

GLOUCESTER CITY COUNCIL MEETING

Tuesday, October 14, 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: None

Also Present: Linda T. Lowe; Kenny Costa; John Dunn; Suzanne Egan; Mike Hale; James Pope; Jonathan Pope; Melissa Teixeira; Michelle Sweet; Kathy Clancy

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

Flag Salute & Moment of Silence.

Oral Communications: None.

Russell Hobbs, 1166 Washington St., said once the Ward 4 Councilor is elected, the people of Lanesville would like a meeting held as soon as possible regarding the Lanes Cove seawall and be updated as to when repairs will be carried out and other related issues. He also noted that seawall stones have been removed inappropriately and urged that warning signs need to go up to hinder this kind of activity.

Lynn Browne, 8 Chateau Heights, told the Council that her street is a dead end off the end of Englewood Road in Ward 5. She noted that some weeks prior, four of six Chateau Heights abutters received letters from the city that the Department of Public Works would no longer plow the road. She said the DPW contends that this is a private road, and that the city is under no obligation to provide the plow service. Based on this letter and being unable to resolve the matter to the satisfaction of the residents after meeting with city staff, she asked a series of questions related as to why the city would no longer perform what she deemed an essential function for the safety and well-being of her fellow Chateau Heights residents. Additionally she asked questions as to documentation. She did note that Chateau Heights is a permitted subdivision from the 1980s, but that city records relating to any subdivision agreements with the city have been unable to be located to date making it difficult to prove any agreements are on record regarding the city plowing of the road on either side of the issue.

Ms. Browne submitted a written statement which included a list of questions for a response from the Administration (placed on file) which the Council President assured would be forwarded immediately to the Administration for a response.

Susanne Altenburger, 66 Atlantic St., submitted to the Council a document of Public Commentary to the Mass. Coastal Zone Management on the 2014 Gloucester Municipal Harbor Plan and DPA Master Plan in her name and Phil Bolger & Friends dated 10/10/14 (placed on file) and made comments as to its contents, giving the Council some of her thoughts on the CZM process to date. She requested that the Council President consider inviting her to give a 10 minute presentation on her submission in order to provide a fuller picture for the edification of the Council.

Presentations/Commendations: None.

Consent Agenda:

- **CONFIRMATION OF REAPPOINTMENTS**
 - **MAYOR'S REPORT**
1. Response Times Studies: "Police Zone Review" & "Evaluation of Relocation of Fire Headquarters" (Refer P&D)
 2. Memorandum from Assistant General Counsel re: revision to the Community Preservation Committee ordinance (Refer O&A)
 3. Memorandum from Assistant DPW Director re: request permission to deficit spend in the Snow & Ice account in order to fill the Newly-constructed salt shed (Refer B&F)
 4. Memorandum from Community Development Director re: Intermunicipal Agreement with the Town of Essex for staff assistance For the Essex Open Space & Recreation Plan (Refer B&F)
 5. Memorandum from Police Chief re: acceptance of the FY15 911 Support & Incentive Grant in the amount of \$61,795 (Refer B&F)
 6. Memorandum & Supplemental Appropriation-Budgetary Request (2015-SA-5) from DPW (Refer B&F)
 7. Memorandum from Harbormaster & Supplemental Appropriation-Budgetary Request (2015-SA-6) (Refer B&F)
 8. Memorandum from Harbormaster & Supplemental Appropriation-Budgetary Request (2015-SA-7) (Refer B&F)
 9. Memorandum from Harbormaster & Supplemental Appropriation-Budgetary Request (2015-SA-8) (Refer B&F)
 10. Memorandum from Fire Chief & Special Budgetary Transfer Request (2015-SBT-16) (Refer B&F)
 11. New Appointment: Historical Commission TTE 02/14/17 Mary Ellen Lepionka (Refer O&A)
- **COMMUNICATIONS/INVITATIONS**

1. Letter from Lane's Cove Historical Association, Inc. re: Lane's Cove Public Landing & Lane's Cove Fish Shack (Refer P&D)
2. Letter of request for revision of condition/restriction #1 from Angela Procaccini re: Outdoor Parking Permit at 2 Long Beach Rd. (Refer P&D)
3. Letter from Plumbing Inspector concerning toilet facilities at City beaches (Info Only)
 - **APPLICATIONS/PETITIONS**
1. Petition pursuant to City Charter Sec. 9-1(b) "Group Petition" re: "Request a public hearing be brought before the City Council to Discuss the discontinuance of the practice of fluoridation of our public water supplies" (City Council)
2. Special Event Application: request to hold the Gloucester Christmas Parade & Tree Lighting on November 30, 2014 (Refer P&D)
3. SCP2014-011: Main Street #260, Map 13, Lot 8, GZO Sec. 1.10.1(a)(3) & 3.2.2(a) for a decrease in the minimum lot area & open Space per dwelling unit (Refer P&D)
 - **COUNCILORS ORDERS**
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: 09/23/14 (Approve/File)
2. Special City Council Meeting: 10/07/14 (Approve/File)
3. Standing Committee Meetings: B&F 10/09/14 (under separate cover), O&A 10/06/14, P&D 10/08/14 (Approve/File)

Unanimous Consent Calendar:

1. CC2014-043 (Verga) Request review of the Ordinance Amendments proposed by the Ordinances & Administration Ad Hoc Off Leash Committee and adopt the final recommended Amendments and amend GCO Sec. 1-15 "Penalty for violation of certain Specified sections of Code (Refer O&A)

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

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

Scheduled Public Hearings:

1. **PH2014-066: SCP2014-010: Railroad Avenue #33, Map 24, Lot 58 – Modification of Special City Council Permit granted September 16, 2003, pursuant to GZO Sec. 1.5.3(c), 2.3.1(8) and 3.1.6(b)**

This public hearing is opened at 7:15 p.m.

