

GLOUCESTER CITY COUNCIL MEETING

Tuesday, April 9, 2013 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Vice Chair, Councilor Sefatia Theken; Councilor Joseph Ciolino; Councilor Melissa Cox; Councilor Steve LeBlanc, Jr.; Councilor Bruce Tobey; Councilor Greg Verga; Councilor Robert Whynott

Absent: Councilor Hardy; Councilor McGearry

Also Present: Linda T. Lowe; Jim Duggan; Police Chief Leonard Campanello; Jonathan Pope; Richard Barbato; Tom Daniel; Jim Hafey

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

Flag Salute & Moment of Silence.

Presentations/Commendations:

With the permission of the **Acting Council President Theken** and the assent of the Council, the following brief presentation was made by **Attorney Mark Nestor**, Vietnam Veteran and veterans advocate with the United Veteran's Council who announced Operation Commitment of Our Troops Jobs and Benefits Fair to be held on April 13, 2013, 10 a.m. to 4 p.m. at the Gloucester High School Field House. He said it is expected that there will be 45 exhibitors including federal, state, local and private agencies; and that there will be a host of educational institutions, employment opportunities and medical, mortgage, and veterans' assistance represented as well. Advertisements touting this job and the event will appear in the Gloucester, Salem and Newburyport papers. He said this is a time to reward veterans for what they have done for this country pointing out that last March 26th was the 40th anniversary of the last U.S. troops leaving Vietnam and the 60th anniversary of the Korean engagement's end; and that this is a fitting way to honor those men and women who served by holding this event. He invited the City Council to join the United Veteran's Council Saturday noting Mayor Carolyn Kirk, Congressman John Tierney, and State Senator Bruce Tarr will be in attendance also.

Acting Council President Theken stated that if a person currently serving or a veteran cannot attend the event, family members are invited to come to the event to pick up information. **Mr. Nestor** added that he informed the vendors it is expected they would provide direct lines and real information. He pointed out that employers will be at the event looking to hire veterans for substantive jobs. He also said that Richard Barbato the City's Veteran's Agent has been a key participant in organizing the event.

Oral Communications: None.

Appointments:

Management Appointment:

Community Development Director TTE 02/14/14 Tom Daniel

MOTION: On motion of Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Tom Daniel as Community Development Director, TTE 02/14/14.

DISCUSSION:

Councilor Tobey said the P&D Committee joined unanimously with the O&A Committee in their recommendation for the appointment of Mr. Daniel. He said the P&D Committee was pleased with their discussion with Mr. Daniel who he noted is engaged in acts of outreach already to get to know the community and to understand its uniqueness; that Gloucester is not a leafy suburb. He noted that the City is a complex place where people live, work, play; with industrial parks, a waterfront, a busy downtown and residential areas. **Councilor Tobey** raised a question of concern at P&D that Mr. Daniel give absolute assurances he would not manage a department with two bosses; specifically that his predecessor is still working there and was a direct report to Mr. Daniel and not directly reporting to the Mayor or anyone else in the Administration. **Councilor Tobey** reported that

Mr. Daniel affirmed that the former Community Development Director now serving as Harbor Planning Director within the department reported directly to him.

Acting Council President Theken said she asked the same question of Mr. Daniel and discussed some of his departmental organization and expectations for his department in light of a reorganization of the Community Development Department approved last year by the City Council. She said she was very pleased with Mr. Daniel.

MOTION: On motion of Councilor Whynott, seconded by Councilor LeBlanc, the City Council voted 7 in favor, 0 opposed, 2 (Hardy, McGear) absent to appoint Tom Daniel as Community Development Director, TTE 02/14/14.

EDIC TTE 07/01/16 Ruth Pino

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 appoint Ruth Pino to the EDIC, TTE 07/01/13.

DISCUSSION:

Acting Council President Theken noted Ms. Pino was not present this evening and suggested this was a miscommunication which occurred at O&A. She also noted the O&A Committee was still waiting on a response to an inquiry to General Counsel if there was a conflict under Charter Sec. 2-10(b) between Ms. Pino's position as a member of the Affordable Housing Trust and the EDIC appointment.

