

GLOUCESTER CITY COUNCIL MEETING

Tuesday, February 11, 2014 – 7:00 p.m.
Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Paul McGeary; Vice Chair, Councilor Sefatia Theken;; Councilor Melissa Cox; Councilor Steve LeBlanc, Jr.; Councilor Greg Verga; Councilor Robert Whynott; Councilor Paul Lundberg; Councilor William Fonvielle

Absent: Councilor Hardy

Also Present: Linda T. Lowe; Mayor Carolyn Kirk; Jim Duggan; Kenny Costa; Tom Daniel; Mike Hale; Sally Polzin; Bill Sanborn; Nancy Papows; Donna Compton; Beth Ann Godhino; Sarah Garcia; Maggie Rosa; Steven Dexter; Fire Chief Eric Smith; Peter Noonan; Mark Cole; Suzanne Egan; Deputy Fire Chief Miles Schlichte

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

Flag Salute & Moment of Silence.

Council President McGeary noted the absence of Councilor Jackie Hardy this evening.

Oral Communications: None.**Presentations/Commendations:**

1 of 1: Sarah Garcia, Harbor Planning Director re: Update on Coastal Zone Management Report for the Gloucester Inner Harbor Designated Port Area Boundary Review

Sarah Garcia, Harbor Planning Director acknowledged Harbor Planning Committee members present, including Councilor Greg Verga, Council President McGeary, the Committee's vice chair; and, Rick Noonan, the Committee's Chair, who is also the Planning Board's chair. **Ms. Garcia** recounted the following: over the course years through community conversations, a body of opinion that included areas that did not appear to meet the industrial aspect of the DPA intent. The State's Coastal Zone Management (CZM) agency, acting on a request by Mayor Kirk, agreed to consider a review the City's DPA boundaries. CZM reviewed all Chapter 91 licenses in the City's DPA. The CZM Draft Management Report on the Gloucester Inner Harbor DPA Boundary Review has just recently been released. There is now a 30-day public comment period including a meeting in Kyrouz Auditorium on Feb. 24th at 6 p.m. held by CZM to accept public comment on the Draft Report, and then a final decision will be made by CZM regarding realigning the DPA boundaries by late spring.

She showed the Council an aerial view of the current DPA extending from the Fort around East Gloucester and including the Gloucester Marine Railways on Rocky Neck.

Ms. Garcia spoke about the CZM process and the requirements to consider an area for boundary review. Areas deemed eligible were in East Gloucester from the base of the State Fish Pier to the Americold building (Enos Marine, Captain Joe's Lobster, Brown's Yacht Yard, True World Foods property), and a portion of East Main Street from Americold to the southerly boundary of the current DPA. These areas were deemed eligible to be reviewed because they didn't have the industrial character required in a DPA. The draft recommendation removes those two areas from the current DPA. The Americold building and the Gloucester Marine Railways would remain within the DPA due to their industrial nature.

Ms. Garcia said CZM will make a final decision about eliminating the identified areas from the DPA after public comment. That decision will be made by May 7th to remove the previously described two East Gloucester areas from the DPA.

She pointed out that if the DPA is lifted in these two East Gloucester areas an important consideration is that the properties in the are still governed by Chapter 91 of the Massachusetts General Laws, which governs filled tidelands. Under Chapter 91, the State has underlying property rights to that land. Chapter 91 regulations impose conditions such as an open space requirement (50 percent) and setbacks from the waters edge to protect the public's right to access to the filled tidelands. She explained that within the Harbor Planning process the City has the ability to make amplifications and substitutions to Chapter 91. The Harbor Planning Committee is exploring the City's options. **Ms. Garcia** noted that the HPC is very aware of the need to protect commercial dockage; but that most of these properties with slips in the areas under consideration to be removed from the DPA service recreational boating.

Councilor Whynott observed that the Cape Pond Ice Company on Commercial Street is not eligible to be taken out of the DPA. **Ms. Garcia** said that was true, not under this particular CZM review process. Cape Pond Ice has asked for legislative relief because of that fact, she noted.

Coastal Zone Management Meeting at City Hall, Kyrouz Auditorium, 6 p.m. Monday, February 24th for the purpose of public comment to the draft report on the City's DPA removal of two eligible areas centered in East Gloucester.

Confirmation of New Appointments:

Shellfish Advisory Commission

**William Nugent
Roger Hussey**

**TTE 02/14/17
TTE 02/14/17**

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Theken, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint William Nugent to the Shellfish Advisory Commission, TTE 02/14/17.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed, 1 (Theken) present, to recommend that the City Council appoint Roger Hussey to the Shellfish Advisory Commission, TTE 02/14/17.

DISCUSSION: None.

MOTION: On a motion by Councilor Whynott, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to appoint William Nugent to the Shellfish Advisory Commission, TTE 02/14/17.

MOTION: On a motion by Councilor Whynott, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to appoint Roger Hussey to the Shellfish Advisory Commission, TTE 02/14/17.

