

GLOUCESTER CITY COUNCIL MEETING

Tuesday, February 26, 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 Whynott

Absent: None

Also Present: Linda T. Lowe; Jim Duggan; Jeff Towne; Dr. Richard Safier; Jonathan Pope; Fire Chief Eric Smith; Tony Gross

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

Flag Salute & Moment of Silence: Councilor Ciolino dedicated the Moment of Silence in memory of Charlie Foster.

Oral Communications:

Susannah Altenburger, 66 Atlantic Street noted that the Waterways Board has decided to purchase a launch, which she said she agreed with the necessary expenditure. However, she pointed out in discussions with the Board and looking at the boats under consideration that while the boats have Coast Guard Certificates of Inspection, it does not mean the boat is resistant to sinking. Noting the conditions of the harbor and its inherent hazards, she cautioned that there is the potential for an accident. She suggested the City may not want to purchase a boat that can sink, and that there are boat builders who may not have Coast Guard Certificates of Inspection for their boats, but can design to a higher standard. **Ms. Altenburger** also stated the boat project she has been involved in was designed to prevent such “calamities” from occurring. She said such boats can be found even on a local level.

Council President Hardy suggested Ms. Altenburger speaks directly with the Waterways Board on this matter.

Presentations/Commendations: None.

Consent Agenda:

- **MAYOR'S REPORT**

1. Special Budgetary Transfer Request (#2013-SBT-16) from Auditor's Office (Refer B&F)
2. Special Budgetary Transfer Request (#2013-SBT-17) from Department of Public Works (Refer B&F)
3. Special Budgetary Transfer Request (#2013-SBT-18) from Department of Public Works (Refer B&F)
4. Special Budgetary Transfer Request (#2013-SBT-19) from Department of Public Works (Refer B&F)
5. Special Budgetary Transfer Request (#2013-SBT-20) from Department of Public Works (Refer B&F)
6. Memorandum from Public Health Director re: Vaccine Revolving Account requesting increase in spending limit from \$30,000 To \$45,000 (Refer B&F)
7. Memorandum from Committee for the Arts re: City Council acceptance of donation in the amount of \$13,200 for WPA Mural Restoration Project (Refer B&F)
8. Memorandum from the Licensing Board re: recommendation for fees for Seasonal Package Stores (Refer B&F)
 - **COMMUNICATIONS/INVITATIONS**
 - **INFORMATION ONLY**
 - **APPLICATIONS/PETITIONS**
1. Special Events Application re: request from Gloucester Blues Festival LLC to hold Gloucester Blues Festival on August 10, 2013 (Refer P&D)
 - **COUNCILORS ORDERS**
1. CC2013-011 (Cox) Amend GCO Chapter 22, Sec., 22-287 “Disabled veteran, handicapped parking” re: Perkins Street #39 (Refer O&A & TC)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: 02/12/13 (Approve/File)
2. Standing Committee Meetings: B&F 02/21/13 (under separate cover), O&A 02/18/13 (No meeting), P&D 02/20/13 (Approve/File)

Unanimous Consent Calendar:

1. Consideration of Beach & Development Agreement/Deed re: Pavilion Beach pursuant to Application of Beauport Gloucester LLC Under Sec. 5.25 Hotel Overlay District; GZO Sec. 5.5.4 Lowlands; Sec. 5.7 Major Project (Refer P&D)

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

By unanimous consent the Consent Agenda and Unanimous Consent Calendar was accepted by the City Council as presented.

Committee Reports:

B&F Committee Report: February 21, 2013

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 2 in favor, 1 (Cox) opposed to recommend to the City Council the appropriation of 2013-SA-108 in the amount of \$57,000.00 (Fifty-Seven Thousand Dollars) from the General Fund, Unreserved Fund Balance ("Free Cash"), Account #1010000.10.000.35900.0000.00.000.00.000 to Athletic Revolving Fund-Transfer From General Fund, Account #283001.20.991.49700.0000.00.000.00.040 to provide the School Department with funds to reduce athletic user fees by an estimated 50 percent for FY2013 and FY2014.

DISCUSSION:

Councilor McGeary said that this money was part of a \$75,000 free cash allocation put forward by the Mayor for the reduction of student athletic fees and transportation fees for the children of Gloucester.

Councilor Verga asked how this funding would affect those families who had already paid athletic fees; was it from this point forward or was there a refund that would take place.

Dr. Richard Safier, Superintendent of Schools said as to the athletic fee, the School Department would start with the spring season and the transportation support would start in the fall.

Councilor Cox said she appreciated the information about fees collected submitted by the School Department (on file). However, she said, she was told by a former teacher that ran the drama program [at Gloucester High School] that while that teacher did not collect the fees associated with her program, in the teacher's manual it says there is a \$35-\$40 fee per program that could be collected. However, this teacher found getting to the money for the program after the fees were collected was difficult. If the drama club did fundraising, she said, it was kept within that club. This teacher required her students to participate in fundraising to help the program. While, she said, she understood there was no money coming from the school, there still should be money to support the program. She added that for every program that is created with the drama club, each play because of copy rights, ends up costing \$2,000 to \$3,000. She also said this teacher noted it was more of a "red tape" issue and was why she did not collect the fees from the participating students.

Dr. Safier said in speaking with the high school personnel and the parent who is the secretary for the drama club boosters, and he found that no fees have been collected from students for the last five years and that the Gloucester Education Foundation provides the stipends for the directorships; and that ticket sales have covered the cost for all drama productions. **Dr. Safier** said the district does take a close look at the drama club in particular, to make sure that if there are more resources required to enhance the drama club productions, he was "comfortable" pursuing that.

Councilor Cox said she was still not comfortable with voting in favor of this funding. While Dr. Safier says no fees are collected, she said, she had heard conflicting reports from parents and instructors. **Dr. Safier** reiterated he must go by what the administration told him and said that there was no intention going forward of charging the drama club fees.

Council President Hardy asked for what after-school activities fees were charged. **Dr. Safier** said he asked the high school principal today and was informed fees were charged just for both boys and girls athletic programs only. The \$57,000 will be spread throughout all sports, he said.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted **BY ROLL CALL 7** in favor, 2 (Cox, Hardy) opposed to recommend the appropriation of 2013-SA-108 in the amount of \$57,000.00 (Fifty-Seven Thousand Dollars) from the General Fund, Unreserved Fund Balance ("Free Cash"), Account #1010000.10.000.35900.0000.00.000.00.000 to Athletic Revolving Fund-Transfer From General Fund, Account #283001.20.991.49700.0000.00.000.00.040 to provide the School Department with funds to reduce athletic user fees by an estimated 50 percent for FY2013 and FY2014.

