

GLOUCESTER CITY COUNCIL MEETING

Tuesday, January 14, 2014 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Paul McGeary; Vice Chair, Councilor Sefatia Theken; Councilor Hardy; Councilor Steven LeBlanc; Councilor Melissa Cox; Councilor Paul Lundberg; Councilor Greg Verga; Councilor William Fonvielle

Absent: Councilor Whycott

Also Present: Linda T. Lowe; Jim Duggan; Kenny Costa; Jim Caulkett; Fire Chief Eric Smith; Deputy Chief Stephen Aiello; Bethann Godhino

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

Council President McGeary introduced the 2014-2015 City Council, noting that Councilor Whycott was absent this evening due to illness.

Flag Salute & Moment of Silence. **Council President McGeary** dedicated the Moment of Silence in memory of Kathleen K. Bruni, Librarian of the Isabel Babson Memorial Library.

Oral Communications: None.

Presentations/Commendations: None.

Confirmation of New Appointments: None.

Consent Agenda:

- **MAYOR'S REPORT**

1. Announcement of 90 day temporary appointment of John Dunn as the City's Chief Financial Officer (Info Only)
2. Memorandum from Community Development Director re: request for debt reduction for the Newell Stadium Project (Refer B&F)
3. Memorandum from CAO re: funding for a Feasibility Site Analysis for a proposed Public Safety Building (Refer B&F)
4. Memorandum from Fire Chief re: City Council acceptance of a Student Awareness of Fire Education grant (S.A.F.E) in the Amount of \$2,066 (Refer B&F)
5. Memorandum from Police Chief re: City Council approval of rectifying an employee STEP increase issue (Refer B&F)
6. Letter from President of Gloucester Rotary Club re: City Council acceptance of a donation in the amount of 14,000 for metal work On the Stage Fort Park Gazebo (Refer B&F)
7. Memorandum from Director of Public Works re: request for a Loan Authorization in the amount of 4,000,000 for the CSO Modified Consent Decree and Long-Term Control Plan, CSO Areas 005, 006 and 009 (Refer B&F)
8. Special Budgetary Transfer Request (2014-SBT-14) from CFO in the amount of \$1,249.50 (Refer B&F)
9. Special Budgetary Transfer Request (2014-SBT-15) from CFO in the amount of \$3,000 (Refer B&F)
10. Memorandum from Fire Chief re: reorganization of the Gloucester Fire Department (Refer O&A)
11. New Appointment: Shellfish Advisory Commission (TTE 02/14/17) Roger Hussey (Refer O&A)

- **COMMUNICATIONS/INVITATIONS**

- **APPLICATIONS/PETITIONS**

1. SCP2014-001: Poplar Street #28, Assessors Map 105, Lot 18-19, GZO Sec. 3.1.6(b) for building height in excess of Sec. 3.2 Limits & Building height in excess of 35 feet (Refer P&D)
5. SCP2014-002: Concord Street #10, Assessors Map 229, Lot 21-22, GZO Sec. 3.1.6(b) for building height in excess of Sec. 3.2 Limits & Building height in excess of 35 feet (Refer P&D)

- **COUNCILORS ORDERS**

1. CC2014-001 (Verga/McGeary) Request that B&F Committee in consultation with Police Dept. and local merchants consider adopting certain days as "parking meter holidays" to begin in FY14 (Refer B&F & P.D.)
2. CC2014-002 (Verga/Fonvielle) Request that P&D Committee in consultation with the Planning Dept., DPW & Legal Dept. Undertake the process for City action to determine if the City should lay out a public way within the existing Biskie Head Point Road (Refer P&D, Planning Dept., DPW & Legal Dept.)

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

1. City Council Meeting: 12/10/13
2. Special City Council Meeting: 01/01/14 - Inauguration
3. Standing Committee Meetings: B&F 01/09/14 (under separate cover), O&A 12/16/13 Workshop, 01/06/14, P&D 01/08/14

Unanimous Consent Calendar:

1. Addendum to SCP2014-002: Concord Street #10, Assessors Map 229, Lot 21-22, GZO Sec. 3.1.6(b) for building height in excess of Sec. 3.2 Limits & Building height in excess of 35 feet

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

Councilor Cox asked to remove Item #1, CC2014-001 (Verga/McGeary) Request that B&F Committee in consultation with Police Dept. and local merchants consider adopting certain days as “parking meter holidays” to begin in FY14 under Council Orders so it may also be referred to the Ordinances & Administration Committee in addition to the Budget & Finance Committee.