Chief Financial Officer

John Dunn

TTE 02/14/15

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Theken, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council appoint John Dunn as the Chief Financial Officer of the City of Gloucester, TTE 02/14/15.

DISCUSSION:

Councilor Whynott said that the O&A Committee was impressed with Mr. Dunn's qualifications for the position; and that people he knew in the City Clerk's office in Beverly spoke very highly of Mr. Dunn.

John Dunn, CFO said he has been involved in municipal government since 1995. He said he served as CFO with the City of Beverly for the past 18 years and worked for several years for the City of Melrose. With the election of a new mayor in Beverly, a change in staffing was not unexpected, he said. **Mr. Dunn** said at about the same time he was leaving, Mr. Towne, the City's former CFO, was leaving to work in Natick. He then met with Mayor Kirk and was offered the position of CFO, he said.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent to appoint John Dunn as the Chief Financial Officer of the City of Gloucester, TTE 02/14/15.

Downtown Development Commission Joseph Ciolino

TTE 02/14/17

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Theken, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council appoint Joseph Ciolino to the Downtown Development Commission, TTE 02/14/17.

DISCUSSION: None.

MOTION: On a motion by Councilor Whynott, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to appoint Joseph Ciolino to the Downtown Development Commission, TTE 02/14/17.

Consent Agenda:

• **CONFIRMATION OF REAPPOINTMENTS:**

| | | |
|--|--------------------|--------------|
| Purchasing Agent | Donna Compton | TTE 02/14/15 |
| Community Development Director | Tom Daniel | TTE 02/14/15 |
| Chief Administrative Officer | James Duggan | TTE 02/14/15 |
| General Counsel | Suzanne Egan | TTE 02/14/15 |
| City Engineer | Paul Keane | TTE 02/14/15 |
| Personnel Director | Sally Polzin | TTE 02/14/15 |
| Building Inspector | William Sanborn | TTE 02/14/15 |
| Director of Public Works | Michael Hale | TTE 02/14/16 |
| Assistant Director of Public Works | Mark Cole | TTE 02/14/16 |
| Assessor | Beth Ann Godhino | TTE 02/14/17 |
| Zoning Board of Appeals (Alternate Mbr.) | Leonard Gyllenhaal | TTE 02/14/16 |
| Affordable Housing Trust | George Sibley | TTE 02/14/16 |

• **MAYOR'S REPORT**

1. Report of the Capital Improvement Advisory Board on the West Parish School Project (Info Only)
2. Copy of th CZM Boundary Designation Report for the Gloucester DPA Review Report (Info Only)
3. Memorandum from CAO re: Loan Authorization & Free Cash request for the Commercial Street Infrastructure Project (Refer B&F)
4. Special Budgetary Transfer Request (2014-SBT-16) from Mayor's Office (Refer B&F)
5. Special Budgetary Transfer Request (2014-SBT-17) from Veterans' Services (Refer B&F)
6. Special Budgetary Transfer Request (2014-SBT-18) from Purchasing Department (Refer B&F)
7. Communication from the City Hall Restoration Committee re: City Council approval to submit grant application to both the Mass. Cultural Council Facilities Fund & the Gloucester Community Preservation Act to complete exterior restoration of City Hall (Refer B&F)
8. Memorandum & pertinent materials from the Director of Finance & Operations for the Gloucester Schools re: permission to pay For services/goods procured without a purchase order in place for : \$384, \$195.35 and \$487.36 and permission to raise the spending Limit on Revolving Fund #283013 from \$20,000 to \$40,000 (Refer B&F)
9. New Appointments Open Space & Recreation Committee Jerome Goulart TTE 02/14/17
Community Preservation Committee Joseph Orlando-Planning Board Rep. TTE 02/14/17
Planning Board Shawn Henry TTE 02/14/19
Capital Improvement Advisory Board Cindy Wilson TTE 02/14/17 (Refer O&A)

• **COMMUNICATIONS/INVITATIONS**

• **INFORMATION ONLY**

1. Appointment of Councilor Steven LeBlanc as the City Council board member for the 2014-2015 City Council to the Waterways Board (Info Only)

• **APPLICATIONS/PETITIONS**

1. Special Events Application re: Request from St. Peter's Fiesta Committee to hold St. Peter's Fiesta June 25, 2014-June 29, 2014 (Refer P&D)

• **COUNCILORS ORDERS**

1. CC2014-005 (McGeary/LeBlanc/Verga/Cox/Fonvielle) Amend GCO Sec. 16.1 "Grant Applications" (Refer O&A & B&F)
2. CC2014-006 (Cox) Amend GCO Sec. 22-269 "Stop Intersections" re: Pleasant Street at its fork in the southeast corner Intersection with Prospect Street just before the driveway at #79 Prospect Street (Refer O&A & TC)
3. CC2014-007 (Verga) Request amendment to GZO under Sec. 1.11.2(e) to amend "sign ordinance" Sec. 4.3 by adding new Definition to Sec. VI for "programmable scrolling sign" and amend Sections 4.3.2, 4.3.3 and 4.3.4 to include "outdoor Programmable scrolling signs" (Refer P&D & PB)