Councilor Whynott confirmed that O&A did discuss the concern raised by Ms. Pino that her appointment to the Affordable Housing Trust would be a possible conflict with the EDIC appointment. He said the O&A Committee determined this not to be a conflict between the two because the EDIC is still economic development.

Acting Council President Theken said the Committee has not yet heard from General Counsel to confirm whether or not there was a conflict between Ms. Pino's appointments with the Affordable Housing Trust and the EDIC or whether they are inter-related. She said she told Ms. Pino to stay on both the Trust and the EDIC until she was told otherwise.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the City Council voted 7 in favor, 0 opposed, 2 (Hardy, McGear) absent to appoint Ruth Pino to the EDIC, TTE 07/01/13.

Consent Agenda:

- **CONFIRMATION OF REAPPOINTMENTS:**

Conservation Commission	Ann Jo Jackson	TTE 02/14/16
Shellfish Advisory Commission	Ann Jo Jackson	TTE 02/14/16
Waterways Board	Patti Page	TTE 02/14/16
Trust Fund Commission	Michael Sanborn	TTE 02/14/16
Zoning Board of Appeals	David Gardner	TTE 02/14/16

- **MAYOR'S REPORT**

1. Memorandum from Administration & Supplemental Appropriation-Budgetary Request 2013-SA-122 re: Elementary School Assessment (Refer B&F)
2. Memorandum from Chief Financial Officer re: Loan Order-Transfer of Unexpended Proceeds from betterment projects to Good Harbor Footbridge Repair Project & three Supplemental Appropriation-Budgetary Transfer Requests 2013-SA-119, -120, & -121 (Refer B&F)
3. Special Budgetary Transfer Request 2013-SBT-21 from Registration Department (Refer B&F)
4. Special Budgetary Transfer Request 2013-SBT-22 from Registration Department (Refer B&F)
5. Special Budgetary Transfer Request 2013-SBT-23 from Registration Department (Refer B&F)
6. Special Budgetary Transfer Request 2013-SBT-24 from Registration Department (Refer B&F)
7. Special Budgetary Transfer Request 2013-SBT-25 from Registration Department (Refer B&F)
8. Special Budgetary Transfer Request 2013-SBT-26 from Registration Department (Refer B&F)
9. Special Budgetary Transfer Request 2013-SBT-27 from Registration Department (Refer B&F)
10. Supplemental Appropriation-Budgetary Transfer Request 2013-SA-123 from Mayor (Refer B&F)
11. New Appointment: Zoning Board of Appeals (TTE 02/14/16) Richard Rafuse-Alternate Member (Refer O&A)

- **COMMUNICATIONS/INVITATIONS**

1. Memorandum from City Auditor re: City's FY2012 Basic Financial Statements (Refer B&F)
2. Letter from Sen. Tarr to Executive Director of the National Affordable Housing Management Assoc. re: Central Grammar Apartment Building Vanguard Award (Info Only)

- **INFORMATION ONLY**

1. Operation Commitment to Our Troops on April 13, 2013 (Info Only)

- **APPLICATIONS/PETITIONS**

1. Special Events Application re: request from St. Peter's Fiesta Committee to hold St. Peter's Fiesta, June 26, 2013 through June 30, 2013 (Refer P&D)

2. Special Events Application re: request from YMCA to hold Backshore 5 mile road race on May 10, 2013 (Refer P&D)
- **COUNCILORS ORDERS**
1. CC2013-018 (Tobey) Charter Sec. 9-7 Advisory Ballot Question for November 2013 re: West Parish School (FCV 04/23/13)
- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: 03/26/13 (Approve/File)
3. Standing Committee Meetings: B&F 4/04/13 (under separate cover), O&A 4/01/13, P&D 4/03/13 (Approve/File)

Unanimous Consent Calendar:

1. Communication from Mayor to Noreen Burke, Public Health Director re: Board of Health Recommendation to Join Northeast Mosquito Control District (Refer P&D)

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

Councilor Tobey asked to remove Items #1 Memorandum from Administration & Supplemental Appropriation-Budgetary Request 2013-SA-122 re: Elementary School under Mayor's Report.

