

GLOUCESTER CITY COUNCIL MEETING

Tuesday, October 28, 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; Absent: Councilor Fonvielle

Also Present: Linda T. Lowe; Kenny Costa; Salvatore DiStefano; John Dunn; Nancy Papows; Beth Godhino; Tim Good; Gary Johnstone; Fire Chief Eric Smith; Sander Schulz; Noreen Burke

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

Flag Salute & Moment of Silence. Councilor Theken dedicated the Moment of Silence to the memory of Officer Robert Johnsen of the Gloucester Police Department who served the city for 20 years.

Council President McGeary noted that Councilor Fonvielle was not in attendance due to a business commitment.

Oral Communications:

Susanne Altenberger, 66 Atlantic Street, noted the commentary on the city's latest Harbor Plan now available on line on the city's website as submitted to Coastal Zone Management. She pointed out there is no longer access to over 20 proposals for ideas the development of 65 Rogers Street (I4-C2). She urged that the city pick up its efforts to develop the property. She also mentioned the Harbor Planning Implementation Committee comprised of volunteers and their attempt to submit a report to the Planning Board and issues surrounding that submission.

Presentation: Board of Health, Representatives of Addison Gilbert Hospital & City Emergency Services
Ebola – Local Preparedness Gloucester

Noreen Burke, Public Health Director, introduced LeAnn Cook, Public Health Nurse who accompanied her. She also acknowledged the representatives from the Addison Gilbert Hospital: Cynthia Cafasso-Donaldson, Vice President and David Lacaillade, Emergency Preparedness Coordinator-Addison Gilbert Hospital; representatives from the city's Fire Department: Fire Chief Eric Smith and Sander Schultz, EMS Coordinator; and the assistance of Police Chief Leonard Campanello and Assistant Chief John McCarthy who were unable to attend. She pointed out the three short summary documents from the CDC website submitted to the Council (on file) about signs and symptoms of Ebola.

She announced that on Nov. 5 from 5:30 to 7 p.m., Dr. Al DeMaria, Medical Director of the Bureau of Infectious Diseases, from the Massachusetts Department of Public Health will speak to the medical and volunteer community on, "Emerging Infections: What is here and what might be coming," at the Manchester/Essex Regional High School Auditorium in Manchester-by-the-Sea.

Review of signs and symptoms of Ebola:

- Ebola can only be contracted from touching contaminated objects; touching the blood or bodily fluids of a person who is sick with or has died from Ebola; touching infected animals, their blood or other body fluids, or consumption of their meat.
- Ebola cannot be contracted through water, air or food.
- The risk of a major outbreak in the United States is very low. Public Health and public safety need to be alert to be prepared to monitor the situation.
- Transmission to others from a symptomatic patient requires direct contact with the patient or their bodily fluids.
- Those who provide the care for Ebola patients are most at risk.
- Ebola spreads through droplets only when the germs travelling inside the droplets from a sick person make contact, and those droplets travel only a very short distance. Six feet of distance is an adequate barrier distance.

- Symptoms include severe headache, muscle, pain, vomiting, diarrhea, abdominal pain, or unexplained hemorrhage. Fever has to be greater than 101.5°F. There is an incubation period of 8 to 10 days (with the range of 2-21 days). If there are none of these symptoms, a person is not infectious.
- Known also as a “hemorrhagic fever”, Ebola advances very quickly once contracted.
- Ebola has been around since 1976, and there about six types of the disease. Ebola outbreaks are not new.

Areas in Africa Most Affected:

- Countries such as Guinea, Sierra Leone, and Liberia have millions of people with vast land areas and are the countries most devastated by this disease. Close to 5,000 people have died in these countries from Ebola with 10,000 who have contracted the disease. Outbreaks are increasing in this area.
- Ebola is the most acute public health emergency and humanitarian crisis in modern times. The majority of new cases appeared in Sierra Leone and Liberia. The work to get to the source to control the disease is taking place in these two countries.