Those speaking in favor:

Attorney Joel Favazza, Seaside Legal Solutions, 111 Main St., representing the Trustee of Station Place Condominium Trust, 33 Railroad Ave., reviewed the following in his request for a modification to the existing Special City Council Permit: The building houses four commercial entities – Parrelli Optical, Northeast Cleaners, Subway Sandwich Shop and Seaside Graphics -- and seven residential units above them. The building was constructed about 10 years ago, and was before the Council at that time for a multi-family permit because it included seven residential units, and for some dimensional relief to fit the building to the lot. The permit provided for seven residential units and three commercial units. Somewhere between the time the permit was granted and completion of construction, four commercial units were created rather than three. No one picked up on this fact until a zoning opinion was requested by a local lender in financing the purchase of a residential unit.

In the pursuing the zoning opinion, **Mr. Favazza** said he found the discrepancy between the number of commercial units and the permitted number. He asked that the Council amend the previous decision to include the fourth unit so that everywhere in the decision where reference is made to "three commercial units" it would now read "four commercial units."

Mr. Favazza briefly addressed the six criteria for a Special Council Permit under Gloucester Zoning Ordinance Sec. 1.8.3 as follows:

- Social Economic and Community Needs: Currently all four businesses are vibrant and serving the community so keeping the four long-standing businesses in their current location is a continuing benefit to the neighborhood and residents who work and extend their patronage to those businesses.
- Traffic Flow and Safety: Nothing will change, all traffic patterns will remain as is.
- Adequacy of Utilities: All will remain as is, and utilities have been proven to meet the current needs of the building.
- Neighborhood Character and Social Structure: After 10 years all four business is part of the neighborhood character and fit in well.
- Qualities of the Natural Environment: No changes are being made to the building externally and no changes are being made to the plantings on the site.

- Potential fiscal impact: It is better for the tax and business base of the city to keep the four businesses as they are and where they are rather than reducing them to three.

Mr. Favazza asked the Council to vote in favor to amend the Special Council Permit decision to include four commercial units under seven residential units.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 7:18 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve modifying a Special Council Permit in order to allow for a fourth commercial unit in place of the three commercial units granted in 2003 of the Special Council Permits (SCP2014-010) granted to David Mering, Trustee, Station Place Condominium Trust, 33 Railroad Avenue, Gloucester Massachusetts for a Special Council Permit granted on September 16, 2003 by the City Council pursuant to Sections 1.4.2.2, 2.3.1(4)(b) and 3.2.1(4) of the 1999 Zoning Ordinance as amended through 2003 (GZO 2008 Sec. 1.5.3(c), 2.3.1(8) and 3.1.6(b) Map 24, Lot 58, zoned Neighborhood Business (NB).

DISCUSSION:

Councilor Verga said these businesses and building on Railroad Avenue have stood the test of time and the modification should be approved.

Councilor Cox commented that as Ward Councilor to this area she had received no complaints at all about the property or this issue.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, to approve modifying a Special Council Permit in order to allow for a fourth commercial unit in place of the three commercial units granted in 2003 of the Special Council Permits (SCP2014-010) granted to David Mering, Trustee, Station Place Condominium Trust, 33 Railroad Avenue, Gloucester Massachusetts for a Special Council Permit granted on September 16, 2003, by the City Council pursuant to Sections 1.4.2.2, 2.3.1(4)(b) and 3.2.1(4) of the 1999 Zoning Ordinance as amended through 2003 (GZO 2008 Sec. 1.5.3(c), 2.3.1(8) and 3.1.6(b) Map 24, Lot 58, zoned Neighborhood Business (NB).

2. PH2014-067: Amend GCO Chapter 22, Sec. 22-277 “One-hour parking-Generally” & Sec. 22-280 “Fifteen-minute parking” re: Pleasant Street

This public hearing is opened at 7:21 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 7:21 p.m.

Councilor Whynott explained that this is a continuation of the work to clean up traffic matters on Pleasant Street, in and around the West Parish School temporary location at St. Ann’s. He noted that this series of actions affects the “right-hand” (easterly or non-school) side of Pleasant St. from Prospect and Pleasant streets to Liberty Street.

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 Amend GCO c. 22, Sec. 22-277 “One-hour parking-Generally” by DELETING Pleasant Street, easterly side from Prospect Street to Liberty Street, except Saturdays and Sundays; and by DELETING Pleasant Street easterly side 40 feet from the northerly corner of Liberty Street for 114 feet, except Saturdays and Sundays.

DISCUSSION:

Councilor Cox reiterated that these motions are all clean up resulting not just from the presence of West Parish School at St. Ann's but also from the overall requirements of the neighborhood. While working with the School Department and redoing the traffic ordinances for parking on the westerly side of the street, it was discovered that the easterly side also had parking issues. She also noted some of the odd parking discrepancies currently contained in the Code of Ordinances on that side of the street from Prospect and Pleasant streets, to Liberty Street, and from Liberty Street to the northerly terminus of Pleasant Street.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, to Amend GCO c. 22, Sec. 22-277 "One-hour parking-Generally" by DELETING Pleasant Street, easterly side from Prospect Street to Liberty Street, except Saturdays and Sundays; and by DELETING Pleasant Street easterly side 40 feet from the northerly corner of Liberty Street for 114 feet, except Saturdays and Sundays.

COMMITTEE RECOMMENDATION: 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, Sec. 22-280 "Fifteen Minute Parking" by DELETING Pleasant Street easterly side 40 feet from the northerly corner of Liberty Street; and by DELETING Pleasant Street, easterly side at a point 155 feet from its intersection with Liberty Street in a northerly direction for a distance of 23 feet.

DISCUSSION: None.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, to Amend GCO c. 22, Sec. 22-280 "Fifteen Minute Parking" by DELETING Pleasant Street easterly side 40 feet from the northerly corner of Liberty Street; and by DELETING Pleasant Street, easterly side at a point 155 feet from its intersection with Liberty Street in a northerly direction for a distance of 23 feet.

