

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, March 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 Whyntott

**Absent:** None.

**Also Present:** Mayor Carolyn Kirk; Linda T. Lowe; Jim Duggan; Kenny Costa; Jeff Towne; Police Chief Leonard Campanello; Fire Chief Eric Smith; Sander Schultz; Jim Hafey; Russell Hobbs; Fire Capt. Tom LoGrande; Michelle Holovak Harrison; Michael Lane; Damon Cummings; Barbara Jobe

The meeting was called to order at 7:06 p.m. Councilor Tobey joined the meeting at 7:20 p.m

Flag Salute & Moment of Silence.

Oral Communications: None.

Presentations/Commendations:

**1 of 2: Lanesville Fish Shack Committee – Status Report on the Fish Shack Restoration**

**Jim Hafey**, City Facilities Manager and Lane's Cove Fish Shack Committee member submitted to the Council an updated pamphlet of information that was part of a presentation on the Fish Shack given to the Community Preservation Committee in January with updated information (placed on file). He noted it has been one year and are two months away from project completion. Volunteers have been working every weekend through the winter, and it has been a good community project with new friends and contacts made. He pointed out there was an article on the Fish Shack Committee's efforts in the Boston Globe several weeks ago. **Mr. Hafey** lauded the work of Russell Hobbs, Barbara Jobe (both present) and the rest of the crew who show up each week to not only work on the shack but to those who provide food and refreshments for the workers. He noted a letter to the Community Preservation Committee from the Lane's Cove Fish Shack Committee (on file) returning the \$20,000 awarded from CPA funds as it was able to raise enough money from private donations to cover their expenses and had enough funds left over to create a maintenance fund for the future of the Fish Shack. He congratulated Arnie Shore and Barbara Jobe in particular who helped to handle the Fish Shack finances. **Mr. Hafey** announced there will be a celebration of the completion of the Fish Shack about the time of the July 4<sup>th</sup> holiday, he said, and invited all to attend.

**Council President Hardy** noted she and the Mayor, recognizing the problem with the fish shack, worked together to create the Lanesville Fish Shack Committee to save this historical building. The Mayor and she had recommended the Committee seek out CPA funding. She reported that she and the Mayor enjoyed selecting the Fish Shack Committee to ensure it was composed of neighbors who have always paid attention to the Fish Shack, those historically connected to it, and those who had simply wished to add value to their community by participating, as well as City staff connected to the project. She said it is the best sub-committee she has ever seen who worked diligently to restore and preserve the historical building for now and the future. **Council President Hardy** made note of the work of Damon Cummings for responsibility for the Committee's minutes and agenda postings. She said this Committee did its work very well.

**Councilor McGeary** commended Council President Hardy for her work as the Ward 4 Councilor for her efforts on the restoration of the Lane's Cove Fish Shack come to fruition.

**2 of 2: Mayor's Update to the Council on Current Matters including Police and Fire Contract Status**

**Mayor Kirk** informed the Council of the following matters:

- The City settled its suit with United Water over the circumstances that arose as a result of the 2009 Boil Water Order (on file). United Water was the City's contract operator during the time the City experienced the 20 day Boil Water Order. The City sued United Water, and it was sent to the Federal Court and was slated for trial this summer. The parties went to mediation agreeably and came away with \$335,000 forgiveness for invoices presented to the City for work incurred by United Water during that timeframe. The company flew in people from all over the country, and the City objected to paying those bills. The City received \$150,000 cash settlement; the check arrived this past week. The situation, she said, is now

behind the City. The Mayor pointed out that the City has made significant investments in its water infrastructure which in turn has created renewed confidence in the system with regards to the City's economic development. The Mayor pointed to the expansion at Gorton's of Gloucester facility. The owner of National Fish the owner has made a \$2 million investment in that facility recently. Those were two businesses severely impacted by the Boil Water Order. The Mayor thanked Gloucester's citizens for their forbearance through that difficult time.

- The City received the first two checks from National Grid which represented two months for a total of \$150,000 each. The Power Purchase Agreement (PPA) specifies 80 percent of the check received goes to the owner/ operator of the wind turbines and the City keeps 20 percent until the production threshold reaches 9 million KW hours. At that point the City then gets a 75 percent cut of the checks that come in from National Grid. The turbines have produced over 2 million KW in the first two and a half months of operation and therefore, the City is on track to realize the types of savings first spoken of. The Mayor pointed out that the checks are coming into the City, and payment schedules are in place. She indicated there are plans being formulated for spending that money. The Mayor then invited the Council to come to the Sawyer Free Library Lyceum sponsored panel discussion on the wind turbines at 7 p.m. on Thursday March 28<sup>th</sup> which will moderated by Councilor McGeary.
- The School Committee has requested action by the City Council for some modest necessary repairs for Gloucester High School. These repairs are for submission to the Massachusetts School Building Association (MSBA) loan reimbursement program which gives cities and towns reimbursement at a rate of 47 percent. There is a deadline to be met, the Mayor noted, to submit in time all documentation to be eligible for the loan reimbursement program for the GHS repairs.
- The Police Contract is settled for the Superiors and for the Patrolmen and both is ratified. The new Police Chief Campanello led the development of the proposals put forward to the unions; and unions worked cooperatively with the Police Chief and the Administration. The Administration has put money on the table that it will ask the Council to fund in the FY14 budget cycle. The Police Chief obtained language important to the department; and both unions, the Mayor said, have been compensated fairly. It was reported that the sunset of the Quinn Bill that will save the City money on pensions going forward. There has been a decrease in sick time and other leave time for Superiors and Patrolmen; and over time this will result in savings over time because the City is decreasing the amount of available leave time. Important to the Chief is that there will now be merit-based selections for promotions to specialty positions such as detectives. Previously, it was noted, promotions had been based on seniority. The Mayor reiterated these sorts of contract concessions can only be accomplished when the Administration works cooperatively to put money on the table, and the Chief working with the unions to come to consensus for reforms
- The Administration is now in contract talks with the Fire Department. The Mayor said she hoped that the same tone and method is struck with the Fire Department negotiations as it was with the successful conclusion of the Police contract negotiations.

**Council President Hardy** noted related about the turbines she noted the private/public effort and that it is working out for the City, and encouraged more people to come forward to work with the City for public/private projects that benefit all. As relates to the Police contract since it is ratified and accepted, she noted it is a public document and asked the mayor if it will be posted on line on the City's website. **Mayor Kirk** said the format is a Memorandum of Understanding for both unions will be posted on the important documents section for the Patrolman's and Superior's contract. **Council President Hardy** asked if the new contract was a continuation document or is it a new fresh contract. **Mayor Kirk** said that is an the objective to consolidate into one document which is underway now but the Mayor said they didn't want that to hold up coming to an understanding of all the clauses. She said the Memorandum of Understanding can go up right away and will touch base with the City's IT Director. The consolidated contracts will take a bit longer and would be about three months or so.