Councilor McGeary wished to remove Item #10, Memorandum from Fire Chief re: reorganization of the Gloucester Fire Department under the Mayor’s Report in order to refer it to the Budget & Finance Committee as well as to the Ordinances & Administration Committee.

Both matters were referred as stated by the Councilors by the unanimous consent of the Council.

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

Additionally, with the unanimous consent of the Council, “FOR COUNCIL VOTE” matters would be taken up during Standing Committee Reports related to the respective Committee in date order.

For Council Vote:

- 1. Budget & Finance Standing Committee Report of December 5, 2013 continued from City Council Meeting of December 10, 2013**

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent) to accept the Budget & Finance Committee’s Unanimous Consent Agenda dated December 10, 2013 as follows:

Acceptance of grants requiring no cash match by the city

MOTION: On motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to accept under MGL c. 44, §53A the FY2014 Bulletproof Vest Program grant, a pass-through grant from the United States Department of Justice to the Massachusetts Executive Office of Public Safety and Security of the State of Massachusetts for a total of \$9,298.22. The Federal portion of the grant is \$4,649.11 and the State portion is \$4,649.11.

Payment of invoices without a purchase order in place.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to authorize payment of an outstanding invoice #2892 from the Town of Ipswich Police Department incurred by the Gloucester School Department for Private Detail services rendered on September 6, 2013, for a total of \$384.00 without a purchase order in place. The invoice will be paid from current FY2014 School Department budget.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to authorize payment of an outstanding invoice from the Town of Rockport Police Department, Invoice #2975 incurred by the Gloucester School Department for Private Detail services rendered on September 6, 2013, for a total of \$768.00 without a purchase order in place. The invoice will be paid from current FY2014 School Department budget.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to authorize payment to the City of Beverly School Department of \$1,846.70 for its portion of split gate receipts from a Gloucester Football Sectional Quarter-Final Game played on November 1, 2013 in Gloucester, Mass., without a purchase order in place. The invoice will be paid from current FY2014 School Department budget.

*** End B&F December 10, 2013 Unanimous Consent Agenda ***

MOTION: On a motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 0 in favor, 3 opposed to recommend that the City Council request that the Mayor recommend a Supplemental Appropriation of the available Water and Sewer Retained Earnings ("Free Cash") as of July 1, 2013, as certified and approved by the Department of Revenue for the purpose of reducing the Fiscal Year 2014 Water Rate of \$9.17 per 1,000 gallons and Sewer Rate of \$12.21 per 1,000 gallons.

DISCUSSION:

Councilor Cox explained that based on the advice of General Counsel, who pointed out to the Committee MGL c. 83, §16, it is not advisable once sewer and water rates are set by a vote of the City Council they should not be changed to which the B&F Committee unanimously agreed.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 1 (Verga) in favor, 7 opposed, 1 (Whynott) absent, to Council request that the Mayor recommend a Supplemental Appropriation of the available Water and Sewer Retained Earnings ("Free Cash") as of July 1, 2013, as certified and approved by the Department of Revenue for the purpose of reducing the Fiscal Year 2014 Water Rate of \$9.17 per 1,000 gallons and Sewer Rate of \$12.21 per 1,000 gallons.

MOTION FAILS.

MOTION: On a motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council under MGL c.44, §53A accept a grant in the amount of \$200,000 from the Massachusetts Executive Office of Energy & Environmental Affairs, Seaport Advisory Council Rivers and Harbors Program for Phase 2 of the City of Gloucester Floating Docks project.

DISCUSSION:

Councilor Cox said this \$200,000 Seaport Advisory Council funding is a grant for floating docks. The total grant is \$250,000 of which \$50,000 was previously received by the City. The money will be used for dockage including slips for transient boaters, she said; and pointed out that the grant in-kind match has already been fulfilled by the Waterways Board's contract with GZA Vine, the engineering consulting firm hired by the Board for the engineering and permitting of the project at a cost of \$58,000. It is still to be determined where the rest of the \$700,000 needed to complete the project will come from, **Councilor Cox** said.

