoption of MGL c. 32B, §21 to Tuesday, July 23, 2013.

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

This public hearing is opened.

Ms. Lowe said that a communication dated January 7th was received from the attorney representing the Cape Ann Brewing Company (CABC) asking for a continuance to the February 12th City Council meeting pending the attorney's receipt of a written determination from the Mass. Department of Environmental Protection on the CABC's Chapter 91 license request for modification which is anticipated to be released very shortly. The attorney said she expects the approved Chapter 91 license modification to have the 20 day appeal period be completed by the February 12th City Council meeting. **Council President Hardy** advised if that did not take place in the anticipated timeframe she would ask that the applicant's attorney see that the matter is readvertised at the applicant's expense. **This public hearing is closed and continued to February 12, 2013.**

1. PH2013-01: Loan Authorization in the amount of \$4 million re: CSO Long-Term Control Plan

This public hearing is opened.

Those speaking in favor:

Mike Hale, DPW Director explained to the Council that this loan authorization request for \$4 million to continue the CSO long-term control plan. He gave a brief history of the City's mandated CSO project which began with the signing of the modified consent decree signed in 2005 (on file in Council documentation). The most recent (third) phase was completed this past summer which looked at some areas downtown which discharged to the inner harbor (Hancock, Middle Chestnut, Short Streets). The DPW took about 100 homes which discharged directly to the harbor and transferred that waste water to the Waste Water Treatment Plant. The Long-Term Control Plan lays out a procedure whereby the City tells the EPA (Environmental Protection Agency) the order in which the City will do these projects. The next phase of project encompasses the east end of Main Street, Spring Street, Spring Court, Marchant Street, Winchester Court, Prospect Street (from Destino's Sub Shop back towards Flanagan Square), Mt. Vernon and Warner Streets, a portion of Staten Street, Perkins Street and Herrick Court. These areas discharged to CSO's that are by the National Grid (NG) substation on Rogers Street and further towards inner harbor to the head of the harbor. This project will go out to bid in the next few weeks and would begin as soon as the weather will allow and likely be completed by next fall, he said. The DPW will be installing storm drains and improving sanitary

sewer connections so the storm water goes into stormwater pipes and sanitary waste goes into sanitary waste pipes which take the sanitary waste to the Waste Water Treatment Plant.

Those speaking in opposition: None.

Communications: None.

Questions by Council:

Councilor Ciolino asked that when the CSO work reaches Perkins and Mt. Vernon Streets, noting the roads there are already in poor condition, if funds are available to restore the roads curb to curb. **Mr. Hale** said when his department does this kind of work sidewalks are replaced and then the roads are paved curb to curb. The condition of the roadways in this particular area will look like the roads that were completed from the last phase of CSO work which greatly improved those roadways conditions. He added the completed sidewalks will be ADA compliant.

Councilor Verga asked how this project is affected by the known contamination at the National Grid property pointing out that the NG contamination extends beyond the NG parcel to Harbor Loop and the Walgreens Plaza area. **Mr. Hale** reiterated this project is taking the sanitary sewer into the sewer pipes. NG has a plan to mitigate pollution caused by their former gas plant in that area. He assured the Councilor the DPW will not be digging in that area. **Councilor Tobey** stated this is not a mandate that entered the court decree based on the work of the Administration but was inherited by it, which **Mr. Hale** confirmed. **Councilor Tobey** said he recalled the State and Federal government's environmental protection agencies (EPA) have dictated to the City the work that must be done. He asked if there is data indicating the extent of how much the water in the inner harbor for the \$4 million expenditure on the part of the City will be cleaned up. **Mr. Hale** stated the City does. He supplies the EPA with quarterly progress reports on the CSO mitigation. From an environmental impact, he said, there has been a significant improvement in water quality of the "gallorage" of overflow to the inner harbor. The outer harbor is slightly different and more difficult to measure, he said, because it is a bigger body of water with many inlets and is subject to greater tidal influence. Waste stays where it is in the inner harbor as it is not a body of water with a lot of movement. The decrease the City has experienced in volume to the inner harbor over the length of the CSO project has measured significantly in terms of overflows - before it was "hundreds" of overflows annually. In the last 24 months there were only two small overflows to the outer harbor. The City has the outfalls sampled quarterly for bacteria and none have been found. This means the City is not discharging any human waste from the discharge pipes. This loan funds the next phase of the inner harbor work, moving further into the harbor down towards NG's property and towards the head of the harbor. **Councilor Tobey** asked if the \$4 million expenditure might be worthwhile because it will yield significant benefit to the water quality of Gloucester's inner harbor when the project is complete. **Mr. Hale** said that he thought it was. **Councilor McGeary** noted that at the B&F meeting Mr. Hale had pointed out the modified consent decree had resulted in a savings from the original estimate for CSO work. **Mr. Hale** explained the consent decree is the agreement between the City and the federal government. In the original consent decree there was a long-term control program laid out for projects to be done in a certain order by a certain time. Most of the information was based upon modeling from consultants many years ago. Since that time the City has been monitoring all the overflows. They have real time data on it. The City monitors how that water overflow impacts bacterial count, how it affects beach closures, etc. The City approached the Mass. DEP and the EPA about 3-1/2 years ago to amend the consent decree to shuffle the order of the projects and then re-evaluate whether the benefits are worth the expenditure. There is a cost savings by the order in which the City is doing the project. They have been able to reduce the scope as well. When this project is finished, there is still more work to do, but this gives the City the ability to reevaluate what has been done and prove the fact, he said, that the City has accomplished the goals of the Clean Water Act.

This public hearing is closed.

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 to approve the following loan order:

ORDERED: That up to \$4,000,000 (Four Million Dollars) is appropriated for the purpose of funding additional CSO Long-Term Control Plan expenses including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow up to \$4,000,000 (Four Million Dollars) and to issue bonds or notes thereof under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws or any other enabling authority; that such bonds or notes shall be general obligations of the City unless the Treasurer, with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust ("Trust") established pursuant to Chapter 29C and

in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental protection, to expend all funds available for the project; and to take, with the approval of the City Council, any other action necessary to carry out the project.

DISCUSSION:

Councilor McGeary noted the affected area is the “Portuguese Hill” area. **Councilor Ciolino** expressed his support for the loan order and said he has seen the significant changes in the harbor, and is money well spent. **Councilor Cox** expressed her support and said she would also support the DPW in their efforts on this project in the affected neighborhood which is part of her ward. **Councilor Tobey** said the Mayor has been “dealt a bad hand,” and had worked hard to scale this CSO project back. However, he said that given the Waste Water Treatment Plant issues, this money would be better spent on improvements to the water treatment plant. He said the push for the CSO work is, “off base.” While testing shows water quality is improved, **Councilor Tobey** pointed out that the CSO discharges are usually during snow melt and heavy rains when no one is swimming. The inner harbor regulated by the State and subject to M/I use requirement, “will never be the playground for swimming and recreation” that the Clean Water Act expects and so would vote the loan order, he said.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 1 (Tobey) opposed to approve the following loan order:

ORDERED: That up to \$4,000,000 (Four Million Dollars) is appropriated for the purpose of funding additional CSO Long-Term Control Plan expenses including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow up to \$4,000,000 (Four Million Dollars) and to issue bonds or notes thereof under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws or any other enabling authority; that such bonds or notes shall be general obligations of the City unless the Treasurer, with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust (“Trust”) established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental protection, to expend all funds available for the project; and to take, with the approval of the City Council, any other action necessary to carry out the project.

2. PH2013-002: Amend GCO Chapter 9 “Trash, Recycling and Litter” Sec. 9-2

This public hearing is opened.

Those speaking in favor:

Rose LoPiccolo, Recycling Coordinator for the City told the City Council that on April 12, 2011 when the Council amended the GCO, Sec. 9-2, the intent was to amend subparagraph a, and inadvertently subparagraphs b, c and d were removed. She asked that those inadvertently deleted subsections be returned to the ordinance as it was never the intent for them to have been removed.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

This public hearing is closed.

On motion by Councilor Theken moved, and Councilor LeBlanc seconded a motion to amend the Gloucester Code of Ordinances by ADDING Sec. 9-2 “Trash/recycling container” and renaming “PAYT containers” to read “9.2(a) PAYT containers subsections (b), (c), (d) with sub-subsections (1), (2), (3).

DISCUSSION:

Councilor Theken said this is to correct an oversight. **Councilor Tobey** asked if a household puts out more than one container how would it be handled by the recycling hauler. **Ms. LoPiccolo** stated residents can fill as many containers as they wish. As noted by **Councilors Theken** and **Ciolino** stated they can buy any kind of container they wish but need to put on those containers recycling stickers which are available at no charge to City residents from the DPW at their offices on Poplar Street.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND the Gloucester Code of Ordinances by ADDING Sec. 9-2 "Trash/recycling container" and renaming "PAYT containers" to read "9.2(a) PAYT containers" and ADDING the following subsections:

- (b) Homeowners and tenants will be required to clean up immediately all trash/recyclables spilled on the ground due to torn bags or overturned containers.
- (c) Trash/recycling receptacles shall not be put out for collection before 4:00 p.m. the day before collection and shall be removed from curbside location and returned to their proper place on the same day of collection.
- (d) Trash/recycling receptacles shall provide each resident with one (1) recycling container per residential unit which receives municipal trash pick-up. Residents of each premise shall:
 - (1) Take proper care to protect such container from misuse, loss or damage.
 - (2) Recycling container must remain with the premises for use by subsequent when unit is vacated.
 - (3) Residents are responsible for the replacement of containers which are lost, or damaged beyond normal wear and tear. The City of Gloucester is not obligated to replace lost, stolen or damaged containers. Residents may purchase a replacement or additional bins from the DPW business office.

3. PH2013-003: Amend GCO Chapter 8, Article I, "In General" Sec. 8-1 re: License for storing inflammables: fees" subsection (c)

This public hearing is opened.

Those speaking in favor: None

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Chapter 8, Article I "In General," Sec. 8-1 "License for storing inflammables: fees" subsection (c) by DELETING "The annual fee for renewal of certificate of registration shall be \$25.00 and by ADDING "The annual fee for renewal of certificate of registration shall be \$100."

DISCUSSION:

Councilor Whynott explained that this fee was raised a while ago by the City Council and this amendment is to correct and update the Code of Ordinances in that the fee for inflammables was previously increased.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND GCO Chapter 8, Article I "In General," Sec. 8-1 "License for storing inflammables: fees" subsection (c) by DELETING "The annual fee for renewal of certificate of registration shall be \$25.00 and by ADDING "The annual fee for renewal of certificate of registration shall be \$100."