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 Amend GCO c. 22, Sec. 22-280 "Fifteen Minute Parking" by ADDING Pleasant Street easterly side, 20 feet from the northerly corner of Liberty Street; and by ADDING Pleasant Street, easterly side at a point 155 feet from its intersection with Liberty Street in a northerly direction for a distance of 23 feet.

Councilor Theken moved and **Councilor Cox** seconded to amend the main motion by adding the words, "except on Sundays" after the words "23 feet." **By a unanimous vote of the Council the main motion was amended to add the words, "except for Sundays."**

MOTION: On a motion by Councilor Whynott, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, to Amend GCO c. 22, Sec. 22-280 "Fifteen Minute Parking" by ADDING Pleasant Street easterly side, 20 feet from the northerly corner of Liberty Street; and by ADDING Pleasant Street, easterly side at a point 155 feet from its intersection with Liberty Street in a northerly direction for a distance of 23 feet, except for Sundays .

For Council Vote:

1. Election of Ward 4 City Councilor in accordance with Section 2-13(b) of the City Charter and additional procedures adopted by the Council at its meeting of September 23, 2014

Council President McGeary commented this was the end of a long road for the Council to name a successor to the late Jacqueline Hardy whose memory is cherished. He then restated the rules for the election of an interim Ward Councilor adopted by the Council at their September 23 Council meeting as follows:

- At the time of election only those candidates who have been nominated and seconded by a member of the City Council shall be considered for election.
- Councilors shall be limited to one (1) nomination and one (1) second of any candidate.

- Election to the vacant Council seat shall require a majority vote of the Council (five votes). Balloting shall continue until a candidate receives five votes.
- Once nominated and seconded, no candidate shall be removed from consideration unless the candidate or his or her designee indicates that the candidate no longer wishes to be considered.

Councilor Lundberg declared the following: That he had contacted the state Ethics Commission because one Ward 4 candidate is married to his sister. The state Ethics Commission advised him that his brother-in-law, Tony Gross, is a non-immediate family member, therefore his participation would not create a conflict of interest. But because there might be an appearance of a conflict of interest, the Ethics Commission advised him to file an Appearance of a Conflict of Interest document as required by MGL c. 268A, § 23B, which was filed with the City Clerk, disclosing the relationship stating that, as with all Councilors charged with electing the most qualified person, that he can perform his official duties objectively and fairly.

Council President McGeary said that under the rules that the Council adopted, there were to be individual nominations and seconds, however, at the suggestion of Councilor Fonvielle and in the interest of time, that the Council allow the six remaining candidates to be put forward as a slate. The Council President then accepted a motion by **Councilor Theken**, seconded by **Councilor Cox** that the Council suspends its own Rules of Procedure in order to allow the Ward 4 candidates to be nominated as a group.

MOTION: On a motion by Councilor Theken, seconded by Councilor Cox, the Council voted by ROLL CALL 8 in favor, 0 opposed to suspend its Rules of Procedure to allow for the nomination of Ward 4 candidates as a group.

Councilor Fonvielle was called upon by the Council President to put place in nomination the names of the six remaining candidates, and **Councilor Verga** seconded the six nominations. The candidates for Ward 4 Councilor in alphabetical order are:

Carol Earle Burnham, 74 Langsford Street; Valerie Gilman, 75 Revere Street; Tony Gross, 18 Nashua Avenue; Rick Noonan, 1 Wheeler's Point Road; Robert G. Stewart, 20 Leonard Street #1; Robert Whitmarsh, Jr., 2 Blueberry Lane.

Council President McGeary then called for an oral roll call vote and Council discussion at the Council's discretion.

Councilor Verga said this is a tough vote for any of the Councilors being put on the spot to take a public vote in the case where most of them know most if not all of the candidates, in essence acting as Solomon. He said he looked at who is ready to hit the ground running and what would be the least disruptive. He pointed out that a number of candidates are on boards and committees now and there would be a trickle-down effect if the Council votes in that direction. His vote, he said, is based on that as well as the non-pledge because the person who is selected should be trying to seek, if they choose, the job full-time next fall.

Councilor Whynott reiterated Councilor Verga's comments and said that the interim Councilor should be able to run in the 2015 municipal election. He said not having the interim Councilor run in the next election would be a waste of taxpayers' money.

Councilor Lundberg said that the Council is challenged with a slate of candidates who are all qualified and so the decision comes down to the Council making a choice as to who gets to be the incumbent. He noted many of the Ward 4 residents he has spoken with in the last week have suggested that if the Council can come up with a solution that doesn't tip the scales in favor of one candidate they would hope the Council could find that way. He reiterated his comments made in the October 7 Special City Council meeting that he believed if the Council has a qualified candidate who can hit ground running and will not run for reelection next year, that the Council best serves the Ward 4 residents in that way.

Councilor Theken said this is difficult for the Council and for the candidates. She said she appreciated the effort of Valerie Nelson who organized a candidate's debate Oct. 9 at the Lanesville Community Center. She said that the people she spoke with in the ward thought because she was inquiring about their concerns that she was taking over the role of ward Councilor, and asked why they couldn't vote for an interim Councilor. The residents also expressed to her they hadn't met any of the candidates. She also noted some ward residents' concerns for not having a popular vote rather than a vote by the Council. She said that the qualities of each of the candidates were admirable and that she wasn't looking for someone to fill Councilor Hardy's shoes or to be as dynamic. She said her decision to support a particular candidate is based on what she's read, spoken to residents and considered all factors.

Councilor Cox said she appreciated everybody who stepped forward as candidates. She noted the Council had seen their résumés and skills, and that the candidates had come before the Council stating their positions, which she said she also appreciated. She pointed out her agreement with Councilor Verga excepting on the question of considering the “trickle-down” effect when casting a vote. She said she would vote for who she thinks is the best qualified with the experience and the necessary drive to handle the challenges of the responsibilities of a Ward Councilor with the changes it will make on the new Councilor’s life.