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-115 in the amount of \$18,000.00 (Eighteen Thousand Dollars) from the General Fund, Unreserved Fund Balance ("Free Cash"), Account #1010000.10.000.35900.0000.00.000.00.000 to Transportation Revolving Fund-Transfer From General Fund, Account #283008.20.991.49700.0000.00.000.00.040 to provide the School Department with funds to reduce transportation fees by an estimated 50 percent for FY2013 and FY2014.

DISCUSSION:

Councilor McGeary said that originally the \$75,000 was going to go in one block to athletic fees. But in discussion with the Auditor, he said, it was determined since the athletics and transportation are separate existing revolving funds; the money used to reduce transportation fees must be voted into one fund, athletic fees into another. The total remains \$75,000 for the request from free cash, but \$18,000 goes to transportation which he noted is for general transportation for all students being transported to and from school, not athletics-related transportation.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed the appropriation of 2013-SA-115 in the amount of \$18,000.00 (Eighteen Thousand Dollars) from the General Fund, Unreserved Fund Balance (“Free Cash”), Account #1010000.10.000.35900.0000.00.000.00.000 to Transportation Revolving Fund-Transfer From General Fund, Account #283008.20.991.49700.0000.00.000.00.040 to provide the School Department with funds to reduce transportation fees by an estimated 50 percent for FY2013 and FY2014.

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 in accordance with MGL c. 44, §53A to accept a \$19,871.40 FY2013 State E911 Emergency Medical Dispatch Training Grant Amendment from the State of Massachusetts 911 Department for a new total revised grant budget of \$112,057.40.

DISCUSSION:

Councilor McGeary said that the state has granted an amendment to the City’s Police Department E911 Medical Dispatch Training Grant for \$19,871.40 as requested. This year the company who provided the training, for which this pays, stopped providing that training and this money offsets the higher expense of the new training company.

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 c. 44, §53A to accept a \$19,871.40 FY2013 State E911 Emergency Medical Dispatch Training Grant Amendment from the State of Massachusetts 911 Department for a new total revised grant budget of \$112,057.40.

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 in accordance with MGL c. 44, §53A-½ to accept a donation of 12 RAB 150 watt HPS Flood Lights from Design Communications, LTD to the City of Gloucester with an estimated value of \$3,000.00.

DISCUSSION:

Councilor McGeary noted this request is to accept a donation of \$3,000 in flood lights from Design Communications LTD which were used at TD Bank Boston Garden. These flood lights are still useful and so the lights were donated to the City, he said. The B&F Committee checked with the DPW who said the lights were in working order and that the lights may be suitable for athletic fields and if not, he said, the DPW was sure the department would have a use for them.

Council President Hardy asked if the flood lights came with support poles which **Councilor McGeary** informed her the donation was for the flood lights only.

Councilor Ciolino noted the B&F Committee asked for documentation and photos which were not submitted as part of the original packet on the donation. He said moving forward such information should be a part of the Council parameters and record for accepting donations of tangible goods so that the Council understands more fully what they are agreeing to accept in donation.

The Council requested the City Clerk send a thank you letter to the donor of the flood lights.

MOTION: On motion by Councilor McGeary, seconded by Councilor C, the City Council voted 9 in favor, 0 opposed in accordance with MGL c. 44, §53A-½ to accept a donation of 12 RAB 150 watt HPS Flood Lights from Design Communications, LTD to the City of Gloucester with an estimated value of \$3,000.00.

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-SA-35 in the amount of \$30,000.00 (Thirty Thousand Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash"), Account #7000000.10.000.35900.0000.00.000.00.000 to Waterways Enterprise, Boat & Equipment, Account #700000.10.492.58755.0000.00.000.00.058 to fund the purchase of an additional patrol boat for the Annisquam River.

DISCUSSION:

Councilor McGeary explained that the Waterways Board with these funds will purchase an additional patrol boat for use in the Annisquam River. He pointed out when the Council President and he took a trip up the Annisquam River with the Harbormaster; it took a good deal of time to reach it. In the summer the ability to have a presence on the river is very important, he said. This boat was described to the B&F Committee as an open boat about 16 feet to 19 feet in length with a center console and a bimini over it, with about a 200 horse power engine.

Councilor Theken asked who will man this patrol boat and was any of the added personnel budgeted for. **Councilor McGeary** said the boat would be manned by seasonal employees.

Tony Gross, Waterways Board Chair added that the Harbormaster's Department is currently advertising for four part-time Assistant Harbormasters who will work minimum hours so as not to pass the threshold for benefits. The Board is awaiting the Harbormaster's plan to deploy his seasonal staff to ensure there are patrols on the Annisquam River seven days a week. This staffing, he noted, is in the Board budget.

Councilor Tobey expressed his appreciation for Mr. Gross' letter to the editor of the Gloucester Daily Times that enumerated the Waterways Board's on-going projects and goals. However, he said he was concerned that the Harbormaster, a former Coast Guardsman, might be "remilitarizing" both the harbor and the function of that office.

Mr. Gross responded that the new patrol boat is to address a public need. The Board had received a petition from folks who lived on the river asking for just this sort of thing for many years. The Board, he said, recognizes the constant speeding and boating "chaos" on the river during the summer boating season especially on the weekends, and the need to curb it, adding that there has been demonstrated need. He noted the previous year it was in the Board's budget to hire two people to increase the weekend coverage. This is a demonstrated safety issue, he reiterated, and not a "remilitarization" issue. He said the Board is very comfortable with this initiative. He added at the Board's next meeting it will move forward with a management audit which the City Charter calls for every eight years.

Council President Hardy asked where the Annisquam River begin and end. **Mr. Gross** said the river is "from the cut [Blynman] bridge." He said they do need a boat to get from the Annisquam lighthouse to Folly Point that is sturdy enough. He noted there is a 13 foot older Boston Whaler that could do the job, but said the Board determined there is a need for a boat that is a bit sturdier. The Board is looking hard to not spend the total amount in the funding request; he said, and at the boat show this past weekend the Board saw several excellent possibilities for used boats in an attempt to keep this purchase as cost effective as possible with the appropriate vessel. **Council President Hardy** said she was looking forward to having the boat patrol the river and also noting that she Councilor McGeary took a tour of the river up to Lane's Cove with the Harbormaster previously and that it took a great deal of time to get to Lanes Cove due to the slow navigation of the river because of all the silt clogging the navigation channels. She asked what the patrol hours would be during the summer months. **Mr. Gross** said the Board is waiting for the Harbormaster who is working on a deployment plan for this summer's patrolling/staffing schedule. He said he anticipates the patrol hours may work out to weekday patrol duty on the river from 10 a.m. to 4 p.m. and on weekends from 10 a.m. to 8 p.m. **Council President Hardy** asked what the enforcement powers of the Assistant Harbormasters are. **Mr. Gross** noted that the Assistant Harbormasters can enforce all the water safety laws as to the "rules of the road", and other water safety issues such as operating under the influence; and they have full constabulary power. On further inquiry by **Council President Hardy**, **Mr. Gross** said he hoped it will be two Assistant Harbormasters on board the patrol boat on weekends on the river.