Councilor Theken asked where the \$700,000 would come from, to which **Councilor Cox** responded by saying the B&F Committee was told the Waterways Board was pursuing other grants. **Councilor Theken** also asked if the project would be done piecemeal or would this project move forward in whole, expressing her concern that there may be obstacles to navigation to commercial fishermen due to the project especially if it takes an extended time without complete funding in place.

Harbormaster Jim Caulkett in response to **Councilor Theken** explained: that the \$700,000 will not slow the project at all, and it would not be done piecemeal. The grant will allow the Waterways Board to pursue the purchase of the docks whether they are used in advance for possible transient boaters somewhere in the inner harbor, or if the docks are delayed which the Massachusetts Department of Conservation & Recreation had stated the project could be put off until 2015 so it meets the remediation schedule of National Grid's clean up of contaminates at Solomon Jacobs Pier, the Maritime Heritage Center and the Coast Guard station at Harbor Loop. The Board is actively working with the boating infrastructure grant program, pursuing funds through the Seaport Advisory Council now folded into the state Department of Transportation; and additionally, National Grid is stepping up to fund some of this project as well.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, under MGL c.44, §53A to accept a grant in the amount of \$200,000 from the Massachusetts Executive Office of Energy & Environmental Affairs, Seaport Advisory Council Rivers and Harbors Program for Phase 2 of the City of Gloucester Floating Docks project.

Budget & Finance: Committee Report: January 9, 2014

MOTION: On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council approve Supplemental Appropriation 2014-SA-7 in the amount of \$277,606 (Two Hundred Seventy Seven Thousand Six Hundred Six Dollars) from the General Fund, Unreserved Fund Balance (“Free Cash”)Account #101000.10.000.35900.0000.00.000.00.000 to Fire Department-Salaries/Wages-Full Time, Account #101000.10.220.51100.0000.00.000.00.051 for the purpose of eliminating a projected deficit in the account.

DISCUSSION:

Councilor Cox said this transfer from Free Cash of \$277,606 would allow the Fire Department to meet its contractual obligations agreed to with the firefighter’s union which happened just as the FY14 budget was passed. She explained that the \$277,606 does not include overtime costs associated with keeping the Bay View Fire Station open full time. That funding will come forward to the Council on an as needed basis determined by the Fire Chief and the CAO from Free Cash, she said.

Councilor Hardy asked for assurances that the Magnolia Fire Station work is in process now, and that the July 1st occupancy date by the Fire Department will be met. **Fire Chief Eric Smith** said his department is working with the Facilities Manager; money is allocated for the station’s renovation, noting that the roof is completed; asbestos removal completed; and electrical and plumbing work is underway. **Councilor Hardy** asked that the Chief keep the Council updated on the station rehabilitation.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to approve Supplemental Appropriation 2014-SA-7 in the amount of \$277,606 (Two Hundred Seventy Seven Thousand Six Hundred Six Dollars) from the General Fund, Unreserved Fund Balance (“Free Cash”)Account #101000.10.000.35900.0000.00.000.00.000 to Fire Department-Salaries/Wages-Full Time, Account #101000.10.220.51100.0000.00.000.00.051 for the purpose of eliminating a projected deficit in the account.

MOTION: On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council approve Special Budgetary Transfer 2014-SBT-13 in the amount of \$144.14 from Special Reserve, Contractual Services, Account #101000.10.900.52000.0000.00.000.00.052 to City Clerk, Salary/Wage-Part-time Position, Account #101000.10.161.51250.0000.00.000.00.051 for the purpose of eliminating a projected deficit in the account.

DISCUSSION:

Councilor Cox said this transfer is to eliminate a small deficit in a salary/wage account for the City Clerk’s office that was budgeted for FY14 but never transferred.

MOTION: On a motion by Councilor Cox, seconded by Councilor Theken, the City Council Committee voted by ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to approve Special Budgetary Transfer 2014-SBT-13 in the amount of \$144.14 from Special Reserve, Contractual Services, Account #101000.10.900.52000.0000.00.000.00.052 to City Clerk, Salary/Wage-Part-time Position, Account #101000.10.161.51250.0000.00.000.00.051 for the purpose of eliminating a projected deficit in the account.

MOTION: On a motion by Councilor Fonvielle, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council permit the Harbormaster to apply for a grant from the Massachusetts Division of Marine Fisheries under its Clean Vessel Act Pumpout Grant Program for \$8,307.00 for the purpose of purchasing a new engine for the City’s pumpout boat.