Cases of Ebola in the United States:

- There have been four cases of Ebola documented in the country with one death. More people will die from influenza this year by far, it was pointed out. Thirty-five thousand people from these African countries have traveled to the United States, and only one has been a documented case of Ebola, and of that one documented case, among their 100 contacts, not one contracted the disease.

Treatment and controlling the spread of Ebola:

- Timely treatment is important as early symptoms can present as other tropical diseases.
- At the national level, emphasis is on controlling the disease at the source; exit screening at airports in the affected countries. Screening is also taking place at five major American airports. There is an active monitoring program – following anyone at risk from those countries and staying in touch with their local health authority for 21 days. High risk exposure is cited as those with a needle stick or exposure to bodily fluids of an Ebola patient.

Public Health Efforts in the U.S.:

- While it is acknowledged that missteps were made in Texas in the case of treating an Ebola patient with no emergency procedures in place, public health is now regrouping and thinking Ebola to assess patients.
- There is a specialized treatment center for Ebola being discussed in the Massachusetts, but a site has not yet determined.
- If there was a confirmed Ebola case, the Center for Disease Control (CDC) dispatches a team immediately and a rigorous contact investigation takes place.
- Locally, a primary public safety answering point is being developed with the city’s Police Department; there is work underway for 911 guidelines and is evolving as each day as new information comes forward. It was noted that a suspected case of Ebola would be considered a critical incident and would trigger site security, notifications, contacts tracing and mutual aid from surrounding regional communities.

Fire Department Emergency Medical Services (EMS) Preparations – Reviewed by Sander Schultz, EMS Coordinator, who conveyed the following information:

- There is a discussion on-going for personal protection equipment (PPE) for protecting all city first responders.
- Ebola is droplet spread, and droplet protection is typically gloves and a face shield with possibly a gown. The problem is that the Emergency Medical Technicians can’t spend their day in full hazmat suits.
- There is a 911 PSAP (Public Safety Answering Point) pre-screening process for Emergency Medical Dispatch (EMD). When someone calls 911 and is vomiting and is ruled in for certain criteria, they may be asked if someone in their home has travelled or been to Africa recently.
- Triage is being set up in conjunction with the Police Department to develop the EMD response so that first responders, police and fire crews have foreknowledge. If someone rules in as a possible Ebola patient, it could be discovered at dispatch and then confirm suspected cases in the field.

Mr. Schultz acknowledged it is hard to present up to the minute training for the city’s first responders as the situation is rapidly developing. Fire crews know the level of risk, and guidance will be in place based on awareness, education, level of risk and PPE. If the city had a suspected Ebola case, there would be a lot of expertise at the city’s disposal, and the incident would be treated seriously. He pointed out that it is important that a suspected Ebola patient be treated humanely and professionally as possible.

- Standard Treatment Protocol will be followed for clinical findings encountered, with notification the Addison Gilbert Hospital in advance of arrival.

- EMS staff will remain in the Rescue Squad, and the patient will not be moved into the AGH Emergency Department until they are given permission stating they are ready to receive the patient.

To keep first responder crews safe, **Mr. Schultz** said, he has the support of all the necessary agencies.

Representatives of the Addison Gilbert Hospital/Lahey Health System: **Cynthia Cafasso-Donaldson and David Lacaillade Emergency Preparedness Coordinator-Addison Gilbert Hospital.**

Mr. Lacaillade reviewed that the AGH started their planning on Aug. 6 to protect the hospital facility and treat patients appropriately. The key goals are to screen, identify, isolate, and contain per CDC guidelines. Patients are asked why they are presenting at the hospital and where have they travelled in the last 21 days now. If a patient is ruled in as a possible Ebola patient, the hospital will isolate the patient until the staff is prepared to treat them. Patients will be isolated in the Emergency Department and be treated there with CDC-approved equipment which will be in stock. There is a decontamination process already established. It is paramount to protect the staff and public.