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

1. City Council Meeting: 01/28/14 (Approve/File)
2. Standing Committee Meetings: B&F 02/06/14 (under separate cover), B&F 02/11/14 (under separate cover) O&A 02/03/14 P&D 02/05/14 (no meeting) (Approve/File)

Unanimous Consent Calendar

1. Memorandum from CAO re: Economic Development Incentive Program for Mazzetta Company: Tax Increment Financing Agreement & Amendment to Blackburn Industrial Park Economic Opportunity Area Designation (Refer B&F & P&D)

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

Councilor Cox asked to remove under Reappointments the names of Michael Hale, Public Works Director and Thomas Daniel, Community Development Director.

Mr. Daniel said it had been a great first year in his position as Community Development Director and that he had a great team. **Councilor Theken** asked when Mr. Daniel will come forward to O&A regarding the Tourism Commission. **Mr. Daniel** said there have been three meetings and a special meeting was scheduled for the following week, as well as the last week of February to make recommendations for funding for this year's effort as well as look at next year's activities.

Councilor Fonvielle questioned Mr. Daniel about the Community Development Plan 2001 and discussed with him whether that document was an outdated, in need of updating continually updated document that guides planning for the Community Development Department and projects for the City. **Mr. Daniel** pointed when data becomes outdated and expires, that is when the process is started over with a community process to set a new path for the future. He referenced the Harbor Plan, the downtown work plan, the Railroad Avenue project and Open Space Plan all on-going projects stemming from the 2001 report. **Mr. Daniel** said his department's actions are consistent with the Community Development Plan 2001.

Councilor Cox expressed her gratitude for Mr. Daniel's work particularly with the revitalized Tourism Commission, and said that there had been very successful meetings to date with forward momentum, as well as all else that he does for the City.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent to appoint Thomas Daniel as Community Development Director, TTE 02/14/15.

Mike Hale, DPW Director outlined for the Council the challenges he and his department has faced for the last several years noting that capital infrastructure work has dominated his department's efforts. He said there have been significant improvements to water and waste water plants and filtration systems, as well as pipeline projects in the City. All the projects involved managing constituent concerns, traffic concerns and overall timing, he pointed out A great deal of the large infrastructure issues have been resolved, he said. He noted the restructuring of the department to ensure equal disbursement of work through the various divisions of the DPW, which has been a benefit to all the managers. He said the department is short of managers, and laborers as well, which remains a challenge going forward. The workload, **Mr. Hale** pointed out, increases every year and continues to be managed with a diminished staff. He added that his department is doing a good job managing the situation at this time.

Council President McGeary asked about the Commercial Street infrastructure project scheduled to start this spring and the possibility of installing pre-treatment systems for processors in the Commercial Street corridor. **Mr. Hale** said it is hoped to have that project bid this spring. They noted that during discussions between the Council President and the DPW Director, Mr. Hale had expressed there was not one-size-fits- all pre-treatment solution. **Council President McGeary** asked if it was worthwhile to do a study before breaking ground, even if cursory, to look at pre-treatment as a possibility; that if the City was going to do it, this would be timely. **Mr. Hale** said that he brought this discussion back to the Environmental Engineer's office which manages the industrial pre-treatment relative to the City's federal discharge permit. He noted that industrial pre-treatment is an individualized process with each business having their own pre-treatment requirements. It would, he said, be difficult to design something static for multiple businesses that need something today but something different several years from now as their businesses evolve, making it a very difficult task. **Mr. Hale** pointed out in doing their research; the engineers were unable to find any examples where there were all biotech businesses in an industrial park where industrial pre-treatment served more than one company. On Commercial Street, he pointed out; it is a much more challenging task that may not be worthwhile given how few industrial users are on the Commercial Street corridor. He said there is one permit on Commercial Street for industrial pre-treatment. **Councilor McGeary** summarized that Mr. Hale, through his staff, his environmental engineers, studied pre-treatment for the Commercial Street infrastructure project and determined that there isn't a reasonable a one-size-fits-all solution. **Mr. Hale** said the environmental engineer and his staff, including the City's contract operator, Veolia, an international firm, also reached out to their national clientele to see if they could find similar situations and examples but could not.

Councilor Theken noted Mr. Hale, at the request of the Ordinances & Administration Committee had forwarded a memo regarding his departmental accomplishments over the last two years, and said that the DPW is doing a good job. Somehow the work gets done, she pointed out, despite a lack of funding and dearth of employees, with City services maintained. She urged that funding be given back to the DPW and to make the department stronger because so much is being asked of that department. **Councilor Theken** also noted the presence of the Assistant DPW Director, Mark Cole and complimented his work on behalf of the City. She reiterated her statements from the February 3rd O&A Committee meeting (on file) that the Committee wished to have the City Engineer fully informed of all City projects, not just those under his direction because of an expressed concern for DPW management burn

out. Also, if there was a need to hire another manager to share the work load, **Councilor Theken** suggested, Mr. Hale should ask for that help.