Councilor Fonvielle noted that most of the candidates he considered as personal friends and expressed his hope that after this evening they would remain the same. As far as electing an interim Councilor, the City Charter, like it or not--which he said he did not and would have preferred to have a vote of the populous--gives the Council the responsibility and will fulfill the responsibilities of the Charter.

Council President McGeary concurred with Councilor Lundberg’s assessment of the situation which is a difficult choice. He said that the Council is not bound to appoint an interim Councilor, but would best serve the voters of Ward 4. He also said the candidates represent many personal friends and that any of the six could do the job with few differences. The Council will do the best they can for the city, and is choosing from among many highly qualified people.

1st Ballot Called by Roll Call: Val Gilman: 3 (Fonvielle, Verga, Whynott); Tony Gross: 2 (Cox, LeBlanc); Bob Stewart: 3 (Lundberg, McGeary, Theken).

The Council recessed at 7:45 p.m. and reconvened at 7:48 p.m.

A question was raised by a member of the audience about the communications received from the public in support of the candidates directed at the Council. With objections from **Councilors Lundberg**, the Council determined it would not read the many communications received by the Council for their consideration in forming their opinion for their vote for a Ward 4 Councilor.

2nd Ballot Called by Roll Call: Val Gilman: 3; Tony Gross: 2; Bob Stewart: 3.

3rd Ballot Called by Roll Call: Val Gilman: 3; Tony Gross: 2; Bob Stewart: 3.

4th Ballot Called by Roll Call: Val Gilman: 3; Tony Gross: 2; Bob Stewart: 3.

Councilor McGeary said that there has to be something that gives, and suggested that under the circumstances they would do well to elect Robert Stewart therefore clearing the way for an even playing field in November 2015. Mr. Stewart has said repeatedly he would not seek reelection, and therefore any of the candidates other than Mr. Stewart would know they do not have the additional burden to try to unseat an incumbent. By making someone an incumbent they do not guarantee their election. In the interest of resolving an impasse, he suggested that a “neutral” candidate might be the way to go.

Councilor Verga disagreed and wanted a candidate who would be the best, and said he thinks that Ms. Gilman is the best candidate for the job.

Councilor Whynott said he wanted a candidate who would learn the job and be able to continue the work of a Ward Councilor. He added that it is a bad concept and could not support an interim Councilor.

Councilor Theken said she was voting for Mr. Stewart, not because of whether he does or doesn’t run for reelection in 2015. She said that she appreciated Mr. Noonan’s candidacy but pointed out that he had run for Councilor in the previous municipal election but had stepped back before the last Election Day although his name still was on the ballot. She said Mr. Stewart represented a common ground and is a compromise candidate with city experience.

Councilor Cox said if the Council bases their decision what Ward 4 needs and what those residents have asked for, they are doing a disservice to vote for Mr. Stewart. While he has experience, it is not what Ward 4 wanted, she pointed out. There are a lot of candidates that received many recommendations from their own ward which the Council did receive.

Councilor Lundberg said that to keep in mind what the voters in Ward 4 want and didn’t feel comfortable substituting a candidate who would be an incumbent. Mr. Stewart can hit the ground running and would serve the ward perfectly and give the other candidates the time to decide whether they want to mount a campaign and present themselves to the Ward 4 voters next November. By voting for Mr. Stewart, an interim candidate, the Council will not have interfered with the process.

Councilor LeBlanc said these candidates have run a campaign for 30 days. The Council has received communications, taken calls from ward residents and has been stopped on the street. He pointed out that there was nothing received from the ward residents by the Council in support of Mr. Stewart's candidacy.

Council President McGeary pointed out that if Mr. Stewart was elected this evening he could run again, however, if he declared he would not seek election and then did run, he would have the burden to explain to Ward 4 voters why he had changed his position. That additional burden would have the effect of balancing of the scales, he pointed out.

Councilor Fonvielle pointed to the 699 votes Mr. Whitmarsh received in the ward in the last election when he ran for Councilor At Large in the last municipal election. He noted the votes from 2009 and 2011 for School Committee that Ms. Gilman topped the ticket both times in the popular vote and Mr. Gross finished third in his own precinct and sixth in the last election. Based on those results, he has been voting for Ms. Gilman.

Councilor Whynott said that his two choices were Ms. Gilman and Mr. Gross, and Mr. Gross was a close second. He pointed out both candidates have run At Large. He said that they are not afraid to run for the office. Ward Councilors, he also pointed out, rarely get more than two terms. The two people who have run before for public office are who he would stick with, he concluded.

Councilor Verga pointed out Ms. Gilman said that when he last ran for School Committee she topped the ticket as she did in the last election for School Committee.

Councilor Cox agreed to a point, she said, but the only candidate during the debate in running for Ward 4 who spoke to Councilor Hardy on whether to run in the last municipal to ask if she was running and stepped away when she did run for her fifth term was Mr. Gross.

Councilor Theken said Ms. Gilman also asked for Councilor Hardy's advice, as she also wished to run as a Ward 4 Councilor candidate. She disagreed with the import of how many votes a candidate got when running for School Committee. She pointed out that she topped the ticket in number of votes in the last municipal election as the top Council vote getter for At Large and she quipped that she should be Mayor. She said that many people of the ward didn't know about this election, and are not concerned about a one year term. She expressed that she felt Ms. Gilman and Mr. Gross with their municipal experience so similar would hit the ground running, but supported Mr. Stewart as Ward 4 Councilor. She also noted that while Mr. Noonan couldn't attend the October 7 Special City Council meeting, he had submitted a statement, responded to Council questions in writing, and had a representative to speak for him at the Ward 4 Candidates Debate on October 9.

5th Ballot Called by Roll Call: Val Gilman: 3; Tony Gross: 2; Bob Stewart: 3.

The Council recessed at 8:14 p.m. and reconvened at 8:23 p.m.

6th Ballot Called by Roll Call: Val Gilman: 3; Tony Gross: 1; Bob Stewart: 4 (LeBlanc, Lundberg, McGeary, Theken).

