

GLOUCESTER CITY COUNCIL MEETING

Tuesday, January 22, 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 Greg Verga; Councilor Robert Whynott

Absent: Councilor Tobey

Also Present: Linda T. Lowe; Kenny Costa; Chief Eric Smith; Harbormaster Jim Caulkett; Tony Gross

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

Flag Salute & Moment of Silence.

Oral Communications: None.

Presentations/Commendations: None.

Confirmation of New Appointments: None.

Consent Agenda:

- **MAYOR'S REPORT**
1. Management Reappointments:

Purchasing Agent	Donna Compton	(TTE 02/14/14)	
Chief Administrative Officer	James Duggan	(TTE 02/14/14)	
General Counsel	Suzanne Egan	(TTE 02/14/14)	
City Engineer	Paul Keane	(TTE 02/14/14)	
Personnel Director	Sally Polzin	(TTE 02/14/14)	
Building Inspector	William Sanborn	(TTE 02/14/14)	
Chief Financial Officer	Jeffrey Towne	(TTE 02/14/14)	
Principal Assessor	Nancy Papows	(TTE 02/14/14)	(Refer O&A)
 2. Administration's proposed comprehensive plan for free cash (Refer B&F)
 3. Administration's memorandum regarding financing plan for Commercial Street/Fort Square Infrastructure (Refer B&F)
 4. Memorandum from Chief Financial Officer re: Title V Betterment Loan Authorization Request (Refer B&F)
 5. Memorandum from Senior Project Manager & the Newell Building Committee re: Council acceptance of \$100,000 donation from The Telemachus & Irene Demoulas Family Foundation (Refer B&F)
 6. Memorandum from Senior Project Manager & the Newell Building Committee re: request for authorization to increase the budget Limit for the Newell Stadium Renewal Project (Refer B&F)
 7. Memorandum, Grant Application & Checklist from Fire Chief re: acceptance of a 7,500 Emergency Management performance Grant (Refer B&F)
 8. Memorandum from DPW Director re: amendment to the DPW fee schedule (Refer B&F)
 9. Communication from Public Health Director re: Mutual Aid Agreement among Local Public Health Agencies for the City of Gloucester (Refer O&A)
 10. Memorandum, Grant Application & Checklist from Public Health Director re: Dept. of Public Health Mass. Opioid Abuse Prevention Collaborative Request for Response (Refer B&F)
 11. New appointment:
 - John Feener to Community Preservation Committee as Conservation Commission Representative (TTE 02/14/15) (Refer O&A)
 12. Memorandum and Press Release from Fire Chief re: Open Burning Season in the City of Gloucester (Info Only)
 - **COMMUNICATIONS/INVITATIONS**
 - **INFORMATION ONLY**
 - **APPLICATIONS/PETITIONS**
 1. SCP2013-001: 25-31 & 43 Rocky Neck Avenue, Map 130, Lot 8; Map 130, Lot 7; Map 130, Lot 6; Map 130, Lot 5; Map 130, Lot 3, GZO Sec. 5.5.4 Lowlands (Refer P&D)
 - **COUNCILORS ORDERS**
 1. CC2013-004 (LeBlanc) Amend GCO Chapter 22, Sec. 22-270 "Parking prohibited at all times" and Sec. 22-291 "Tow Away Zone re: Centennial Avenue (Refer O&A & TC)
 2. CC2013-005 (Leblanc) Amend GCO Chapter 22, Sec. 22-287 "Disabled veteran, handicapped parking" re: Middle St. #13 (Refer O&A & TC)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 1. City Council Meeting: 01/08/13 (Approve/File)
 2. Standing Committee Meetings: B&F 01/17/13 (under separate cover), O&A 01/14/13, P&D 01/16/13 (under separate cover) (Approve/File)

Items to be added/deleted from the Consent Agenda:

By unanimous consent the Consent Agenda was accepted as presented.