Councilors Whynott, LeBlanc, and Cox all lauded Mr. Hale and his department for their quick response time to Councilor requests for assistance for their constituents. **Council President McGeary** also added his thanks.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent to appoint Michael Hale as Director of Public Works, TTE 02/14/16.

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

Committee Reports:

Budget & Finance: February 6, 2014

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to accept the Budget & Finance Committee's Unanimous Consent Agenda dated February 11, 2014 as follows:

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Supplemental Appropriation 2014-SA-8 in the amount of \$16,000 (Sixteen Thousand Dollars) from the Waterways Enterprise Fund, Retained Earnings ("Free Cash") Account #700000.10.000.35900.0000.00.000.00.000 to Waterways Enterprise, Boat & Equipment, Account #700000.10.492.58755.0000.00.000.00.058 for the purpose of purchasing and installing a new engine for a 23 foot Parker Patrol Boat.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Supplemental Appropriation 2014-SA-9 in the amount of \$4,900 (Four Thousand Nine Hundred Dollars) from the Waterways Enterprise Fund, Retained Earnings ("Free Cash") Account #700000.10.000.35900.0000.00.000.00.000 to Waterways Enterprise, Contractual Services, Account #700000.10.492.52000.0000.00.000.00.052 for the purpose of purchasing new careening wall keel blocks for Cripple Cove Public Landing.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to approve, at the request of the Waterways Board, that Supplemental Appropriation 2014-SA-10 be withdrawn without prejudice. The Supplemental Appropriation number 2014-SA-10 is hereby and rendered moot.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Supplemental Appropriation 2014-SA-11 in the amount of \$8,900 (Eight Thousand Nine Hundred Dollars) from the Waterways Enterprise Fund, Retained Earnings ("Free Cash") Account #700000.10.000.35900.0000.00.000.00.000 to Waterways Enterprise, Public Landing Improvements, Account #700000.10.492.58760.0000.00.000.00.058 for the purpose of making improvements to the Lobster Cove and Hodgkins Cove Public Landings.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Supplemental Appropriation 2014-SA-12 in the amount of \$2,800 (Two Thousand Eight Hundred Dollars) from the Waterways Enterprise Fund, Retained Earnings ("Free Cash") Account #700000.10.000.35900.0000.00.000.00.000 to Waterways Enterprise, Boat & Equipment, Account #700000.10.492.58755.0000.00.000.00.058 for the purpose of funding a portion of the purchase of a new engine of the 21 foot Pumpout Boat.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Supplemental Appropriation 2014-SA-13 in the amount of \$3,598 (Three Thousand Five Hundred Ninety Eight Dollars) from the Waterways Enterprise Fund, Retained Earnings ("Free Cash") Account #700000.10.000.35900.0000.00.000.00.000 to R/A Municipal Waterways,

Transfers In-From Enterprise Funds, Account #720000.10.996.49700.0000.00.000.00.040 for the purpose of transferring funds to the Municipal Waterways Improvements (Chapter 91 Fund) as required by State law.

Permission to Apply for Grant:

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to permit the Community Development and Health Departments to apply to the Massachusetts Council on Aging for a Healthy Aging through Healthy Community Design grant program in the amount of \$10,000.

Acceptance of Grants:

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, under MGL c. 44, §53A to accept a grant in the amount of \$229,086.57 from the Federal Emergency Management Agency (FEMA) passed through the Massachusetts Emergency Management Agency (MEMA). This grant is for a reimbursement for snowstorm related costs expended by the City on February 8-9, 2013.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, under MGL c. 44, §53A to accept a grant in the amount of \$6,000 to fund the implementation of the Get Fit Gloucester! Workplace Wellness Initiative 2014 from the Addison Gilbert and Beverly Hospitals' Community Collaborative.

End B&F Unanimous Consent Agenda

COMMITTEE RECOMMENDATION: 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 under MGL c. 44, §53A accept a grant in the amount of \$50,000 from the Massachusetts Department of Transportation's Seaport Advisory Council to support the Harbor Planning Director position for the City of Gloucester to fund 50 percent of FY14 salary costs.

DISCUSSION:

Mr. Duggan said that the acceptance of \$50,000 Seaport Advisory Council grant had been anticipated to come into the City a year ago. He said none of the four communities eligible for this grant had received any funds until several months ago and all grants were smaller than expected amounts. He noted no further grants will come forward for the Harbor Planning Director's salary from the Seaport Advisory Council. This grant will cover the rest of FY14 salary for that position.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, under MGL c. 44, §53A accept a grant in the amount of \$50,000 from the Massachusetts Department of Transportation's Seaport Advisory Council to support the Harbor Planning Director position for the City of Gloucester to fund 50 percent of FY14 salary costs.