4. PH2012-084: GCO Article IV, Repair of Private Ways, Sections 21-83 & 21-84 re: Petition for road repairs High Popples Road, Jacque Lane, Mayflower Lane

This public hearing is opened.

Councilor Ciolino recused himself under MGL c. 268A from this public hearing as he is a homeowner and part of the group petitioning the City on this matter now before the City Council. He left the dais at this time. Those speaking in favor:

Julianna Hood, 9 Jacque Lane explained that these roads (Jacque and Mayflower Lanes and High Popples Road) are in need of repair and said that for years the pot holes have been filled but return each winter making the roads nearly impassable. Drainage and icing problems have been so bad, she said, that during recent frigid winters Jacque Lane has been completely impassible. She told the Council of an incident where her neighbor had to be towed out of an ice-filled pot hole. She said she started the process of the repair of private ways about two years ago with the DPW Director and with Councilor McGeary, Ward 1 councilor. This past fall they had a resident vote to repair the roadways with the residents voting in favor of repairing the roads of Mayflower and High Popples as well as Jacque Lane. She said her neighbors look forward to the repair of these roads. She also publically thanked Michael Hale, DPW Director and Councilor McGeary for their help and cooperation in this matter. **Former Fire Chief Barry McKay**, 26 High Popples Road resident, said over the past 17 years the road has deteriorated significantly where there are great drainage problems, they now have large boulders now coming up through the road. As these roads continue to deteriorate, cars and plows are being damaged. Working in conjunction in the City, he said it is a win/win situation for everyone because the roads are improved and he expressed hope that in the future after these roads were improved, they could potentially be taken by the City. There is a significant potential of return on State Chapter 70 reimbursement funds for City roadways. He and his neighbors, he said, "enthusiastically" support this joint paving project petition.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

Council President Hardy noted this is one paving project but that each street is motioned separately.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, 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 way of High Popples Road. 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 based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$297,324.00; fifty percent of the costs shall be borne by abutters and assessed as betterments.

DISCUSSION:

Councilor Verga added that the two year process seemed excessive and an ordinance review of this section would appear to be in order. He agreed with Mr. McKay that the City could, in future, benefit by taking these roads once they are in good condition to add to the City's roadway miles thereby increasing the State's Chapter 70 roadway reimbursement funding. **Council President Hardy** thanked Councilor McGeary for helping to streamline the joint public/private paving project process for a project in East Gloucester. She would, she said, use the same template moving forward. **Councilor McGeary** endorsed the joint paving project and thanked the residents for their patience noting it is a long process. These streets clearly need improvement, he said. If the City eventually takes these streets after they've been repaired, he agreed with Councilor Verga that it will increase the City's Chapter 70 reimbursement from the State. While there is something in this for the City moving forward, mostly, he said, it is for the residents and their ability to pass along their roads safely and unimpeded.

MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the City Council voted **BY ROLL CALL 8** in favor, **0** opposed, **1** (Ciolino) recused, under Sec. 21-83 of the Gloucester Code of Ordinances that the City is to repair/repave the private way of High Popples Road. 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 based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$297,324.00; fifty percent of the costs shall be borne by abutters and assessed as betterments.

Councilor Ciolino returned to the dais.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, 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 way of Jacque Lane. 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 based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$297,324.00; fifty percent of the costs shall be borne by abutters and assessed as betterments.

DISCUSSION:

Councilor Verga again noted that this is one paving project but that the motions are being made by street. **Councilor McGeary** thanked the DPW Director for suggesting this would be more cost effective to take these streets on as one project thereby getting more for the residents' and City's money.

MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, 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 way of Jacque Lane. 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 based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$297,324.00; fifty percent of the costs shall be borne by abutters and assessed as betterments.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, 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 way of Mayflower Lane. 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 based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$297,324.00; fifty percent of the costs shall be borne by abutters and assessed as betterments.

DISCUSSION: None.

MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the City Council voted **BY ROLL CALL 9** in favor, 0 opposed that under Sec. 21-83 of the Gloucester Code of Ordinances that the City is to repair/repave the private way of Mayflower Lane. 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 based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$297,324.00; fifty percent of the costs shall be borne by abutters and assessed as betterments.

5. PH2012-092: GCO Article IV, Repair of Private Ways, Sections 21-83 & 21-84 re: Petition for road repairs re: Stewart Avenue

This public hearing is opened.

Those speaking in favor:

David Hunter, 11 Stewart Avenue said that he moved to Stewart Avenues in 2010 and since that time the abutters of Stewart Avenue have been talking about this project. The road has steadily deteriorated with the asphalt breaking up. There have been water breaks over this two year period that further deteriorated the roadway. He pointed out the lower portion of Stewart Avenue is the location where the Eastern Point Day School has their student pick up and drop off which adds to the destabilize the roadway. He said the repairs of this street will maintain the safety of everyone. He thanked Councilor McGeary and Mr. Hale for their efforts saying that this process has taken the Stewart Avenue abutters about 9 months to get to this point.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

This public hearing is closed.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, 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 repair/repave the private way of Stewart Avenue. 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 based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$58,000.00; fifty percent of the costs shall be borne by the abutters and assessed as betterments.

DISCUSSION:

Councilor Verga said while this was a different street it is a similar situation to the three streets that had just been approved for a similar joint public/private paving project.

MOTION: On motion by Councilor Verga, seconded by Councilor Cox, 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 repair/repave the private way of Stewart Avenue. 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 based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$58,000.00; fifty percent of the costs shall be borne by the abutters and assessed as betterments.

8. PH2013-005: Amend GCO c. 2 "Administration," Article II "City Council" re: adding new section 2-28 "City Schedule of Fees"

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Chapter 2 "Administration," Article II "City Council," by ADDING new Section 2-28 as follows:

"All fees contained in the City Schedule of Fees are hereby established and authorized said fees may be modified from time to time by vote of the City Council unless the fees are governed and controlled by M.G.L. The Schedule shall be posted on the City website and published in a local newspaper whenever fee changes or new fees are approved by the City Council.

DISCUSSION:

Councilor Whynott explained that this amendment to the ordinance removes fees from the Code of Ordinances so that when fees need to be changed, it is done by a schedule of fees passed by the City Council. Most fees don't have to be in an ordinance unless it is specifically stated in Mass. General Law. The City Clerk's office started moving the fees into one location so that anyone could easily view the fees alphabetically. The City will have a schedule of fees and it will also be posted on the City's website as well for the public to view. **Council President Hardy** said she had thought this had been done previously and must have "slipped through the cracks" but now this will be a great tool for the City.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND GCO Chapter 2 "Administration," Article II "City Council," by ADDING new Section 2-28 as follows:

"All fees contained in the City Schedule of Fees are hereby established and authorized said fees may be modified from time to time by vote of the City Council unless the fees are governed and controlled by M.G.L. The Schedule shall be posted on the City website and published in a local newspaper whenever fee changes or new fees are approved by the City Council.

9. PH2013-006: Amend GCO c. 4, Article II "Dogs" Sec. 4-22 "Fees and penalties" subsection (a) re: Revised Dog Fees

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

Councilor McGeary informed the Council he would bring the motion forward as the B&F Committee amended the motion after the fee structure was passed by the O&A Committee.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Chapter 4, Article II "Dogs," Sec. 4-22 "Fees and penalties" subsection (a) by DELETING "Revised fees for dog licenses effective July 1, 2002. Male/female/neutered/spayed, each dog: \$22.50;" and by ADDING: "Revised fees for dog licenses, effective beginning 2013 Licenses: Male/female/neutered/spayed each dog \$15.00 and Male/Female/non-neutered/non-spayed each dog \$16.00."

DISCUSSION:

Councilor McGeary explained that separate fees for non-neutered/non-spayed dogs are now required by Mass. State law, as opposed to those dogs that have been spayed/neutered. He noted Council President Hardy and Councilor Whynott have previously indicated there seemed to be a drop off in the number of licenses issued because there was a large disparity in fees. This is an attempt by the Council to get more dogs licensed by lowering the fee and to also comply with the State law. He noted he did ask the City Clerk to track this issue over the next year so the Council can see if this lowering of fees results in more dogs being licensed and have better compliance. **Council President Hardy** informed the Councilor this data is tracked monthly and is available to the Council. **Councilor Whynott** stated as the price of dog licenses were raised, the number of licensed dogs in the City went down. Dogs have increased in the City, however. It is important to license dogs to be sure rabies inoculations are kept up. Every time a dog is inoculated, the City Clerk's office is notified by area veterinarians, he said. **Councilor Ciolino** asked a comparison was done on what Rockport, Manchester, Essex or Beverly is charging for dog licenses. **Ms. Lowe** stated the \$22.50 fee currently being charged by the City is higher than other communities. She said by going to this fee the City will be more in line with surrounding communities. **Councilor Verga** agreed this was an opportunity to increase compliance and added this is an opportunity to give some relief to the dog-owning residents of the City. **Council President Hardy** said she looked at this as a vehicle to getting more dogs licensed especially in light of the new dog park being built. Dogs using that park will be required to be licensed. She also said that it is important dogs be inoculated against rabies. The State came out with a regulation to charge more for non-spayed/non-neutered dogs and so the Council is recommending a one dollar fee difference only, again, to encourage licensing of dogs in the City.

MOTION: On motion by Councilor McGeary, seconded by Councilor Whynott, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND GCO Chapter 4, Article II "Dogs," Sec. 4-22 "Fees and penalties" subsection (a) by DELETING "Revised fees for dog licenses effective July 1, 2002. Male/female/neutered/spayed, each dog: \$22.50;" and by ADDING: "Revised fees for dog licenses, effective

beginning 2013 Licenses: Male/female/neutered/spayed each dog \$15.00 and Male/Female/non-neutered/non-spayed each dog \$16.00.”

10. PH2012-063: Amend GCO c. 22, Sec. 22-289 “Parking meter zones-On streets” re: Main Street

This public hearing is opened.

Council President Hardy explained since City Council Order 2012-022 was withdrawn earlier in the evening.

This public hearing is closed with no further Council Action.

11. PH2013-007: Amend GCO Chapter 22, Sec. 22-279 “Thirty Minute Parking” re: Commercial Street

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

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 Amend GCO Chapter 22, Sec. 22-279 (Thirty Minute Parking) BY DELETING: “Commercial Street, 22 feet from the intersection with Beach Court for a distance of 44 feet in a southeasterly direction”.