Committee Reports:**Budget & Finance: January 17, 2013**

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Tobey) absent, to accept the unanimous recommendations of the Budget & Finance Committee dated 01/22/13 as follows:

- **MOTION: To permit the Gloucester Police Department to apply for a \$19,871.40 FY2013 State E911 Emergency Medical Dispatch Training Grant Amendment from the State of Massachusetts 911 Department.**
- **MOTION: That under MGL c. 44, §53, acceptance of \$32,832.00 (Thirty-Two Thousand, Eight Hundred and Thirty Two Dollars) from insurance reimbursement proceeds to Special Revenue Account #294007 entitled Reserved for Appropriation, Insurance Reimbursements >\$20,000, Contracted Services, for the purpose of replacing a police cruiser from insurance reimbursement proceeds.**
- **MOTION: To pay Freight Bill #608394500 dated 7/20/12 to United Parcel Service Freight, Dallas, Texas in the amount of \$368.04 to be paid from the FY13 Police Department Operating General Fund Budget without a Purchase Order in place.**
- **MOTION: To pay Invoice #0265953 dated 09/27/2012 for \$346.72 and Invoice # 0268320 dated 10/26/2012 for \$297.99 by Rich's Transportation, Taunton, Mass., for a total of \$644.71 to be paid from the FY13 School Department Operating General Fund Budget without a Purchase Order in place.**
- **MOTION: To pay Invoice #12ABC0601 dated 12/02/12 by Project Adventure, Beverly, MA in the amount of \$600 to be paid from the FY13 School Department Operating General Fund Budget without a Purchase Order in place.**
- **MOTION: To allow the withdrawal of the request to apply for a \$10,000 Northeast Hospital Corp. Community Collaborative Grant.**

END OF B&F CONSENT AGENDA.

Fire Department:

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the appropriation of 2013-SBT-14 in the amount of \$6,400 (Six Thousand, Four Hundred Dollars) from the Fire Department, Additional EMS Equipment Account #101000.10.220.58570.0000.00.000.00.058 to Fire Department, Medical/Surgical Supplies, Account #101000.10.220.55000.0000.00.000.00.054 for the purpose of purchasing medical supplies to outfit the Rescue Squads.

DISCUSSION:

Councilor McGeary explained this was an oversight in the Fire Department's budgeting process last year. There were, he said, some extended service warranties that were omitted from the budget which are needed for some very valuable pieces of the department rescue equipment that is very expensive (AED's, LifePack 12 & LifePack 15 monitor defibrillators, and Lucas 2 cardiac compression devices). He said it was considered wise to sign onto the warranties. Since that needed expenditure was not budgeted for, a transfer is necessary to accommodate the warranties, he said.

MOTION: On motion by Councilor McGeary, seconded by Councilor Whynott, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Tobey) absent, the appropriation 2013-SBT-14 in the amount of \$6,400 (Six Thousand, Four Hundred Dollars) from the Fire Department, Additional EMS Equipment Account #101000.10.220.58570.0000.00.000.00.058 to Fire Department, Medical/Surgical Supplies, Account #101000.10.220.55000.0000.00.000.00.054 for the purpose of purchasing medical supplies to outfit the Rescue Squads.

Police Department:

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the appropriation of 2013-SBT-15 in the amount of \$2,700 (Two Thousand, Seven Hundred Dollars) from the Police-Uniform, Contractual Services Account #101000.10.211.52000.0000.00.000.00.052 to Police-Telephone Service, Account #101000.10.210.553410.0000.00.000.00.052 for the purchase of three Air Cards for Police Cruiser Tough Books.

DISCUSSION:

Councilor McGeary informed the Council that air cards are used in the police laptops carried in the department's cruisers to communicate with the internet using a wireless service, and that these funds represent three air cards at \$900 each.

MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Tobey) absent, the appropriation 2013-SBT-15 in the amount of \$2,700 (Two Thousand, Seven Hundred Dollars) from the Police-Uniform, Contractual Services Account #101000.10.211.52000.0000.00.000.00.052 to Police-Telephone Service, Account #101000.10.210.553410.0000.00.000.00.052 for the purchase of three Air Cards for Police Cruiser Tough Books.