DISCUSSION:

Councilor Cox said this grant program through the State’s Division of Marine Fisheries is an annual grant the City applies for. This year the proceeds from the grant award will be put towards a new engine for the City’s pumpout boat, with a 25 percent grant match to be met by a transfer from the Waterways Board Enterprise Fund upon receipt of the grant.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to permit the Harbormaster to apply for a grant from the Massachusetts Division of Marine Fisheries under its Clean Vessel Act Pumpout Grant Program for \$8,307.00 for the purpose of purchasing a new engine for the City's pumpout boat.

MOTION: On a motion by Councilor Fonvielle, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council approve Supplemental Appropriation 2014-SA-6 in the amount of \$100,000 (One Hundred Thousand Dollars) from the General Fund – Fund Balance Undesignated, Account #101000.10.000.35900.0000.00.000.00.000 to Facilities, Contracted Services, Account #101000.10.472.52000.0000.00.000.00.052 for the purpose of funding the design related costs of the swing space for West Parish Students and Staff during the rebuilding of the West Parish Elementary School.

DISCUSSION:

Councilor Cox explained that the Administration is requesting \$100,000 for the swing space plans and specifications to be developed and for modulars to be placed at Beeman School. Part of the temporary transition would be moving the West Parish 5th graders to the O'Maley School, she noted, and the Special Education section from West Parish housed at the Beeman School.

Councilor Hardy asked when the modulars would be moved. **Jim Duggan**, CAO said that research is underway whether the modulars will be new or refurbished, and will begin with the next school year at the Beeman School.

Council President McGeary asked if there was some time pressure in order to meet the deadline of the new school year in September. **Mr. Duggan** said a proposal to the Council will come forward in February for a bond authorization for the entire West Parish project which will also include the retrofitting of the swing space (St. Ann's School), and to enter into a lease with the Archdiocese for the swing space. He said it is anticipated the City would access the swing space as of March 1st which will be necessary in order to prepare the space in time for teachers to access their classrooms in August and for the school year's start in September.

Councilor LeBlanc said in a meeting last month to tour the facilities a question was raised as to whether the modulars could be moved. He said there was a suggestion the modulars could not be moved. **Mr. Duggan** said there is a need for the existing modulars to stay in place according to the Superintendent of Schools. He said due to space and student needs it necessitates two new modular classrooms. He pointed out that when the new West Parish School is built and all the students move back, the two modulars will stay at the Beeman because it is a necessary to meet needed additional space at the Beeman School. **Mr. Duggan** and **Councilor LeBlanc** discussed the condition of some other school modular classrooms and whether the current modulars could be moved to meet the new need with the relocation of West Parish students.

Councilor Fonvielle confirmed with **Mr. Duggan** that the \$100,000 being requested is for soft costs only and not for the physical purchase of modulars but that the modular classrooms would be included in the designs for the swing space as a whole.

Councilor Hardy asked about the Massachusetts School Building Authority (MSBA) involvement in the swing space process. **Mr. Duggan** said the MSBA wants to be completely satisfied that the designated temporary swing space not only be adequate and appropriate for the students but be financially reasonable even though the MSBA regulations does not allow any contribution by that Authority towards the swing space. **Councilor Hardy** said the City still needs to obtain funding from the MSBA, and the Administration has yet to obtain funding from the Council. **Mr. Duggan** said the Administration would come to the Council for funding in February. He said the Administration was strongly recommended by the MSBA that it would not be appropriate to borrow funds for a project before its board meeting on January 29th. On further inquiry by **Councilor Hardy**, **Mr. Duggan** added that as the process is set up, the timetable will be met. He said that if a district obtains the funding through an override, local legislative vote, in the MSBA's experience it has not been enough to fund a school project; and so the MSBA board set a policy that it votes first to approve a building project, and then the district goes forward with obtaining the funding.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to approve Supplemental Appropriation 2014-SA-6 in the amount of \$100,000 (One Hundred Thousand Dollars) from the General Fund – Fund Balance Undesignated, Account #101000.10.000.35900.0000.00.000.00.000 to Facilities, Contracted Services, Account

#101000.10.472.52000.0000.00.000.00.052 for the purpose of funding the design related costs of the swing space for West Parish Students and Staff during the rebuilding of the West Parish Elementary School.