Training of the AGH and Beverly Hospital staffs started early and 100 percent of the staff has received it; there is a screening process now in place; multiple exercises on all Lahey sites have taken place and are ongoing, including protocols to follow when a patient entering the facility with a suspected case of Ebola through treatment modalities and decontamination. There is a decontamination team in place in the Lahey facilities to minimize self-contamination risks to staff. He also highlighted training for the Lahey nursing staff well.

Ms. Cafasso-Donaldson noted malaria presents with the same symptoms as Ebola. The state lab is now able to process Ebola specimens within 4 to 6 hours of receipt. There is a higher level of PPE gear chosen by AGH for those patients who have been ruled in as a suspected case. Staff will only gear up for those patients and it is expected that those caregivers will spend more time with those patients than EMS workers.

Ms. Burke cited the public health role in active monitoring programs, contact tracing of confirmed Ebola cases. Below are three sources for further information:

www.cdc.gov;

www.mass.gov/eohhs/gov/departments/dph

www.who.it; AskEbola@state.ma.us

Councilor Questions:

Councilor Lundberg asked what protocols at the AGH and Beverly Hospital are in place and what happens to the Ebola patient for continued care. **Ms. Cafasso-Donaldson** said the patient would be held, and they would await guidance from the Mass. DPH and the CDC which would send a team. The suspected Ebola patient would be contained in a room with a barrier in the Emergency Department and not treated in any other location in the hospital.

Councilor Whynott commented it was laudable and reassuring to hear about the preparedness on a local level.

Council President McGeary requested the information links be posted on the Public Health Department's website. He then asked if the Fire Department ambulances have PPE's available now. **Mr. Schultz** said gloves, face masks, and gowns are available in infection control kits that include boot covers and other items on all the Fire Department ambulances. He noted that those kits will be augmented with specialized N95 masks which have a respirator function. **Council President McGeary** asked about decontaminating an ambulance. **Mr. Schultz** said that there is a broad spectrum of responses. He noted that Dr. Al DeMaria has said that Ebola microbes do not stay alive out of the host for very long. He said that the ambulances are routinely decontaminated with a combination of antimicrobial aids, and that in the case of a transported suspected Ebola patient decontamination will be aggressive. If there were transport of a suspected Ebola patient, he would call the CDC immediately and move forward under their guidance.

Councilor Stewart asked about the trigger questions asked to prepare the EMTs on call who are responding. **Mr. Schultz** said once the infectious disease tool has been utilized in the EMD system, if a person rules in for signs and symptoms, then tracking will follow and the information will be passed to crews en route to the scene that will gown up prior to patient contact. **Councilor Stewart** asked if the EMTs are armed with those same questions as well. **Mr. Schultz** confirmed that they were.

Council President McGeary said not everyone that comes to the hospital by ambulance. **Mr. Lacaillade** said that the registration patient representatives ask the question if anyone has travelled to the affected countries and then asks if they have been in contact with anyone who has. He assured the staff has been trained appropriately.

New Appointment:

Historical Commission

(TTE 02/14/17)

Mary Ellen Lepionka

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Mary Ellen Lepionka to the Historical Commission, TTE 02/14/17.

DISCUSSION:

Councilor Theken said that Ms. Lepionka comes to the city as a volunteer highly qualified to join the Historical Commission.

Ms. Lepionka introduced herself to the Council noting she has been attending the Historical Commission meetings of late. She said she is retired from academia with her background in anthropology and archaeology. She now has the time to contribute to the city. She also noted she is writing a book on the city's history.

Council President McGeary commented it was good to have a historian on the Historical Commission.

MOTION: On a motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 8 in favor, 0 opposed, 1 (Fonvielle) absent, to appoint Mary Ellen Lepionka to the Historical Commission, TTE 02/14/17.