Waterways Board:

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the appropriation 2013-SA-25 in the amount of \$765.00 (Seven Hundred, Sixty-Five Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash"), Account #7000000.10.000.35900.0000.00.000.00.000 to Waterways Enterprise, Contractual Services, Account #7000000.10.492.52000.0000.00.000.00.052 to fund the purchase of a "No Wake" sign.

DISCUSSION:

Councilor McGeary explained this is a new "No Wake" sign which tells boaters to travel at a slow rate of speed so as not to create a wake. The sign, he said, would be placed on the catwalk that leads out to the lighthouse on the Annisquam River (facing towards Ipswich Bay).

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Tobey) absent, the appropriation 2013-SA-25 in the amount of \$765.00 (Seven Hundred, Sixty-Five Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash"), Account #7000000.10.000.35900.0000.00.000.00.000 to Waterways Enterprise, Contractual Services, Account #7000000.10.492.52000.0000.00.000.00.052 to fund the purchase of a "No Wake" sign.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the appropriation 2013-SA-26 in the amount of \$4,700 (Four Thousand, Seven Hundred Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash"), Account #7000000.10.000.35900.0000.00.000.00.000 to Waterways Enterprise, Marine Hardware & Accessories, Account #7000000.10.492.54860.0000.00.000.00.054 to fund the purchase of a "No Wake" "No Anchoring" buoys.

DISCUSSION:

Councilor McGeary explained these buoys will be positioned in front of Wingersheek Beach. The “No Anchoring” sign reminds boaters they can’t anchor in front of the beach, and “No Wake” reminds boaters to go slow.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Tobey) absent, the appropriation 2013-SA-26 in the amount of \$4,700 (Four Thousand, Seven Hundred Dollars) from the Waterways Enterprise, Retained Earnings (“Free Cash”), Account #7000000.10.000.35900.0000.00.000.00.000 to Waterways Enterprise, Marine Hardware & Accessories, Account #700000.10.492.54860.0000.00.000.00.054 to fund the purchase of a “No Wake” “No Anchoring” buoys.

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the appropriation 2013-SA-27 in the amount of \$11,400 (Eleven Thousand, Four Hundred Dollars) from the Waterways Enterprise, Retained Earnings (“Free Cash”), Account #7000000.10.000.35900.0000.00.000.00.000 to Waterways Enterprise, Public Landing Improvements, Account #700000.10.492.58760.0000.00.000.00.058 to fund the purchase of two (2) public landing gangways.

DISCUSSION:

Councilor McGeary explained that this appropriation is for the purchase of pre-made heavy duty aluminum construction gangways for Lane’s Cove and Magnolia Pier. By way of friendly amendment, the two locations for the gangways were inserted into the main motion at the request of **Council President Hardy**.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Tobey) absent, the appropriation 2013-SA-27 in the amount of \$11,400 (Eleven Thousand, Four Hundred Dollars) from the Waterways Enterprise, Retained Earnings (“Free Cash”), Account #7000000.10.000.35900.0000.00.000.00.000 to Waterways Enterprise, Public Landing Improvements, Account #700000.10.492.58760.0000.00.000.00.058 to fund the purchase of two (2) public landing gangways at Lane’s Cove and Magnolia Pier.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the appropriation 2013-SA-28 in the amount of \$32,800 (Thirty-Two Thousand, Eight Hundred Dollars) from the Waterways Enterprise, Retained Earnings (“Free Cash”), Account #7000000.10.000.35900.0000.00.000.00.000 to Waterways Enterprise, Public Landing Improvements, Account #710000.10.492.58760.0000.00.000.00.058 to complete engineering services for the Solomon Jacobs Public Landing.