DISCUSSION:

Councilor Ciolino asked where this affected area is on Commercial Street. **Councilor Cox** explained this covers the distance from the coffee shop to the dental office at the corner of Beach Court and Commercial Street.

Councilor Ciolino noted at one time there was angle parking and asked if was still in effect. **Councilor Cox** said that in front of the coffee shop it is not wide enough for angle parking but it is in front of the dental office. She is working with the Traffic Commission to work towards that change.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Chapter 22, Sec. 22-279 (Thirty Minute Parking) BY DELETING: “Commercial Street, 22 feet from the intersection with Beach Court for a distance of 44 feet in a southeasterly direction”.

12. PH2013-008: Amend GCO Chapter 22, Sec. 2-277 “One Hour Parking-Generally” re: Commercial St.

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed

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 Amend GCO Chapter 22, Sec. 22-277 (One Hour Parking-Generally) by ADDING: “Commercial Street, westerly side, from the intersection with Beach Court, in a southerly direction, 53 feet to the intersection of Pascucci Court.”

DISCUSSION:

Councilor Cox said this action comprises the other half of the process begun with the previous public hearing. The affected area is from Pascucci Court to the intersection with Beach Court.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Chapter 22, Sec. 22-277 (One Hour Parking-Generally) by ADDING: “Commercial Street, westerly side, from the intersection with Beach Court, in a southerly direction, 53 feet to the intersection of Pascucci Court.”

13. PH2013-009: Amend GCO Chapter 22, Sec. 22-284 “Service or loading zones” re: Beach Court

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed

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 Amend GCO Chapter 22, Sec. 22-284 (Service or loading zones) by DELETING: “Beach Court from Pole number 264 in an easterly direction for 30 feet.”

DISCUSSION:

Councilor Theken explained that when the Council puts a loading zone in it goes to the business not the property. When the Cape Ann Brewery left this location, the loading zone remained. Any business can ask for it to be reinstated if it is needed. But parking is very tight in this immediate area and so by removing it there is some relief for the neighborhood. **Councilor Cox** said this was part of the “give and take” discussion with the coffee shop and the dental office and some of the area residents. They are changing the parking length of time from 30 minutes to one hour. She said the dental office did not need a loading zone so they were willing to give up the rights to it and make it into parking spaces. **Councilor LeBlanc** commented the Council needs to stay on top of this sort of thing and have these matters looked at sooner rather than later noting the brewing company had vacated some time ago from this location, as parking on Beach Court is very limited. He said he had spoken to residents there who told him they were pleased to have a few more parking spaces in their neighborhood. **Councilors Cox and LeBlanc** confirmed to **Council President Hardy** that Beach Court straddles wards 2 and 3 which they represent respectively.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed to Amend GCO Chapter 22, Sec. 22-284 (Service or loading zones) by DELETING: “Beach Court from Pole number 264 in an easterly direction for 30 feet.”

Unfinished Business: None.

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

Councilors’ Requests to the Mayor:

Councilor Cox said the Lobster Tree breakdown (next to the Police Station on Main Street) is this Saturday at 12 noon. The following Saturday, January 19th is the Art Haven Buoy Auction. Tickets are on sale now at Art Haven. **Councilor McGeary** asked for a renewal of a request to the Administration to look into what permits are needed to turn the 65 Rogers Street lot into a parking lot while the revised RFP is in process.

Councilor Ciolino offered his support to Joey Foote who is in Brigham & Women’s hospital recovering from a recent illness.

Councilor Theken announced open enrollment is completed. Gloucester’s senior citizens should have received their new insurance cards by now. If seniors have not received their card yet, they are to contact her at the Rose Baker Senior Center.

Council President Hardy informed the Council she will call a Special City Council Meeting at 5:45 p.m. on Monday, February 4th in the 1st Floor Council Room for a brief one-item agenda related to a Special Council Permit in order to open and continue a public hearing so the 65 days does not lapse. Due to the recent holidays the Clerk’s office missed an advertising deadline. This will allow the Council administratively to now meet the deadline for advertising.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:57: p.m.

Respectfully submitted,

**Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

GLOUCESTER CITY COUNCIL MEETING

Tuesday, January 8, 2013 – 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; Kenny Costa; Jeff Towne; Mike Hale; Rose LoPiccolo; Tony Gross; Jim Caulkett; Aleesha Nunley; Tom LoGrande; Deputy Fire Chief Stephen Aiello

The meeting was called to order at 7:01 p.m.

Flag Salute & Moment of Silence: The moment of silence was dedicated to the lost F/V “Foxy Lady.”

Oral Communications: None.

Presentations/Commendations: None.

Consent Agenda:

• **MAYOR’S REPORT**

1. Memorandum from Mayor & revised RFP re: 65 Rogers Street (I4-C2) (Refer P&D)
2. Memorandum & Special Budgetary Transfer Request (2013-SBT-14) from Fire Chief (Refer B&F)
3. Memorandum from Police Chief re: amendment to FY13 State E911 EMD Training Grant (Refer B&F)
4. Memorandum from Acting Community Development Director re: Northeast Hospital Corporation Community Collaborative Grant
In the amount of \$10,000 (Refer B&F)
5. Memorandum from Harbormaster re: appropriation of funds from Waterways Enterprise Fund Retained Earnings in the amount of
\$217,571.00 (Refer B&F)
6. Supplemental Appropriation-Budgetary Request (2013-SA-25) from Harbormaster’s Office (Refer B&F)
7. Supplemental Appropriation-Budgetary Request (2013-SA-26) from Harbormaster’s Office (Refer B&F)
8. Supplemental Appropriation-Budgetary Request (2013-SA-27) from Harbormaster’s Office (Refer B&F)
9. Supplemental Appropriation-Budgetary Request (2013-SA-28) from Harbormaster’s Office (Refer B&F)
10. Supplemental Appropriation-Budgetary Request (2013-SA-29) from Harbormaster’s Office (Refer B&F)
11. Supplemental Appropriation-Budgetary Request (2013-SA-30) from Harbormaster’s Office (Refer B&F)
12. Supplemental Appropriation-Budgetary Request (2013-SA-31) from Harbormaster’s Office (Refer B&F)
13. Supplemental Appropriation-Budgetary Request (2013-SA-32) from Harbormaster’s Office (Refer B&F)
14. Supplemental Appropriation-Budgetary Request (2013-SA-33) from Harbormaster’s Office (Refer B&F)
15. Supplemental Appropriation-Budgetary Request (2013-SA-34) from Harbormaster’s Office (Refer B&F)
16. Request from Gloucester Public Schools Director of Finance to pay invoices for services procured w/out a P.O. in place (Refer B&F)
17. Memorandum from Police Chief re: Council acceptance of MIAA reimbursement for \$38,832 for cruiser totaled in accident (Refer B&F)
18. Memorandum from Police Chief re: request permission to pay invoice for services procured w/out a P.O. in place (Refer B&F)
19. Special Budgetary Transfer Request (2013-SBT-15) from Police Department (Refer B&F)

• **COMMUNICATIONS/INVITATIONS**

1. Motion to withdraw Council Order 2012-022 (FCV)
2. Memorandum from City Auditor re: City’s FY2011 OPEB Actuarial Expense Budget (Refer B&F)
3. Communication from City Clerk to Michelle Tassinari, Director/Legal Counsel, Elections Division re: local non-binding question
On Special State Election Ballot (File)

• **INFORMATION ONLY**

1. Gloucester Contributory Retirement System Annual 2013 Expense Budget (Info Only)

• **APPLICATIONS/PETITIONS**

1. SCP2012-015: 107 Atlantic Road, Map 72, Lot 1, Replacement of existing pool pursuant to GZO Sec. 5.26.7 (Refer P&D)
2. SCP2012-016: 30 Blackburn Drive, Bldg. 4, Map 262, Lot 24, GZO Sec. 5.13.7 (PWSEF) (Refer P&D)
3. Special Events Application re: Request from YuKan Sports LLC to hold Fool’s Day Dual Road Races on April 7, 2013 (Refer P&D)
4. Special Events Application re: Request from YuKan Sports LLC to hold Triple Threat Road Races on August 3, 2013 (Refer P&D)

• **COUNCILORS ORDERS**

1. CC2013-001 (Hardy) Request review of annual salary of City Councilors pursuant to City Charter Section 2-3 (Refer O&A)
2. CC2013-002 (Whyntott/Hardy/McGeary/Cox/Theken/Verga/LeBlanc) Request to ensure that the auditorium is properly heated for
All public meetings for the duration of this winter and possibility of acquiring new system for building (Mayor)
3. CC2013-003 (Verga) Amend GCO Chapter 22, Sec. 22-270 & Sec. 22-291 re: Magnolia Avenue (O&A & TC)

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

1. City Council Meeting: 12/11/12 (Approve/File)
2. Special City Council Meeting: 12/26/12 (Approve/File)
3. Standing Committee Meetings: B&F 12/20/12, 01/03/13 (no meeting), O&A 12/17/12, 12/31/12 (no meeting) P&D 12/19/12,
01/02/13 (no meeting) (Approve/File)

Unanimous Consent Agenda:

1. Agreement for Judgment in the matter Susan Taorimina, et al vs. Jackie Hardy, et al re: Special City Council Permit

(Refer P&D)

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

Councilor McGeary wished to remove the B&F Minutes of December 20, 2012 and the P&D minutes of December 19, 2012.

Councilor Tobey asked to remove Item #1, from the Mayor's Report, and under Communications Items #1 and #3 from the Consent Agenda.