Consent Agenda:

- **MAYOR'S REPORT**
- 1. Special Budgetary Request (2015-SBT-17) from Police Department (Refer B&F)
- 2. Special Budgetary Request (2015-SBT-18) from Police Department (Refer B&F)
- 3. Special Budgetary Request (2015-SBT-19) from Community Development Department (Refer B&F)
- 4. Special Budgetary Request (2015-SBT-20) from Police Department (Refer B&F)
- 5. Memorandum, Grant Application & Checklist re: acceptance of a U.S. DEA Overtime Funding for FY15 for up to \$17,374.25 (Refer B&F)
- 6. Memorandum from Public Health Director re: acceptance of MDPH Bureau of Community Health & Prevention, Mass in Motion Cape Ann Grant award for \$110,000 (Refer B&F)
- 7. Correspondence from Mass. Cultural Council re: transfer of FY15 Local Cultural Council Funds for \$6,940 (Refer B&F)
- 8. Memorandum from Engineering Department re: proposed street naming & numbering plan for Mooncusser Lane (Refer P&D)
- 9. Reappointment: City Hall Restoration Commission (TTE 02/14/17) Craig Herrmann (Refer O&A)
- **COMMUNICATIONS/INVITATIONS**
- 1. Invitation to Veteran's Day ceremonies & parade on Tuesday, November 11, 2014 (Info Only)
- **APPLICATIONS/PETITIONS**
- 1. Application for License of Flammable & Combustible Liquids, Flammable Gases & Solids re: 2 Washington Street (Refer P&D)
- **COUNCILORS ORDERS**
- 1. CC2014-046 (McGeary) Amend GCO c. 22, Sec. 22-270 "Prohibited parking at all times" re: Mt. Pleasant Avenue (Refer O&A)
- 2. CC2014-045 (McGeary/Cox/Lundberg/Fonvielle/Theken) Amend GCO c. 2, Art. V by adding new subsection re: The Linzee Coolidge Philanthropy Award Committee (Refer O&A)
- 3. CC2014-046 (Verga) Request the City Council vote to memorialize Councilor Jackie Hardy by installing a commemorative plaque On the Council dais (FCV 11/18)
- 4. CC2014-047 (Verga/Lundberg/LeBlanc) Amend GCO Sec. 22-153 "Privately owned open-air parking spaces" (Refer O&A)
- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
- 1. City Council Meeting: 09/14/2014 (Approve/File)
- 2. Standing Committee Meetings: B&F 10/23/14 (under separate cover), O&A 10/20/14, P&D 10/22/14 (Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor Verga asked to remove Item #3 under Councilor Orders, and then called the Council's attention to the Council Order to memorialize Councilor Jackie Hardy with a plaque at the Council dais which the Council will vote on Nov. 18.

Councilor Cox questioned whether Council Order CC2014-047 would need to go to the B&F Committee, which she was informed it did not as no fees were changing for the Code of Ordinances section to be amended.

Council President McGeary removed the B&F minutes of 10/23 and informed the Council there was a need to correct a number on Page 1 of the draft minutes under the heading of "Page 10." The last dollar amount listed as \$440 should in fact read, \$3,440. By unanimous consent the Council amended the minutes of the B&F Committee of October 23.

By unanimous consent the Consent Agenda was accepted as amended by the Council.

Scheduled Public Hearings:

1. **PH2014-2014-069: Renewal of Special Permit pursuant to MGL c. 148, §56 & GCO Sec. 22-153**

Re: Richard Pratt Outdoor Parking Permit at 2 Beachland Avenue**This public hearing is opened at 7:58 p.m.****Those speaking in favor:**

Attorney Mary Jo Montagnino, 186 Main St., represented the current permit holder, Richard Pratt, for a renewal of his Parking Permit for an open air parking lot for 225 cars located at 2 Beachland Avenue. She explained that Mr. Pratt is seeking a three-year renewal of his Special Permit for an open air parking lot that has been in existence since 1954. She reviewed that Mr. Pratt provides services with this permit such as beach cleanup at Long Beach, restroom and shower facilities, trash barrels and receptacles, and for special neighborhood private functions he allows the lot to be used. She said Mr. Pratt provides a great service in providing access to Long Beach which in turn encourages tourists to stay and spend their dollars in the city. She added if it weren't for Mr. Pratt there would be more problems with parking on private property on surrounding streets along with associated issues such as trash. She asked for the approval of the Council for the permit renewal.