Councilor Ciolino asked to remove Item #1 under Councilor Orders, CC2013-018 (Tobey) Charter Sec. 9-7 Advisory Ballot Question for November 2013 re: West Parish School.

Councilor Cox asked to remove Item #2, Memorandum from Chief Financial Officer re: Loan Order-Transfer of Unexpended Proceeds form betterment projects to Good Harbor Footbridge Repair Project & three Supplemental Appropriation-Budgetary Transfer Requests under Mayor's Report.

Councilor Tobey said he appreciated Councilor Ciolino's removal of his Council Order as it dovetails with his concern on Item #1 under the Mayor's Report which is the Administration's memo seeking a supplemental appropriation; the purpose for the six-figure expenditure would be to provide a match to a similar amount that the School Committee would put forward. What is being trumpeted, he said was, in his opinion, falsely, is a comprehensive review of the City's elementary schools and their conditions. He said there is an evaluation of West Parish School; but this is about an evaluation for Beeman, Plum Cove, East Gloucester and Veterans Memorial. One school, he said, was missing from the list - Fuller School. **Councilor Tobey** told the Council that he drove by the Fuller School last Saturday and said he would liken the site to a post-apocalyptic setting and that under the Council's watch the Fuller School has become just such a setting. He pointed out that the City Council like the Mayor and School Committee are fiduciaries who owe with the highest level of trust to the people they serve to protect and preserve the assets of the corporation; one of those assets is the Fuller School. He said that they are no longer engaged in benign neglect, but willful neglect allowing the building to completely deteriorate. What the Council is witnessing, he said, was the Mayor playing one card at a time. **Councilor Tobey** said that the Council as partners in the City government, as partners serving as fiduciaries for the community, they are duty bound to demand that the entire hand be put on the table. He said it is time that the Council recognizes that Fuller School is probably the soundest structure the City owns. A decision made some years ago to close the Fuller School has led to the sorry state of the use of modular classrooms in the no longer neighborhood but small schools, which move every day closer to the ends of their abbreviated lives, he said. The City needs a comprehensive plan **Councilor Tobey** pointed out. He noted that there is a Mayor's memo in the Council packet that reads, "The City of Gloucester needs to make an informed decision about how to address this important problem, and the Administration looks forward to a more comprehensive review and analysis of options and a formal plan, all of which is inclusive of citizen input." He said then he realized it wasn't a memo about the Fuller School or the elementary schools but was a memo regarding the mosquito control district. The future capital spending needs of the City's schools at the elementary level deserve no less of a comprehensive survey including a building that is in an odd limbo of maybe being surplus, as the mosquito district deserves, he said. **Councilor Tobey** said he hoped that when this matter goes to the B&F Committee that it will demand that answers be forthcoming on this issue. Although, he noted he has been an elected government official for a long time in the community and had never received so much unsolicited comment, on staying on a target, to preserve and protect the asset of the Fuller School that the City is willfully neglecting so that it has no other use except to be thrown away for some use undetermined. He said that was why he put the order forward on West Parish School; that the Council should vote to fund any new school until the comprehensive survey is in place. **Councilor Tobey** pointed out he is not running for reelection and predicted that if the City stays on this path of one card at a time, in September Kyrouz Auditorium would be full of West Parish School parents and children asking that a new school be built. He concluded by saying that the Council will then make a decision based on emotion and politics rather than the hard business judgments, the data driven process that the Mayor rightly salutes on many other occasions, and which the Council as fiduciaries should be demanding they get. With that, **Councilor Tobey** moved the matter be referred to the B&F and asked that Committee to do an

aggressive job of investigating this matter, which was seconded by **Councilor Whynott** unanimously referred to the B&F Committee.