Councilor McGeary explained there was a copy and paste error in the motion related to 2013-SA-18 on page five of the B&F minutes of December 20, 2012 which transfers funds into a Capital Projects Stabilization Fund. That fund should be named the "Harbor Cove" Capital Projects Stabilization Fund instead of the St. Peter's Marina Capital Projects Stabilization Fund. On page 3 under the discussion of the CSO loan order for \$4 million he asked that the words "at least" be inserted before "\$235,000" and in the same sentence the words that follow "a year in" the words "principal and" should be inserted. In the following sentence the word "hundred" should be inserted between the words "several" and "million." He also asked that the Council correct the spelling of a last name of a speaker in the P&D minutes of December 19th by replacing the last name of "Poole" with the last name of "Poulin". Also wherever "Jacques Lane" appears in those same minutes, it should be replaced by "Jacque Lane." **By unanimous assent of the Council the draft minutes of the December 20, 2012 B&F minutes and the P&D minutes of December 19, 2012 were amended as stated by Councilor McGeary.**

Councilor Tobey advised that Item #1 of Mayor's Report the revised RFP for 65 Rogers Street will be heard at the P&D Committee's meeting on Wednesday, January 16th at 5:30 p.m. On the matter he expressed several concerns: the RFP, by its own terms, is to be issued by February 6th. He asked the Administration to consider the purchase price which is less than half of what the City paid for the property. The City bought the property based on a combined assessment from appraisals of the waterfront piece the City already owns and the new parcel purchased through a friendly eminent domain taking. He asked for an explanation as to why the base purchase price is so low, and why the low purchase price was in the public interest. He said he understood the money is going away with state grant money, he noted it is still taxpayer money. As to public policy, he said it appeared the draft RFP allows for the possibility for the sale of the parcel as opposed to just the lease of the parcel. The revised RFP is structured so that the buying party could be a non-profit; a non-profit owner would not pay real estate taxes on the property. **Councilor Tobey** said real estate tax generation was a large part of the reason why the City should be buying this property and converting it to new use. He asked for the Administration's point of view on whether or not a not-for-profit purchase should be prohibited; and if not, why. If it is agreeable to the Administration to preclude non-profit entities from purchasing the property, he asked for language to that effect to amend the RFP to be put forward at the P&D meeting of the 16th when the Committee would take up their review of the draft RFP. **Council President Hardy** added she was requesting from the Legal Department whether or not the potential buyer is a non-profit and agrees to a PILOT (Payment In Lieu of Taxes), how long would the PILOT agreement be good for, and would the PILOT be legally binding. **By unanimous consent the Council assented to the matter's referral to P&D.** Under Communication #1 for a Council vote on the withdrawal of CC2012-022, **Councilor Tobey** said that in his first term as a Councilor following his mayoral terms, he fought against the doubling of the parking meter fees on Main Street. And in the three Council terms since he has tried to remove meters on Main Street so the parking spaces can be regulated by time limits with free parking as done in hundreds of communities across the country. He said the city was "addicted to the money" (from parking meters). There was, he noted, no "traction" with this Council or the Administration to remove the meters from Main Street. Feedback he had received was that a three month pilot program would be too difficult to implement, and said that he would now "give up."

MOTION: On motion by Councilor Tobey, seconded by Councilor Whynott, the City Council voted 9 in favor, 0 opposed to allow for the withdrawal of City Council Order #2012-022 which reads: "ORDERED that the City Council AMEND Chapter 22 "Traffic" by DELETING "Main Street" from Sec. 22-289 and ADDING "Free Parking from the intersection of Main St. and Spring St. to the intersection of Main St. and Washington St. with a two hour limit;" without prejudice.

Councilor Tobey spoke to Communication #3, thanking the City Clerk for reaching out to the State's legal counsel to determine whether a non-binding referendum question on the reuse on the Fuller School could be placed on a

special election ballot, and was told the answer was “No.” He said he took issue with Councilors who say perhaps the Council can reopen this matter, and when the Mayor and the School Committee surplus the property, the Council doesn’t need to talk about Fuller as a school anymore. He asked the Council to “stick to their guns,” and recognize that the inner city wards, Wards 2 and 3 bus their children to Wards 1, 4 and 5 schools. He said those children deserve a neighborhood school as much as anyone else. **By unanimous consent Communication #3 was placed on file.**

Council President Hardy asked and the Council assented by unanimous consent agenda item, Agreement for Judgment in the matter Susan Taorimina, et al vs. Jackie Hardy, et al re: Special City Council Permit to the P&D Committee.

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

Committee Reports:

Budget & Finance: December 20, 2013

- **Special B&F Consent Agenda:**

MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to accept the B&F Unanimous Consent Agenda dated 01/08/13 as presented.

- 1. MOTION by Councilor Cox, seconded by Councilor McGeary, the Budget & Finance Committee voted 2 in favor, 0 opposed and 1 (Hardy) abstained to recommend to the City Council to withdraw the request to establish a Fire Station Opening Stabilization Fund #860000 for the purpose of opening the City’s outskirt Fire Stations more frequently.**
- 2. MOTION: On motion by Councilor Cox, seconded by Councilor McGeary, the Budget & Finance Committee voted 2 in favor, 1 (Hardy) abstaining to recommend to the City Council to withdraw the request that \$200,000.00 (Two Hundred Thousand Dollars) be appropriated (2013-SA-22) from the General Fund Unreserved Fund Balance (“Free Cash”) to the Fire Station Opening Stabilization Fund, #860000.10.991.49700.0000.00.000.00.040, Transfer In from General Fund for the purpose of opening the City’s outskirt Fire Stations more frequently.**

PERMISSION TO PAY INVOICES FOR SERVICES PROCURED WITHOUT A PURCHASE ORDER IN PLACE: GLOUCESTER PUBLIC SCHOOLS

- 1. 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 to pay invoice #108860 dated 06/12/2012 by Gloucester Rental Center, Gloucester, Mass., in amount of \$150.00 for a propane grill rental by the West Parish PTO to be paid from the FY13 School Department Operating General Fund budget without a Purchase Order in place.**
- 2. 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, in accordance with MGL Chapter 44, Section 64, to pay invoice #108860 dated 06/12/2012 by Gloucester Rental Center, Gloucester, Mass., in the amount of \$150.00 for a propane grill rental by the West Parish PTO expenses incurred in the prior fiscal year to be paid with funds from the current FY13 School Department Operating General Fund Budget.**
- 3. 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, in accordance with MGL Chapter 44, Section 64, to pay invoice #11282 dated 1/21/2012 by the Gloucester Police Department, Gloucester, Mass., for \$840.00 for police detail expenses incurred in the prior fiscal year to be paid with funds from the current FY13 School Department Operating General Fund Budget.**

4. **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, in accordance with MGL Chapter 44, Section 64, to pay invoice #11270 dated 12/29/2011 by the Gloucester Police Department, Gloucester, Mass., for \$1,240.00 for police detail expenses incurred in a prior fiscal year to be paid with funds from the current FY13 School Department Operating General Fund Budget.
5. **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 pay purchase requisition #312019 dated 10/22/2012 to Gordon College, Wenham, Mass., in the amount of \$1,575.00 to be paid from the FY13 School Department Operating General Fund Budget without a Purchase Order in place.

PERMISSION TO PAY INVOICES FOR SERVICES PROCURED WITHOUT A PURCHASE ORDER IN PLACE: POLICE DEPARTMENT-REIMBURSEMENT OF OFFICER FOR EMT CERTIFICATION

1. **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 pay purchase requisition #311928 dated 10/12/2012, Invoice #561 dated 11/19/12 to Bishop Fenwick High School, Peabody, Mass., in the amount of \$720.00 to be paid from the FY13 School Department Operating General Fund Budget without a Purchase Order in place.
2. **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, in accordance with MGL Chapter 44, Section 64, to pay overtime salaries expenses dates ranging from 01/07/2012 to 5/16/2012 to Officer Christopher Liacos for \$6,450.63 for overtime salaries expenses incurred in the prior fiscal year to be paid with funds from the current FY13 Police Department Operating General Fund Budget.
3. **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, to reimburse Officer Christopher Liacos for \$1,000.00 for EMT Basic Course Fees expenses to be paid from the current FY13 Police Department Operating General Fund Budget without a Purchase Order in place.
4. **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, in accordance with MGL Chapter 44, Section 64, to reimburse Officer Christopher Liacos for \$1,000.00 for EMT Basic Course Fees expenses incurred in the prior fiscal year to be paid with funds from the current FY13 Police Department Operating General Fund Budget.
5. **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, to reimburse Officer Christopher Liacos for \$150.00 for the Commonwealth of Massachusetts EMT Practical Exam Fee expenses to be paid from the current FY13 Police Department Operating General Fund Budget without a Purchase Order in place.
6. **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, in accordance with MGL Chapter 44, Section 64, to reimburse Officer Christopher Liacos for \$150.00 for the Commonwealth of Massachusetts EMT Practical Exam Fee expenses incurred in the prior fiscal year to be paid with funds from the current FY13 Police Department Operating General Fund Budget.
7. **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, to reimburse Officer Christopher Liacos for \$175.00 for the McNeilly EMT Basic Practical Exam Site Fee expenses, Invoice #369, dated 02/24/2012, to be paid from the current FY13 Police Department Operating General Fund Budget without a Purchase Order in place.

8. **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, in accordance with MGL Chapter 44, Section 64, to reimburse Officer Christopher Liacos for \$175.00 for the McNeilly EMT Basic Practical Exam Site Fee expenses, Invoice #369, dated 02/24/2012, incurred in the prior fiscal year to be paid with funds from the current FY13 Police Department Operating General Fund Budget.**
9. **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, to reimburse Officer Christopher Liacos for \$55.00 for the EMT Basic Exam Fee expenses to be paid from the current FY13 Police Department Operating General Fund Budget without a Purchase Order in place.**

GRANT ACCEPTANCE:

1. **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, in accordance with MGL Chapter 44, §53A to accept a \$4,500 federal pass through CCP Community Response Emergency Team (CERT) Grant for FFY2010 from the Mass. Emergency Management Agency (MEMA) for use by Gloucester CERT.**

END OF B&F UNANIMOUS CONSENT AGENDA.

- ***DPW WATER AND SEWER ENTERPRISE FUND APPROPRIATIONS***

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 the appropriation 2013-SA-23 in the amount of \$500,000.00 (Five-Hundred Thousand Dollars) from the Water Enterprise Fund Retained Earnings ("Free Cash") to Water Enterprise Fund, Infrastructure, Account #610000.10.450.58760.0000.00.000.00.058 for the purpose of water main replacement in the Annisquam neighborhood in the City of Gloucester.

DISCUSSION:

Councilor McGeary explained that the Water Enterprise Fund has certified retained earnings ("free cash") of \$1,718,715. The DPW Director recommends using \$500,000 to complete water main replacement in Annisquam who had explained that the pipes are very old, heavily tuberculated and causes discolored water in the area. The \$500,000 should get them close if not complete for this project. **Councilor Verga** added that areas of the City where folks aren't considered the routine water rate payers who pay the water rate but don't seem, he said, to benefit. There was talk of a report from the Administration about prioritizing areas for improvement, he said, and expressed his hope that the report comes forward to the Council and that an ad hoc committee is established to explore how to implement the improvements to the areas found to be in the greatest need.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to appropriate 2013-SA-23 in the amount of \$500,000.00 (Five-Hundred Thousand Dollars) from the Water Enterprise Fund Retained Earnings ("Free Cash") to Water Enterprise Fund, Infrastructure, Account #610000.10.450.58760.0000.00.000.00.058 for the purpose of water main replacement in the Annisquam neighborhood in the City of Gloucester.