MOTION: On motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept the provisions of MGL c. 44, §31D Snow and ice removal, emergency expenditures not to exceed \$1,300,000. The increase of emergency expenditure authority is \$650,000 added to the current FY2014 Snow & Ice Removal appropriation budget of \$650,000.

DISCUSSION:

Councilor Cox said that as a result of the last snow storm, Hercules, the City has used its \$650,000 set aside for snow removal. As a consequence with approximately \$20,000 in invoices from that storm still to be paid, it is necessary to raise the debt limit on the Snow & Ice account which is the only account the City is allowed to run in deficit by the Department of Revenue, based on MGL c. 44, §31D, for the recent storm's debt and any further snow storms anticipated for the rest of the winter. On the recommendation of the City Auditor, the Committee is recommending that the debt spending limit be raised to \$1,300,000 which is double of the FY14 base amount. Recent years' spending on Snow & Ice was: FY13 the City spent about \$1.2 million; in FY11 \$1.3 million and in FY10 \$880,000.

Mr. Costa, City Auditor at the request of **Council President McGeary** elaborated that the Council is setting a spending limit not making an appropriation with this vote. He said this is so he can allow the accounts to go into the red. He pointed out that this debt will have to be funded at some point later in the fiscal year, by June 30th; or funds will have to be raised on the next fiscal year's recap which would erode Proposition 2-½ funds.

MOTION: On motion by Councilor Cox, seconded by Councilor Theken, the City Council voted by 8 in favor, 0 opposed, 1 (Whynott) absent, to accept the provisions of MGL c. 44, §31D Snow and ice removal, emergency expenditures not to exceed \$1,300,000. The increase of emergency expenditure authority is \$650,000 added to the current FY2014 Snow & Ice Removal appropriation budget of \$650,000.

Mr. Duggan noted with regard to Councilor LeBlanc's inquiry about modulars at West Parish School, upon further investigation he said there is one modular classroom at the West Parish School which the architect and designer did an evaluation on and determined it can't be moved.

Ordinances & Administration:

For Council Vote:

2. Ordinances & Administration Standing Committee Report of December 2, 2013 continued from City Council Meeting of December 10, 2013

Councilor Theken reported there were no matters for Council action from this meeting.

Ordinances & Administration: Committee Report: January 6, 2014

Councilor Theken said as a result of a December 16, 2013 workshop held by the O&A Committee, and reconfirmed at the January 6th O&A meeting, the Committee is recommending to Council President McGeary approve the O&A Committee's choices for an Ad Hoc Committee for the purpose of a review and updating of the City's leash laws.

Council President McGeary said he has received the names and would appoint the people recommended by the Committee noting the Committee has made good choices.

Planning & Development: Committee Report: January 8, 2014

Councilor Verga reported the Committee had no matters for Council action from the January 8th meeting. He noted there was a brief discussion on the Free Petition regarding the condition, restoration and preservation of Stage Fort Park. Due to scheduling conflicts, he said, no one from the Administration was available, but that P&D was assured representatives would be at the next regularly scheduled meeting of January 22nd.

Scheduled Public Hearings:

1. **PH2014-001: Adoption MGL Chapter 60A, §1 which provides for an exemption from the Motor Vehicle Excise Tax on a vehicle owned and registered by former prisoners of war or the surviving spouses for former prisoners of war**

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 a motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council accept the provision of Massachusetts General Law c. 60A, §1 which provides that:

The motor vehicle tax imposed by MGL c. 60A, §1 shall not apply to a motor vehicle owned and registered by a former prisoner of war defined as any regularly appointed, enrolled, enlisted or inducted member of the military forces of the United States who was captured, separated and incarcerated by an enemy of the United States during an armed conflict; provided however, that the excise tax shall not apply to a motor vehicle owned and registered by the surviving spouse of a deceased former prisoner of war, until such time as the surviving spouse remarries or fails to renew such registration.

DISCUSSION:

Councilor Cox said that by the Council's adoption of MGL c. 60A, §1 of the local option allows for those Gloucester citizens who may have been Prisoners of War (POWs), or their surviving spouses, to receive an abatement/exemption on their vehicle's excise tax locally. There are two registered POW's in the City that could benefit from the exemption, she noted and said that it is an honor for her to present this.