**Councilor Tobey** congratulated the Mayor and her team for the two contracts for the Police Department. He said it involved the rolling up of sleeves and getting parties together to find common ground and is one legally bound to follow and commended the unions and their leaders as well. He asked for the duration of the contract. **Mayor Kirk** said the contracts commence July 1, 2013 and is a three year contract. In answer to **Councilor Tobey's** inquiry, **Mayor Kirk** noted the wage increase scale is 2 percent per year, each year of the contract, starting on July 1<sup>st</sup>. **Councilor Tobey** acknowledged the Fire Department union representative present in the audience, **Capt. LoGrande**. He asked what the community can expect from the bargaining unit particularly the neighborhoods that should be but aren't being served by the Magnolia fire station and the Bay View fire station.

**Capt. Tom LoGrande**, Fire Department and union president said the contract talks are on-going with preliminary meetings having already taken place, but he said he was unable to publicly go into particulars at this time.

**Councilor Tobey** asked Capt. LoGrande to pass on his comments that the community has placed its trust in the Fire Department and has expectations of the firefighters. It wants, he said, the discord of the past behind it and wants the stations reopened. He asked Capt. LoGrande to convey this to his bargaining unit to let his brothers and sisters of the Fire Department to join the Administration to all work cooperatively through this contract negotiation to get all the City's fire stations open which he said should have the highest priority in this community. **Capt. LoGrande** said that sentiment is shared with the firefighters union; that the union hopes to work cooperatively with the Administration. **Councilor Tobey** asked Capt. LoGrande to act on that basis.

**Councilor Theken** inquired if the wind turbine forum will be broadcast on CATV. **Mayor Kirk** said it will be taped for airing on CATV, and the power point presentation will be posted on the City's website.

### Consent Agenda:

- **CONFIRMATION OF REAPPOINTMENTS**
- **MAYOR'S REPORT**

1. Memorandum from Mayor re: Settlement reached with United Water (Info Only)
  2. Invitation to panel discussion at Sawyer Free Library on March 28, 2013 re: Wind Turbines (Info Only)
  3. Management Appointment: Community Development Director Tom Daniel TTE 02/14/14 (Refer O&A)
  4. Memorandum & relevant information from Superintendent of Schools re: proposed Statement of Interest for Gloucester High School to the Massachusetts School Building Authority (MSBA) (Refer B&F)
  5. Memorandum, Grant Application & Checklist from Police Chief re: 2009-2010 Grant Program from the EOPSS Port Security Grant Program (Refer B&F)
  6. New Appointments:
 

Waterways Board	TTE 02/14/16	Joe Boreland-Economic Development Member	
		James Bordinaro-Fisheries Member	
		Mark Lacey-Recreational Boating Member	
EDIC	TTE 07/01/16	Ruth Pino, Michael DiLascio	
Committee for the Arts	TTE 02/14/17	Sinikka Nogalo	
Trust Fund Commission	TTE 02/14/16	John Fleming, Michael Sanborn	
Zoning Board of Appeals	TTE 02/14/16	David Gardner (Alt. Mbr. To Permanent Mbr.)	(Refer O&A)
- **COMMUNICATIONS/INVITATIONS**
    1. Communication from Senator Tarr re: City Council Resolution in Opposition to Legislation Eliminating Local Housing Authority (Info Only)
    2. Communication from Attorney J. Michael Faherty to D.E.P. re: I4-C2 Temporary Permit (Info Only)
    3. Certificate of Vote from Planning Board recommending appointment of Tom Daniel as Community Development. Director (Refer O&A & P&D)
  - **APPLICATIONS/PETITIONS**
  - **COUNCILORS ORDERS**
    1. CC2013-015 (Cox) Amend GCO Chapter 22, Sec. 22-270.1 (Resident Sticker Parking Only) re: Beach Court, #17-21 Commercial Street & Fort Square (Refer O&A & TC)
    2. CC2013- 016 (Verga) Resolution: Requesting State apply revenues collected from internet sales to lower State sales tax (FCV 04/09/13)
    2. CC2013-017 (Verga) Amend GCO Chapt. 21, Art. IV (Repair of Private Ways) Sec. 21-81through 21-85 to add specific standards On what the City should require for the level of design, amount of work, and allocation of funds (Refer O&A & P&D)
  - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
    1. City Council Meeting: 03/12/13 (Approve/File)
    2. Special City Council Meeting: 03/13/13 (Approve/File)
    3. Standing Committee Meetings: B&F (under separate cover), O&A 03/18/13 no meeting, P&D 03/20/13 (Approve/File)

### Unanimous Consent Calendar:

1. Loan Authorization & Free Cash Appropriation for Commercial Street/Fort Square Infrastructure (Refer B&F)
2. Beach Sticker Regulations to Review Language (Refer O&A)

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

**Councilor Verga** asked to remove Council Order #2.

**Councilor Tobey** asked to remove under Confirmation of Appointments Item #3, and under Communications Item #2.

**Councilor Verga** stated he wanted to draw the attention to the Resolution he is putting forward for Council Vote on 4/9/13. He said in his opinion the citizens of Massachusetts are overtaxed. This looks at the fact that the State will ask Amazon to charge taxes for things sold in Massachusetts, and ultimately other internet companies will be as well. This resolution asks that for any anticipated funds the State gets from those new taxes, the State Sales Tax would be reduced by that amount.

**Councilor Tobey** noted nomination of a new Community Development Director, Tom Daniel; he asked that it be referred to not only to O&A but to P&D as well. By unanimous consent the management appointment of Tom Daniel as Community Development Director was referred to both the O&A and P&D Committees.

**Councilor Tobey** said that under the heading of Communications, the City is in receipt of a letter from Attorney J. Michael Faherty where he commented to the Department of Environmental Protection (DEP) through the public process now underway regarding the City seeking a temporary permit to allow for a parking lot on the City-owned parcel at 65 Rogers Street (I4-C2) and asked this letter be referred to the P&D Committee. By unanimous consent the Council referred the letter from J. Michael Faherty related to the City's request for an up to 10 year permit for a parking lot at 65 Rogers Street to the P&D Committee by unanimous consent. **Councilor Tobey** said he had no idea until he saw Mr. Faherty's letter that the period requested for the parking lot permit was up to 10 years. While he said understood there is some uncertainty as to the property's disposition, he did not vote for the City to acquire this land to remain a parking lot, nor did he think his colleagues on the same Council did as well. He asked this be referred to P&D to explore this situation with the Administration particularly Sarah Garcia, Harbor Planning Director as to who made this decision to tie this property up for 10 years. Secondly, he said that after that discussion he wished to have a conversation with the P&D Committee to decide if perhaps the City Council should file their own comments in a letter to the DEP on what the proper length of time of the permit would be.

**Council President Hardy** asked that the Trust Fund Commission reappointments also be referred to the B&F Committee which the Council did so by unanimous consent.

**Council President Hardy** added that the Mayor has agreed that all new appointments being forwarded to the Council's consideration will now be accompanied by new appointees' resumes moving forward and reported the Mayor had no issue with that request. **Councilor Theken** expressed concern that the O&A Committee be in receipt of resumes for the group of new appointees that would come forward during their April 1<sup>st</sup> meeting of her Committee. **Councilor Tobey** offered that on the EDIC appointment in particular he would want to see a resume for those individual appointments to see if these folks were able and qualified.