Councilor LeBlanc said after talking with several people in the audience he would go with an interim appointment. He pointed out that Ms. Gilman and Mr. Gross would be wonderful candidates in a head-to-head election and that an interim candidate who would not run again would be sufficient for the next year to meet the needs of the ward. He said it was best to leave Ward 4 to a vote of the residents moving forward.

Councilor Theken reiterated her vote is not whether Mr. Stewart is running again or not but what she needs to do to support the residents of Ward 4. She has talked to residents of Poplar Park, Annisquam, and Riverdale. Many of her seniors know Mr. Stewart, and said that while she respects Ms. Gilman and Mr. Gross, she wished to stay neutral and continue to vote for Mr. Stewart.

Councilor Cox said that while she is not comfortable changing her vote, that the candidate she has been voting for (Mr. Gross) is the best candidate, but with his blessing, she will be changing her vote on the next round of voting.

Councilor Fonvielle said that while having a difficult decision of whether to go for the interim candidate, he has decided to accede to the Council momentum and cast his vote for Mr. Stewart.

7th Ballot Called by Roll Call: Val Gilman: 2; Bob Stewart: 6.

Council President McGeary declared that Robert Stewart is elected by the City Council to be the Ward 4 Councilor.

He thanked all of the candidates who put themselves forward. He said they are what are important about democracy and public service. Now that the stage is set for 2015, he said he anticipated seeing the candidates coming forward then for election. He commended the candidates for the effort they put forth and dedication to the city and deserved the Council's thanks.

Mr. Stewart then came forward to take the Oath of office from **City Clerk, Linda T. Lowe**.

Robert Stewart was declared the sworn Ward 4 Councilor.

The Council recessed at 8:31 p.m. and reconvened at 8:40 p.m. At the resumption of the Council meeting, Councilor Stewart took his place with the Council at the dais.

Scheduled Public Hearings:

- 1. PH2014-068: Loan Order 2014-010: Loan Authorization for \$1,250,000 increase in Phase 3 and 4 of the Public Water System capital improvements for an amended total of \$13,650,000**

This public hearing is opened at 8:40 p.m.

Those speaking in favor:

Mike Hale, Director of Public Works, reviewed the loan authorization increase as follows: Phase 3 and 4 of the recent city water system improvements cost almost \$26 million. Phase 4 was almost \$12 million. Phases 1 and 2 were almost \$20 million. The DPW is looking for an increase of \$1.25 million dollars over almost \$40 million of water system capital improvements over the last four years. He pointed out that the original estimates for the work were just that--estimates developed from plans and specifications. Coming at the end of \$40 million of water system work, and only needing \$1.25 million to finish the work was reasonable. Of that \$1.25 million, about \$750,000 would be paid for by Comcast LLC and Verizon New England for allowing them to utilize a conduit under the Annisquam River that was built as part of the project. Ultimately the city would be looking at approximately an addition half million dollars over the original \$40 million estimate for water system capital improvements work over the last four years.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

At the request of **Council President McGeary, Mr. Hale** informed the Council about the communications companies' participation in the Annisquam River conduit as follows:

As part of the city's water work, they installed two new water mains under the Annisquam River going from Essex Avenue across the river to the island side at Gloucester High School which replaces the 100-year-old Spooner Tunnel near the Blynman Bridge. As the DPW developed plans, it was recognized that National Grid Gas (NGG), Verizon New England (Verizon) and Comcast LLC (Comcast) all share in the Spooner Tunnel. NGG opted not to participate in the crossing but because Comcast and Verizon came into the project late, they recognized the importance of sharing some conduit space in the new river crossing. With those communications companies' specifications, the city provided them with the necessary conduit to go from the mainland to island side of the city to feed not just the city's infrastructure but all of the city's cable television. Verizon's communications fiber comes through this new tunnel now. The city apportioned the extra work it cost the city to install Comcast and Verizon's conduit. Comcast's share was \$299,000 (the cost of sharing a portion of an easement as well as installation of the conduit to their specifications. Verizon needed more conduit space and their share of the total cost was \$408,672 for a total of \$707,672. The city needs to increase the total loan amount because they spent the extra \$707,672, but the reality is that the city will only be borrowing an extra \$542,348.

Councilor Verga asked about the choice of National Grid not to participate in using the new river crossing conduit. **Mr. Hale** said National Grid has an additional crossing by Julian Road. He explained that National Grid will install additional infrastructure in Essex Avenue and then the feed will bypass the Spooner Tunnel.

This public hearing is closed at 8:45 p.m.

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 adopt the following loan order:

Ordered: That the Order of this Council approved July 24, 2012 authorizing the borrowing of \$12,400,000 to pay costs of improvements to the City's Public Water System is amended in its entirety to provide as follows:

That \$13,650,000 is appropriated for the purpose of financing improvements to the City's Public Water System 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 \$13,650,000 and issue bonds or notes therefor under Chapter 44 of the Massachusetts General Laws, or any other enabling authority 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 Clean Water Trust (the "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 mayor is authorized to expend all funds available for the project and to take any other action necessary or convenient to carry out 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: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to adopt the following loan order:

Ordered: That the Order of this Council approved July 24, 2012 authorizing the borrowing of \$12,400,000 to pay costs of improvements to the City's Public Water System is amended in its entirety to provide as follows:

That \$13,650,000 is appropriated for the purpose of financing improvements to the City's Public Water System 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 \$13,650,000 and issue bonds or notes therefor under Chapter 44 of the Massachusetts General Laws, or any other enabling authority 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 Clean Water Trust (the "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 mayor is authorized to expend all funds available for the project and to take any other action necessary or convenient to carry out 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:

- 1. Warrant for State Election November 4, 2014**

MOTION: On a motion by Councilor Cox, seconded by Councilor Verga, the City Council voted by 9 in favor, 0 opposed, to adopt the warrant for the State Election to be held November 4, 2014.