COMMITTEE RECOMMENDATION: 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-32 in the amount of \$150,000 (One Hundred Fifty Thousand Dollars) from the General Fund-Undesignated Fund Balance (Free Cash), Account #101000.10.000.35900.0000.00.000.00.000 to Fire Department-Salary/Wages Overtime, Account #101000.10.220.51300.0000.00.000.00.051 for the purpose of supporting the overtime account to cover additional station openings.

Councilor Cox said that the purpose of this appropriation is to continue overtime funding in order to keep the Bay View Fire Station open 24/7.

On inquiry by **Council President McGeary, Fire Chief Eric Smith** said the projection of \$800,000 in overtime costs is on track or possibly may come in less for FY14.

Councilor Verga asked for an update on the Magnolia Station renovation and its anticipated reopening. **Chief Smith** said the contractor is working hard with a great deal accomplished in a short amount of time. A lot of the interior work has to wait until the weather breaks, but things are on track to move equipment in during June and open July 1st as planned, he added.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Supplemental Appropriation 2014-SA-32 in the amount of \$150,000 (One Hundred Fifty Thousand Dollars) from the General Fund-Undesignated Fund Balance (Free Cash), Account #101000.10.000.35900.0000.00.000.00.000 to Fire Department-Salary/Wages Overtime, Account #101000.10.220.51300.0000.00.000.00.051 for the purpose of supporting the overtime account to cover additional station openings.

COMMITTEE RECOMMENDATION: 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-33 in the amount of \$4,000 (Four Thousand Dollars) from the General Fund-Undesignated Fund Balance (Free Cash), Account #101000.10.000.35900.0000.00.000.00.000 to Civil Defense, Repairs, Maintenance and Supplies, Account #101000.10.291.54300.0000.00.000.00.054 for the purpose of purchasing radio equipment and installation at the new Emergency Operations Center at the O'Maley School.

DISCUSSION:

Councilor Cox explained that this appropriation is for wiring for communications and to have a communications tower mounted on the roof of the new Emergency Operations Center (EOC) located at the O'Maley School.

MOTION: On a motion by Councilor Cox, seconded by Councilor Theken, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Supplemental Appropriation 2014-SA-33 in the amount of \$4,000 (Four Thousand Dollars) from the General Fund-Undesignated Fund Balance (Free Cash), Account #101000.10.000.35900.0000.00.000.00.000 to Civil Defense, Repairs, Maintenance and Supplies, Account #101000.10.291.54300.0000.00.000.00.054 for the purpose of purchasing radio equipment and installation at the new Emergency Operations Center at the O'Maley School.

COMMITTEE RECOMMENDATION: 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-34 in the amount of \$10,000 (Ten Thousand Dollars) from the General Fund-Undesignated Fund Balance (Free Cash), Account #101000.10.000.35900.0000.00.000.00.000 to Civil Defense, Repairs, Maintenance and Supplies, Account #101000.10.291.54300.0000.00.000.00.054 for the purpose of supporting the Community Emergency Response Team.

DISCUSSION:

Councilor Cox said this appropriation would be used to support the Community Emergency Response Team (CERT) program and the ongoing costs it incurs in maintaining readiness, as well as for supplies. She explained CERT has a response boat for which there are associated maintenance costs. CERT is also a non-profit (5013C) organization. **Council President McGeary** noted that the FEMA/MEMA funds were brought into the City because of the efforts of Carol McMahan, who works on EOC issues for the Fire Chief.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Supplemental Appropriation 2014-SA-34 in the amount of \$10,000 (Ten Thousand Dollars) from the General Fund-Undesignated Fund Balance (Free Cash), Account #101000.10.000.35900.0000.00.000.00.000 to Civil Defense, Repairs, Maintenance and Supplies, Account #101000.10.291.54300.0000.00.000.00.054 for the purpose of supporting the Community Emergency Response Team.

COMMITTEE RECOMMENDATION: 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-35 in the amount of \$54,000 (Fifty Four Thousand Dollars) from the General Fund-

Undesignated 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 for the purpose of purchasing a mobile repeater and installation of fiber optic compatible radio equipment.

DISCUSSION:

Councilor Cox explained that this is appropriation is funding a compilation of communication items which includes a repeater for the Fire Department's command vehicle, to allow the department to remove itself from Verizon lines. Noting that the department has converted from repeaters to a line of sight method of communication at a fire site, this communication upgrade will also be used transmitting the signal back to the dispatcher for primarily recording transmissions. **Councilor Cox** added that this will not fix all of the department's communication issues but will go a long way to making them better.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Supplemental Appropriation 2014-SA-35 in the amount of \$54,000 (Fifty Four Thousand Dollars) from the General Fund- Undesignated 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 for the purpose of purchasing a mobile repeater and installation of fiber optic compatible radio equipment.