DISCUSSION:

Councilor McGeary said this transfer is for the permitting, engineering and design for the replacement of Solomon Jacobs Public Landing Pier. National Grid is doing the clean up of the property, and will pay to replace the nine pilings of the pier it will remove during that process. In essence, he said, the Board is “piggybacking” with National Grid which saves the City some money in the permitting process for the project.

Councilor Ciolino noted the Board will come forward soon to ask for funds to rebuild the dock systems at Solomon Jacob’s Landing. The funds that were in reserve for the Waterways Board from the Seaport Council for this purpose were allowed by the Seaport Council to be repurposed to facilitate the purchase of I4-C2 and that money will need to be sought again from the Seaport Council and/or another source as well.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Tobey) absent, the appropriation 2013-SA-28 in the amount of \$32,800 (Thirty-Two Thousand, Eight Hundred Dollars) from the Waterways Enterprise, Retained Earnings (“Free Cash”), Account #7000000.10.000.35900.0000.00.000.00.000 to Waterways Enterprise, Public Landing Improvements, Account #710000.10.492.58760.0000.00.000.00.058 to complete engineering services for the Solomon Jacobs Public Landing

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the appropriation 2013-SA-29 in the amount of \$25,000 (Twenty-Five Thousand Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash") Account #7000000.10.000.35900.0000.00.000.00.000 to Capital Projects-Waterways-Sailing School Floats, Account #710001.10.492.58760.0000.00.000.00.058 to purchase sailing school floats.

DISCUSSION:

Councilor McGeary said these are the floats that are off the end of the State Fish Pier in the harbor used by both the High School sailing program and by the YMCA administered public youth sailing program. The floats are in disrepair and need to be replaced, he said, and added that this is a match to a grant of \$50,000 from a \$250,000 Seaport Council grant.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Tobey) absent, the appropriation 2013-SA-29 in the amount of \$25,000 (Twenty-Five Thousand Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash") Account #7000000.10.000.35900.0000.00.000.00.000 to Capital Projects-Waterways-Sailing School Floats, Account #710001.10.492.58760.0000.00.000.00.058 to purchase sailing school floats.

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the appropriation 2013-SA-32 in the amount of \$2,000 (Two Thousand Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash"), Account #7000000.10.000.35900.0000.00.000.00.000 to Waterways Enterprise, Engineering/Architectural Professional Services Account #700000.10.492.53100.0000.00.000.00.052 to fund engineering services.

DISCUSSION:

Councilor McGeary pointed out that 2013-SA-30 and 2013-SA-31 were continued to a future date due as additional information requested by the Committee. This money is to fund the hiring of an engineering firm for a mooring survey for the purpose of the harbor re-gridding in order to add more transient moorings and/or the floating marina and also to determine the optimum length of anchor chain for moorings in the harbor grid.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL voted 8 in favor, 0 opposed, 1 (Tobey) absent, the appropriation 2013-SA-32 in the amount of \$2,000 (Two Thousand Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash"), Account #7000000.10.000.35900.0000.00.000.00.000 to Waterways Enterprise, Engineering/Architectural Professional Services Account #700000.10.492.53100.0000.00.000.00.052 to fund engineering services.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the appropriation 2013-SA-33 in the amount of \$5,000 (Five Thousand Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash"), Account #7000000.10.000.35900.0000.00.000.00.000 to Waterways Enterprise, Engineering/Architectural Professional Services Account #700000.10.492.53100.0000.00.000.00.052 to fund surveying services for Lane's Cove and Head of Lobster Cove public landings.

DISCUSSION:

Councilor McGeary noted this appropriation is for obtaining services by the Waterways Board for the surveying of Lane's and Lobster Coves to determine the extent of the City's ownership of these properties, especially the property at the head of Lobster Cove. Lobster Cove is an extensive landing, and a neighbor of Lobster Cove wants to run a water access line through that area. So the Board wants to ascertain the extent of the landing's boundaries. Lane's Cove, he said, was similar and hadn't been surveyed in a number of years.