Councilor McGeary pointed out that the Harbormaster and Assistant Harbormaster's enforcement falls under MGL Chapter 90B (boating safety laws) which includes local enforcement of speed limits and operating under the influence. **Mr. Gross** added that the Police Chief will be attending the Board's next meeting because the Code of Ordinances, Chapter 10 does have a lengthy list about that department's duties as it relates to water patrolling also. The Board will be looking to coordinate their patrol efforts with that of the Police Department.

Councilor Ciolino said he would support this initiative as the Council's representative to the Waterways Board. He noted that boating has changed especially on the river in recent years which he said has become the "Wild West" because there is no patrol boat on duty there. And if there is a need for a patrol boat, it takes a while for it to

navigate the river to get where it is needed. Noting that paddle boards, kayaks and other small craft are competing for the river's confined space with the sport fishing boats, pleasure craft and commercial boats, he said. This added patrol boat, he said, will add to public safety and greatly add to the City's coverage of its waters.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed the appropriation of 2013-SA-35 in the amount of \$30,000.00 (Thirty Thousand Dollars) from the Waterways Enterprise, Retained Earnings ("Free Cash"), Account #700000.10.000.35900.0000.00.000.00.000 to Waterways Enterprise, Boat & Equipment, Account #700000.10.492.58755.0000.00.000.00.058 to fund the purchase of an additional patrol boat for the Annisquam River.

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-SA-36 in the amount of \$26,880.00 (Twenty-Six Thousand Eight Hundred Eighty Dollars) from the Municipal Waterways Improvements & Maintenance Transfer Out, Account #720000.10.996.59600.0000.00.000.00.059 to Capital Projects-Waterways, Floating Transient Boat Marina, Account #710003.10.492.53100.0000.00.000.00.052 to fund an engineering, marketing, and location feasibility assessment for a floating breakwater transient boat marina.

DISCUSSION:

Councilor McGeary said this appropriation will be used to fund a feasibility study. There have been a number of locations recommended for 10A floats, recreational floats that are permitted under the Designated Port Area and by the Department of Environmental Protection, Chapter 91. The Waterways Board wants to examine the locations to determine if any are suitable. The locations under consideration are: off the end of the State Fish Pier; off the end of the Fort; and next to the Tavern.

Councilor Theken asked if this is in addition to the proposed transient floating marina or had that been set aside. **Mr. Gross** said after meeting with the P&D Committee in December, and the Board's next meeting in January, the feasibility study came before the Board. At that meeting a Board member brought up that if the Board was going to be spending such a large sum for a transient floating marina, perhaps they should see if they could find other locations where the marina could actually attach to land which he said was much more preferable. He had asked both the ad hoc transient marina subcommittee and the operations and finance safety subcommittee to meet, discuss the new proposals and come back with their recommendations to put out the call for an engineering study. As this was an engineering study the Board did not have to go out to bid, he explained. He noted there was talk about putting the marina behind Ten Pound Island. The ad hoc subcommittee determined that would be a very difficult location to hook up power and water which the subcommittee said was essential for the marina to be a success. He described the three locations noted by Councilor McGeary and of the three locations; he said the one off of the playground in the Fort is likely to be the most viable location. He noted the area off of the County Landing which was "broken" down from where the CSO work was completed. These three potential locations will be included in that study, he added. The Board is also in talks with the Fishing and Boating Access Board about having the state come in and repair the area of the County Landing that is broken for "car-top boating" because there is no parking for trailers. This area would allow for public access for those with kayaks and paddle boards to be able to walk down to the water also.

Councilor Tobey asked about the timeline for the results of the study and moving ahead with this project. **Mr. Gross** said after the funding is in place, the contract will be awarded and it will be 6 to 12 weeks for a completed report. He added this money is coming out of the Chapter 91 fund which is public access money and is how the contract is written. He said there are many questions that the Board has and this report will be of assistance to them. **Councilor Tobey** said he wished to give credit to the Waterways Board who is doing what they said they were going to do. The Board is, he said, right on track.

Council President Hardy expressed her thanks to Councilor Ciolino for his Waterways Board participation as the Council's appointed representative; and for the assistance and guidance to the Board by City Auditor Kenny Costa.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed the appropriation of 2013-SA-36 in the amount of \$26,880.00 (Twenty-Six Thousand Eight Hundred Eighty Dollars) from the Municipal Waterways Improvements & Maintenance Transfer Out, Account #720000.10.996.59600.0000.00.000.00.059 to Capital Projects-Waterways, Floating

Transient Boat Marina, Account #710003.10.492.53100.0000.00.000.00.052 to fund an engineering, marketing, and location feasibility assessment for a floating breakwater transient boat marina.

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 to accept the provision of MGL c. 44, §31D Snow & Ice Removal, to set a limit on emergency expenditures not to exceed \$1,500,000 (One Million Five Hundred Thousand Dollars). The increase of emergency expenditure authority is \$850,000 added to the current FY2013 Snow & Ice Removal appropriation budget of \$650,000.

DISCUSSION:

Councilor McGeary explained that the City is already over \$1,000,000 for this year's snow removal. He noted Mr. Costa checked into the City's budget for snow and ice two years ago and that the City had spent about \$1,500,000 that year also. He noted that all this vote does is to raise the authorization and doesn't say the City is going to spend the money even though this is the only account that can be deficit spent, a limit still must be set, he said, and the \$1,500,000 is a reasonable limit. He added there could be one or two more blizzards yet this winter.

Councilor Ciolino reminded the Council at the end of the fiscal year the City has to make up this money. The budgeted amount for this line item was \$650,000 for FY13. Every storm from now on, he said, will be deficit spending on the City's part which **Council President Hardy** added the City is allowed to do (under Massachusetts General Law).

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to accept the provision of MGL c. 44, §31D Snow & Ice Removal, to set a limit on emergency expenditures not to exceed \$1,500,000 (One Million Five Hundred Thousand Dollars). The increase of emergency expenditure authority is \$850,000 added to the current FY2013 Snow & Ice Removal appropriation budget of \$650,000.

Ordinances & Administration: February 18, 2013 – No Meeting – President's Day

Planning & Development: February 20, 2013

MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council that the flower garden at the Spanish-American War Memorial located at the intersection of Prospect and Pleasant Streets be formally named "The Austin Connors Memorial Flower Garden" in honor of the late Austin Connors.