Ed Champy, 30C Rockport Road, said that he also spoke for other two condominium unit owners, Kieran McAllen, 30A Rockport Road and Bill and Gina McLaughlin at 30B Rockport Road (letters from 30A and 30B unit owners placed on file), said that he and his fellow condominium owners in detached units directly abut Mr. Pratt's property. He said that Mr. Pratt is a good neighbor and that they extend their support of his permit renewal citing that he works endlessly for the betterment of the neighborhood. He then read letters from the two another condominium unit owners in support of Mr. Pratt's permit renewal.

Leonard Gyllenhaal, 32 Rockport Road, a direct abutter to the parking lot, said that Mr. Pratt has done a great job with the parking lot. In addition to keeping the parking lot and beach clean, he hires neighborhood youth to give them summer employment. He said that it is those people who visit the beaches and enjoy them who come back in later years to purchase homes in order to live in the place that they enjoyed when they were young. He added that Mr. Pratt was a great addition to the community.

Those speaking in opposition: None.

Communications: A letter dated September 5, 2014 from Angela Procaccini, 26 Rockport Road contesting the outline of the parking lot (on file) at 2 Beachland Road which she said the handwritten notation indicates Rockport Road is "erroneous." The actual Rockport Road is labelled Rockport RD on the map. The mislabeled area is part of the Procaccini property. City Clerk, **Linda T. Lowe**, pointed out that the submitted map shows a strip of land marked Rockport Road, but that there is also on another location on the map with another marking for Rockport Road which is the correct one.

Ms. Montagnino responded saying that there is only one Rockport Road which runs from the Long Beach Dairy Maid right to the beach. The other area referenced in Ms. Procaccini's letter is an old trolley road that is now owned by her family that used to run behind her motel. She said that Ms. Procaccini's assertion was correct.

Council President McGeary asked that a new revised map of the 2 Beachland Avenue parking lot area be submitted to the City Clerk's office promptly.

Councilor Questions:

Councilor Whynott said he recalled there used to be 196 parking spaces in the 2 Beachland Avenue lot. **Ms. Montagnino** said the parking spaces were increased by a vote of the City Council at either the last renewal or the previous renewal of Mr. Pratt's permit due to issues of overflow parking from Good Harbor Beach. The additional spaces are all contained on Mr. Pratt's property she confirmed, noting that over the years the parking lot's number of spaces have been higher and lower than the current 225 spaces permitted.

This public hearing is closed at 8:07 p.m.

COMMITTEE RECOMMENDATION: On motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to renew the Permit for Richard Pratt for an open air parking lot at 2 Beachland Avenue under GCO Sec. 22-153, with the conditions and restrictions as follows:

1. The lot will hold no more than 225 cars as per the Site Plan submitted to the City Clerk's Office September 18, 2014, entitled Long Beach Parking Lot; and that the number of vehicles allowed by this license shall be posted;
2. The following information shall be posted:
 - A) Hours of operation;
 - B) Hours restroom is open;
 - C) Fees charged for parking;

3. An attendant shall be on duty for those hours that the lot is in operation;
4. Shrubs along the front of the property shall be maintained;
5. Prior to the issuance of the license by the City Clerk, the applicant shall pay over to the Cape Ann Motor Inn the sum of \$100.00 for the maintenance of the Gloucester portion of Long Beach;
6. Current approval of the Board of Health (toilet facilities) and the Fire Chief must be on file with the City Clerk's office;
7. The City of Gloucester will not be held liable for any claims incurred by the parking lot operation;
8. A counter is to be used to count the number of cars coming into the parking lot;
9. Grass to be cut in and around the parking lot at all times at the permit holder's expense;
10. Barrels to be brought in at the end of the day and brought out in the morning during the season of operation of the open air parking lot;
11. That the Automated Teller Machine (ATM) on the lot be in operation during business hours only.
12. License runs from 05/01/2015 to 04/30/2018.