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 appropriation 2013-SA-24 in the amount of \$500,000.00 (Five-Hundred Thousand Dollars) from the Sewer Enterprise Retained Earnings ("Free Cash") to Sewer Enterprise Fund, Reserve for Capital Outlay, Account #600000.10.440.58000.0000.00.000.00.058 for the purpose of replacing of sewer collection systems in the Commonwealth Avenue neighborhood as well as repairs to sewer pump stations in the City of Gloucester.

DISCUSSION:

Councilor McGeary said that the certified retained earnings for the Sewer Enterprise Fund is \$1,971,986 of which \$500,000 would be used for the purpose of capital improvements in the Commonwealth Avenue neighborhood. The DPW Director told the B&F Committee that the sewer in the Commonwealth Avenue neighborhood is a bit convoluted and having been done some time ago even runs through private properties leaving questions as to what connects to what. This funding would repair a lot of those issues. That project would cost about \$300,000. In addition, the DPW had also identified a number of deficiencies within the sewer pump stations around the City which are burdened, one in particular is at Hartz Street and that would use the remainder of the \$500,000.

Councilor Verga added that the City is restoring areas that are downtown. He asked that the Council not forget its neighbors in West Gloucester who were shut out of the City expansion of the sewer system and left to deal with their own private systems.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to appropriate 2013-SA-24 in the amount of \$500,000.00 (Five-Hundred Thousand Dollars) from the Sewer Enterprise Retained Earnings (“Free Cash”) to Sewer Enterprise Fund, Reserve for Capital Outlay, Account #600000.10.440.58000.0000.00.000.00.058 for the purpose of replacing of sewer collection systems in the Commonwealth Avenue neighborhood as well as repairs to sewer pump stations in the City of Gloucester.

- ***WATERWAYS BOARD – ESTABLISHMENT OF CAPITAL PROJECTS STABILIZATION FUNDS AND FUNDING OF SAME FROM WATERWAYS ENTERPRISE RETAINED EARNINGS***

MOTION: On motion by Councilor Hardy, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed in accordance with MGL Chapter 40, Section 5B, to recommend to the City Council to establish a Dun Fudgin Boat Ramp Capital Projects Stabilization Fund #730000 for the purpose of improvements to the Dun Fudgin Boat Ramp.

DISCUSSION:

Councilor McGeary said that this sets aside money for the specific repairs to the Dun Fudgin public ramp near the high school. Under the Waterways Board’s contract with the State, the Board is allowed to charge fees and use them for the operation of the Dun Fudgin ramp and public landing. Using the Board’s formula, it was determined that \$24,824 of the board’s retained earnings should be set aside in the stabilization fund for Dun Fudgin. There was a question as to whether the income from the fees could be used for some other boat ramps overseen by the State public access board, but this is specifically for the Dun Fudgin public ramp. **Councilor Ciolino**, the Council’s representative to the Waterways Board, explained the Board’s books were previously organized into one big “pot”. This matter and those related that follow will separate money into individual stabilization accounts. He said the Board is reorganizing and working with the City Auditor to better manage their accounting and financial obligations.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed in accordance with MGL Chapter 40, Section 5B, to establish a Dun Fudgin Boat Ramp Capital Projects Stabilization Fund #730000 for the purpose of improvements to the Dun Fudgin Boat Ramp.

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 appropriation of 2013-SA-16 in the amount of \$25,000 (Twenty-Five Thousand Dollars) from the Waterways Enterprise, Retained Earnings (“Free Cash”) to Transfer In-Dun Fudgin Boat Ramp CP Stabilization Fund #730000.10.996.49700.0000.00.000.00.040 for the purpose of improvements to the Dun Fudgin Boat Ramp.

DISCUSSION:

Councilor McGeary explained this appropriation funds the newly created Dun Fudgin Capital Projects Stabilization Fund.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to appropriation of 2013-SA-16 in the amount of \$25,000 (Twenty-Five Thousand Dollars) from the Waterways Enterprise, Retained Earnings (“Free Cash”) to Transfer In-Dun Fudgin Boat Ramp CP Stabilization Fund #730000.10.996.49700.0000.00.000.00.040 for the purpose of improvements to the Dun Fudgin Boat Ramp.

MOTION: On motion by Councilor Cox, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed in accordance with MGL Chapter 40, Section 5B, to recommend to the City Council to establish a St. Peter’s Commercial Marina Capital Projects Stabilization Fund #740000 for the purpose of improvements to the St. Peter’s Commercial Marina.

DISCUSSION:

Councilor McGeary said the money in this fund to be created would be used for the maintenance and repair of the St. Peter’s Commercial Marina.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed in accordance with MGL Chapter 40, Section 5B, to establish a St. Peter’s Commercial Marina Capital Projects Stabilization Fund #740000 for the purpose of improvements to the St. Peter’s Commercial Marina.

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 appropriation of 2013-SA-17 in the amount of \$150,000 (One-Hundred and Fifty Thousand Dollars) from the Waterways Enterprise, Retained Earnings (“Free Cash”) to Transfer In-St. Peter’s Commercial Marina CP Stabilization Fund #740000.10.996.49700.0000.00.000.00.040 for the purpose of improvements to the St. Peter’s Commercial Marina.

DISCUSSION:

Councilor McGeary said this transfer is to fund the newly created St. Peter’s Commercial Marina Capital Projects Stabilization Fund. The \$150,000 was based on a 1999 figure; and while it is an old figure, he said it was a starting point.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to appropriation of 2013-SA-17 in the amount of \$150,000 (One-Hundred and Fifty Thousand Dollars) from the Waterways Enterprise, Retained Earnings (“Free Cash”) to Transfer In-St. Peter’s Commercial Marina CP Stabilization Fund #740000.10.996.49700.0000.00.000.00.040 for the purpose of improvements to the St. Peter’s Commercial Marina.

MOTION: On motion by Councilor Hardy, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed in accordance with MGL Chapter 40, Section 5B, to recommend to the City Council to establish a Harbor Cove Commercial Marina Capital Projects Stabilization Fund #750000 for the purpose of improvements to the Harbor Cove Commercial Marina.

DISCUSSION:

Councilor McGeary explained the creation of this stabilization fund deals with the marina in front of 65 Rogers Street.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed in accordance with MGL Chapter 40, Section 5B, to establish a Harbor Cove Commercial Marina Capital Projects Stabilization Fund #750000 for the purpose of improvements to the Harbor Cove Commercial Marina.

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 appropriation 2013-SA-18 in the amount of \$12,300 (Twelve Thousand, Three Hundred Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash") to Transfer In-Harbor Cove Capital Project Stabilization Fund #750000.10.996.49700.0000.00.000.00.040 for the purpose of improvements to the Harbor Cove Commercial Marina.

DISCUSSION:

Councilor McGeary stated this transfer funds the account for the maintenance of docks and piers at 65 Rogers Street, Harbor Cove Commercial Marina. When the Waterways Board took over control from the Redevelopment Authority, the board received \$12,300. This money is being set aside for the direct purpose of maintenance support of the facility. **Councilor Tobey** asked as this matter was specifically discussed for funding for maintenance and upkeep at the Harbor Cove Marina, did anyone from the board give an indication whether it has contemplated adjusting the layout of the marina so that the landlocked I4-C2 parcel could have access to the harbor. **Tony Gross**, Waterways Board Chair confirmed that did not come up under the B&F Committee discussion because this matter was about putting the Waterways Board books in order. The Board understands that in the draft RFP their letter discusses reconfiguration of that particular dock float system as a possibility. The Board, he said, cannot design anything until it knows what the needs of the lease holder or purchaser are. Depending on what takes place with the RFP for I4-C2, the Board would then make it a topic for discussion on their agenda. **Councilor Tobey** clarified that the Board would have to make its own independent assessment of whatever might be proposed by a potential developer of I4-C2 and make its own call as to whether the Board can realistically engage the issue. **Mr. Gross** said the Board would work cooperatively to fit the needs of the successful bidder with the needs of the tenants of the marina. He also said he did not see any resistance by the board to do that. **Councilor Tobey** asked if there was potential resistance on the part of the tenants at the marina to a reorganization of marina assets. **Mr. Gross** stated several years ago when this matter came up it did not meet with much resistance from the tenants. It is a priority to the tenants that clear access is maintained and the Board will work with them also, he said. **Council President Hardy** commented this is also so the Waterways Board can set their budget knowing how much money is going towards a particular marina and be a better way to track revenue. The Council President thanked Councilor Ciolino the City Auditor on this project as well as the Waterways Board.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted **BY ROLL CALL 9** in favor, **0** opposed to the appropriation of 2013-SA-18 in the amount of \$12,300 (Twelve Thousand, Three Hundred Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash") to Transfer In-Harbor Cove Commercial Marina Capital Project Stabilization Fund #750000.10.996.49700.0000.00.000.00.040 for the purpose of improvements to the Harbor Cove Commercial Marina.

- **SUPPLEMENTAL APPROPRIATIONS FROM WATERWAYS BOARD RETAINED EARNINGS**

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 appropriation 2013-SA-19 in the amount of \$38,850 (Thirty Eight Thousand, Eight Hundred and Fifty Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash") to Transfer In-Municipal Waterways Improvements and Maintenance Fund #720000.10.996.49700.0000.00.000.00.040 for the purposes outlined in MGL c. 40, §5G.

DISCUSSION:

Councilor McGeary said that this motion and the one to follow will fund the Municipal Waterways Improvements and Maintenance Fund. He explained that when someone is granted a Ch. 91 license from the State the license holder has the option of making a contributing to the City in order to not to have to provide public access through their private property. That money from here and from a special reserve account will be mingled in the Municipal Waterways Improvements and Maintenance Fund for general maintenance and enhancement of public access. **Council President Hardy** asked if the amount of money received from Ch. 91 license mitigation fees differs from license to license. **Mr. Gross** confirmed it does. Access to this money will decrease as Ch. 91 licenses wanes as there is only so much City waterfront property. The money is being used to fund the design phase of the Solomon

Jacobs float system, for improvements to public landings, for City-owned ramps, to build dinghy docks, to put in transient moorings, as a few examples. At this time the money totals about \$53,000.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to the appropriation of 2013-SA-19 in the amount of \$38,850 (Thirty Eight Thousand, Eight Hundred and Fifty Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash") to Transfer In-Municipal Waterways Improvements and Maintenance Fund #720000.10.996.49700.0000.00.000.00.040 for the purposes outlined in MGL c. 40, §5G.