DISCUSSION:

Councilor Tobey said that Austin Connors took pride in the City and that particular flower garden. He hoped, he said, the City and its volunteers will collaborate so that the high standards Mr. Connors set will be met and honored. **Council President Hardy** thanked Councilor Cox for assisting in bringing this forward and as a co-signor on the Council Order.

MOTION: On motion by Councilor Tobey, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed that the flower garden at the Spanish-American War Memorial located at the intersection of Prospect and Pleasant Streets be formally named "The Austin Connors Memorial Flower Garden" in honor of the late Austin Connors.

Councilor Tobey added that the matter of the review of the Special Council Permit and other permits for the Beauport Gloucester LLC hotel project in the Fort has had some rescheduling issues. The P&D Committee's special meeting scheduled for Wednesday, February 27, 2013 has been postponed to March 7, 2013 at 7 p.m. in Rose Baker Senior Center. The public hearing that was going to be held on Tuesday, March 5, 2013 will be reopened at the regular City Council meeting on March 12, 2013 in Kyrouz Auditorium at 7 p.m. with Wednesday, March 13th available if needed by the Council.

Scheduled Public Hearings:

1. **PH2013-010: SCP2012-01: Mansfield Street #3/Washington Street #24, Map 6, Lots 36 & 37, GZO Sec. 1.8.1 and Sec. 2.3.1(7) Conversion to or new multi-family or apartment dwelling, four to six dwelling units**

This Public Hearing is opened.

Linda T. Lowe, City Clerk announced a letter had been received from the applicant's attorney asking that this public hearing be continued to March 26, 2013.

This public hearing is opened and continued to March 26, 2013.

2. **PH2013-013: Loan Order #2013-001: Loan Authorization in the amount of \$2,000,000 re: Title V Betterment Loan**

This public hearing is opened.

Those speaking in favor:

Jeffrey Towne, CFO stated that this is a loan authorization that the Council has done three times prior for a total of \$7,700,000 to date which allows residents to borrow at a 0 percent interest rate loan program that the City borrows from the State, in order for residents to upgrade failed septic systems that the Public Health Department has deemed to be in failure. This program has been in place for a number of years, and the City is at the "tail end" of the \$7,700,000. In order to continue this program and allow residents to take part in this 0 percent interest loan, the City needs to reauthorize an additional amount of money, he said. He noted he has suggested the amount of \$2,000,000 will allow the City to continue the program for at least four years, on an average of 15 to 20 septic systems per year. He also made note the information on file with the Council on this loan program which was reviewed by the Budget & Finance Committee which included a memorandum from the Public Health Department on Title V septic systems. **Mr. Towne** recommended the loan authorization to the Council saying that it does not impact the City and is at no cost to other residents because taxpayers who are in need of this service will borrow the funds from the City. The City in turn borrows the money from the State at 0 percent, and residents pay the City back over 15 years at 0 percent. He pointed out there are limits in terms of income which are outlined. Borrowers must be current on their real estate taxes and also that they have to have lived in Massachusetts of not less than the past 10 years. He said it is one of the programs that are well received by the Councilors' constituents.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Verga commented that this is a great loan program which has helped many people. He asked about someone who wants to tie into the [City] sewer was told they can't. He said he thought the City would want people to tie into the sewer system especially where there are a lot of areas in Ward 5 where it is just not feasible or to do so would be extremely expensive. He asked what the official policy of the City is regarding those sorts of tie-ins to the system, as there are a lot of people in his ward that are in "serious trouble after years of sewer limbo." He pointed out that now some of these folks have the opportunity to reach the Essex sewer line at their own expense and are being told, "No." **Mr. Towne** responded he would look into an answer for the Councilor.

Councilor Ciolino noted a lot of people have installed private sewers and want to connect [to the City's sewer system] and now have to install grinder systems and lay pipe, etc. to accomplish a tie in. He asked was there any help for those residents or is this loan program just for residents to replace failed septic systems. **Mr. Towne** said not under this program, but he can look into if the program can be extended for what the Councilor was suggesting although it hasn't been done in the past. At this time the 0 percent loan program is only for the replacement of failed septic systems, he noted. **Councilor Ciolino** said it seemed unfair if a homeowner has a choice between tying into the City's sewer system or replacing a failed septic system and there is only assistance for one option from the City and not the other which he said seemed unfair and the help should be equal to which **Council President Hardy** voiced her agreement with Councilor Ciolino's opinion.

Councilor Verga said the help does exist through the Community Development Department for a low interest rate loan, not a 0 percent interest rate loan. **Mr. Towne** said it is not part of this loan program but it could be done in other ways.

This public hearing is closed.

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

ORDERED: That up to \$2,000,000 (Two Million Dollars) is appropriated for the purpose of financing the following water pollution abatement projects: reconstruction, repair or upgrade of individual sewage and septage treatment and disposal facilities, 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 \$2,000,000 and issue bonds or notes therefore under Chapter 111, S 127B 1/2, and/or Chapter 29C of the General Laws, that project and financing costs shall be repaid by the property owners, in accordance with those agreements, but such bonds or notes shall be general obligations of the City, 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 the Environmental Protection with respect to such loan and/or any federal or state aid available for the projects or for the financing thereof, that the Mayor or the Treasurer is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; and that the Mayor is authorized to expend all funds available for the projects and to take, with the approval of the City Council, any other action necessary to carry out the projects.

DISCUSSION:

Councilor McGeary expressed this is a good program at a good rate for those residents who are caught in the Title V “bind,” and encouraged the Council’s support of the loan order.

Councilor Tobey said he believes this program this is funded by special legislation that specifically limits it to Title V system replacement and restoration. It was meant to fill a specific need and not meant to spill over into funding for hard line sewer connection where other options are available for funding.

Councilor LeBlanc added his support of the loan order. He said his parents were fortunate to be able to avail themselves of this program, and lauded the program’s advantages for residents of the City who find themselves in the same set of circumstances.

Councilor Theken said as a resident of Ward 5 she understood the frustration of that ward’s residents who are unable connect to the City’s sewer system for whatever reason but also expressed her support of the loan order.

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

ORDERED: That up to \$2,000,000 (Two Million Dollars) is appropriated for the purpose of financing the following water pollution abatement projects: reconstruction, repair or upgrade of individual sewage and septage treatment and disposal facilities, 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 \$2,000,000 and issue bonds or notes therefore under Chapter 111, S 127B 1/2, and/or Chapter 29C of the General Laws, that project and financing costs shall be repaid by the property owners, in accordance with those agreements, but such bonds or notes shall be general obligations of the City, 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 the Environmental Protection with respect to such loan and/or any federal or state aid available for the projects or for the financing thereof, that the Mayor or the Treasurer is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; and that the Mayor is authorized to expend all funds available for the projects and to take, with the approval of the City Council, any other action necessary to carry out the projects.