Councilor Ciolino explained that regarding Council Order #1, Advisory ballot question on West Parish School, if the Consent Agenda is approved this evening, the Council would vote at their April 23, 2013 meeting to approve the ballot question. He said it is unusual that the Council would move a ballot question to a vote without it going to O&A and getting a report back. He said that has always been the custom for Council procedure. Like every referendum to be voted on by the Council, he noted, there should be a dialog; there should be text for the question to be placed on the ballot which should be worked out at the Committee level, not at the Council level. He said this traditionally is done at O&A who would then report back to the Council with a recommendation on language. He added he would like to receive input from the School Committee and asked this matter be referred to the O&A Committee for discussion, and **Councilor Whynott** seconded the referral of CC2013-018 to the O&A Committee and not For Council Vote.

Councilor Tobey pointed out that the actual wording of the proposed ballot question was contained in his Council Order 2013-018. He said he had no objection to the matter being referred to O&A and asks that it come back in two weeks. He added that the School Committee has access to the November 2013 local ballot as well for its own advisory matter.

Acting Council President Theken noted the O&A Committee does not meet in the next two weeks due to a State holiday April 15th. She said the O&A Committee would meet on May 4th to fully discuss the proposed ballot question; and she assured Councilor Tobey that the O&A Committee would conclude their discussion at that time and make a recommendation to the Council so that the ballot question would be brought forward for a vote at the May 14th City Council meeting. **Councilor Whynott**, as Vice Chair of the O&A Committee added his assurance as well. By unanimous consent CC2013-018 was referred to O&A.

Councilor Cox stated as to Item #2 regarding the repair of the Good Harbor Footbridge under the Mayor's Report said she has had several calls from residents and from a group who wished to use the beach as part of a fundraising event all expressing their concern about the footbridge repair. She said with the summer tourist season fast approaching the repairs need to be completed post haste.

Councilor Whynott pointed out that since the Council was speaking of tourism, he said the Tourism Commission hasn't met in quite some time because there is no quorum because of a lack of appointed members. He said it is too important a Commission to leave in that state. Tourism is one of the keys to the City's economy. He asked that the Administration advertise these openings to get the word out to residents to ask them serve on this important Commission. He also asked through the Acting Council President that Jim Duggan, CAO or the Mayor speak to the Council in several weeks on any progress on that front. **Councilor Cox** informed the Council that there are several letters of interest on the Mayor's desk for open positions on the Tourism Commission. **Acting Council President Theken** noted Mr. Duggan was in attendance and heard the Councilor's request.

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

Committee Reports:

Budget & Finance: April 4, 2013

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

“RESOLVED: Having convened in an open Meeting on April 9, 2013, the Gloucester City Council of the City of Gloucester, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 9, 2013, for the Gloucester High School located at 32 Leslie O. Johnson Road which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future;

Priority #5: “Replacement, renovation, or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.”

The deficiencies included in this project include the following:

- Rehabilitation of the #1 boiler;
- Replacement of roof top heating and cooling unit;
- Motor replacement for upwards of one hundred (100) univent and supply/exhaust motors;
- Replacement of a primary house pump that is responsible for supplying water circulation throughout the building;
- A new exhaust air supply system for the Science Wing to ensure air quality;
- A compressor for the building's HVAC system;
- Piping in the boiler room which requires repair and replacement;
- Masonry sealing in the Science Wing exterior façade which currently takes in precipitation causing damage to interior surfaces including floors; and
- Replacement of balances and locks for all double-hung windows;

And hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Gloucester to filing an application for funding with the Massachusetts School Building Authority (and to be signed and dated by the President of the City Council).”

DISCUSSION:

Acting Council President Theken noted that the minutes of the B&F Committee's meeting were on file which discussed this matter in full.