Committee Report:

Budget & Finance: October 9, 2014

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept the Budget & Finance Committee Unanimous Consent Agenda of October 14, 2014, as follows:

1. *Request acceptance of a \$2,000 donation from Gloucester resident re: Department of Public Works Employees*

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept under MGL c. 44, §53A a donation of \$2,000 by William Taylor, Gloucester resident for the purpose of the installation of a water line at Stage Fort Park to be executed under the direction of the Director of the Public Works Department.

2. *Licensing Agreements for Annisquam River Crossing Conduits by Telecommunications Companies*

For the Verizon New England Inc. license agreement:

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to convey to Verizon New England Inc. for consideration of \$408,672.00 a 99 year license to install and use two ducts forming a passage under the Annisquam River within the subsurface conduit and the use of the duct shafts on the Westerly and Easterly side of the River as shown on the plan entitled "the Passage Tunnel Under the Annisquam River" dated January 2014.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept the payment of \$408,672 from Verizon New England Inc. per the executed agreement and increase the City's Public Water System Phase 3 and 4 project budget in Fund#320021.10.440.58400.0000.00.000.00.058, CIP11-04 12-04 12-09 Water Improvement Capital Project Budget from \$27,182,500 to a new amended budget total of \$27,591,172.

For Comcast LLC agreement:

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept the \$299,000.00 tendered by Comcast LLC in consideration of the agreement dated June 27, 2014 authorizing Comcast to install and use two ducts forming a passage under the Annisquam River within the subsurface conduit and the use of the duct shafts on the Westerly and Easterly side of the River as shown on the plan entitled "Passage Tunnel Under the Annisquam River" dated January 2014.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept the payment of \$299,000 from Comcast per the executed agreement and increase the City's Public Water System Phase 3 and 4 project budget in Fund#320021.10.440.58400.0000.00.000.00.058, CIP11-04 12-04 12-09 Water Improvement Capital Project Budget from \$27,591,172 to a new amended budget total of \$27,890,172.

3. *Memorandum from Harbormaster & Supplemental Appropriation-Budgetary Request (2015-SA-4)*

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2015-SA-4 in the amount of \$8,000 (Eight Thousand Dollars) from Account #740000.10.996.59600.0000.00.000.00.059, Stabilization Fund St. Peter's Marina-Transfer Out – To Enterprise Fund, to Waterways Enterprise, Contractual Services to

Account #700000.10.492.52000.0000.00.000.00.052, for the purpose of contracting services in order to conduct an underwater survey of the piles and floats of the St. Peter's and Harbor Cove Commercial Marinas.

4. *Memorandum from Police Chief re: Request permission to apply for a FY15 State 911 Training and EMD Grant in the amount of \$141,720.05*

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, permit the Police Department to apply for a grant from the Massachusetts Executive Office of Public Safety & Security, State 911 Department FY15 Training Grant and Emergency Medical Dispatch/Regulatory Compliance Grant for \$141,720.05.

5. *Special Budgetary Transfer Request (2015-SBT-8) from Police Department*
Special Budgetary Transfer Request (2015-SBT-9) from Police Department
Special Budgetary Transfer Request (2015-SBT-10) from Police Department

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2015-SBT-8 for \$3,693.00 from Account #101000.10.211.51450.0000.00.000.00.051, Police-Uniform, Holiday Pay to Account #101000.10.212.51450.0000.00.000.00.051, Police-Investigation, Holiday Pay for the purpose of funding FY2015 holiday pay wages for a Police Officer in the Investigation Division of the Police Department.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2015-SBT-9 for \$500.00 from Account #101000.10.211.51400.0000.00.000.00.051, Police-Uniform, Longevity to Account #101000.10.212.51400.0000.00.000.00.051, Police-Investigation, Longevity for the purpose of funding FY2015 longevity pay wages for a Police Officer in the Investigation Division of the Police Department.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2015-SBT-10 for \$11,475.65 from Account #101000.10.211.51950.0000.00.000.00.051, Police-Uniform, Career Incentive Pay to Account #101000.10.212.51950.0000.00.000.00.051, Police-Investigation, Career Incentive Pay for the purpose of funding FY2015 career incentive pay wages of a Police Officer in the Investigation Division of the Police Department.

6. *Special Budgetary Transfer Request (2015-SBT-12) from Inspectional Services Department*
Special Budgetary Transfer Request (2015-SBT-13) from Inspectional Services Department
Special Budgetary Transfer Request (2015-SBT-14) from Inspectional Services Department
Special Budgetary Transfer Request (2015-SBT-15) from Inspectional Services Department

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2015-SBT-12 for \$750.00 from Account #101000.10.241.53100.0000.00.000.00.052, Inspectional Services, Engineering/Architectural Professional Services to Account #10100.10.241.58700.0000.00.000.00.058, Inspectional Services, Equipment Replacement for the purpose of funding a partial shortfall for a Weights and Measures calibration unit purchase.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2015-SBT-13 for \$409.00 from Account #101000.10.241.54220.0000.00.000.00.054, Inspectional Services, Print Form (Not Comp) to Account #10100.10.241.58700.0000.00.000.00.058, Inspectional Services, Equipment Replacement for the purpose of funding a partial shortfall for a Weights and Measures calibration unit purchase.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2015-SBT-14 for \$1,000.00 from Account #101000.10.241.51250.0000.00.000.00.051, Inspectional Services, Salary/Wage-Part Time Position to Account #10100.10.241.53410.0000.00.000.00.052, Inspectional Services, Telephone Service for the purpose of

purchasing an iPad computer and service contract for use by an Inspectional Services Department staff member.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2015-SBT-15 for \$200.00 from Account #101000.10.241.51250.0000.00.000.00.051, Inspectional Services, Salary/Wage-Part Time Position to Account #10100.10.241.55810.0000.00.000.00.054, Inspectional Services, Work/Safety Clothes for the purpose of purchasing 2 shirts and 1 jacket with city logo for an Inspectional Services Department staff member.