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

#### Committee Reports:

##### **Budget & Finance: March 21, 2013**

MOTION: On motion of Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the acceptance of the ambulance billing policy as presented increasing the billing rates from Medicare +200 percent to Medicare +300 percent.

#### **DISCUSSION:**

**Councilor McGeary** explained that the Medicare reimbursement rate is below the cost of operating the ambulance but is the benchmark to which all billing is tied. EMS Director, Sander Schultz has verified with other communities that the new rate which the service intends to charge and which insurers will pay is Medicare +300 percent. Additionally, because of the Sequester in Washington, D.C., Medicare further reduced its current reimbursement rate by another additional 2 percent. Since Medicare +300 percent is what the traffic will bear, he said, this is the recommendation of the Fire Department's Ambulance Service charge this rate.

**Councilor Theken** asked how Gloucester's rates compare to other communities ambulance services.

**Sander Schultz**, EMT-P/Firefighter and Gloucester Fire Department's EMS Coordinator said Gloucester is not the first community to go to Medicare +300 percent; Belmont and Lynn are two such examples and other communities are moving in this direction. Medicare +300 percent were considered, he said, a line in the sand drawn during recent discussions between the private insurers and the Governor's office and so Medicare +300 becomes the benchmark. **Councilor Theken** asked what happens when a patient has Medicare only, and the services required for this patient come to \$900 and there is no secondary insurance. **Mr. Schultz** said it is not legal to balance bill for Medicare patients so the department absorbs that loss. He also noted for **Councilor Theken** that Advanced Life Support (ALS) intercepts were very few these past years; it is a rare occurrence now because of the number of paramedics on staff in the department. Rescue 1 and Rescue 2 are more often at full ALS level staffing.

On inquiry by **Councilor McGeary**, **Mr. Schultz** explained that Basic Life Support (BLS) is basic life support is provided by EMT-Basic personnel and ALS is Advanced Life Support provided by Paramedics with the same

basic level of practice but additionally provide intravenous lines, electrical defibrillation, and cardioversion, advanced airway management. On further inquiry by the Councilor **Mr. Schultz** noted 75 percent of the payer mix is Medicare/Medicaid patients.

**MOTION: On motion of Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to accept the ambulance billing policy as presented increasing the billing rates from Medicare +200 percent to Medicare +300 percent.**

MOTION: On motion of Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to authorize the write-off of \$237,237.92 in uncollectible, outstanding ambulance billing.

#### **DISCUSSION:**

**Councilor McGeary** further explained that these are bills more than a year old. The bills have been sent to collections but haven't been successful. This is a matter of cleaning up the books when outstanding debt is more than 365 days past due; it is simply written off as uncollectible.

**Councilor Ciolino** added the ambulance service answers the call whether or not they are going to be paid. In any community there will be a certain amount of money that won't come in for such services. The write-offs are the cost of doing business, he said.

**Councilor Theken** noted the City works closely with the Addison Gilbert Hospital. Much of this debt is a result of when a person doesn't have insurance, and it cannot be collected. She noted that the ambulance service is working very diligently and doing the best that it can.

**MOTION: On motion of Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to authorize the write-off of \$237,237.92 in uncollectible, outstanding ambulance billing.**

MOTION: On motion of 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-116 in the amount of \$347,844.55 (Three Hundred Forty-Seven Thousand Eight Hundred Forty-Four Dollars and Fifty-Five Cents) from the Reserve for Appropriation School Litigation-Transfer Out-to Capital Projects Fund, Account #284003.10.993.59600.0000.00.000.00.059 to Gloucester High School Renovations Capital Projects-Transfer In from Special Revenue, Account #300085.10.992.49700.0000.00.000.00.040 for the purpose of various building renovations to Gloucester High School.

#### **DISCUSSION:**

**Councilor McGeary** said this money was derived from a settlement with the architect for the Gloucester High School Field House. As a result of a settlement in the City's suit against DRA, the City received \$375,000. The Legal Department and the Auditor's office have traced the history of this account and are in agreement the proceeds of this account can only be used for the repair of Gloucester High School. Further, the School Department and the Department of Public Works are in agreement that the roof repairs are a top priority. This will be used to fix the field house roof. This money will be in a separate capital projects fund and appropriated out when needed.

**Kenny Costa**, City Auditor responding to an inquiry by **Council President Hardy** said that the motion will appropriate the money into the Capital Project Fund so that it can be spent out of that account. Currently the money is in a reserve fund. There is no further approval needed from the Council in order to withdraw the funds.

**Councilor Ciolino** said this money has been sitting in an account for a long time and is finally being utilized. He noted the Auditor was asked to explore if any other funds were available in that manner as well by B&F.

**MOTION: On motion of Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 the appropriation 2013-SA-116 in the amount of \$347,844.55 (Three Hundred Forty-Seven Thousand Eight Hundred Forty-Four Dollars and Fifty-Five Cents) from the Reserve for Appropriation School Litigation-Transfer Out-to Capital Projects Fund, Account #284003.10.993.59600.0000.00.000.00.059 to Gloucester High School Renovations Capital Projects-Transfer In from Special Revenue, Account #300085.10.992.49700.0000.00.000.00.040 for the purpose of various building renovations to Gloucester High School.**

**MOTION:** On motion of Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council under MGL c. 44, §53A a grant amendment to the Site Assessment Grant from the Massachusetts Development Finance Agency for \$7,629.00 (Seven Thousand, Six Hundred Twenty-Nine Dollars) for the purpose of remediating the City property at 110 Commercial Street. Said property is legally described as Assessors Map#1, Lot 6. The new grant amount is not to exceed \$32,329 from the original grant amount of up to \$24,700.

**DISCUSSION:**

**Councilor McGeary** explained that this grant amendment for the Site Assessment Grant from the Massachusetts Development Finance Agency Agreement for City-owned property at 110 Commercial Street is for that property's assessment for possible contaminants and what it would take for its clean up. The amendment funding is for an additional \$7,629.00 which will finish getting the site cleared of debris and testing on barrels found on the site. It requires another \$7,629.00, and the State put forward the money.

**Councilor Ciolino** noted the majority of the work has been completed on this site.

**Councilor Verga** said this is for the assessment. If the assessment turns up issues then there is a cost to get rid of contaminants found. **Councilor McGeary** indicated that was his understanding.

**Council President Hardy** asked if this assessment was part of a 21E. **Jim Duggan**, CAO said this was part of a two-tier grant system by Mass. Development. The first year was for assessment only. Once assessed, if there is a need to remediate, then the City would go back to Mass. Development for round two financing. The property had material on it which includes barrels full of unknown liquids. The City was able to work with Mass. Development, and increase the grant allotment to clear the site of debris and assess the liquid in the 55 gallon barrels which **Mr. Duggan** said is not at a level which would cause alarm. This is not part of a 21E which would be part of an assessment in the ground as of yet. That may be a part of an assessment moving forward. The assessment will be done by June 1<sup>st</sup> and is being assessed within the existing grant funds. If there is a need to remediate the property, then the City will go back to Mass. Development for more funding, he said.