Councilor Ciolino said that the School Committee recently voted to place a Statement of Interest through the Massachusetts School Building Authority (MSBA) for repairs to the high school enumerated in the resolution. The deadline for submission to the MSBA is April 10th. The estimated cost for this repair work at the high school is \$420,000. These issues have been lingering for a long time at the high school; and there is pressure to resolve these issues as there is a level 3 grievance from the Gloucester Teachers Association about working conditions at the high school which includes many of these items, some of the listed items that have been found to be necessary for repair. The school district would like to take advantage of the opportunity to go through MSBA because 48.27 percent of the cost of these projects would be reimbursed if accepted by the MSBA, he said. He noted the deadline for submission to the MSBA for the Statement of Interest is April 10th; that due to this State deadline, he would offer a motion for reconsideration upon the Council's vote on the matter.

Councilor Tobey requested as this matter moves forward, that the City has a lot of activity going on with the MSBA which he said was a good thing, along with the prospect of more. He asked that the Administration have a senior representative of the MSBA appear at Council meeting soon so that the Council can question that official directly and learn more about their program. **Acting Council President Theken** confirmed that Mr. Duggan who was present had heard Councilor Tobey's request.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted 7 in favor, 0 opposed, 2 (Hardy, McGeary) absent the following Resolution:

“RESOLVED: Having convened in an open Meeting on April 9, 2013, the Gloucester City Council of the City of Gloucester, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 9, 2013, for the Gloucester High School located at 32 Leslie O. Johnson Road which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future;

Priority #5: “Replacement, renovation, or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.”

The deficiencies included in this project include the following:

- **Rehabilitation of the #1 boiler;**

- **Replacement of roof top heating and cooling unit;**
- **Motor replacement for upwards of one hundred (100) univent and supply/exhaust motors;**
- **Replacement of a primary house pump that is responsible for supplying water circulation throughout the building;**
- **A new exhaust air supply system for the Science Wing to ensure air quality;**
- **A compressor for the building's HVAC system;**
- **Piping in the boiler room which requires repair and replacement;**
- **Masonry sealing in the Science Wing exterior façade which currently takes in precipitation causing damage to interior surfaces including floors; and**
- **Replacement of balances and locks for all double-hung windows;**

And hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Gloucester to filing an application for funding with the Massachusetts School Building Authority (and to be signed and dated by the President of the City Council)."

MOTION TO RECONSIDER:

MOTION: On motion by Councilor Ciolino, seconded by Councilor Tobey, the City Council voted BY ROLL CALL 1 (Whynott) in favor, 6 opposed, 2 (Hardy, McGeary) absent to RECONSIDER the vote on the Statement of Interest by the City to the Massachusetts School Building Authority pursuant to repairs to Gloucester High School.

MOTION FAILS.

MOTION: On motion by Councilor Whynott, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Gloucester Police Department to apply for a federal pass through Department of Homeland Security for FFY2009-2010 from the Massachusetts Executive Office of Public Safety (EOPSS) Port Security Grant estimated to be \$159,937.

MOTION: On motion by Councilor Whynott, seconded by Councilor Cox, 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 \$127,335.50 (One Hundred Twenty-Seven Thousand Three Hundred Thirty-Five Dollars and Fifty Cents) federal pass through Department of Homeland Security for FFY2009-2010 from the Massachusetts Executive Office of Public Safety (EOPSS) Port Security Grant for the purchasing of equipment to improve Gloucester's Port Security.

DISCUSSION:

Councilor Ciolino explained that this grant had a very short window for all municipal Police Departments to apply and to expend any awarded grant funds. As a consequence Chief Campanello had to apply for the funds prior to the B&F Committee meeting or the department would have completely missed the opportunity to receive grant funding that has no match. The department was notified it was awarded \$127,335.50 in funding to purchase two new engines for the Police boat which includes a maintenance contract on the new engines; to purchase 2 Chevrolet pick up trucks with tow packages for use in patrolling the harbor and off road as well as towing the Police boat; a thermal imaging system (night vision) for the boat and a hand-held laser radar unit. Funds must be expended and the goods in hand by April 30, 2013. Gloucester is just one of about 30 municipalities that have the same restrictions placed upon the grant funding. And because of this situation, the vote is to permit the application by the Police Department for the grant as well as for the Council to accept the grant. The signed grant contract from the State is in hand, he noted.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Hardy, McGeary) absent to permit the Gloucester Police Department to apply for a federal pass through Department of Homeland Security for FFY2009-2010 from the Massachusetts Executive Office of Public Safety (EOPSS) Port Security Grant estimated to be \$159,937.