7. *Special Budgetary Transfer Request (2015-SBT-11) from School Department*

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2015-SBT-11 for \$55,000.00 from Account #101000.29.371.51101.2210.00.171.00.051, Gloucester School Department, Principal/Assistant, Principal Salaries to Account #10100.10.211.51100.0000.00.000.00.051, Police-Uniform, Salary/Wage-Permanent Position for the purpose of funding the position of the Gloucester High School Resource Officer for FY2015

***** 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, in accordance with MGL c. 44, §20, that the \$98,301.84 unexpended balance of Fund #320001 initially borrowed to pay the costs of Water Valve Replacement, the \$54,702.23 unexpended balance of Fund #320007 initially borrowed to pay the costs of Concord/Bray Streets Water Construction, the \$2,526.76 unexpended balance of Fund #320004 initially borrowed to pay the costs of Water Main Improvements, the \$2,544.35 unexpended balance of Fund 320010 initially borrowed to pay the costs of Calder/Hillier/Sunset Water Construction, the \$19,385.54 unexpended balance of Fund 320011 initially borrowed to pay the costs of Hillside/Gilbert Water Construction, the \$40,624.05 unexpended balance of Fund #320012 initially borrowed to pay the costs of Forest Lane/Essex Ave. Water Construction, and the \$17,915.93 unexpended balance of Fund #320015 initially borrowed to pay the costs of Water Treatment Plant Improvements, which projects are complete and such amounts are no longer needed for the projects, are hereby appropriated by this City Council to a new Water Capital Project Fund to pay the costs of Miscellaneous Water Main and Valve improvements within the City, including the payment of any and all costs incidental and related thereto.

DISCUSSION:

Councilor Cox explained that this Council action relates to a group of completed water capital work that had remaining balances. The DPW reviewed old water capital improvement projects and identified \$236,000 of authorized borrowing that has gone unspent from 1999 to 2008 (projects list on file). The Auditor has reviewed and confirmed that the funds are available and the projects closed, and the CFO has confirmed the funds could be used for these water projects. The funds will be placed one account and will be spent for water main and valve improvements in the city.

These monies can only be used for like capital projects and not for General Fund expenditures, **Council President McGeary** pointed out.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, in accordance with MGL c. 44, §20, that the \$98,301.84 unexpended balance of Fund #320001 initially borrowed to pay the costs of Water Valve Replacement, the \$54,702.23 unexpended balance of Fund #320007 initially borrowed to pay the costs of Concord/Bray Streets Water Construction, the \$2,526.76 unexpended balance of Fund #320004 initially borrowed to pay the costs of Water Main Improvements, the \$2,544.35 unexpended balance of Fund 320010 initially borrowed to pay the costs of Calder/Hillier/Sunset Water Construction, the \$19,385.54 unexpended balance of Fund 320011 initially borrowed to pay the costs of Hillside/Gilbert Water Construction, the \$40,624.05 unexpended balance of Fund #320012 initially borrowed to pay the costs of Forest Lane/Essex Ave. Water Construction, and the

\$17,915.93 unexpended balance of Fund #320015 initially borrowed to pay the costs of Water Treatment Plant Improvements, which projects are complete and such amounts are no longer needed for the projects, are hereby appropriated by this City Council to a new Water Capital Project Fund to pay the costs of Miscellaneous Water Main and Valve improvements within the City, including the payment of any and all costs incidental and related thereto.

For Council Vote:

- 2. CC2014-041 (McGeary) That the City Council join with the Mayor in recognizing Linzee Coolidge by the commissioning and awarding of a medal to be struck in his honor for his many contributions to the city and to its civic and cultural life**

Council President McGeary explained that Linzee Coolidge is the Dusky Foundation founder. He has been an integral part of the city's civic life; his many contributions and gifts to the city, which he said are too numerous to name, have been important in projects like the new animal shelter and Newell Stadium. The Mayor proposes a medal be struck in Mr. Coolidge's honor to be awarded in December. This action asks the Council to join with the Mayor in awarding that medal. The second part of the Council action, although not this evening, he explained, is to amend the Code of Ordinances to create in perpetuity a Linzee Philanthropic Medal to be awarded from time to time by a committee to be named by the city akin to the Mariner's Medal so it wouldn't be awarded every year but when someone deserving of a particular notice would be nominated for the Linzee Philanthropic Medal. He said he hoped the Council would join him in support of striking of a medal to be awarded to Mr. Coolidge.

Councilor Stewart said that Mr. Coolidge and his foundation has not only helped the various needs of the city and but helps instantly when called upon. He noted the recent beautification of Grant Circle, that the Dusky Foundation made an immediate contribution with one phone call request of support. He urged the Council to vote in favor of joining the Mayor as it is most fitting to do as the Council President has suggested.

Councilor Fonvielle said he was proud that Mr. Coolidge is a resident and favorite son of Ward 5.

MOTION: On a motion by Councilor Fonvielle, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed, to join with the Mayor in recognizing Linzee Coolidge by the commissioning and awarding of a medal to be struck in his honor for his many contributions to the city and to its civic life

- 3. CC2014-042 (McGeary) Whether the Council wishes to express to the state Department of Conservation and Recreation its support for the bid of Piper Boatworks/Maritime Gloucester to carry out the renovation of the historic schooner Ernestina-Morrisey**

Council President McGeary explained that he was approached by Tom Balf, Director of Maritime Gloucester, noting that Maritime Gloucester is one of two entities that have bid to do the renovation and restoration of the Ernestina-Morrisey with the second bidder being from out of state. The state Department of Conservation and Recreation is hoping to make a decision by Friday, so it is important that the Council get this letter out as soon as possible. He expressed his appreciation to the Council's response when he put this forward under Unanimous Consent at the Special City Council meeting in order to forward a letter of support as quickly as possible given the deadline.

Councilor Lundberg pointed out the restoration work, if Maritime Gloucester is awarded the contract that the renovation/restoration work, will be done at their facility at Harbor Loop.