COMMITTEE RECOMMENDATION: 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 Supplemental Appropriation 2014-SA-43 in the amount of \$12,3000 (Twelve Thousand Three Hundred Dollars) from the General Fund- Undesignated Fund Balance (Free Cash), Account #101000.10.000.35900.0000.00.000.00.000 to Personnel, Employee Health Insurance, Account #101000.10.152.51750.0000.00.000.00.051 for the purpose of Group Insurance Commission (GIC) Conversion Costs.

Councilor Cox said the City utilized a consultant, Cooke & Company, to assess the State's health insurance program to support the City's decision-making process in transitioning to the Group Insurance Commission program,, and this is appropriation will fund the payment for that analysis services. About \$3,300 of the \$12,300 is for insurance carryovers, she pointed out.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Supplemental Appropriation 2014-SA-43 in the amount of \$12,3000 (Twelve Thousand Three Hundred Dollars) from the General Fund- Undesignated Fund Balance (Free Cash), Account #101000.10.000.35900.0000.00.000.00.000 to Personnel, Employee Health Insurance, Account #101000.10.152.51750.0000.00.000.00.051 for the purpose of Group Insurance Commission (GIC) Conversion Costs.

COMMITTEE RECOMMENDATION: 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-44 in the amount of \$36,500 (Thirty Six Thousand Five Hundred Dollars) from the General Fund-Undesignated Fund Balance (Free Cash), Account #101000.10.000.35900.0000.00.000.00.000 to Personnel-GMAA Sick Incentive, Account #101000.10.152.51941.0000.00.000.00.051 for the purpose of contract settlement expenses.

Councilor Cox explained that during the negotiations with the Gloucester Municipal Administrators Union (GMAA) the union made two concessions to the City: 1) the union gave up its annual sick time buy-back; and 2) as to retirement sick buy-back, it went from a cap of 180 days to 70 days. In turn the City agreed to pay the union employees a one-time payment of \$45 per sick day for the difference of the agreed cap between 70 and 180 days. **Councilor Cox** added GMAA is the only union that has made this type of agreement with the City to date.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Supplemental Appropriation 2014-SA-44 in the amount of \$36,500 (Thirty Six Thousand Five Hundred Dollars) from the General Fund-Undesignated Fund

Balance (Free Cash), Account #101000.10.000.35900.0000.00.000.00.000 to Personnel-GMAA Sick Incentive, Account #101000.10.152.51941.0000.00.000.00.051 for the purpose of contract settlement expenses.

Special Budget & Finance Committee Meeting: February 11, 2014

COMMITTEE RECOMMENDATION: 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-46 in the amount of \$100,000 (One Hundred Thousand Dollars) from the General Fund-Fund Balance Undesignated (Free Cash), Account #101000.10.000.35900.0000.00.000.00.000 to Capital Improvement Projects, City Hall Renovations, Building Improvements, Account #300090.10.470.58425.0000.00.000.00.058 for the purpose of the exterior restoration of City Hall as part of the City Hall Restoration Commission Project.

DISCUSSION:

Councilor Cox explained this money will provide matching funds for a Mass. Cultural Facilities grant being applied for by the City Hall Restoration Commission. This will allow for the funds to be spent, and the spent funds can be utilized to fulfill a grant match requirement should the grant be awarded.

Councilor Verga asked what happened if the grant does not come to fruition. **Mr. Duggan** said that there is still \$150,000 worth of restoration work that will be done. The funds, along with private donations the City Hall Restoration Commission has in hand, and CPA funds, will finish the windows but will not do the trim around them. He acknowledged the grant is unique, and it is a unique situation.

Council President McGeary asked Mr. Duggan to confirm that this money can be applied as a match for a Mass. Cultural Facilities grant. **Mr. Duggan** confirmed that the funds can be spent in advance of the receipt of the grant and later be used as a match.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Supplemental Appropriation 2014-SA-46 in the amount of \$100,000 (One Hundred Thousand Dollars) from the General Fund-Fund Balance Undesignated (Free Cash), Account #101000.10.000.35900.0000.00.000.00.000 to Capital Improvement Projects, City Hall Renovations, Building Improvements, Account #300090.10.470.58425.0000.00.000.00.058 for the purpose of the exterior restoration of City Hall as part of the City Hall Restoration Commission Project.

Ordinances & Administration: February 3, 2014

Councilor Whynott reported that all matters from this meeting were appointments, reappointments or matters for public hearing to come forward at future City Council meetings.

Planning & Development: February 5, 2014 – No meeting.

Scheduled Public Hearings:

- 1. PH2014-008: Rezone 2013-002: a portion of #52 Whittemore Street, Assessors Map 21, Lot 7 from General Industrial (GI) to R-10 Medium/High Density Residential)**

This public hearing is opened.

Those speaking in favor:

Attorney Deborah Eliason, 63 Middle St., representing the Cape Ann Forge Trust, John D. McNiff, Jr. Trustee (present) noted that trust is the owner of the property at 52 Whittemore St. A short summary of Ms. Eliason's statement was handed out to the Council (submitted and placed on file).