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 appropriation of 2013-SA-20 in the amount of \$14,500 (Fourteen Thousand, Five Hundred Dollars) from the Waterways Enterprise, Retained Earnings Chapter 91 Donation Reserve to Transfer In-Municipal Waterways Improvements and Maintenance Fund #720000.10.996.49700.0000.00.000.00.040 for the purposes outlined in MGL c. 40, §5G.

DISCUSSION:

Councilor McGeary said that this brings the amount to the \$53,000 previously referred to by Mr. Gross. The \$14,500 had been held in a special Chapter 91 Donation Reserve Account. This is placing the money into a fund where it can be expended for public access purposes.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to appropriation of 2013-SA-20 in the amount of \$14,500 (Fourteen Thousand, Five Hundred Dollars) from the Waterways Enterprise, Retained Earnings Chapter 91 Donation Reserve to Transfer In-Municipal Waterways Improvements and Maintenance Fund #720000.10.996.49700.0000.00.000.00.040 for the purposes outlined in MGL c. 40, §5G.

Ordinances & Administration: December 17, 2012

There were no matters for Council action from this meeting.

Planning & Development: December 19, 2013

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Camp Calumet Walk-A-Thon to benefit the Camp Calumet Fund for Campership on Saturday, May 11, 2013 with the following conditions:

1. Certificate of Insurance: A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's Office on or before April 19, 2013.
2. Road Closure Plans: Memoranda from the Police Department and Fire Department giving approval of the plans for the Camp Calumet Walk-A-Thon to be on file with the City Clerks office on or before April 19, 2013. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before April 19, 2013. After City Council approval if either the Police Chief or the Fire Chief, or their designees, determine that a substantial change(s) has been made to the route then the applicant shall obtain City Council approval for the change(s).
3. Refuse and Comfort Stations:
All event refuse and recycling must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the first day of the event or early in the morning of the day of the event and removed by 3:00 p.m. Saturday, May 11, 2013.
4. Emergency Services: A signed, visible and staffed first aid station must be in place in an accessible location in the area of the route throughout the event.
5. Staffing: Event staff is to have cell phones and be identified by the public with distinct shirts, and a list of event staff and their cell phone numbers submitted to the Police, Fire or DPW Departments.

6. Notification of Immediate Abutters and Businesses on Walk-A-Thon Route: Notice shall be made by the event organizer by hand or by mail no later than 7 days in advance of the event to any function halls, motels and hotels, and other businesses along the route.

7. Responsibility of the Camp Calumet Walk-A-Thon organization: The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health and the Licensing Commission. It is the sole responsibility of the Camp Calumet Walk-A-Thon organization to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

DISCUSSION:

Councilor Verga said this was a Walk-A-Thon to benefit Camp Calumet which is on May 11, 2013 and goes off rain or shine.

MOTION: On motion by Councilor Verga, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed to permit the Camp Calumet Walk-A-Thon to benefit the Camp Calumet Fund for Campership on Saturday, May 11, 2013 with the following conditions:

1. Certificate of Insurance: A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's Office on or before April 19, 2013.

2. Road Closure Plans: Memoranda from the Police Department and Fire Department giving approval of the plans for the Camp Calumet Walk-A-Thon to be on file with the City Clerks office on or before April 19, 2013. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before April 19, 2013. After City Council approval if either the Police Chief or the Fire Chief, or their designees, determine that a substantial change(s) has been made to the route then the applicant shall obtain City Council approval for the change(s).

3. Refuse and Comfort Stations:

All event refuse and recycling must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the first day of the event or early in the morning of the day of the event and removed by 3:00 p.m. Saturday, May 11, 2013.

4. Emergency Services: A signed, visible and staffed first aid station must be in place in an accessible location in the area of the route throughout the event.

5. Staffing: Event staff is to have cell phones and be identified by the public with distinct shirts, and a list of event staff and their cell phone numbers submitted to the Police, Fire or DPW Departments.

6. Notification of Immediate Abutters and Businesses on Walk-A-Thon Route: Notice shall be made by the event organizer by hand or by mail no later than 7 days in advance of the event to any function halls, motels and hotels, and other businesses along the route.

7. Responsibility of the Camp Calumet Walk-A-Thon organization: The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health and the Licensing Commission. It is the sole responsibility of the Camp Calumet Walk-A-Thon organization to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

Scheduled Public Hearings – Taken Out of Order:

6. PH2013-004: Whether the City should adopt MGL c. 32B, §21, §22, and §23 related to Health Care Reform

This public hearing is opened.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whyntott, the Ordinances & Administration Committee voted 0 in favor, 3 opposed recommend to the City Council to ADOPT MGL c. 32B, §21 entitled, Manner of changing health insurance benefits; estimation of savings; approval of agreement; immediate implementation; time for review; distribution of savings; regulations.

Councilor Theken then moved, and Councilor LeBlanc seconded a motion for the City Council to vote to continue the matter of the adoption of MGL c. 32B, §21 entitled, Manner of changing health insurance benefits; estimation of savings; approval of agreement; immediate implementation; time for review; distribution of savings; regulations to the July 23, 2013 City Council Meeting.

DISCUSSION:

Councilor Theken said at this time the City should not be negotiating anything when there still is a health insurance contract that has to come before the City. The Council, she said, should wait to see how the insurance companies and the City work together. Also, there is more information that needs to come forward before she could make a thorough estimation of what should be done, she said. She reiterated she wanted to give both sides (the unions and the City with the insurance companies) a chance to work the issue through. The Council does not make the decision whether the City should take GIC or any other health care program. This matter of the adoption of the MGL is a different matter altogether. She said she wanted to hear both sides first. Along with several ad hoc committee meetings, she said she had a good workshop meeting with good information but would not wish to vote on the adoption of this MGL until she had further information. **Council President Hardy** added that she, too, was looking for more information and wished to see more bids from more vendors for the City's health insurance contract. It is not a given who would get the City's health insurance contract saying that competition is a good thing. Until bids come in, she said, there is nothing to compare them to. The continuance date will be in advance of the City's decision of whether it goes into the GIC. **Councilor Theken** said it was, and that this is after the City's FY14 budget is approved. She also said she wanted to be sure retired teachers are protected. By July the Council will be better prepared to make an informed decision whether to adopt c. 32B, §21.

The City Council voted 9 in favor, 0 opposed to continue the public hearing on the adoption of MGL c. 32B, §21 to Tuesday, July 23, 2013.

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

This public hearing is opened.

Ms. Lowe said that a communication dated January 7th was received from the attorney representing the Cape Ann Brewing Company (CABC) asking for a continuance to the February 12th City Council meeting pending the attorney's receipt of a written determination from the Mass. Department of Environmental Protection on the CABC's Chapter 91 license request for modification which is anticipated to be released very shortly. The attorney said she expects the approved Chapter 91 license modification to have the 20 day appeal period be completed by the February 12th City Council meeting. **Council President Hardy** advised if that did not take place in the anticipated timeframe she would ask that the applicant's attorney see that the matter is readvertised at the applicant's expense. **This public hearing is closed and continued to February 12, 2013.**

1. PH2013-01: Loan Authorization in the amount of \$4 million re: CSO Long-Term Control Plan

This public hearing is opened.

Those speaking in favor:

Mike Hale, DPW Director explained to the Council that this loan authorization request for \$4 million to continue the CSO long-term control plan. He gave a brief history of the City's mandated CSO project which began with the signing of the modified consent decree signed in 2005 (on file in Council documentation). The most recent (third) phase was completed this past summer which looked at some areas downtown which discharged to the inner harbor (Hancock, Middle Chestnut, Short Streets). The DPW took about 100 homes which discharged directly to the harbor and transferred that waste water to the Waste Water Treatment Plant. The Long-Term Control Plan lays out a procedure whereby the City tells the EPA (Environmental Protection Agency) the order in which the City will do these projects. The next phase of project encompasses the east end of Main Street, Spring Street, Spring Court, Marchant Street, Winchester Court, Prospect Street (from Destino's Sub Shop back towards Flanagan Square), Mt. Vernon and Warner Streets, a portion of Staten Street, Perkins Street and Herrick Court. These areas discharged to CSO's that are by the National Grid (NG) substation on Rogers Street and further towards inner harbor to the head of the harbor. This project will go out to bid in the next few weeks and would begin as soon as the weather will allow and likely be completed by next fall, he said. The DPW will be installing storm drains and improving sanitary

sewer connections so the storm water goes into stormwater pipes and sanitary waste goes into sanitary waste pipes which take the sanitary waste to the Waste Water Treatment Plant.

Those speaking in opposition: None.

Communications: None.

Questions by Council:

Councilor Ciolino asked that when the CSO work reaches Perkins and Mt. Vernon Streets, noting the roads there are already in poor condition, if funds are available to restore the roads curb to curb. **Mr. Hale** said when his department does this kind of work sidewalks are replaced and then the roads are paved curb to curb. The condition of the roadways in this particular area will look like the roads that were completed from the last phase of CSO work which greatly improved those roadways conditions. He added the completed sidewalks will be ADA compliant.