On inquiry by **Councilor Whynott**, **Council President McGeary** said that the Council is supporting Maritime Gloucester's bid because of its impact on Gloucester. He said as bids had yet to be opened he didn't know who might be the high and low bidder, but that this was the Council's recommendation to the Department of Conservation and Recreation. **Councilor Whynott** stated his preference that if it was a \$2 million difference he would hope that the award would go to the low bidder.

MOTION: On a motion by Councilor Cox, seconded by Councilor Verga, the City Council voted 9 in favor, 0 opposed to express to the state Department of Conservation and Recreation its support for the bid of Piper Boatworks/Maritime Gloucester to carry out the renovation of the historic schooner Ernestina-Morrisey to be conveyed in a letter forwarded on its behalf by the City Clerk forthwith.

Committee Reports:

Ordinances & Administration: October 6, 2014

Councilor Whynott reported there were no matters for Council action from the October 6 meeting.

Planning & Development: October 8, 2014

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council pursuant to GCO Sec. 2-3(2)(d) grant to Varian Semiconductor Equipment Associates, Inc. a nitrogen line easement in great Republic Drive as shown on the plan entitled, "Nitrogen Line Easement, Great Republic Drive prepared for Varian Semiconductor Equipment Associates," and as described in the easement deed submitted with Varian's request for the disposition of said easement for a nominal fee of \$1.00 with the following condition:

1. Signage must be installed in Great Republic Drive indicating where the nitrogen line is located and what specifically is being carried by the line. Before signage is installed it must be reviewed and approved by the Director of Public Works and the Fire Chief.
2. Varian is required to assume all costs of recording said easements and to provide duly recorded copies to the City.

DISCUSSION:

Councilor Verga said a while ago the Council approved the installation of two nitrogen tanks for Varian who has a facility that needs this line so that what is being fed from the tanks can reach the facility to be used for their processing purposes.

Councilor Fonvielle asked why the Fire Chief needs to approve signage as nitrogen is inert and can't burn.

Councilor Verga said it was procedure (and a recommendation from the Land Disposition Committee comprised of city staff including the Fire Chief.).

Both **Councilors Verga** and **Fonvielle** confirmed the nitrogen gas can't explode, responding to a question from **Councilor Theken**. **Council President McGeary** added that the nitrogen will be transmitted under a small amount of pressure, and understood from the P&D's discussion, that the nitrogen is cryogenically stored, but when traversing under the road it will be in a gaseous state and that gaseous nitrogen makes up 80 percent of the air we breathe. It is not a great threat to public safety, but that the signage is appropriate as a precaution.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 9 in favor, 0 opposed, pursuant to GCO Sec. 2-3(2)(d) grant to Varian Semiconductor Equipment Associates, Inc. a nitrogen line easement in great Republic Drive as shown on the plan entitled, "Nitrogen Line Easement, Great Republic Drive prepared for Varian Semiconductor Equipment Associates," and as described in the easement deed submitted with Varian's request for the disposition of said easement for a nominal fee of \$1.00 with the following condition:

1. **Signage must be installed in Great Republic Drive indicating where the nitrogen line is located and what specifically is being carried by the line. Before signage is installed it must be reviewed and approved by the Director of Public Works and the Fire Chief.**
2. **Varian is required to assume all costs of recording said easements and to provide duly recorded copies to the City.**

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilors Whynott, Fonvielle, Verga, LeBlanc, Cox, Lundberg and **Theken** all welcomed Councilor Stewart, offered their congratulations, and said that they would all assist him in adjusting to his new role as Ward 4 Councilor.

Councilor Stewart thanked the Council for the confidence they have shown him and that he would do his best to represent his ward and city.

Councilor Cox invited the public to Jalapeno's Restaurant on Monday, Oct. 20 for an Amvets Auxiliary fundraiser for U.S. troops with raffle prizes. She reminded that the Open Door Food Pantry breakfast will be held on Thursday, Oct. 23, and there is the Rotary Club trivia on Friday, Oct. 24.

Councilor Lundberg congratulated the Council and all of the interested candidates, even those who fell by the wayside. He said this was a great demonstration of class and of democracy and that they should all be proud of having participated in it.

Councilor Theken noted that Gloucester native, Peter Lovasco is the new Director of the North Shore YMCA. Also Gerald Mackillop, born and raised in Gloucester, will be the Chair of the Board of Directors for the North Shore YMCA. She thanked Mayor Kirk who is meeting with the heads of the fishing industry because there is a decision pending by the federal government that could potentially shut down the city's fishing fleet, meaning no fishing boats will leave the docks in the city's harbor. She pointed out that the dog ordinance recommendations are coming back to O&A. She also reminded the public that tomorrow starts Healthcare Open Enrollment and encouraged any seniors to seek her out at her office at Addison Gilbert Hospital or on Tuesdays at the Rose Baker Senior Center to learn about the changes in their Medicare health insurance. She can be contacted by email: SRomeo@nhs-healthcare.org or by telephone: 978-281-4001x623 for an appointment or to answer any questions or concerns.

Council President McGeary said North Shore Health Project is celebrating its 25th anniversary on Friday at 7:30 p.m. at the Shalin Liu Performance Center in Rockport. On Rocky Neck at the Cultural Center from 4 pm to 6 pm the Rocky Neck Quilt will be unveiled.

He commended the Council for the hard work they did this evening and put into the process of electing a new Ward Council which they took very seriously. He cited his fellow Councilors' strong commitments to the candidates, and said that they all recognized that any one of the six candidates would have been a good candidate. The Council made their choice and welcomed a new Councilor, Bob Stewart, whom he said he looked forward to working with.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:14 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Letter from Lynn Browne, 8 Chateau Heights
- "Public Commentary to MA Coastal Zone Management (CZM) on the 2014 Gloucester Municipal Harbor Plan & DPA Master Plan" by Susanne Altenburger of Phil Bolger & Friends Inc. (PB&F) (10/10/14)