Ms. Eliason explained the applicant is requesting that a small portion of the Whittemore Street property at #52 currently zoned as General Industrial (GI) be rezoned to Residential R-10 (R-10) so that it will be consistent with the zoning of the remainder of the property. This property is adjacent to 44-50 Whittemore Street which is zoned entirely GI. **Ms. Ellison**, displaying a plot plan of the property (on file), and gave the following information to the Council:

The property is predominantly zoned R-10 (Residential). A small piece at 52 Whittemore Street is zoned GI (General Industrial). The adjacent property is also owned by Cape Ann Forge and is GI. The area the applicant is asking to be re-zoned from GI to R-10 is approximately 2,345 square feet which will join a residential lot that contains 3.33± acres to make it consistent with the rest of the parcel. The zoning discrepancy is the result of a reconfiguration of lot lines between the two parcels (at 44-50 and 52 Whittemore Street) many years ago. Both parcels are owned by Cape Ann Forge Trust. Originally both parcels were zoned GI, and many years ago zoning for a portion of the 52 Whittemore Street parcel was rezoned to R-3 (at that time and now is considered under the zoning ordinance as R-10). At that time the zoning line and property line were the same. Some time later there was a reconfiguration of the property line for a residential development that was being contemplated that didn't go forward; but the zoning was never changed. Therefore, there is a small area zoned GI which juts out into the R-10 portion of the parcel creating an awkward entry into the residential lot. Once rezoned to R-10, the owner plans to develop the property into five residential lots, and the rezoned area will be used as part of a proposed residential subdivision road to access five lots planned for the property. The plan for the development is still undergoing review by City staff, and the City's Planning Director suggested that this zoning issue be addressed in the interim, she said. It was noted that the Planning Board voted 4 in favor, 0 opposed in favor of this rezoning at their meeting of January 16th. It was recommended that the applicant seek this zoning change by City staff.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Theken asked **Ms. Eliason** to review the location of the property at 52 Whittemore St. **Ms. Eliason** showed a map of the property (on file), a vacant lot at the very end of Riverside, and the land with the industrial buildings is the next parcel over at 44-50 Whittemore St. The parcel at 52 Whittemore Street is residential but the small piece in question is currently zoned GI. This rezoning just makes the entire parcel consistent; she reiterated, and the request for rezoning was done with the encouragement of the Planning Board and City staff.

Council President McGeary asked for and received a brief clarification of lot lines displayed on a map from **Ms. Eliason**.

This public hearing is closed.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend that the City Council grant a zoning change for the property at Whittemore Street #52, Assessors Map #21, Lot #7 from its present zoning classification of General Industrial (GI) to R-10 (Medium/High Density Residential) and to amend the Zoning Map accordingly.

DISCUSSION:

Councilor Verga explained that both the P&D Committee and the Planning Board unanimously recommended this zoning change. The Planning Director had pointed out at P&D that it makes no sense to have multiple zonings on a parcel, and that this rezoning makes the most sense, he said.

Council President McGeary asked if the proposed project will reach across both properties owned by the Cape Ann Forge Trust. **John D. McNiff, Jr.**, applicant, said the plan is for a residential project within the one residential parcel.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to grant a zoning change for the property at Whittemore Street #52, Assessors Map #21, Lot #7 from its present zoning classification of General Industrial (GI) to R-10 (Medium/High Density Residential) and to amend the Zoning Map accordingly.

2. PH2014-009: Loan Order #2014-001: Loan Authorization in the amount of \$4,000,000 re: CSO Modified Consent Decree & Long-Term Control Plan

This public hearing is opened.

Those speaking in favor:

Michael Hale, DPW Director, told the Council the following: With this \$4 million loan order related to the Combined Sewer Overflow long-term control plan it is hoped to complete the City's CSO obligation. This process of remediation dates back 14 years. This has been a systematic process to deal with certain areas of the City. The long-term control plan has been restructured and there was a modification of the Consent Decree to the amended Modified

Consent Decree that allowed the City to reshuffle the order in which the CSO work was done to benefit both the rate payer, taxpayers and impacted neighborhoods. This particular CSO project will involve restudying the area finished last fall to ensure the benefits of the work are in place, as well as to attack areas in East Gloucester that discharge to Cripple Cove and improvements to the Hartz Street Pump Station. This section of East Gloucester has vitrified clay drain and sewer lines which have very small lengths of pipe with dry fit joints. Groundwater gets into these joints every time there is a high water event and causes Infiltration/Inundation (I/I) can overwhelm the pump station resulting in a back up of waste water into the so-called CSO-009 outfall at Cripple Cove. The project, when finished, should complete the City's CSO work. Once the results of the work are confirmed through testing, the City will have fulfilled its obligation under the CSO agreement.