MOTION TO RECONSIDER:

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted BY ROLL CALL 1 (Whynott) in favor, 6 opposed, 2 (Hardy, McGeary) absent to RECONSIDER the vote to permit the Gloucester Police Department to apply for a federal pass through Department of Homeland Security for FFY2009-2010 from the Massachusetts Executive Office of Public Safety (EOPSS) Port Security Grant estimated to be \$159,937.

MOTION FAILS.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted 7 in favor, 0 oppose, 2 (Hardy, McGeary) absent that in accordance with MGL c. 44, §53A, to accept \$127,335.50 (One Hundred Twenty-Seven Thousand Three Hundred Thirty-Five Dollars and Fifty Cents) federal pass through Department of Homeland Security for FFY2009-2010 from the Massachusetts Executive Office of Public Safety (EOPSS) Port Security Grant for the purchasing of equipment to improve Gloucester's Port Security.

MOTION TO RECONSIDER:

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted BY ROLL CALL 1 (Whynott) in favor, 6 opposed, 2 (Hardy, McGeary) absent to RECONSIDER the vote on the acceptance of the federal pass through Department of Homeland Security for FFY2009-2010 from the Massachusetts Executive Office of Public Safety (EOPSS) Port Security Grant.

MOTION FAILS.

Councilor Ciolino thanked Chief Campanello for staying on top of the Homeland Security grant and shepherding it through the Council process. The Police Patrol boat named for Patrolman Stephen Amaral was underpowered and now the boat will have appropriate engine power.

Councilor Whynott noted included in the grant purchases will be a radar unit for the patrol boat which will be helpful in accurately determining the speed that a boat is travelling at on the Annisquam River and in the harbor as well.

Councilor Cox extended her thanks to Deputy Fire Chief Miles Schlichte for informing the Police Department about this grant and also thanked Chief Campanello for actively pursuing the grant funds to the City's benefit.

Ordinances & Administration: April 1, 2013

There were no matters for Council Action.

Planning & Development: April 3, 2013

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council that the City Clerk on behalf of the City Council prepare and file expeditiously on the City Council's behalf a comment on the matter of the temporary permit application under MGL Chapter 91 for 65 Rogers Street (I4-C2) that there be initially a term of five years with one year increments of renewal with a possible total of a ten year term.

DISCUSSION:

Councilor Tobey said that this was brought to the attention of the Council by Attorney Faherty, as a private citizen who commented at the Massachusetts Department of Environmental Protection (MDEP) hearing on the permit matter that the 10 year term to make I4-C2 a temporary parking lot was excessive. The P&D Committee discussed this matter and generally agreed that the initial term should be compromised for a five year term. If too much time, he said, is given to making this property a parking lot, it will stay a parking lot. The motion asks the City Clerk to expeditiously file a comment from the Council with the MDEP in hopes it reaches the MDEP before the public comment period closes, he noted.

Councilor Whynott supported the effort wholeheartedly and said the Council did not vote to purchase 65 Rogers Street to make it a permanent parking lot; and if that would happen then he suggested the Council should take strong action against it.

Councilor Cox said she is waiting for an update from the Mayor's Office informing the Council as to when the application went to the MDEP to be approved to use I4-C2 as a temporary parking lot so revenue can be made from the property until the RFP gets going.

Councilor Tobey said absent objection of the Council, P&D asked that the B&F Committee takes a look at where and how the parking revenues from parking fees for the property are committed and spent; that the idea is the City should be paying down the mortgage on I4-C2 sooner rather than later, not simply having the money go to it. It is to supplement the loan payments so that the debt can be paid down that much sooner.