Councilor Verga said this is the least the City can do for those City servicemen who were POW's.

Council President McGeary also noted that former Veteran's Agent Richard Barbato, who recently left the City's employ, did a great deal of outreach to the City's veterans, especially those who served in recent conflicts. He wished Mr. Barbato well in his new endeavor and thanked him for the service he provided the City.

Councilor Hardy asked what paperwork was needed for a POW or a POW's spouse to apply for the special abatement and to which department would it be presented. **Bethann Godhino**, Assessor said veterans will be required to file an application with the Assessor's Office annually. She said the first application submitted will include discharge papers or other documents showing that they were a POW. She added it is less than one page on the usual abatement application which identifies the motor vehicle; the taxpayer and the supporting documents for the first time. There would be no sticker or indication of any kind that would be placed on a vehicle, she pointed out on inquiry by **Councilor Hardy**.

MOTION: On a motion by Councilor Cox, seconded by Councilor Theken, the City Council voted by **ROLL CALL 8** in favor, 0 opposed, 1 (Whynott) absent, to accept the provision of Massachusetts General Law c. 60A, §1 which provides that:

The motor vehicle tax imposed by MGL c. 60A, §1 shall not apply to a motor vehicle owned and registered by a former prisoner of war defined as any regularly appointed, enrolled, enlisted or inducted member of the military forces of the United States who was captured, separated and incarcerated by an enemy of the United States during an armed conflict; provided however, that the excise tax shall not apply to a motor vehicle owned and registered by the surviving spouse of a deceased former prisoner of war, until such time as the surviving spouse remarries or fails to renew such registration.

2. **PH2014-002: Amend GCO Chapter 22, Sec. 22-287 "Disabled veteran, handicapped parking" re: Pleasant Street #27**

This public hearing is opened.

Those speaking in favor:

Attorney John D. Cunningham III, 730R Washington Street, President of the Cape Ann Museum Board said the museum has undertaken an extensive interior renovation, it was discussed with their contractor, and the Chair of the Traffic Commission, Robert Ryan to learn if the City would consider temporarily changing the handicap space in front of the museum to a loading zone, and then when the project is near completion the museum would contact Councilor Cox and the Traffic Commission to see that the space is returned promptly to handicapped parking.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Theken confirmed with **Mr. Cunningham** that if someone who is handicapped and lives nearby or a person with a handicap would need to park close to the museum that the museum has a designated handicapped space in its parking lot directly across the street from the museum.

Councilor Cox said that the museum agreed that as soon as the museum has an estimated project completion date she would put in a Council Order to reinstate the handicap parking space at 27 Pleasant Street. She noted she had contact with a vehicle owner who parks in the handicap space at night who is willing to use the designated space in the museum's parking lot instead, and said that no one is being displaced as a result of this action.

Councilor Fonvielle asked how necessary the handicap space is for residents and for museum patrons. **Councilor Cox** said it was the museum who requested the handicap space to be put in place which is not only for patrons but for anyone with handicap plates which is why, she added, she did her due diligence and made sure that anyone who had been using the spot knew of the coming change and the alternate designated handicap space.

Councilor Hardy asked about how long the renovation project will take. **Mr. Cunningham** said construction is supposed to end in late May/early June. He noted there would be a period after that when exhibits would be installed, and it may be by the end of July the museum is reopened to the public. **Councilor Hardy** said if it was possible, she would appreciate the museum adding a second handicap space in its parking lot.

Councilor Theken reiterated that Councilor Cox assured the O&A Committee that she would come forward to ensure the handicap space is returned in as timely manner as possible upon completion of the museum's renovation. **This public hearing is closed.**

MOTION: On a motion by Councilor Theken, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to Amend GCO Chapter 22, Sec. 22-287 "Disabled veteran, handicapped parking" by DELETING one handicap parking space at Pleasant Street #27.

3. PH2014-003: Amend GCO Chapter 22, Sec. 22-284 "Service or Loading Zone" re: Pleasant Street #27
4. PH2014-004: Amend GCO Chapter 22, Sec. 22-291 "Tow-away zones" re: Pleasant Street #27

These public hearings are opened.

Those speaking in favor:

Mr. Cunningham spoke in favor of the loading zone amendment.

Those speaking in opposition: None.