3. PH2013-014: SCP2013-001: Rocky Neck Avenue #25-#31 & #43, GZO 5.5.4 Lowlands

This public hearing is opened.

Council President Hardy said the Shellfish Warden has submitted his approval regarding this application before the Council as required under GZO Sec. 5.5.4 (Lowlands). The submission, she noted, was received electronically, and the City Clerk has agreed to obtain an actual signature by week’s end and before the decision is adopted by the City Council.

Those speaking in favor:

Attorney Joel Favazza, representing Two Five Three One RNA Realty, LLC substituting for Attorney J. Michael Faherty explained this application is under GZO Sec. 5.5.4 (Lowlands) pursuant to the site of the former Bickford's Marina. The applicant is looking to drive 13 piles and install floats on those piles; the conversion of an existing marine railway into a concrete boat launch; and the installation of a pre-cast retaining wall on the southeasterly side of the lot to keep the lot stable. He said that in addition to the Special Council Permit standards of GZO Sec. 1.8.3 there is an additional standard of GZO Sec. 5.5.4 that this project will not pose a hazard to health and safety. The applicant is looking to improve the existing boat yard and continue the historic use in a safe and friendly manner. He also said that photographs of the site were submitted to the P&D Committee previously. The floats will stretch approximately 120 feet off of an existing pier which is not to be modified. The floats, he said, will be accessed by a ramp that attaches to that pier. Everything is contained in the Harbor Commissioner's line and across two water sheets, one belonging to Smith Cove LLC and the other belonging to Two Five Three One RNA Realty LLC.

Addressing GZO Sec. 1.8.3, **Mr. Favazza** said this work promotes the third leg of the City's economy, tourism. This will enhance the existing marina and will also expand the float system in the Rocky Neck area for transient boaters. The site is located on a wide one way avenue as the main entrance to Rocky Neck. There will be an inconsequential increase to traffic due to the float system, he noted, compared to the influx of traffic Rocky Neck experiences during the summer months. The site has adequate on-site parking and there is on-street parking as well as a public parking lot at the start of Rocky Neck. As far as existing services and utilities, **Mr. Favazza** noted that this marina has been a commercial marina for several decades and service is adequate for the marina's needs and for that of "the Neck." Neighborhood character is unaffected as this is a continuing same use of the property. Rocky Neck has a lot of float systems; he pointed out, and has a lot of boaters. This marina revitalization fits right into the neighborhood. This work, he said, will minimally impact the natural environment. The 13 piles each have a square foot surface area. The floats are designed to minimize shadowing on the water. The boat launch will have a fresh coat of concrete on top of the tracks. The wall, he said, will improve the natural environment as the debris from a slope will be removed to place it behind the wall and protecting the surrounding water from what takes place in the uplands. **Mr. Favazza** pointed out the positive fiscal impact is to the whole of Rocky Neck and that the City will also benefit from the visitors that marina will bring in. He noted under Sec. 5.5.4 he noted the applicant had filed a Notice of Intent with the Conservation Commission (ConCom) and an Order of Conditions has been issued by the ConCom (on file). This marina is also subject to Massachusetts Department of Environmental Protection regulations and has been permitted under those regulations also, he noted. The Waterways Board has no objection to the work and the Shellfish Warden said there will be no impact to the fisheries (both letters on file), **Mr. Favazza** said.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Ciolino asked if most of the floats will be stranded on the mud flats at low tide. **Mr. Favazza** said the existing pier extends 120 feet off of the uplands. At low tide the water is quite low, he said, for the first two finger slips, but by the time one gets to the Harbor Commissioner's Line, there will be enough of a berth at low tide for navigation of boats entering and exiting the marina's float system, he said. **Councilor Ciolino** asked when the last time the marina was used commercially. **Mr. Favazza** said the marina is still being used as such, although sporadically for boat and float storage on the property. The railway was used recently this fall to haul out some boats and the floats stored on the property. He noted provided the permits are all issued, the work on the marina will get started as soon as possible once the weather clears. On further inquiry by **Councilor Ciolino**, **Mr. Favazza** said the piles and the floats will be fabricated of wood. The only concrete used will be for prefabricated interlocking pieces for the retaining walls.

Councilor Theken noted there is an existing pier and asked for further clarification. **Mr. Favazza** stated the Council is viewing plans entitled, "Proposed Conditions," Sheet 2 of 3 which shows an existing wooden pier. Towards the end of that pier there is a small square and rectangle which represents the cantilevered dock and ramp. The thirteen piles are shown as black circles extending from the end of that ramp out to the Harbor Commissioner's Line at the easternmost point of the plan. **Councilor Theken** said that was the point at the end of the dockage where she had a concern, where it borders from public to private, which is right at the edge. She asked if boats would go on the inside or the outside because if the boats were on the outside, the boats would be in public waters. **Mr. Favazza** said that his understanding of the plan is that any boat tied up for any length of time has to be within the Harbor Commissioner's Line on their water sheet. However, he said, the marina is allowed to have transient dockage outside the Harbor Commissioner's Line as long as it is not permanent long-term docking. **Councilor Theken** said in viewing the plans, it is not congested on the water. But she pointed out with the advent of the

summer season, there is a tremendous increase in boating traffic and asked would this area need increased policing because of the extra dockage. **Mr. Favazza** said any boats inside the harbor off of the private water sheet will be temporary in nature and easily moved.

Councilor Cox asked if there will be facilities on the property. **Mr. Favazza** said, "Yes," and showed Councilor Cox a photograph of recently constructed bathrooms put in late last year for the use of the marina patrons with an attached kayak storage area.

Councilor Ciolino asked if the dock Councilor Theken referred to would it be a fueling dock. **Mr. Favazza** said that the fuel dock is not under consideration for this permit. He has not heard that there would be fuel sales but could not speak to specifics. **Councilor Ciolino** asked if fuel tanks were on the property. **Mr. Favazza** said he did not know.

Councilor Tobey requested that the photographs Mr. Favazza was referring to during his presentation this evening were shared with the P&D Committee but not submitted for the record and asked the photographs be submitted at this time so that the record can be completed. **Mr. Favazza** complied with the Councilor's request submitting the photographs of the marina site to the Clerk of Committees.

Council President Hardy said at the P&D Committee meeting it was pointed out that the abutters were notified properly for that meeting and that no one has appeared in opposition or to speak in opposition at the public hearing this evening. She asked if the marina has posted that the public has access to the water under the marina's DEP Chapter 91 license. **Mr. Favazza** said that he was sure if that should be posted Mr. Faherty would do so. **Council President Hardy** asked that any sign related to public access at the marina property be posted in a highly visible location as currently it is posted in an obscure area.