**MOTION:** On motion of Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed under MGL c. 44, §53A a grant amendment to the Site Assessment Grant from the Massachusetts Development Finance Agency for \$7,629.00 (Seven Thousand, Six Hundred Twenty-Nine Dollars) for the purpose of remediating the City property at 110 Commercial Street. Said property is legally described as Assessors Map#1, Lot 6. The new grant amount is not to exceed \$32,329 from the original grant amount of up to \$24,700.

**Ordinances & Administration: March 18, 2013 – No Meeting**

**Planning & Development: March 20, 2013**

**MOTION:** On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Gloucester Downtown Association to hold an Easter/Spring Promotion on Sunday, April 7, 2013 from 2:00 p.m. to 4:00 p.m. with attendant road closure on Main Street from Hancock Street to Center Street for the duration of the event. Main Street is to be marked with signage directing the public as to the duration of the closure and alternate routes. An approved road closure plan endorsed by the Police Department shall be filed with the City Clerk no later than April 1, 2013.

**DISCUSSION:**

**Councilor Ciolino** said this event is an annual tradition to have something for Gloucester's children to celebrate Easter. The closing of Main Street is to secure the safety of the children. He invited everyone to come down and see the Easter Bunny whom he suggested was sitting at the Council dais.

**MOTION:** On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed to permit the Gloucester Downtown Association to hold an Easter/Spring Promotion on Sunday, April 7, 2013 from 2:00 p.m. to 4:00 p.m. with attendant road closure on Main Street from Hancock Street to Center Street for the duration of the event. Main Street is to be marked with signage directing the public as

**to the duration of the closure and alternate routes. An approved road closure plan endorsed by the Police Department shall be filed with the City Clerk no later than April 1, 2013.**

**Councilor Tobey** added that the P&D Committee voted to table the matter of a request for Council endorsement to the Governor on Environment Massachusetts' campaign to expand solar energy in the State. The Committee knew very little about it and saw no direct benefit to the City. At Council President Hardy's request, **Councilor Tobey**, who said he would not support such a vote and encouraged his fellow Councilors to do the same, **moved with Councilor Verga seconding a motion to communicate the Council's support to the Governor of the Environment Massachusetts' campaign to expand solar energy in the State. The motion was voted 0 in favor, 8 opposed, 1 (McGeary) present.**

**Councilor Tobey** reported the Committee also took a vote to recommend at public hearing a series of measures by way of amendment to the zoning ordinance to be enacted regarding medical marijuana dispensaries placement within the City. **Councilor Tobey** said there was some thought in the Council's ranks to divide it up into multiple hearings which is why he is bringing it before the Council.

On inquiry by **Council President Hardy**, **Councilor Tobey** noted that the Committee's vote to call the public hearing, to be scheduled at the discretion of the Council President, said he believed the Council President's concern is that the definition section should be one separate public hearing with another public hearing for the zoning moratorium, which **Council President Hardy** confirmed. **Councilor Tobey** said he would prefer this matter be referred back to the P&D Committee for reframing, and **moved that the matter be referred back to P&D as to how to structure the advertisement for the public hearing to which the City Council unanimously assented.**

**For Council Vote:**

**1. PH2013-073: SCP2012-010 to ratify Council vote of March 13, 2013 (See City Council Minutes 03/13/13)**

**Council President Hardy** said as to PH2013-073: SCP2012-010, having approved the City Council meeting minutes of March 12 and 13, 2013, and for procedural purposes due to the Council meetings having been conducted over two consecutive days, the Council, having placed notice of vote to be taken on its March 26<sup>th</sup> agenda, would now ratify and confirm the seven votes taken by the City Council during the March 13, 2013 City Council meeting.

**Councilor Tobey** moved that the Council adopt the following act of ratification: The City Council meeting minutes for March 13, 2013 having been approved by the Council, the votes taken in that Public Hearing 2013-073 regarding Special Council Permit 2012-010, are hereby ratified; those Special Council Permits votes taken for Major Project-Hotel, Hotel Parking, Lowlands and Height; and various votes related to deeds and agreements regarding Pavilion Beach.

**MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) present, to RATIFY and CONFIRM the seven (7) votes taken by the City Council on March 13, 2013 having been approved by the City Council, the seven votes taken in that public hearing, pursuant to Public Hearing #2013-073 for Special Council Permits 2012-010 for Major Project-Hotel, Hotel Parking, Building Height, and Lowlands and various votes related to deeds and agreements regarding Pavilion Beach.**

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

**Councilor Tobey** stated that he had nothing further on this subject; that points were made on behalf of the Lanesville, Annisquam Bay View and Magnolia and West Gloucester communities regarding the need for aggressive, fully engaged collective bargaining so that fire stations are reopened and that City revenues now growing can be put towards those fire station openings so that the community can be returned to a full service basis. He said that if everyone cooperates and works together the City will get that done.

Motion: To recommend to the City Council the appropriation 2013-SA-95 in the amount of \$37,000.00 (Dollars) from the General Fund, Unreserved Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Fire Department-Salary/Wage Permanent Positions, Account #101000.10.220.51100.0000.00.000.00.051 to pay for remaining year for one additional firefighter position and for funds needed to train new fire inspector.

**DISCUSSION:**

**Councilor McGeary** said that this transfer will fund hiring to rise staffing of the department to 18 firefighters across four shifts as well as to account for an early promotion; there is also an opportunity to train a new Fire Inspector before the present Fire Inspector retires.

**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-95 in the amount of \$37,000.00 (Dollars) from the General Fund, Unreserved Fund Balance (“Free Cash”), Account #101000.10.000.35900.0000.00.000.00.000 to Fire Department-Salary/Wage Permanent Positions, Account #101000.10.220.51100.0000.00.000.00.051 to pay for remaining year for one additional firefighter position and for funds needed to train new fire inspector.**

Motion: To recommend to the City Council the appropriation 2013-SA-97 in the amount of \$25,000.00 (Twenty-Five Thousand Dollars) from the General Fund, Unreserved Fund Balance (“Free Cash”), Account #101000.10.000.35900.0000.00.000.00.000 to Fire Department-Replacement of Equipment, Account #101000.10.220.58700.0000.00.000.00.058 to purchase tools for apparatus maintenance, diagnostics and repairs.

**DISCUSSION:**

**Councilor McGeary** explained this is to fund two pieces of equipment for the Fire Department’s maintenance program; one is for a pneumatic system for air-driven tools; the other is for diagnostic tools so the department mechanics can read and clear codes from vehicle computers and take care of the vehicles in house versus to taking them out of town for that purpose.

**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-97 in the amount of \$25,000.00 (Twenty-Five Thousand Dollars) from the General Fund, Unreserved Fund Balance (“Free Cash”), Account #101000.10.000.35900.0000.00.000.00.000 to Fire Department-Replacement of Equipment, Account #101000.10.220.58700.0000.00.000.00.058 to purchase tools for apparatus maintenance, diagnostics and repairs.**

Motion: To recommend to the City Council the appropriation 2013-SA-98 in the amount of \$10,000.00 (Ten Thousand Dollars) from the General Fund, Unreserved Fund Balance (“Free Cash”), Account #101000.10.000.35900.0000.00.000.00.000 to Fire Department-Replace Equipment, Account #101000.10.220.58780.0000.00.000.00.058 to purchase a thermal imager camera.