Council President Hardy asked about the extent of the survey at Lane's Cove; would it include next to the Fish Shack where there is a pathway between it and a small shed. She also asked if once the survey is finalized would signs be posted indicating the extent of the public property. **Harbormaster Jim Caulkett** stated that all of

Lane's Cove is considered the public landing, so the whole property will be surveyed, and he affirmed that signs will be posted to delineate public property for access.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Tobey) absent, the appropriation 2013-SA-33 in the amount of \$5,000 (Five Thousand Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash"), Account #7000000.10.000.35900.0000.00.000.00.000 to Waterways Enterprise, Engineering/Architectural Professional Services Account #700000.10.492.53100.0000.00.000.00.052 to fund surveying services for Lane's Cove and Head of Lobster Cove public landings.

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the appropriation 2013-SA-34 in the amount of \$125,000 (One Hundred Twenty-Five Thousand Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash"), Account #7000000.10.000.35900.0000.00.000.00.000 to Capital Projects-Waterways, Launch Boat Account #710002.10.492.58755.0000.00.000.00.058 to fund the purchase of a launch boat.

DISCUSSION:

Councilor McGeary explained this appropriation is for the cost of a new launch to better serve transient boaters who visit Gloucester harbor. The vessel will likely be a new launch although the Board hasn't completely ruled out a good used launch that matches the newly revised Coast Guard regulations, he said. It is hoped by the Board the vessel will be in service by this summer.

Tony Gross, Waterways Board Chair reviewed the changes in the Coast Guard regulations at the request of Councilor McGeary and why it makes the case for a new launch versus a used launch. **Mr. Gross** said that the Board searched for a used boat for about two years, but the Coast Guard in 2012 changed the weight per person requirement per boat from 150 lbs. to 185 lbs. per person. Many of the used boats, he said, are no longer certified for the purpose of use as a launch carrying more than six persons. The term is a "Certificate of Inspection," he added. He explained the Coast Guard method of testing a launch to hold the appropriate number of persons at the necessary current weight requirements. There are very few used launches available around the country that meet the new regulations, he informed the Council, and most are not rated by the Coast Guard. The new launch the Board is looking to purchase would be a 26 foot, 20 person minimum vessel operated by a launch driver, unless they find a launch where the price is cut significantly by carrying 15 or 16 persons, **Mr. Gross** said. This year the Board is viewing the launch as a service in its first year of operation. He noted Gloucester harbor hasn't had this "history" before. **Mr. Gross** pointed out there are 28 transient moorings the launch will service along with 200 moorings in the harbor, and 20 dinghy spots that are permitted. The Board hopes those boaters who utilize the 200 moorings and the dinghy spots will also utilize this new launch service. The Board will look to have the pick up/drop off points where parking. This, he said, will ease the burden of many people who will be able to reach their boats more easily. He cautioned that the Council should expect "growing pains" in the first year of the launch service operation, and the Board is not expecting a profit in the first year. He added that should some form of a floating marina come to fruition, it is envisioned by the Board that the service would be profitable.

Councilor Cox asked if building a launch boat in the City would be cost effective. **Mr. Gross** explained there are only a few boat builders on the East Coast that build these launches who have Coast Guard pre-approved molds and plans. A locally boat would have to be built certified in order to be able to be used. It, he said, is not a simple process for a boat builder navigating the Coast Guard certification process.

Councilor Ciolino asked a series of direct questions to **Mr. Gross** who in response described the launch service by saying that the launch would operate out of the Harbormaster's office with pick-ups at the City landings at Cripple Cove and St. Peter's Marina, and possibly drop off at Harbor Cove (I4-C2) and/or Rocky Neck. Passengers have a time limit by regulation of 30 minutes on board. The service is anticipated by the Board to be an on-call service by cell phone and radio channel. As a result of the 30-minute time limit, he said, the launch will never be able to service the Annisquam River area. There will be a fee structure for passengers, and that is in progress, **Mr. Gross** said. The Board would like to utilize season passes, but there is only one launch boat, and should it be down for mechanical reasons and out of service, it would make a seasonal pass undesirable. The Board has a management plan for the launch service that the Harbormaster drafted and is using the plan as the basis from which they are working. It is hoped by the Board, he said, that the launch service becomes a revenue source. The service will need to be publicized when it starts so the boating public knows it is available to them. He added that if the Board is able to obtain the use of the whole of the Harbormaster's building from National Grid, they would be able to install