This public hearing is closed.

MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant J. Michael Faherty, Two Five Three One RNA Realty, LLC and Smith Cove LLC a Special Council Permit (SCP2013-001) for property located at 25-31 and 43 Rocky Neck Avenue (Assessor's Map 130, Lot 8; Lot 7; Lot 6; Lot 5; Lot 3) and known as Bickford Marina, zoning classification NB and R-10, pursuant to GZO Sec. 5.5.4 (Lowlands) for:

- 1 (one) 32 ft. x 4 ft. finger float;
- 1 (one) 38 ft. x 6 ft. finger float;
- 4 (four) 24 ft. x 4 ft. finger floats;
- 1 (one) 22 ft. x 8 ft. finger float;
- 1 (one) 100 ft. x 8 ft. finger float;
- 1 (one) new 6 ft. x 6 ft. gangway access;
- 1 (one) relocated 30 ft. gangway;
- 1 (one) 105 ft. x 8 ft. float

All as shown on a Plan entitled "Proposed Float Layout & Details" dated 11/01/12 drawn by Bourne Consulting Engineers; and also for: converting a concrete boat ramp and adding a retaining wall as shown on a Plan entitled "Proposed Conditions" as drawn by Bourne Consulting Engineers dated 11/1/2012.

DISCUSSION:

Councilor Tobey said he believed Attorney Favazza adequately stated the analysis under the zoning ordinance and that this lowlands permit should be approved. He said he grew up on this cove and spent much time at and around Bickford Marina. Noting this was a sad story of decline and discord where a great marina grew over the Harbor Commissioner's Line and no amicable resolution was obtained and so the marina fell into disrepair, **Councilor Tobey** said this marina was once a dynamic part of the Rocky Neck community. The Council should be pleased, he said, to see this discord is in the past and that the property will be revitalized; it has been designed with care and will enhance the neighborhood and the City.

Councilor Ciolino added his congratulations to the proponents. He also recalled the former Bickford's Marina as a première summer location. He said he was also pleased to see the property return to its original use. He noted the experience of the applicant in the hospitality industry and that this will be a good project.

Councilor McGeary stated that as Ward Councilor he will support this permit application, and that this marina will be an asset to the boating public, Rocky Neck and the City.

Council President Hardy stated for the record that the plans on file consist of three pages which are: Existing conditions, page 1 of 3; Proposed Conditions, page 2 of 3; and Proposed Float Layout and Details, page 3 of 3. She

added that the project as proposed will not have an adverse impact on the commercial or recreational shellfish industry.

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to grant J. Michael Faherty, Two Five Three One RNA Realty, LLC and Smith Cove LLC a Special Council Permit (SCP2013-001) for property located at 25-31 and 43 Rocky Neck Avenue (Assessor's Map 130, Lot 8; Lot 7; Lot 6; Lot 5; Lot 3) and known as Bickford Marina, zoning classification NB and R-10, pursuant to GZO Sec. 5.5.4 (Lowlands) for:

- 1 (one) 32 ft. x 4 ft. finger float;
- 1 (one) 38 ft. x 6 ft. finger float;
- 4 (four) 24 ft. x 4 ft. finger floats;
- 1 (one) 22 ft. x 8 ft. finger float;
- 1 (one) 100 ft. x 8 ft. finger float;
- 1 (one) new 6 ft. x 6 ft. gangway access;
- 1 (one) relocated 30 ft. gangway;
- 1 (one) 105 ft. x 8 ft. float

All as shown on a Plan entitled "Proposed Float Layout & Details" dated 11/01/12 drawn by Bourne Consulting Engineers; and also for: converting a concrete boat ramp and adding a retaining wall as shown on a Plan entitled "Proposed Conditions" as drawn by Bourne Consulting Engineers dated 11/1/2012.

4. PH2013-015: SCP2012-016: Blackburn Drive #30, Bldg. 4, Map 262, Lot 24, GZO Sec. 5.13.7 (PWSF)

This public hearing is opened.

Those speaking in favor:

Brian S. Grossman, attorney with Prince Lobel Tye LLP, representing MetroPCS Massachusetts LLC explained that MetroPCS has an existing wireless communications facility on an existing 100 foot tower located on the property at 30 Blackburn Drive, Building #4 at the 90 foot mark. MetroPCS, he said, is undergoing a network upgrade. The proposed modifications, he said, are minor. MetroPCS is seeking to replace three existing antennas. MetroPCS was approved for six antennas, he noted, when that entity first came before the Council to install the facility originally. The improvements will replace the existing three antennas with three new antennas of similar size and shape (about an inch taller and 5-6 inches wider and a few inches deeper). He said the visual impact should be minor and noted the Council had been given photographic simulations (on file) to demonstrate that fact. The applicant would also install six new coaxial cables bringing the total to 12 coaxial cables which was the number of cables originally approved. This particular modification does not require switching out the equipment cabinets; they will stay the same. The facility remains the same for overall operation. The site does not require water or sewer and will remain unmanned, visited one or two times per month for routine maintenance.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor McGeary asked if this modification intended to upgrade the MetroPCS facility is to 4G LTE technology or is it a range enhancer. **Mr. Grossman** said the modification will accommodate the additional frequency MetroPCS has a license for; it will accommodate 4G LTE speeds and all the services currently provided by MetroPCS. **Councilor McGeary** asked if there will be any increase in range. **Mr. Grossman** said there will be no significant increase in range.

This public hearing is closed.

MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant MetroPCS Massachusetts LLC a Special Council Permit (SCP2012-016) for modification of an existing Wireless Communications Facility pursuant to Sec. 5.13.7 to replace three (3) existing antennas and in their place to install three (3) new antennas and add six (6) lines of co-axial cables to the shaft of a tower at 30 Blackburn Drive, Bldg. 4 (Assessors Map #262, Lot #24) zoning classification BP. All replacement antennas are to be substantially similar to the dimensions of the existing antennas to be replaced on the tower owned by John D. McNiff, with the following condition:

- That MetroPCS Massachusetts LLC is not to impede use of the communication tower located at 30 Blackburn Drive, Bldg. #4 by Gloucester public safety organizations to maintain and install hardware necessary to their communications systems.

DISCUSSION:

Councilor Tobey explained this is another in a series of wireless providers upgrading their facilities within the City. He said the P&D Committee recommended this application unanimously because, "it is what it is." He thanked Attorney Grossman for bringing to the P&D Committee's attention an important development in the law. He said it would appear that in the Tax Relief Act of 2012 contained provisions regarding Personal Wireless Service Facilities that haven't caught up yet on the local level whereby these kinds of modifications are to be conducted in a more expedited and less rigorous way. Attorney Grossman, he said, was kind enough to provide a good deal of information on the matter to the Committee, and has volunteered to assist General Counsel in her review of the law so the Council can update the local ordinances appropriately.