**DISCUSSION:**

**Councilor McGeary** said that this Supplemental Appropriation is for a thermal imager camera which is lifesaving equipment. The one the department’s camera’s is in disrepair and is not worth the cost of repairing. This money will fund the purchase of a thermal imager camera.

**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-98 in the amount of \$10,000.00 (Ten Thousand Dollars) from the General Fund, Unreserved Fund Balance (“Free Cash”), Account #101000.10.000.35900.0000.00.000.00.000 to Fire Department-Replace Equipment, Account #101000.10.220.58780.0000.00.000.00.058 to purchase a thermal imager camera.**

**Council President Hardy** declared under MGL c. 268A that she had a brother who was a proud member of the Gloucester Fire Department and recused herself, turning this last Supplemental Appropriation matter over to the Council Vice Chair, Councilor Theken.

Motion: To recommend to the City Council the appropriation 2013-SA-94 in the amount of \$30,000.00 (Thirty Thousand Dollars) from the General Fund, Unreserved Fund Balance (“Free Cash”), Account

#101000.10.000.35900.0000.00.000.00.000 to Fire Department-Overtime Training Expense, Account #101000.10.220.51315.0000.00.000.00.051 to provide additional funds for training.

**DISCUSSION:**

**Councilor McGeary** explained this is for Fire Department training to install a beefed up and extensive training program which requires the expenditure of cash.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed, 1 (Hardy) recused, the appropriation of 2013-SA-94 in the amount of \$30,000.00 (Thirty Thousand Dollars) from the General Fund, Unreserved Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Fire Department-Overtime Training Expense, Account #101000.10.220.51315.0000.00.000.00.051 to provide additional funds for training.**

**3. Budget & Finance Standing Committee Report of February 7, 2013 re: Amendment to the DPW Fee Schedule (Cont'd from CCM 02/26/13)**

**Councilor McGeary** noted that the City Council was in receipt of an email from the DPW Director asking that this matter be withdrawn from Council consideration at this time. **By unanimous consent of the City Council the matter of the Amendment to the DPW Fee Schedule was withdrawn without prejudice.**

**This matter is closed.**

**Scheduled Public Hearings:**

**1. PH2013-010: SCP2012-014: Mansfield Street #3/Washington Street #24, Map 6, Lots 36&37, GZO Sec. 1.8.1 And Sec. 2.3.1(7) Conversion to or new multi-family or apartment dwelling, four to six dwelling units**

**Linda T. Lowe**, City Clerk informed the Council her office is in receipt of a letter from the applicant's attorney requesting that this public hearing be continued for two weeks to the next regularly scheduled City Council meeting.

**Council President Hardy** opened and continued the public hearing to Tuesday, April 9, 2013.

**This public hearing is continued to April 9, 2013.**

**Councilor Tobey** asked any Councilors if they had any questions or concerns to be vetted with regard to SCP2012-014 to please forward them to the P&D Committee before the next meeting.

**Council President Hardy** asked the Clerk of Committees to follow up on areas that remain incomplete by the applicant for SCP2012-014 as follows: for the DPW Director to address the P&D Committee regarding curb cuts, ADA sidewalks and drainage in writing. She noted during a P&D site visit there was a discussion the removal of trash on the site, and the Health Department has been involved in that matter. The Health Department forwarded a letter sent to the applicant regarding the trash situation on the site (on file) and asked that a status update be obtained from that department as well also in writing.

**2. PH2013-016: Amend GCO Chapter 22, Sec. 22-287 (Disabled veteran, handicapped parking)  
Re: Middle Street #13**

**This public hearing is opened.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**This public hearing is closed.**

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING “one (1) handicap parking space in front of Middle Street #13.

**DISCUSSION:**

**Councilor Theken** explained that all the handicapped spaces coming before the City Council for public hearing this evening were recommended by the Traffic Commission and by the O&A Committee.

**MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING “one (1) handicap parking space in front of Middle Street #13.**

**3. PH2013-017: Amend GCO Chapter 22, Sec. 22-287 (Disabled veteran, handicapped parking)  
Re: Warner Street #56**

**This public hearing is opened.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed.**

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND the GCO, Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING “one (1) handicap parking space in front of Warner Street #56.

**DISCUSSION: None.**

**MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND the GCO, Sec. 22-287 (Disabled veteran, handicapped parking) by “ADDING one (1) handicap parking space in front of Warner Street #56.”**

**4. PH2013-018: Amend GCO Chapter 22, Sec. 22-287 (Disabled veteran, handicapped parking) re:  
Washington Street #133**

**This public hearing is opened.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed.**

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING “133 Washington Street, one space on the easterly side, beginning at a point 65 feet in a southerly direction from Pole #27-1, for a distance of 20 feet (one space)” and by ADDING “one space on Washington Street, easterly side from a point 173 feet from Railroad Avenue for a distance of 22 feet in a northerly direction.”

**DISCUSSION: None.**

**MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING “133 Washington Street, one space on the easterly side, beginning at a point 65 feet in a**

southerly direction from Pole #27-1, for a distance of 20 feet (one space)” and by ADDING “one space on Washington Street, easterly side from a point 173 feet from Railroad Avenue for a distance of 22 feet in a northerly direction.”

**MOTION TO RESCIND CITY COUNCIL VOTE ON PH2013-013:**

**MOTION:** On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted unanimously to rescind the vote taken regarding the Amending of GCO Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING “133 Washington Street, one space on the easterly side, beginning at a point 65 feet in a southerly direction from Pole #27-1, for a distance of 20 feet (one space)” and by ADDING “one space on Washington Street, easterly side from a point 173 feet from Railroad Avenue for a distance of 22 feet in a northerly direction.

This matter is continued to April 9, 2013.

(Note: See PH2013-019 for discussion that follows.)

**5. PH2013-019: Amend GCO Chapter 22, Sec. 22-274 (Two Hour Parking) re: Washington Street #133**

**This public hearing is opened.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed.**

**MOTION:** On motion by Councilor LeBlanc, seconded by Councilor Whyntott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-274 (Two Hour Parking) by DELETING Azorean lot, after the current entrance, and beginning ten feet from Pole #27-1 in a southerly direction on the easterly side, for a distance of 65 feet (approximately three spaces)” and by ADDING “Washington Street from its intersection with Railroad Avenue, easterly side, in a northerly direction for a distance of 173 feet and from a point 195 feet, easterly side, in a northerly direction, a distance of 105 feet to the MBTA train tracks.”

**DISCUSSION:**

**Council President Hardy** asked if the Azorean Restaurant had their own parking lot and did it have handicapped parking in their own lot. **Councilor Theken** informed the Council President the restaurant had their own parking lots on either side of the building, and did have handicapped spaces there also.

**Councilor LeBlanc** said the owner of Azorean Restaurant, Deo Braga had approached him about having an on-street handicapped parking space in front of the restaurant. He confirmed the restaurant has handicap parking within its parking lot, but it is tucked away along the side of the building and has had complaints that it is difficult to get from the side of the building to the restaurant entrance. Mr. Braga’s attorney suggested a handicapped space be placed on the street in front of the building. There was a handicapped space established on Washington Street slightly further down, and Mr. Braga asked it be moved closer to his establishment.