Communications:

Robert Ryan, Chair of the Traffic Commission expressed his support the removal of the handicap space and the creation of a service or loading zone space in front of the Cape Ann Museum for the safety and well being of the general public and the return of the handicap space upon the completion of the museum's renovation.

Councilor Questions: None.

These public hearings are closed.

MOTION: On a motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council Amend GCO c. 22 "Traffic," Sec. 22-284 "Service or loading zones" by ADDING a loading zone space in front of Pleasant Street #27.

DISCUSSION:

Councilor Theken reiterated that the Cape Ann Museum is undergoing major renovations at this time, and said this amendment to the ordinance was a way to keep heavy trucks out of the street so traffic can flow appropriately

because there is no room on the museum's property for the construction and delivery vehicles simultaneously. When the handicap space is reinstated the loading zone will be removed, she said.

Council President McGeary added that the Traffic Commission minutes of November 26, 2013 showed a unanimous vote in favor of both of the change.

MOTION: On a motion by Councilor Theken, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to Amend GCO c. 22 "Traffic," Sec. 22-284 "Service or loading zones" by ADDING a loading zone space in front of Pleasant Street #27.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council Amend GCO c. 22 "Traffic," Sec. 22-291 "Tow away zones" by ADDING a Tow away zone in front of Pleasant Street #27.

DISCUSSION:

Councilor Theken said this second motion was for the purpose of enforcement to ensure the converted space is used just for a loading zone.

MOTION: On a motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to Amend GCO c. 22 "Traffic," Sec. 22-291 "Tow away zones" by ADDING a Tow away zone in front of Pleasant Street #27.

For Council Vote: Taken up and completed under Committee Reports.

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilor LeBlanc thanked the Department of Public Works for their snow removal effort after the last snow storm. He also thanked Charlie Mahoney, City Electrical Inspector for his extra effort to see to the removal of a wire on Riverside Avenue.

Councilor Cox said the YMCA Teen Leaders Rock-a-thon will take place Saturday, January 11th from 8 a.m. to Sunday morning 8 a.m. to restock the Open Door Food Pantry. She said she hoped the public support the fundraiser by contributing canned goods to the YMCA teen center. She also noted the Art Haven buoy auction is Friday, January 24th and doors open at 5 p.m. Also **Councilor Cox** noted she will hold two ward meetings – the first to take place on Wednesday, January 29th at 6 p.m. at J&L Welding, 5 Cedar Street, to discuss train noise with representatives of the Metro Boston Commuter Rail to educate neighbors on why trains blow their horns and when, for instance. She said a the second ward meeting takes place on Thursday, January 30th at the Unitarian Universalist Church at 7 p.m. to discuss the downtown neighborhood as it relates to vandalism, the Grace Center and other issues that have come up for that neighborhood, she noted.

Councilor Lundberg recommended the Child Safety Seat Installation Program, a program run by the Gloucester Police Department (at no cost to the public). Training for public safety officers is a 40 hour course on how to properly install the seat, he noted, and learning how to educate caregivers and parents on the child safety seat's proper use. Police Lieutenant Joe Fitzgerald installed two car seats for his new grandchild, he reported, and commended Lt. Fitzgerald and the Police Department for this program, encouraging anyone who needs a child car seat installed to use this service. **Councilor Lundberg** said to make an appointment for a child seat installation; email Lt. Fitzgerald at: jfitzgerald@gloucester-ma.gov .

Councilor Theken recounted problems folks are having obtaining medical insurance through the Affordable Care Act (ACA) on line. She said she has paper ACA applications available in her office at the Addison Gilbert Hospital. Commonwealth Care is extended to March, but those who have Commonwealth Care must still obtain medical insurance through the ACA. She also warned about other issues surrounding the on-line applications and noted that there are several certified agencies locally to assist folks to make their application; they are: Massachusetts Fishermen's Partnership, Gloucester Family Health Center, Addison Gilbert Hospital and Beverly Hospital. She urged folks to call Massachusetts Health Customer Service at 1-800-841-2900 and listen for the prompts for more information and assistance as well.

Councilor Fonvielle reported that the Cape Ann Symphony Association is having its annual meeting the following evening at the Gloucester House. Donors and ticket purchasers to the symphony are welcome to attend, he noted, and the dinner associated with the meeting is \$30, but one can attend the meeting only.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:06 p.m.

Respectfully submitted,

**Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.