Councilor Verga thanked Attorney Faherty for his letter and good suggestion as to the term, and at P&D for the use of the revenue and said it was important that B&F take a good look to where the revenue goes in the future for less than five years.

Councilor Cox said B&F looked at the [proposed parking lot] revenue which was built in by B&F in the FY13 budget; and then discovered that the Mayor's office did not go through proper channels to get the permit. She said as a member of B&F, she would not be in favor of building that revenue into the FY14 budget without an update from the Mayor's office as to the permit's status.

Councilor Verga added that the actual money that comes in from I4-C2 as a parking lot should be for principal payments on the loan as once the money comes in, he said, the Council wants to be careful as to where those funds go and are used.

Acting Council President Theken said she understood Councilor Tobey would want the parking lot revenue to be used to pay off the loan not to pay off the debt maintenance. **Councilor Tobey** responded he wanted expedited reduction of the bonded amount.

MOTION: On motion by Councilor Tobey, seconded by Councilor Ciolino, the City Council voted 7 in favor, 0 opposed, 2 (Hardy, McGeary) absent that the City Clerk prepare and file expeditiously on the City Council's behalf a comment on the matter of the temporary permit application under MGL Chapter 91 for 65 Rogers Street (I4-C2) that there be initially a term of five years with one year increments of renewal with a possible total of a ten year term.

Scheduled Public Hearings:

1. **PH2013-018: Amend GCO Chapter 22, Sec. 22-287 (Disabled veteran, handicapped parking) re: Washington Street #133 (Cont'd from 03/26/13)**
2. **PH2013-019: Amend GCO Chapter 22, Sec. 22-274 (Two Hour Parking) re: Washington Street #133 (Cont'd from 03/26/13)**

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 fore a distance of 22 feet in a northerly direction."

DISCUSSION:

Councilor Whynott reviewed that 133 Washington Street is the site of the Azorean Restaurant. The handicap space established on that portion of Washington Street is too far away from the access ramp for some handicap patrons. He noted there was some controversy about two handicap spaces in the restaurant's parking lot but at the April 1st O&A meeting it was determined that those handicapped spaces are positioned on a slope and a person has to go up the slope to access the ramp to the door. The motions simply swap the handicap space already established on Washington Street with a two-hour parking space.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 2 (Hardy, McGeary) absent 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 fore a distance of 22 feet in a northerly direction.”

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whycott, 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: None.

MOTION: On motion by Councilor Whycott, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 2 (Hardy, McGeary) absent, 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.”

- 3. 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**

Acting Council President Theken then opened and continued to PH2013-010 to May 14, 2013 based on the letter on file from Attorney Coakley representing the applicant.

This matter is continued to PH2013-010 to May 14, 2013.

For Council Vote:

- 1. Warrant for Special State Primary Election for Senator in Congress on April 30, 2013**

MOTION: On motion by Councilor Tobey, seconded by Councilor Ciolino, the City Council voted 7 in favor, 0 opposed, 2 (Hardy, McGeary) absent, to adopt the warrant for the Special Senate State Primary Election to be held April 30, 2013.

- 2. CC2013-016 (Verga) Resolution re: Requesting state apply revenues collected from internet sales to lower the State sales tax**

Councilor Verga said two weeks prior he had pulled his Council Order off the Consent Agenda to give an explanation. For those who make on line purchases on Amazon.com, he said the State and Amazon.com have agreed because they have an office in Massachusetts the State will start collecting taxes from those who live in Massachusetts and make on-line purchases through Amazon.com. He said there is word through Congress that some are pushing to make this universal. With the help of Sen. Tarr’s office, this resolution says the State needs to stop being so greedy and give hard working people a break, he said, adding that whatever revenue is anticipated to be brought in through internet transactions from Massachusetts residents making purchases on line on Amazon .com should go to cutting the state sales tax which is 6.25 percent now. He said it seemed fair that the millions of dollars that will be gained from this taxation of internet sales should give some relief and would, in the end, help the State. **Councilor Verga** then read the text of the resolution.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the City Council voted by 7 in favor, 0 opposed, 2 (Hardy, McGeary) absent the following Resolution Requesting the State Apply Revenues Collected from Internet Sales to Lower the State Sales Tax:

WHEREAS, the Commonwealth recently entered into an agreement to collect sales tax from online purchases sold by online retailer Amazon which will lead to over \$20 million in State revenues annually; and

WHEREAS, the Commonwealth would gain hundreds of millions of dollars in revenue if it collected a sales tax on all purchases made over the internet; and

WHEREAS, any new revenue generated by collections of an online sales tax could be used to reduce the rate the State currently imposes as a sales tax; and

WHEREAS, a reduction in the state sales tax that corresponds with revenues from online sales would make the State more competitive with our neighboring states without reducing State tax revenues; NOW THEREFORE BE IT

RESOLVED, that the City Council of Gloucester moves that the State apply revenue collected by online sales to reduce the sales tax and thereby make the State's sales tax more competitive with our neighboring states; AND BE IT FURTHER

RESOLVED, that a copy of these resolutions be delivered to the General Court.

- 3. Decision to Adopt: SCP2012-015: 107 Atlantic Road (Bass Rocks Ocean Inn) pursuant to GZO Sec. 5.26.7**

MOTION: On motion by Councilor Tobey, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 7 in favor, opposed, 2 (Hardy, McGeary) absent to adopt the Special Council Permit Decision for 107 Atlantic Road (Bass Rocks Ocean Inn) pursuant to Section 5.26.7 of the Gloucester Zoning Ordinance.

- 4. Decision to Adopt: Modification to Special Council Permit granted to Cape Ann Brewing Company on December 7, 2010 re: 9-11 Rogers Street pursuant to GZO Sec. 2.3.4 (8) and (9)**

MOTION: On motion by Councilor Tobey, seconded by Councilor Cox, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 2 (Hardy, McGeary) absent to adopt the Special Council Decision for 9-11 Rogers Street (Cape Ann Brewing Company) pursuant to Section 2.3.4 (8) and (9) of the Gloucester Zoning Ordinance.

- 5. Decision to Adopt: SCP2012-016: 30 Blackburn Drive, Bldg. 4 (Metro PCS) pursuant to GZO Sec. 5.13.7 PWSF**

MOTION: On motion by Councilor Tobey, seconded by Councilor Whynott, the City Council voted BY ROLL CALL 7 in favor, opposed, 2 (Hardy, McGeary) absent to adopt the Special Council Permit Decision for 30 Blackburn Drive, Bldg. 4 (Metro PCS) pursuant to Section 5.13.7 of the Gloucester Zoning Ordinance.

- 6. Decision to Adopt: SCP2013-001: 35-31 & 43 Rocky Neck Avenue pursuant to GZO Sec. 5.5.4 Lowlands**

MOTION: On motion by Councilor Cox, seconded by Councilor Tobey, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 2 (Hardy, McGeary) absent to adopt the Special Council Permit Decision for 35-31 & 43 Rocky Neck Avenue pursuant to Section 5.5.4 of the Gloucester Zoning Ordinance.

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilor Theken thanked the Easter Bunny (Councilor Cox) downtown. She noted seniors are reaching the donut hole earlier now. She said the donut hole is a cap that Medicare Part D places for those that don't have an HMO through the GIC or an employer. Typically the donut hole is reached mid-summer when medication totals the retail price of \$2,900, but because of the high cost of medications, the donut hole is being reached much sooner now by many seniors. She made note of another program to be of assistance and that she or Lydia Bertolino, a fellow SHINE Councilor can help and urged seniors who find themselves in this situation to make an appointment to meet SHINE councilors at either the Rose Baker Senior Center or at their Addison Gilbert Hospital offices.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:56 p.m.

Respectfully submitted,

**Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **List of Exhibitors for Operation Commitment to Our Troops on April 13, 2013 by Attorney Nestor**