**Council President Hardy** noted she has a very disabled resident of Lanesville who has asked for years for a handicap on-street space in front of her home. But because this resident has a driveway, even though it is hard to get in and out of, the Traffic Commission has refused the establishment of a handicap space at the front of the property because this resident has her own parking space. She suggested Mr. Braga should change the placement of the handicap spaces in the configuration of his parking lot where it can be placed to a handicapped person’s best advantage for accessing his restaurant. She said she was not looking to inhibit business of this establishment, but that handicapped parking already exists in the building’s parking lot, and added this handicapped space is taking up regulated street parking.

**Councilor Verga** clarified this is not a handicapped parking space for an individual but for an extra space in case a handicap patron comes to the restaurant.

**Councilor Ciolino** said since this is handicap space is next to the train station he asked can someone who has a valid handicap placard and license plate park there all day. **Councilor LeBlanc** said as with any handicap spot in the City, anyone with a handicap placard can park in that space all day regardless if they take the train.

It was noted by **Councilor Theken** the restaurant had parking spaces also available on the opposite side of the street at two other Braga-owned properties, in addition to the parking lots on either side of the restaurant. **Councilor LeBlanc** said this is just moving the handicap parking closer to the door. There is one further away from the building being moved up two spots.

**Council President Hardy** called for a motion to rescind the vote taken under Public Hearing 2013-018.

**Councilor Tobey moved and Councilor Verga seconded to rescind the vote taken in Public Hearing 2013-018 which was voted unanimously in favor to rescind the motion by the City Council (see above).**

The Council then referred the matter of the handicapped parking at Washington Street #133 and the two hour parking issue related to the same matter back to the O&A Committee for further clarification by unanimous consent. It was asked that the owner of the Azorean Restaurant and his attorney be contacted to appear during that matter's discussion with the Committee.

**This Council matter is continued to April 9, 2013.**

#### **6. PH2013-020: Adoption of License and Permit fees as proposed by the Licensing Board**

**This public hearing is opened.**

**Those speaking in favor:**

**Michelle Holovak Harrison**, Chair of the Licensing Board, 27 Sayward Street noted she was joined by former Police Chief, Michael Lane who is also a member of the Licensing Board. **Ms. Harrison** said that under MGL c. 138 allows the local licensing authority to issue many kinds of licenses, but the most common alcohol licenses are two: The first is under MGL c. 138, §12 which is a pouring license for consuming alcohol on the premises, a restaurant, bar, hotel. The other is found under §15 which is for consumption of alcohol off premise, commonly known as a package store. Within these two sections there is a further breakdown, **Ms. Harrison** said: an all alcohol license or a beer and wine license, seasonal beer and wine or an all alcohol beer and wine; a year round beer and wine or a year round seasonal all alcohol.

A few years ago the Council voted to review at the Licensing Board fees and authorized a new fee schedule; but not included at that time was a seasonal all alcohol package store or beer and wine seasonal package store because the City didn't have any. There is now one; in 2012 the Licensing Board did issue a seasonal beer and wine license to The Cave at 44 Main Street, Laura Cramer, owner and manager. The Cave is a wine and cheese shop with incidental sales of seasonal wine, she said. When it came time to renew Ms. Cramer's license, the question was raised as to what the fee was; but the fee hadn't been established which was why she was before the Council now.

As suggested by Councilor Cox, the Licensing Board clerk did a list serve search of all the licensing authorities in the State to determine what other communities charge for this type of licenses. It was found there are very few communities that have seasonal package stores; most are located on Cape Cod and the Islands, and one in the western part of the State. The reason there are so few seasonal package stores, **Ms. Harrison** said, is because there package stores quota. A city or town can only have a seasonal package store based on the increase in seasonal population. Gloucester's seasonal population increases by 15,000 annually. A city or town can have one seasonal package store for every 5,000 person seasonal increase in population. Therefore, Gloucester could only have three seasonal package stores, she noted.

**Ms. Harrison** said seasonal package store annual fees ranged from a high of \$2,000 in Dennis to \$500 in Egremont in the western part of the State. The Board, she said, determined that to come to a reasonable fee, they would look at an all alcohol license year round and charge two thirds of that fee for a seasonal all alcohol package store. The Board made the same determination for a seasonal beer and wine package store license by taking the year round beer and wine license fee and taking two-thirds of that. Therefore, a seasonal all alcohol package store would have a fee of \$1,500 and seasonal beer and wine package store fee of \$1,000, she said. However, Ms. Cramer communicated to the Licensing Board (letter on file) questioning the fairness of a fee of \$1,000 as she has a very small wine store and is not a big package store. She noted in her letter that the \$1,000 fee was higher than the seasonal beer and wine restaurant license fee which is \$750. **Ms. Harrison** said in response to Ms. Cramer's assertion, the Board, considering the suggestion of Ms. Cramer as reasonable, reconsidered the fee and determined that the seasonal beer and wine package store fee be lowered to \$750; and that, further, the opportunity to have a lot

of seasonal licenses is limited based on population. As a result, the Board now suggests to the Council that the recommended fee for a seasonal all alcohol package store be \$1,500 and \$750 for a seasonal beer and wine package store.

**Those speaking in opposition: None.**

**Communications:**

**Ms. Lowe** said there was a Licensing Board communication from Ms. Cramer asking that the fee for a seasonal beer and wine package store should be \$750 on par with a seasonal beer and wine restaurant license was the only communication received.

**Councilor Questions:**

**Councilor Theken** asked what package stores pay annually. **Ms. Harrison** said a year round package fee is \$2,250 for all alcohol. \$1,500 is recommended for a seasonal all alcohol fee which is two thirds of that.

**Councilor Cox** noting the fees of \$750 beer and wine and \$1,500 for all alcohol seasonal package store, said that the all alcohol package store is not adjusted. **Ms. Harrison** said because the opportunity for profit is greater for an all alcohol package store that is why that fee is higher.

**Councilor Ciolino** asked how long the seasonal license runs for. **Ms. Harrison** said it is a 9 month season.  
**This public hearing is closed.**

**MOTION:** On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to adopt the License and Permit fees as proposed by the Licensing Board in a February 14, 2013, memorandum and by a vote of the Licensing Board on February 5, 2013, by ADDING: "Seasonal Beer & Wine Package Stores: \$1,000.00 annually and Seasonal All-Alcohol Package Stores: \$1,500.00 annually."

**DISCUSSION:**

**Councilor McGeary** accepted a friendly amendment to change the fee for a seasonal beer and wine package store to \$750 without objection of the Council.

**Councilor Cox** said that if the Council rationalizes the lowering the fee for beer and wine seasonal package store, shouldn't the same rationale be applied to the all-alcohol seasonal package store.

**Ms. Harrison** said the seasonal all alcohol licenses are \$2,000 which is more than the \$1,500 fee being recommended. The beer and wine seasonal license is \$750. **Councilor Cox** said she understood the rationale of the Board and appreciated the research done.