Councilor Verga asked how this project is affected by the known contamination at the National Grid property pointing out that the NG contamination extends beyond the NG parcel to Harbor Loop and the Walgreens Plaza area. **Mr. Hale** reiterated this project is taking the sanitary sewer into the sewer pipes. NG has a plan to mitigate pollution caused by their former gas plant in that area. He assured the Councilor the DPW will not be digging in that area. **Councilor Tobey** stated this is not a mandate that entered the court decree based on the work of the Administration but was inherited by it, which **Mr. Hale** confirmed. **Councilor Tobey** said he recalled the State and Federal government's environmental protection agencies (EPA) have dictated to the City the work that must be done. He asked if there is data indicating the extent of how much the water in the inner harbor for the \$4 million expenditure on the part of the City will be cleaned up. **Mr. Hale** stated the City does. He supplies the EPA with quarterly progress reports on the CSO mitigation. From an environmental impact, he said, there has been a significant improvement in water quality of the "gallorage" of overflow to the inner harbor. The outer harbor is slightly different and more difficult to measure, he said, because it is a bigger body of water with many inlets and is subject to greater tidal influence. Waste stays where it is in the inner harbor as it is not a body of water with a lot of movement. The decrease the City has experienced in volume to the inner harbor over the length of the CSO project has measured significantly in terms of overflows - before it was "hundreds" of overflows annually. In the last 24 months there were only two small overflows to the outer harbor. The City has the outfalls sampled quarterly for bacteria and none have been found. This means the City is not discharging any human waste from the discharge pipes. This loan funds the next phase of the inner harbor work, moving further into the harbor down towards NG's property and towards the head of the harbor. **Councilor Tobey** asked if the \$4 million expenditure might be worthwhile because it will yield significant benefit to the water quality of Gloucester's inner harbor when the project is complete. **Mr. Hale** said that he thought it was. **Councilor McGeary** noted that at the B&F meeting Mr. Hale had pointed out the modified consent decree had resulted in a savings from the original estimate for CSO work. **Mr. Hale** explained the consent decree is the agreement between the City and the federal government. In the original consent decree there was a long-term control program laid out for projects to be done in a certain order by a certain time. Most of the information was based upon modeling from consultants many years ago. Since that time the City has been monitoring all the overflows. They have real time data on it. The City monitors how that water overflow impacts bacterial count, how it affects beach closures, etc. The City approached the Mass. DEP and the EPA about 3-1/2 years ago to amend the consent decree to shuffle the order of the projects and then re-evaluate whether the benefits are worth the expenditure. There is a cost savings by the order in which the City is doing the project. They have been able to reduce the scope as well. When this project is finished, there is still more work to do, but this gives the City the ability to reevaluate what has been done and prove the fact, he said, that the City has accomplished the goals of the Clean Water Act.

This public hearing is closed.

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 to approve the following loan order:

ORDERED: That up to \$4,000,000 (Four Million Dollars) is appropriated for the purpose of funding additional CSO Long-Term Control Plan expenses including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow up to \$4,000,000 (Four Million Dollars) and to issue bonds or notes thereof under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws or any other enabling authority; that such bonds or notes shall be general obligations of the City unless the Treasurer, with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust ("Trust") established pursuant to Chapter 29C and

in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental protection, to expend all funds available for the project; and to take, with the approval of the City Council, any other action necessary to carry out the project.

DISCUSSION:

Councilor McGeary noted the affected area is the “Portuguese Hill” area. **Councilor Ciolino** expressed his support for the loan order and said he has seen the significant changes in the harbor, and is money well spent. **Councilor Cox** expressed her support and said she would also support the DPW in their efforts on this project in the affected neighborhood which is part of her ward. **Councilor Tobey** said the Mayor has been “dealt a bad hand,” and had worked hard to scale this CSO project back. However, he said that given the Waste Water Treatment Plant issues, this money would be better spent on improvements to the water treatment plant. He said the push for the CSO work is, “off base.” While testing shows water quality is improved, **Councilor Tobey** pointed out that the CSO discharges are usually during snow melt and heavy rains when no one is swimming. The inner harbor regulated by the State and subject to M/I use requirement, “will never be the playground for swimming and recreation” that the Clean Water Act expects and so would vote the loan order, he said.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 1 (Tobey) opposed to approve the following loan order:

ORDERED: That up to \$4,000,000 (Four Million Dollars) is appropriated for the purpose of funding additional CSO Long-Term Control Plan expenses including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow up to \$4,000,000 (Four Million Dollars) and to issue bonds or notes thereof under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws or any other enabling authority; that such bonds or notes shall be general obligations of the City unless the Treasurer, with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust (“Trust”) established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental protection, to expend all funds available for the project; and to take, with the approval of the City Council, any other action necessary to carry out the project.

2. PH2013-002: Amend GCO Chapter 9 “Trash, Recycling and Litter” Sec. 9-2

This public hearing is opened.

Those speaking in favor:

Rose LoPiccolo, Recycling Coordinator for the City told the City Council that on April 12, 2011 when the Council amended the GCO, Sec. 9-2, the intent was to amend subparagraph a, and inadvertently subparagraphs b, c and d were removed. She asked that those inadvertently deleted subsections be returned to the ordinance as it was never the intent for them to have been removed.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

This public hearing is closed.

On motion by Councilor Theken moved, and Councilor LeBlanc seconded a motion to amend the Gloucester Code of Ordinances by ADDING Sec. 9-2 “Trash/recycling container” and renaming “PAYT containers” to read “9.2(a) PAYT containers subsections (b), (c), (d) with sub-subsections (1), (2), (3).

DISCUSSION:

Councilor Theken said this is to correct an oversight. **Councilor Tobey** asked if a household puts out more than one container how would it be handled by the recycling hauler. **Ms. LoPiccolo** stated residents can fill as many containers as they wish. As noted by **Councilors Theken** and **Ciolino** stated they can buy any kind of container they wish but need to put on those containers recycling stickers which are available at no charge to City residents from the DPW at their offices on Poplar Street.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND the Gloucester Code of Ordinances by ADDING Sec. 9-2 "Trash/recycling container" and renaming "PAYT containers" to read "9.2(a) PAYT containers" and ADDING the following subsections:

- (b) Homeowners and tenants will be required to clean up immediately all trash/recyclables spilled on the ground due to torn bags or overturned containers.
- (c) Trash/recycling receptacles shall not be put out for collection before 4:00 p.m. the day before collection and shall be removed from curbside location and returned to their proper place on the same day of collection.
- (d) Trash/recycling receptacles shall provide each resident with one (1) recycling container per residential unit which receives municipal trash pick-up. Residents of each premise shall:
 - (1) Take proper care to protect such container from misuse, loss or damage.
 - (2) Recycling container must remain with the premises for use by subsequent when unit is vacated.
 - (3) Residents are responsible for the replacement of containers which are lost, or damaged beyond normal wear and tear. The City of Gloucester is not obligated to replace lost, stolen or damaged containers. Residents may purchase a replacement or additional bins from the DPW business office.

3. PH2013-003: Amend GCO Chapter 8, Article I, "In General" Sec. 8-1 re: License for storing inflammables: fees" subsection (c)

This public hearing is opened.

Those speaking in favor: None

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Chapter 8, Article I "In General," Sec. 8-1 "License for storing inflammables: fees" subsection (c) by DELETING "The annual fee for renewal of certificate of registration shall be \$25.00 and by ADDING "The annual fee for renewal of certificate of registration shall be \$100."

DISCUSSION:

Councilor Whynott explained that this fee was raised a while ago by the City Council and this amendment is to correct and update the Code of Ordinances in that the fee for inflammables was previously increased.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND GCO Chapter 8, Article I "In General," Sec. 8-1 "License for storing inflammables: fees" subsection (c) by DELETING "The annual fee for renewal of certificate of registration shall be \$25.00 and by ADDING "The annual fee for renewal of certificate of registration shall be \$100."

4. PH2012-084: GCO Article IV, Repair of Private Ways, Sections 21-83 & 21-84 re: Petition for road repairs High Popples Road, Jacque Lane, Mayflower Lane

This public hearing is opened.

Councilor Ciolino recused himself under MGL c. 268A from this public hearing as he is a homeowner and part of the group petitioning the City on this matter now before the City Council. He left the dais at this time. Those speaking in favor:

Julianna Hood, 9 Jacque Lane explained that these roads (Jacque and Mayflower Lanes and High Popples Road) are in need of repair and said that for years the pot holes have been filled but return each winter making the roads nearly impassable. Drainage and icing problems have been so bad, she said, that during recent frigid winters Jacque Lane has been completely impassible. She told the Council of an incident where her neighbor had to be towed out of an ice-filled pot hole. She said she started the process of the repair of private ways about two years ago with the DPW Director and with Councilor McGeary, Ward 1 councilor. This past fall they had a resident vote to repair the roadways with the residents voting in favor of repairing the roads of Mayflower and High Popples as well as Jacque Lane. She said her neighbors look forward to the repair of these roads. She also publically thanked Michael Hale, DPW Director and Councilor McGeary for their help and cooperation in this matter. **Former Fire Chief Barry McKay**, 26 High Popples Road resident, said over the past 17 years the road has deteriorated significantly where there are great drainage problems, they now have large boulders now coming up through the road. As these roads continue to deteriorate, cars and plows are being damaged. Working in conjunction in the City, he said it is a win/win situation for everyone because the roads are improved and he expressed hope that in the future after these roads were improved, they could potentially be taken by the City. There is a significant potential of return on State Chapter 70 reimbursement funds for City roadways. He and his neighbors, he said, "enthusiastically" support this joint paving project petition.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

Council President Hardy noted this is one paving project but that each street is motioned separately.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, 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 way of High Popples Road. 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 based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$297,324.00; fifty percent of the costs shall be borne by abutters and assessed as betterments.

DISCUSSION:

Councilor Verga added that the two year process seemed excessive and an ordinance review of this section would appear to be in order. He agreed with Mr. McKay that the City could, in future, benefit by taking these roads once they are in good condition to add to the City's roadway miles thereby increasing the State's Chapter 70 roadway reimbursement funding. **Council President Hardy** thanked Councilor McGeary for helping to streamline the joint public/private paving project process for a project in East Gloucester. She would, she said, use the same template moving forward. **Councilor McGeary** endorsed the joint paving project and thanked the residents for their patience noting it is a long process. These streets clearly need improvement, he said. If the City eventually takes these streets after they've been repaired, he agreed with Councilor Verga that it will increase the City's Chapter 70 reimbursement from the State. While there is something in this for the City moving forward, mostly, he said, it is for the residents and their ability to pass along their roads safely and unimpeded.

MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the City Council voted **BY ROLL CALL 8** in favor, **0** opposed, **1** (Ciolino) recused, under Sec. 21-83 of the Gloucester Code of Ordinances that the City is to repair/repave the private way of High Popples Road. 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 based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$297,324.00; fifty percent of the costs shall be borne by abutters and assessed as betterments.

Councilor Ciolino returned to the dais.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, 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 way of Jacque Lane. 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 based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$297,324.00; fifty percent of the costs shall be borne by abutters and assessed as betterments.

DISCUSSION:

Councilor Verga again noted that this is one paving project but that the motions are being made by street. **Councilor McGeary** thanked the DPW Director for suggesting this would be more cost effective to take these streets on as one project thereby getting more for the residents' and City's money.

MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, 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 way of Jacque Lane. 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 based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$297,324.00; fifty percent of the costs shall be borne by abutters and assessed as betterments.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, 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 way of Mayflower Lane. 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 based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$297,324.00; fifty percent of the costs shall be borne by abutters and assessed as betterments.

DISCUSSION: None.

MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the City Council voted BY ROLL CALL 9 in favor, 0 opposed that under Sec. 21-83 of the Gloucester Code of Ordinances that the City is to repair/repave the private way of Mayflower Lane. 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 based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$297,324.00; fifty percent of the costs shall be borne by abutters and assessed as betterments.

5. PH2012-092: GCO Article IV, Repair of Private Ways, Sections 21-83 & 21-84 re: Petition for road repairs re: Stewart Avenue**This public hearing is opened.****Those speaking in favor:**

David Hunter, 11 Stewart Avenue said that he moved to Stewart Avenues in 2010 and since that time the abutters of Stewart Avenue have been talking about this project. The road has steadily deteriorated with the asphalt breaking up. There have been water breaks over this two year period that further deteriorated the roadway. He pointed out the lower portion of Stewart Avenue is the location where the Eastern Point Day School has their student pick up and drop off which adds to the destabilize the roadway. He said the repairs of this street will maintain the safety of everyone. He thanked Councilor McGeary and Mr. Hale for their efforts saying that this process has taken the Stewart Avenue abutters about 9 months to get to this point.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

This public hearing is closed.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, 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 repair/repave the private way of Stewart Avenue. 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 based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$58,000.00; fifty percent of the costs shall be borne by the abutters and assessed as betterments.

DISCUSSION:

Councilor Verga said while this was a different street it is a similar situation to the three streets that had just been approved for a similar joint public/private paving project.

MOTION: On motion by Councilor Verga, seconded by Councilor Cox, 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 repair/repave the private way of Stewart Avenue. 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 based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$58,000.00; fifty percent of the costs shall be borne by the abutters and assessed as betterments.

8. PH2013-005: Amend GCO c. 2 "Administration," Article II "City Council" re: adding new section 2-28 "City Schedule of Fees"

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Chapter 2 "Administration," Article II "City Council," by ADDING new Section 2-28 as follows:

"All fees contained in the City Schedule of Fees are hereby established and authorized said fees may be modified from time to time by vote of the City Council unless the fees are governed and controlled by M.G.L. The Schedule shall be posted on the City website and published in a local newspaper whenever fee changes or new fees are approved by the City Council.

DISCUSSION:

Councilor Whynott explained that this amendment to the ordinance removes fees from the Code of Ordinances so that when fees need to be changed, it is done by a schedule of fees passed by the City Council. Most fees don't have to be in an ordinance unless it is specifically stated in Mass. General Law. The City Clerk's office started moving the fees into one location so that anyone could easily view the fees alphabetically. The City will have a schedule of fees and it will also be posted on the City's website as well for the public to view. **Council President Hardy** said she had thought this had been done previously and must have "slipped through the cracks" but now this will be a great tool for the City.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND GCO Chapter 2 "Administration," Article II "City Council," by ADDING new Section 2-28 as follows:

"All fees contained in the City Schedule of Fees are hereby established and authorized said fees may be modified from time to time by vote of the City Council unless the fees are governed and controlled by M.G.L. The Schedule shall be posted on the City website and published in a local newspaper whenever fee changes or new fees are approved by the City Council.

9. PH2013-006: Amend GCO c. 4, Article II "Dogs" Sec. 4-22 "Fees and penalties" subsection (a) re: Revised Dog Fees

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

Councilor McGeary informed the Council he would bring the motion forward as the B&F Committee amended the motion after the fee structure was passed by the O&A Committee.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Chapter 4, Article II "Dogs," Sec. 4-22 "Fees and penalties" subsection (a) by DELETING "Revised fees for dog licenses effective July 1, 2002. Male/female/neutered/spayed, each dog: \$22.50;" and by ADDING: "Revised fees for dog licenses, effective beginning 2013 Licenses: Male/female/neutered/spayed each dog \$15.00 and Male/Female/non-neutered/non-spayed each dog \$16.00."

DISCUSSION:

Councilor McGeary explained that separate fees for non-neutered/non-spayed dogs are now required by Mass. State law, as opposed to those dogs that have been spayed/neutered. He noted Council President Hardy and Councilor Whynott have previously indicated there seemed to be a drop off in the number of licenses issued because there was a large disparity in fees. This is an attempt by the Council to get more dogs licensed by lowering the fee and to also comply with the State law. He noted he did ask the City Clerk to track this issue over the next year so the Council can see if this lowering of fees results in more dogs being licensed and have better compliance. **Council President Hardy** informed the Councilor this data is tracked monthly and is available to the Council. **Councilor Whynott** stated as the price of dog licenses were raised, the number of licensed dogs in the City went down. Dogs have increased in the City, however. It is important to license dogs to be sure rabies inoculations are kept up. Every time a dog is inoculated, the City Clerk's office is notified by area veterinarians, he said. **Councilor Ciolino** asked a comparison was done on what Rockport, Manchester, Essex or Beverly is charging for dog licenses. **Ms. Lowe** stated the \$22.50 fee currently being charged by the City is higher than other communities. She said by going to this fee the City will be more in line with surrounding communities. **Councilor Verga** agreed this was an opportunity to increase compliance and added this is an opportunity to give some relief to the dog-owning residents of the City. **Council President Hardy** said she looked at this as a vehicle to getting more dogs licensed especially in light of the new dog park being built. Dogs using that park will be required to be licensed. She also said that it is important dogs be inoculated against rabies. The State came out with a regulation to charge more for non-spayed/non-neutered dogs and so the Council is recommending a one dollar fee difference only, again, to encourage licensing of dogs in the City.

MOTION: On motion by Councilor McGeary, seconded by Councilor Whynott, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND GCO Chapter 4, Article II "Dogs," Sec. 4-22 "Fees and penalties" subsection (a) by DELETING "Revised fees for dog licenses effective July 1, 2002. Male/female/neutered/spayed, each dog: \$22.50;" and by ADDING: "Revised fees for dog licenses, effective

beginning 2013 Licenses: Male/female/neutered/spayed each dog \$15.00 and Male/Female/non-neutered/non-spayed each dog \$16.00.”

10. PH2012-063: Amend GCO c. 22, Sec. 22-289 “Parking meter zones-On streets” re: Main Street

This public hearing is opened.

Council President Hardy explained since City Council Order 2012-022 was withdrawn earlier in the evening.

This public hearing is closed with no further Council Action.

11. PH2013-007: Amend GCO Chapter 22, Sec. 22-279 “Thirty Minute Parking” re: Commercial Street

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

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 Amend GCO Chapter 22, Sec. 22-279 (Thirty Minute Parking) BY DELETING: “Commercial Street, 22 feet from the intersection with Beach Court for a distance of 44 feet in a southeasterly direction”.

DISCUSSION:

Councilor Ciolino asked where this affected area is on Commercial Street. **Councilor Cox** explained this covers the distance from the coffee shop to the dental office at the corner of Beach Court and Commercial Street.

Councilor Ciolino noted at one time there was angle parking and asked if was still in effect. **Councilor Cox** said that in front of the coffee shop it is not wide enough for angle parking but it is in front of the dental office. She is working with the Traffic Commission to work towards that change.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Chapter 22, Sec. 22-279 (Thirty Minute Parking) BY DELETING: “Commercial Street, 22 feet from the intersection with Beach Court for a distance of 44 feet in a southeasterly direction”.

12. PH2013-008: Amend GCO Chapter 22, Sec. 2-277 “One Hour Parking-Generally” re: Commercial St.

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed

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 Amend GCO Chapter 22, Sec. 22-277 (One Hour Parking-Generally) by ADDING: “Commercial Street, westerly side, from the intersection with Beach Court, in a southerly direction, 53 feet to the intersection of Pascucci Court.”

DISCUSSION:

Councilor Cox said this action comprises the other half of the process begun with the previous public hearing. The affected area is from Pascucci Court to the intersection with Beach Court.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Chapter 22, Sec. 22-277 (One Hour Parking-Generally) by ADDING: “Commercial Street, westerly side, from the intersection with Beach Court, in a southerly direction, 53 feet to the intersection of Pascucci Court.”

13. PH2013-009: Amend GCO Chapter 22, Sec. 22-284 “Service or loading zones” re: Beach Court

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed

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 Amend GCO Chapter 22, Sec. 22-284 (Service or loading zones) by DELETING: “Beach Court from Pole number 264 in an easterly direction for 30 feet.”

DISCUSSION:

Councilor Theken explained that when the Council puts a loading zone in it goes to the business not the property. When the Cape Ann Brewery left this location, the loading zone remained. Any business can ask for it to be reinstated if it is needed. But parking is very tight in this immediate area and so by removing it there is some relief for the neighborhood. **Councilor Cox** said this was part of the “give and take” discussion with the coffee shop and the dental office and some of the area residents. They are changing the parking length of time from 30 minutes to one hour. She said the dental office did not need a loading zone so they were willing to give up the rights to it and make it into parking spaces. **Councilor LeBlanc** commented the Council needs to stay on top of this sort of thing and have these matters looked at sooner rather than later noting the brewing company had vacated some time ago from this location, as parking on Beach Court is very limited. He said he had spoken to residents there who told him they were pleased to have a few more parking spaces in their neighborhood. **Councilors Cox and LeBlanc** confirmed to **Council President Hardy** that Beach Court straddles wards 2 and 3 which they represent respectively.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed to Amend GCO Chapter 22, Sec. 22-284 (Service or loading zones) by DELETING: “Beach Court from Pole number 264 in an easterly direction for 30 feet.”

Unfinished Business: None.

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

Councilors’ Requests to the Mayor:

Councilor Cox said the Lobster Tree breakdown (next to the Police Station on Main Street) is this Saturday at 12 noon. The following Saturday, January 19th is the Art Haven Buoy Auction. Tickets are on sale now at Art Haven. **Councilor McGeary** asked for a renewal of a request to the Administration to look into what permits are needed to turn the 65 Rogers Street lot into a parking lot while the revised RFP is in process.

Councilor Ciolino offered his support to Joey Foote who is in Brigham & Women’s hospital recovering from a recent illness.

Councilor Theken announced open enrollment is completed. Gloucester’s senior citizens should have received their new insurance cards by now. If seniors have not received their card yet, they are to contact her at the Rose Baker Senior Center.

Council President Hardy informed the Council she will call a Special City Council Meeting at 5:45 p.m. on Monday, February 4th in the 1st Floor Council Room for a brief one-item agenda related to a Special Council Permit in order to open and continue a public hearing so the 65 days does not lapse. Due to the recent holidays the Clerk’s office missed an advertising deadline. This will allow the Council administratively to now meet the deadline for advertising.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:57: p.m.

Respectfully submitted,

**Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.