transient boater services such as bathrooms and a shower to help make Gloucester more welcoming to transient boaters. **Councilor Theken** asked who actually runs the launch. **Mr. Gross** said the Board would hire certified launch drivers, many of whom are college-aged young adults. He explained there is a launch certification course the drivers must take. The Board would finance the drivers to take the certification course to obtain their license. He added, in answer to a question by **Councilor Theken**, that launch boat regulations are completely separate from the regulations that govern a Harbormaster's vessel. Currently under the auspices of the Harbormaster's Department there are only patrol boats.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Tobey) absent, the appropriation 2013-SA-34 in the amount of \$125,000 (One Hundred Twenty-Five Thousand Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash"), Account #7000000.10.000.35900.0000.00.000.00.000 to Capital Projects-Waterways, Launch Boat Account #710002.10.492.58755.0000.00.000.00.058 to fund the purchase of a launch boat.

Ordinances & Administration: January 14, 2013

There were no matters for Council action from this meeting.

Planning & Development: January 16, 2013

MOTION: On motion by Councilor Tobey, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend that the City Council approve and join the Agreement for Judgment in the matter Susan Taorimina, et al vs. Jackie Hardy, et al thereby terminating and voiding a Special Council Permit given to Gloucester Hotel LLC for property located at 79-99 Essex Avenue.

DISCUSSION:

Councilor Verga explained that this Council vote involves the appeal of a Special Council Permit by abutters granted by the Council for a proposed hotel on Essex Avenue that has been settled by the court. The Special Permit will be annulled, he said adding that this "closes the loop" on the process and ends the Council's connection to the lawsuit.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Tobey) absent, to approve and join the Agreement for Judgment in the matter Susan Taorimina, et al vs. Jackie Hardy, et al thereby terminating and voiding a Special Council Permit given to Gloucester Hotel LLC for property located at 79-99 Essex Avenue.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council to permit YuKanSports LLC to hold "Fools" Dual Road Races (5K and 13.1 mile) on Sunday, April 7, 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 March 29, 2013.

2. Road Closure Plans:

Memoranda from the Police Department and Fire Department giving approval of the plans for the YuKanSports April 7, 2013 Road Race must be on file with the City Clerks office on or before March 29, 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 March 29, 2013. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.

3. Refuse and Comfort Stations:

All refuse and recycling due to this event 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 event or early in the morning of the day of the event and removed by 2:00 PM, April 7, 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 race course throughout the event.

5. Staffing:

Event staffs are to have cell phones and be identified by the public with distinct shirts. A list of event staff and their cell phone numbers to be submitted to the Police, Fire or DPW Departments by March 29, 2013.

6. Notification of Immediate Abutters and Businesses to Race Course:

Notice shall be made by the event organizer by hand or by mail no later than 7 days in advance of the event to function halls, motels and hotels, and other businesses along the race route.

7. Responsibility of YuKan Sports, LLC:

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 YuKan Sports LLC 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 application by YuKanSports LLC is for two simultaneous road races to be held on Sunday, April 7, 2013. On inquiry by **Councilor Theken, Councilor Verga** informed the Council that the start and finish of both races will be at the O'Maley School. The applicant has received approvals (on file) via email from the Gloucester EMS Coordinator, Chief of Police Leonard Campanello and Mark Cole, DPW Assistant Director. The Certificate of Insurance is pending.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the City Council voted 8 in favor, 0 opposed, 1 (Tobey) absent, to permit YuKanSports LLC to hold "Fools" Dual Road Races (5K and 13.1 mile) on Sunday, April 7, 2013 with the following conditions:

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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 March 29, 2013.