**MOTION:** On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted **BY ROLL CALL 9** in favor, **0** opposed to adopt the License and Permit fees as proposed by the Licensing Board in a February 14, 2013, memorandum and by a vote of the Licensing Board on February 5, 2013, by ADDING: "Seasonal Beer & Wine Package Stores: \$750.00 annually and Seasonal All-Alcohol Package Stores: \$1,500.00 annually."

**Ms. Harrison** advised the Council that the Gloucester Licensing Board, the Police Department and Health Department and the Essex County District Attorney's office is sponsoring an event "Party's at your House" about the State's social host liability law at 6:30 p.m. April 25<sup>th</sup> at the Rose Baker Senior Center. She also noted that the P&D home rule petition about increasing the City's licensing quota by five additional licenses is on the Licensing Board's agenda for an April 16<sup>th</sup> public hearing at the Friend Room at the Library.

**Councilor Whynott** added that the social host liability law is not just about teenagers, but it also relates to situations where an adult is over-served and then drives while intoxicated; whomever over-served that individual then is liable.

**7. PH2013-021: SCP2013-002: Pleasant Street #7-11 and Main Street #184-186, Map 8, Lot 70, GZO Sec. 2.3.2 & Sec. 5.13 (PWSF-Sec. 5.13.2.6 Co-Location)**

**This public hearing is opened.**

**Those speaking in favor:**

**Attorney Daniel Klasnick** representing Bell Atlantic Mobile of Massachusetts Corporation Ltd., d/b/a Verizon Wireless explained his client filed an application for a Special Council Permit to install and operate a new wireless facility on the roof of the building at the corner of Pleasant and Main Streets to address what is an acknowledged

gap in wireless service by Verizon in the downtown area. He then made the following comments on the Verizon Wireless request for a Special Council Permit:

- There is existing wireless equipment installed on the roof top for two installations: Sprint/Nextel has three separate ballast mounts and their antennas that in 2012 came before the Council for a modification of their PWSF Special Council permit to add some new antennas and radio heads. Additionally AT&T Wireless has a facility that they have façade mounted to the chimney. They, too, he said, were also recently before the Council for a modification of their PWSF Special Council Permit. Verizon Wireless' proposal is substantially similar to the Sprint/Nextel and AT&T installation.
- Verizon proposes to install three separate ballast mounts on the roof top of the building with four antennas will be installed on each of the three ballast mounts positioned on the roof top to allow for 360 degrees of coverage to satisfy the coverage gap Verizon Wireless is trying to address.
- The antennas will rise to approximately 9 feet of the height of the existing roof top, a consistent height with the existing Spring/Nextel installation and below the height of the AT&T antennas.
- Verizon Wireless will build out an equipment room located on the fourth floor inside the building which will house the installation's electronic equipment necessary to operate the wireless antennas.
- For emergency back up service, it is proposed to place an emergency back-up generator on the roof top of the building as well.
- With the application Verizon Wireless has submitted coverage maps (on file) and a detailed RF Affidavit certifying the particular need for this facility. Also provided with the application with 12 exhibits and also went into great detail as to how the application complies with the six criteria under Sec. 1.8.3 of the zoning ordinances. Documentation has been provided to support the need for this facility. Photo simulations, in addition to plans were also a part of the application submission.

**Mr. Klasnick** said that Verizon Wireless believes it has complied with all aspects of the Special Council Permit criteria and reiterated Verizon Wireless is filing a gap in service identified by the Council and so asked for the Council's support for the Verizon Wireless application for collocation.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions:**

**Council President Hardy** asked if a Radio Frequency Report had been filed which **Mr. Klasnick** confirmed it was part of the application and was on file. **Council President Hardy** expressed her understanding that radio frequency diminishes with time and new technology. **Mr. Klasnick** noted the certified study Verizon Wireless submitted with its application which shows the facility reflects compliance with the FCC's standards for radio frequency radiation. The analysis concludes cumulatively, taking into consideration the AT&T and Sprint/Nextel installation, that together it would be less than 2 percent of the allowed radio frequency radiation levels. He said that there could be fifty more of the same facilities and still are in compliance the FCC requirements.

**Council President Hardy** asked about the doorway and stairs leading to the roof and whether they were improved upon as ordered in the last Special Council Permit wireless modification at that location. **Steven Russell**, Verizon Wireless Real Estate consultant said he had been on the roof and confirmed the improvements were made to the doorway and stairs as ordered by the Council with a previous permit. He confirmed there lighting and signage and lighting at the bulkhead door opening. He added if it is required by the FCC, Verizon Wireless would provide their own signage as well. **Council President Hardy** asked about the proposed utility room and was it new. **Mr. Russell** said confirmed this is a new room and has proper air ventilation which has an a/c unit on the roof and noted the building permit is in process. He did assure the Council President that no work has been started nor would it until the appeals period had passed and the Council adopted the Special Council Permit decision.

**Council President Hardy** asked if the addition of their wireless antennas interfere with any others and what were the other Verizon facility locations in the City. **Mr. Klasnick** said there is no interference. Further, the two other Verizon facilities in the City are located on a tower at 16 Kondelin Road and on the City-owned water tank at the Blackburn Industrial Park. **Mr. Klasnick** also confirmed for the Council President that this new collocation would fill a known coverage gap in the downtown area. **Council President Hardy** thanked Verizon for addressing the coverage gap and asked if Verizon Wireless would object to providing space on their antenna array for a municipal antenna for emergency services should it be needed. **Mr. Klasnick** said there would be no objection. **Council President Hardy** asked that the Fire Department be informed in writing of the location of the Verizon Wireless' lock box in order to have access to the utility room and that a plan of the Verizon facility should be on file with that department as well

**This public hearing is closed.**

**MOTION:** On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant a Special Council Permit (SCP2013-002) for the construction and installation of a roof mounted Personal Wireless Communications Facility with 12 rooftop ballast antennas deployed in three (3) separate sectors of four (4) antennas with two (2) remote radio heads per sector; an equipment room on the fourth floor of the building; co-axial cable inside the rooftop mounted cable trays; two (2) rooftop mounted condensers, and a rooftop mounted emergency back-up generator. The ballast frames will extend to a maximum top height of 63 feet, three inches or no further than the existing AT&T antennas mounted on the chimney of the building or the Sprint-Nextel antennas on ballast mounts located on the rooftop. This Special Council Permit is granted pursuant to Sections 2.3.2, 5.13 and 5.13.2.6 to install at 7-11 Main Street, #184-186 Pleasant Street (Assessors Map #8, Lot #70) zoning classification CB, with the agreement of the property owner, as lessor, (Jimary Land Trust, LLC) for a portion of the rooftop and interior space of building at site location; all as shown on plans dated 12/21/12 and drawn by Dewberry Engineers, Inc., signed by Benjamin Revette, P.E. and subject to the following condition:

- That the collocation is not to impede use of a communication tower located at Pleasant Street #7-11 Main Street #184-186 by Gloucester public safety organizations to maintain and install hardware necessary to their communications systems.