Council President Hardy added her thanks as well.

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to grant MetroPCS Massachusetts LLC a Special Council Permit (SCP2012-016) for modification of an existing Wireless Communications Facility pursuant to Sec. 5.13.7 to replace three (3) existing antennas and in their place to install three (3) new antennas and add six (6) lines of co-axial cables to the shaft of a tower at 30 Blackburn Drive, Bldg. 4 (Assessors Map #262, Lot #24) zoning classification BP. All replacement antennas are to be substantially similar to the dimensions of the existing antennas to be replaced on the tower owned by John D. McNiff, with the following condition:

- **That MetroPCS Massachusetts LLC is not to impede use of the communication tower located at 30 Blackburn Drive, Bldg. #4 by Gloucester public safety organizations to maintain and install hardware necessary to their communications systems.**

For Council Vote:**1. CC2013-008 (Whynott/Hardy) Resolution re: Opposition to the elimination & Consolidation of the local Gloucester Housing Authority**

Councilor Whynott said that he doesn't believe the state does anything better than the local municipality can. He said a message has to be sent that residents will get a better response from their local municipality based housing authority than if done by the State on a regional basis.

Council President Hardy also added that local elected officials have more input into the local housing authorities for their constituents. She noted there is a lot of elderly housing in the City, and the Councilors try to help as much as they can with their issues. She said that ability to help at a local level would be lost with this proposed state consolidation. With those areas housing authorities she has spoken with, have uniformly expressed their concern also about the proposed regional consolidation, she said.

Councilor Tobey added that the community has gone through some difficult but honest communications to define the role of the Gloucester Housing Authority and has struck a good, effective balance. By proceeding as it is now will, he said, assure that balance remains intact into the future for the needs of the community. He would be fearful on the City's behalf and other communities with this act of regionalization; and that the passage of this law would lead to "social engineering" that he said the community has no need for, he concluded.

MOTION: On motion by Councilor Whynott, seconded by Councilor Tobey, the City Council voted 9 in favor, 0 opposed to adopt the following Resolution:

Whereas, the Governor has proposed legislation HD #408 in that it seeks to consolidate the State's 240 housing authorities into six regional agencies; AND

Whereas, Municipal Government is the most efficient level of government; AND

Whereas, the City of Gloucester does not need to be controlled by any more state bureaucracies; AND

Whereas the City of Gloucester does not want to lose the personal relationship that the Gloucester Housing Authority has with the citizens of Gloucester; AND

BE IT RESOLVED that the City of Gloucester expresses its strong opposition to the elimination and consolidation of the local Gloucester Housing Authority; and further

RESOLVED that a copy of these resolutions be transmitted forthwith by the City Clerk to the Governor and to the Massachusetts Department of Housing & Community Development and to the Massachusetts House of Representatives and Massachusetts Senate.

2. Motion to Rescind (McGeary) City Council vote taken on February 12, 2013 re: Community Development #2013-SA-66 in the amount of \$18,000

Councilor McGeary explained that at the City Council meeting the motion voted on February 12th for Supplemental Appropriation 2013-SA-66 contained an error in language. This motion is to rescind the Council's vote on Supplemental Appropriation 2013-SA-66. The vote to follow corrects the errors. The money is being used for Community Development purposes. The part that the City Council is funding is coming out of the General Fund money has to be expended in the General Fund, not as part of the grant, he said. It is a technical auditing issue but it could result in a "finding" if the money which is intended to be expended for Community Development purposes out of the General Fund were transferred into a grant fund.

Council President Hardy asked if any action had been taken with the previously voted 2013-SA-66. **Mr. Towne** said the \$18,000 is still needed to be in the General Fund. Upon rescinding this vote, there would need to be another motion to transfer the money to the General Fund which **Councilor McGeary** confirmed was his understanding as well.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to RESCIND the vote taken at the February 12, 2013 City Council meeting for the appropriation of 2013-SA-66 in the amount of \$18,000 (Eighteen Thousand Dollars) from General Fund, Unreserved Fund balance ("Free Cash"), Account #1010000.10.000.35900.0000.00.000.00.000 to Community Development-CDBG-Personal Services, Account #260000.10.181.51000.0000.00.000.00.051 to fund projected deficit due to reduced funding.

With the unanimous approval of the City Council the following matter was taken up:

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-SA-66 in the amount of \$18,000.00 (Eighteen Thousand Dollars) from the General Fund, Unreserved Fund Balance ("Free Cash"), Account #1010000.10.000.35900.0000.00.000.00.000 to General Fund, Community Development Department-Salary/Wages, Permanent Position, Account #101000.10.181.51100.0000.00.000.00.051 to fund FY2013 Community Development salaries in the General Fund due to potential cuts in HUD funding in the CDBG Federal Grant Fund.

DISCUSSION: None.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed the appropriation of 2013-SA-66 in the amount of \$18,000.00 (Eighteen Thousand Dollars) from the General Fund, Unreserved Fund Balance ("Free Cash"), Account #1010000.10.000.35900.0000.00.000.00.000 to General Fund, Community Development Department-Salary/Wages, Permanent Position, Account #101000.10.181.51100.0000.00.000.00.051 to fund FY2013 Community Development salaries in the General Fund due to potential cuts in HUD funding in the CDBG Federal Grant Fund.

3. City Charter Sec. 2-11(C) (Tobey) re: Fire Department's Supplemental Appropriation-Budgetary Requests #2013-SA-94, #2013-SA-95, #2013-SA-96, #2013-SA-97 and #2013-SA-98

Councilor Tobey explained that Councilor McGeary will bring one of the motions forward related to fire engine repair which was highlighted as being of critical concern to the effectiveness of the firefighting service and did not intend to object to that free cash funding. However, he said for reasons he would describe after that motion is put forward and voted, he noted his intension to lodge a second 2-11(c) objection to the four remaining Supplemental Appropriations which would require that three other Councilors under the terms of the City Charter join him in that objection.

Motion: The Budget & Finance Committee recommended unanimously to the City Council the appropriation of 2013-SA-96 in the amount of \$30,000.00 (Thirty Thousand Dollars) from the General Fund, Unreserved Fund Balance ("Free Cash"), Account #1010000.10.000.35900.0000.00.000.00.000 to Fire Department-Vehicle Maintenance, Account #101000.10.220.52470.0000.00.000.00.052 to provide additional funds for vehicle maintenance.

DISCUSSION:

Councilor McGeary said this is an urgent need to repair and maintain two older vehicles in the Fire Department's fleet. He said that while the Administration understands that there is a wish on the part of the City Council that further discussions in a broader range of issues surrounding the public safety departments, the Fire Department in particular, the Fire Chief asked this funding be put forward due to the urgency.

MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted BY ROLL CALL 9 in favor, 0 opposed the appropriation of 2013-SA-96 in the amount of \$30,000.00 (Thirty Thousand Dollars) from the General Fund, Unreserved Fund Balance ("Free Cash"), Account #1010000.10.000.35900.0000.00.000.00.000 to Fire Department-Vehicle Maintenance, Account #101000.10.220.52470.0000.00.000.00.052 to provide additional funds for vehicle maintenance.

Councilor McGeary moved that the City Council approve 2013-SA-94, -95, -97 and -98 all having to do with Fire Department funding from free cash. Councilor Whynot seconded the motion.

DISCUSSION:

Councilor McGeary briefly explained these Supplemental Appropriations are to fund Fire Department training, staffing, purchasing of tools, and an infrared camera. These appropriations from free cash were brought forward from the Mayor's office, he said.

Councilor Tobey said he believes the community needs to see the Magnolia and Bay View fire stations opened as soon as possible, which he said he would like to say, "now," on a full-time basis. He added he has no desire to engage in an act of politicizing [the issue]. He said he is no candidate for any office and said he doubted he would ever be again. There is, he said, no candidate opposing Mayor Kirk, and added even if there were, he had "no dog in that fight." If politicizing means, he said, he wants an issue that should be of vital concern to the community brought forward for civil public discussion, then that is what he is doing, politicizing it. He pointed out the Council is a political body and do make political decisions and need to have political dialog, and conversation about political issues of which this is one of vital concern. **Councilor Tobey** said that as he looks towards his time remaining on the Council, he noted his "bucket" list consisting of the full-time opening of these fire stations and the Fuller School. He asked three other councilors under City Charter Sec. 2-11 (c) to join him by voting to continue this matter for a second time to the next Council meeting and for the Mayor to join the Council at that time to tell them the status of Fire Department matters. He said it is the larger issues of public policy on this essential City service. **Councilor Tobey** added he would be curious to hear where the unions stand on this matter as well, and he looked forward to the civil discourse at the next Council meeting.

Council President Hardy said no fewer than four Councilors must support for City Charter Sec. 2-11(c).

By a show of hands, the Council unanimously invoked City Charter Sec. 2-11 (c).

Council President Hardy announced this matter will be placed on the City Council's March 26th agenda.

The matter of City Charter Sec. 2-11(C) (Tobey) re: Fire Department's Supplemental Appropriation-Budgetary Requests #2013-SA-94, #2013-SA-95, #2013-SA-97 and #2013-SA-98 is continued to March 26, 2013.

4. Budget & Finance Standing Committee Report of February 7, 2013 re: Amendment to the DPW Fee Schedule (Cont'd from CCM 02/12/13)

Council President Hardy informed the Council it was in receipt of an email from the Assistant DPW Director, Mark Cole requesting that the matter of the amendment to the DPW fee schedule be continued to a later date so that information to be provided which was requested on the subject will be available to the Council for its consideration.

This matter is continued to March 26, 2013.

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilor Verga noted there was an article in the Gloucester Daily Times today about the fire stations, and there was a comment attributed to the Mayor that said, "Another proposal to establish a \$200,000 Station Opening Stabilization Fund was pulled back after receiving a negative reception by the Council." He said he did not recall that proposal making it to Council and that it was a worthy concept and would like to see it make its way officially through the Council. **Councilor Cox** pointed out that the matter did come before the B&F Committee, however.

Councilor Cox said she and her husband welcome the City Council to Giuseppe's Restaurant on Main Street for the "Customer's Always Right" challenge. They will be "kicking the kitty litter" out of Cape Ann Animal Aid.

Councilor Tobey expanded on his earlier reference to his "bucket list" by commending Attorney Joel Favazza's letter to the Gloucester Daily Times of February 22, 2013 on the issue of the Fuller School and elementary schools capital funding issues. He enumerated two requests; one to the Mayor, about a big part of the elementary configuration which is the large number of modular classroom units that the previous Council funded when the Mayor first took office. He said he was told these modular classroom units have a limited lifespan. He said would like to receive from the Mayor's office the warranties that were provided to the City at the time of the acquisition of the modular classrooms units so the Council has a sense of what the guarantees are and any information that exists on the likelihood on projections on the modular classrooms' useful lives. He said the Council would serve the community poorly if they acquiesce in the scheme to build a new school; closes down a school of the soundest structure in the City, and then discover five or six years from now that the modular classrooms have warranties that ran out and have serious issues. He said his second request is that the Council President would please consider scheduling a City Council workshop hearing where the Council can solicit on their own the community's opinions who he said had yet to be heard from, on what people think the future of the Fuller School ought to be.

Councilor McGeary requested that the DPW Director through the Mayor take whatever the action necessary to repair the Good Harbor Beach footbridge and be expedited to take place now and not delay its repair unnecessarily to the summer months. He said he was told because of the storm disaster declaration that the City can pass certain regulatory requirements in the repair of the bridge if the work is completed by the third week of March.

Council President Hardy asked for an expanded explanation for the deadline by the end of March. Councilor McGeary explained that apparently, according to Lisa Press, the City's Conservation Agent, informed him the State has granted a waiver for reconstruction projects for damage that was done due to the blizzard two weeks ago, but it is only good for a certain timeline which he did not have available to him at that moment, he said. **Council President Hardy** asked if this program was extended to private property owners and if so asked Councilor McGeary to forward that information to the Council as soon as possible. She asked that in a further request to the Mayor if this program extends to private property owners that the Mayor prepare a press release informing residents to take photographs of their property damage and recording it with their insurance companies and file as soon as possible in case they can be included in this program.

Councilor Ciolino acknowledged the success of the district-wide Rotary Club Polar Plunge, started by the Gloucester Rotary Club was successful. The purpose was to raise funds to help eradicate polio worldwide. The goal is to raise \$100,000, and he said the Rotary Club is nearing its fund-raising goal. He expressed his thanks to the Gloucester DPW and CATA for their assistance.

Councilor LeBlanc informed the residents of Ward 3 that there will be a ward meeting at 6 p.m. the next evening on possibly combining Precincts 3-1 and 3-2 polling stations to one location. He would also give a ward

update and answer questions by his constituents to be held in the 1st Fl. Council Committee Room at City Hall, he said.

Councilor Theken said there will be a presentation the following evening at the Gloucester House at 7 p.m. on beach barriers and coastal flooding and is open to the public.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **6" x 4" color photographs of Bickford's Marina in its current state as submitted by Attorney Joel Favazza pursuant to SCP2013-001: Rocky Neck Avenue #25-#31 & #43, GZO 5.5.4 Lowlands application**