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A signed, visible and staffed first aid station must be in place in an accessible location in the area of the race course throughout the event.

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Event staffs are to have cell phones and be identified by the public with distinct shirts. A list of event staff and their cell phone numbers to be submitted to the Police, Fire or DPW Departments by March 29, 2013.

6. Notification of Immediate Abutters and Businesses to Race Course:

Notice shall be made by the event organizer by hand or by mail no later than 7 days in advance of the event to function halls, motels and hotels, and other businesses along the race route.

7. Responsibility of YuKan Sports, LLC:

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 YuKan Sports LLC 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.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council to permit YuKanSports LLC to hold a Triple Threat Road Races (1 mi., 5K and 13.1 mile) starting at 7 a.m. on Saturday, August 3, 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 July 5, 2013.

2. Road Closure Plans:

Memoranda from the Police Department and Fire Department giving approval of the plans for the YuKanSports August 3, 2013 Road Race must be on file with the City Clerks office on or before July 5, 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 July 5, 2013. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.

3. Refuse and Comfort Stations:

All refuse and recycling due to this event 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 event or early in the morning of the day of the event and removed by 2:00 PM, August 3, 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 race course throughout the event.

5. Staffing:

Event staffs are to have cell phones and be identified by the public with distinct shirts. A list of event staff and their cell phone numbers to be submitted to the Police, Fire or DPW Departments by July 5, 2013.

6. Notification of Immediate Abutters and Businesses to Race Course:

Notice shall be made by the event organizer by hand or by mail no later than 7 days in advance of the event to function halls, motels and hotels, and other businesses along the race route.

7. Responsibility of YuKan Sports, LLC:

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DISCUSSION:

Councilor Verga said that this permit is for the “Triple Threat” Road Races, 1 mile, 5K and 13.1 miles respectively which take place on Saturday, August 3, 2013 starting off from Rockport High School. He explained the 13.1 mile race is the race that crosses over onto City roadways (affected roadways from Thatcher to Atlantic Road to High Popples Road and back to Rockport are included in the race documentation on file.). Emails were submitted by the applicant from the City’s EMS Coordinator, Sander Schultz; Police Chief Leonard Campanello and Mark Cole, DPW Assistant Director all supporting YuKanSports LLC’s road race plans for August 3rd. A Certificate of Insurance is pending.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the City Council voted 8 in favor, 0 opposed, 1 (Tobey) absent, to permit YuKanSports LLC to hold a Triple Threat Road Races (1 mi., 5K and 13.1 mile) starting at 7 a.m. on Saturday, August 3, 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 July 5, 2013.

2. Road Closure Plans:

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Scheduled Public Hearings:

1. PH2012-073: SCP2012-010: Commercial Street #47-61, GZO Sec. 5.25 Hotel Overlay District, 5.7 Major Projects and Sec. 5.5.4 Lowlands

This public hearing is opened.

Linda T. Lowe, City Clerk explained that the applicant though its attorney had submitted a letter dated January 17, 2013 agreeing to the continuance of this public hearing to a Special City Council Meeting to take place on Tuesday, March 5, 2013.

This public hearing is continued to a Special City Council Meeting on March 5, 2013.

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilor Theken said she and Council President Hardy are sponsoring two clothing and household item drives for the victims of the recent Perkins Street fire, on Tuesday, January 29th and Wednesday, January 30th from 10 a.m. to 2 p.m. at Cruiseport. Should demand be high, the Councilors would add an evening to accept donations as well. She asked the public to access Cruiseport at its side entrance adjacent to Rose's Oil. All gently household items will be accepted such as linens, sheets lamps, tables, chairs, small appliances, kitchen tools, etc., (no beds please); and clean and gently used clothing for infants, toddlers, and adults will also be accepted. Three families fled their apartments unable to take anything with them. **Councilor Theken** added that the support to date by the community has been "tremendous," and noted that more information can be found on the website for Good Morning Gloucester and on Facebook.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:33 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.