#### **DISCUSSION:**

**Councilor Tobey** said a lot of downtown Verizon users will have their coverage improved by this installation.

**MOTION:** On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted **BY ROLL CALL 9** in favor, 0 opposed to grant a Special Council Permit (SCP2013-002) for the construction and installation of a roof mounted Personal Wireless Communications Facility with 12 rooftop ballast antennas deployed in three (3) separate sectors of four (4) antennas with two (2) remote radio heads per sector; an equipment room on the fourth floor of the building; co-axial cable inside the rooftop mounted cable trays; two (2) rooftop mounted condensers, and a rooftop mounted emergency back-up generator. The ballast frames will extend to a maximum top height of 63 feet, three inches or no further than the existing AT&T antennas mounted on the chimney of the building or the Sprint-Nextel antennas on ballast mounts located on the rooftop. This Special Council Permit is granted pursuant to Sections 2.3.2, 5.13 and 5.13.2.6 to install at 7-11 Main Street, #184-186 Pleasant Street (Assessors Map #8, Lot #70) zoning classification CB, with the agreement of the property owner, as lessor, (Jimary Land Trust, LLC) for a portion of the rooftop and interior space of building at site location; all as shown on plans dated 12/21/12 and drawn by Dewberry Engineers, Inc., signed by Benjamin Revette, P.E. and subject to the following condition:

- That the collocation is not to impede use of a communication tower located at Pleasant Street #7-11 Main Street #184-186 by Gloucester public safety organizations to maintain and install hardware necessary to their communications systems.

On inquiry by **Council President Hardy, Mr. Russell** said that as soon as the Building Inspector issues a building permit, construction will commence on the Verizon Wireless facility.

#### **8. PH2013-022: SCP2013-003: East Main Street #114, Map 59, Lot 54, GZO Sec. 2.3.1(7) Conversion to or new multi-family apartment, four to six dwelling units**

**This public hearing is opened.**

**Those speaking in favor:**

**Attorney Meredith Fine**, 38 Pleasant Street representing Scott Burnham, property owner, said 114 Main Street is the multi-family building next to Espresso's Restaurant. This is a title issue that the lender wanted the owner to try and change. In 1998 the person who owned the building then got a series of special permits and variances and was supposed to get a Special Council Permit for the conversion of the building four units to five units approved, but never did and it was noticed for many years. **Ms. Fine** said that owner applied for a building permit and was given it in 1998 for the conversion, did what was supposed to be done according to the permit, time passed and no one opposed it or filed any appeals. The property was then sold two more times, and no one noticed that no Special

Council permit had not been obtained, not even the banks or title examiners, **Ms. Fine** said reiterating the lender and title insurance company asked to see if the owner could fix the situation.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions:**

**Councilor Tobey** said given the issuance of the building permit and passage of appeal periods that the use is already legal. **Ms. Fine** responded that the statute says if a building permit is issued from an authorized municipal employee, the Building Inspector whose job it is to issue permits dose so, you do what is in the building permit, nothing else; and if there are no appeals on it for six years, that building itself and the use is legal and unchallengeable. **Councilor Tobey** said that this is just an exercise in belts and suspenders to which **Ms. Fine** agreed.

**Council President Hardy** asked if there is a dumpster on the property because once there are more than four units to a building, the trash removal must be by a private trash hauler and said she would have a copy of this permit sent to the City's Recycling Coordinator as notice that the building now has five units (not four). She also asked about the parking. **Ms. Fine** confirmed there is a variance from the ZBA in 1998 for five parking spaces, 1 per unit; but she could not confirm if there was a dumpster but was sure the owner had contracted for private trash removal.

**Ms. Fine** confirmed for **Councilor Theken** and **Councilor Whynot** that this building has been a five unit building since 1998.

**This public hearing is closed.**

**MOTION:** On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant Scott Real Estate LLC a Special Council Permits (SCP2013-003) for the property located at 114 East Main Street, Assessors Map 59, Lot 54, zoned NB pursuant to Sections 1.8.3 and 2.3.1(7) of the Gloucester Zoning Ordinance to continue the use of five existing residential units all as based on the plan submitted with the application entitled, "Site Plan" as drawn by Gateway Consultants, Civil Engineers dated 5/21/12.

**DISCUSSION: None.**

**MOTION:** On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted **BY ROLL CALL 9** in favor, **0** opposed to grant Scott Real Estate LLC a Special Council Permits (SCP2013-003) for the property located at 114 East Main Street, Assessors Map 59, Lot 54, zoned NB pursuant to Sections 1.8.3 and 2.3.1(7) of the Gloucester Zoning Ordinance to continue the use of five existing residential units all as based on the plan submitted with the application entitled, "Site Plan" as drawn by Gateway Consultants, Civil Engineers dated 5/21/12.

**Unfinished Business: None.**

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

**Councilors' Requests to the Mayor:**

**Councilor Verga** said the Mayor's office is on board with reconstituting the Planting Committee and Cemetery Advisory Committee and asked the Council to send names of interested citizens to the Mayor for her consideration of appointment. **Council President Hardy** suggested the Mayor also put in something in the paper on it.

**Councilor Cox** said the Tourism Commission is also looking to fill some spots and send a letter of interest to the Mayor with resumes.

**Councilor Theken** thanked all the boards, committees and commissions and urged the public to step forward to volunteer and write to the Mayor submitting their resume with it and view the City's website listing all the opportunities available. The Councilor wished everyone a Happy Easter and Good Passover. **Councilor Theken** reminded residents that with the many meetings that take place every evening in the City that if the public doesn't see the Councilors at one particular meeting, but only sees one, perhaps not their own Ward Councilor, that when the public sees one Councilor there, that Councilor does represents the entire Council.

**Councilor LeBlanc** said he will hold a ward meeting tomorrow in the 3<sup>rd</sup> floor conference room at 6 p.m. to update the ward on current issues, and would look forward to residents' input. He asked the administration to see that the Kyrourz Auditorium clock was fixed. He wished would like the administration to fix their clock. He wished Councilor Verga a belated happy birthday.

**Councilor Ciolino** also wished everyone a Happy Easter and Good Passover.

**Councilor McGeary** reminded the public of the wind turbine forum taking place this Thursday evening at the Sawyer Free Library in the Friend Room where he will act as moderator and tomorrow at 6:30 p.m. at Cruiseport there will be a regional forum regarding mosquito control which is an opportunity for the public to weigh in.

**Council President Hardy** said she will hold a Ward 4-2 neighborhood meeting on Thursday, April 18<sup>th</sup>, 7 p.m. to 9 p.m. at the Lanesville Community Center. Topics slated for discussion are the repair of the Lanes Cove Seawall, funding it and its status. Joining her from the City's administration will be a representative from the DPW department, the Chief Administrative Officer, and she acknowledged she had extended an invitation to the Mayor who will attend if her schedule allows.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 9:10 p.m.**

**Respectfully submitted,**

**Dana C. Jorgenson**  
**Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- **Updated pamphlet of documents on the Lane's Cove Fish Shack as presented to the Council by Jim Hafey, City Facilities Manager and member of the Lane's Cove Fish Shack Committee**
- **Flyer from Licensing Board for an April 25, 2013 Social Host Liability Forum featuring Essex County District Attorney Jonathan Blodgett**