Mr. Hale cautioned that although this would fulfill the City's CSO obligation, there will always be sewer and water drain work. He pointed out the City's infrastructure is old everywhere, not just in the CSO areas downtown and around the harbor.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Verga asked how long this CSO project will take. **Mr. Hale** answered as follows: This section of the City has some difficult scheduling issues - the areas of Chapel, Davis and Highland Streets have to be done and completed by August with the roads closed and a bottom course of pavement laid by the reopening of East Gloucester Elementary School in September. The work on Rocky Neck would be done in the off-season, after Labor Day, potentially after Columbus Day. The work to be done on East Main Street is not open trench work; it is pipe lining which is done manhole to manhole. This will cause minor traffic delays but uniformed police details will be on hand to manage that situation. The major part of the work will be done this year with cleanup and final paving next spring.

Councilor Lundberg asked about what process the City has to go through to certify the City has completed its obligation of CSO work. **Mr. Hale** said a systematic testing plan has to be submitted to the Department of Environmental Protection and Environmental Protection Agency; and explained some of the processes of the CSO testing for sewer and waste water. He noted outflows have remained steady versus overflows under heavy rain conditions in the most recently amended CSO area.

Council President McGeary discussed with Mr. Hale the millions of gallons of waste water that used to be discharged off of Pavilion Beach with **Mr. Hale** noting that there has been no more than 1,000 gallons cumulative over the last three years which was pointed out as a significant decrease. There have not been any beach closures longer than one day and none recently, he said.

Councilor Cox pointed out, referring to B&F minutes of 2/6/14 (on file), that outflow into Pavilion Beach is now limited to an estimated 300 gallons annually. **Mr. Hale** said the goal for the particular overflow for the area known as CSO 002 is to have no discharges to Pavilion Beach because it is a bathing beach.

This public hearing is closed.

COMMITTEE RECOMMENDATION: 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 the following loan order:

ORDERED: That \$4,000,000 is appropriated for the purpose of financing additional CSO Long-Term Control Plan expenses, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow up to \$4,000,000 and issue bonds or notes therefor under Chapter 44 of the Massachusetts General Laws, or any other enabling legislation and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; and that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a financing agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project; that the Mayor is authorized to contract for and expend any federal, state or private aid available for the project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all

of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

DISCUSSION:

Council President McGeary said at the Budget & Finance Committee meeting where this loan authorization was discussed, the CFO said that the anticipated impact to the tax rate is at about 4 cents; and that the City is well within its borrowing capacity. The Council, having voted to exclude the CSO indebtedness in general from Proposition 2-½ limits, that that this \$4 million loan authorization is also excluded from those limits as well.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve the following loan order:

ORDERED: That \$4,000,000 is appropriated for the purpose of financing additional CSO Long-Term Control Plan expenses, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow up to \$4,000,000 and issue bonds or notes therefor under Chapter 44 of the Massachusetts General Laws, or any other enabling legislation and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; and that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a financing agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project; that the Mayor is authorized to contract for and expend any federal, state or private aid available for the project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

For Council Vote: None.

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilor Whynott thanked Mr. Duggan and Mr. Hale for the port-a-potties on the Boulevard.

Councilor LeBlanc said there will be a second Ad Hoc Dog Ordinance Committee meeting Wednesday, Feb. 12th at 5:30 p.m. He announced that there will be limited participation allowed by the public; that the purpose of this meeting is to primarily discuss matters amongst the Ad Hoc Committee members. He reminded the audience that the public can submit their comments to the Ad Hoc Committee through the City Clerk's office.

Councilor Cox announced that on Wednesday, Feb. 19th from 6:30 p.m. to 7:30 p.m. at the American Legion Hall there will be a veteran's forum regarding the local expansion and relocation of the Gloucester VA Community-based Outpatient Clinic. There is an AMVET's fundraiser with country line dance lessons and a chili cook off on Friday, Feb. 28th from 7-10 p.m. at \$10 per person. She reiterated the information regarding the public hearing for the DPA boundary review by CZM, at 6 p.m. on Monday Feb. 24th in Kyrouz Auditorium.

Councilor Theken said the following evening there will be a "Gloucester Better Together" forum at the Rose Baker Senior Center from 5:30 p.m. to 7:30 p.m. She said a light dinner will be served and babysitting is available. She noted the purpose of the meeting is to aid in the development of neighborhood and youth safety initiatives; leveraging the City's waterfront and creating a vibrant community. **Councilor Theken** also noted changes in drug coverage for seniors and made comments regarding the federal health insurance program.

Council President McGeary invited the community to attend the One Billion Rising for Justice event on Friday, Feb. 14 event at 12:30 p.m. at the park next to the Cape Ann Savings Bank. The event, he said, is based on the idea that a billion in their lifetime will be subject to violence and/or rape. The City will be joining in with members of the public an attempt to raise public awareness of violence against women.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:34 p.m.

Respectfully submitted,

**Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Summary submitted by Attorney Eliason for John D. McNiff, Jr. Trustee, Cape Ann Forge Trust regarding the rezoning petition for 52 Whittemore Street, Map 21, Lot 7, including a plan of land.**