DISCUSSION:

Councilor Verga commented that it was noted at the P&D meeting the Automated Teller Machine (ATM) on the parking lot property is accessible all night. He said that Mr. Pratt offered that the ATM could be turned off in the evening to alleviate concerns for loitering in the lot at night and was incorporated into the conditions in the motion for the permit before the Council.

MOTION: On motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Fonvielle) absent, to renew the Permit for Richard Pratt for an open air parking lot at 2 Beachland Avenue under GCO Sec. 22-153, with the conditions and restrictions as follows:

1. **The lot will hold no more than 225 cars as per the Site Plan submitted to the City Clerk's Office September 18, 2014 entitled Long Beach Parking Lot; and that the number of vehicles allowed by this license shall be posted;**
 2. **The following information shall be posted:**
 - A) **Hours of operation;**
 - B) **Hours restroom is open;**
 - C) **Fees charged for parking;**
 3. **An attendant shall be on duty for those hours that the lot is in operation;**
 4. **Shrubs along the front of the property shall be maintained;**
 5. **Prior to the issuance of the license by the City Clerk, the applicant shall pay over to the Cape Ann Motor Inn the sum of \$100.00 for the maintenance of the Gloucester portion of Long Beach;**
 6. **Current approval of the Board of Health (toilet facilities) and the Fire Chief must be on file with the City Clerk's office;**
 7. **The City of Gloucester will not be held liable for any claims incurred by the parking lot operation;**
 8. **A counter is to be used to count the number of cars coming into the parking lot;**
 9. **Grass to be cut in and around the parking lot at all times at the permit holder's expense;**
 10. **Barrels to be brought in at the end of the day and brought out in the morning during the season of operation of the open air parking lot;**
 11. **That the Automated Teller Machine (ATM) on the lot be in operation during hours only.**
 12. **License runs from 05/01/2015 to 04/30/2018.**
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2. **PH2014-065: Amend GCO c. 22, Sec. 22-270 "Parking prohibited at all times" re: Prospect Street from its intersection with Friend Street & Warner Street from its intersection with Prospect Street**

This portion of the public hearing is opened at 8:10 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This portion of the public hearing is closed at 8:11 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor Stewart, the Ordinances & Administration Committee vote 3 in favor, 0 opposed, to recommend that the City Council Amend GCO c. 22, Sec. 22-270 "Parking prohibited at all times" as follows:

By **DELETING:** "Warner Street easterly side from its intersection with Prospect Street to a point 78 feet northerly thereof" and by:

And by **ADDING:** "Warner Street easterly side for a distance of 245 feet from its intersection with Prospect Street".

DISCUSSION:

Councilor Cox explained that when Warner and Burnham streets were repaved the sidewalk heights were raised by several inches to inhibit vehicles from parking on the sidewalks. She pointed out that was the only change made, not the width of the street. With the adjusted sidewalk height it is not possible for cars to partially park on the sidewalks, which she added is prohibited by city ordinance. She said she went door-to-door speaking with all the neighbors. Of note were those people who resided on the Burnham's Field side of Warner Street who said they had problems backing out of their driveways due to the cars parked on the street. Additionally, she said this was a public safety issue pointing out when on a site visit with the Traffic Commission there was an obvious backlog of cars getting onto Prospect Street. They all witnessed a truck jumping onto the sidewalk to get by the backlogged cars.

Councilor Theken said initially she was hesitant to approve this ordinance amendment until she attended the site visit. She noted she spoke with some of the residents of the neighborhood who told her that everyone has off-street parking, and that people parking on Warner Street were not residents of that street. She said the residents of Warner Street also told her they want this parking ban in place as the street becomes more difficult to traverse as it narrows during winter snow events. All of them, she said, agreed that this was a safety issue. She also said the residents asked for crosshatch lines on the road indicating 20 feet from the corner to prevent parking there also per ordinance.

Council President McGeary asked that the Clerk of Committees submit a Request to the Mayor to have lines painted on the street 20 feet from the corner at the corner of Prospect and Warner Streets directly on Prospect Street with appropriate accompanying signage.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted by **ROLL CALL 8 in favor, 0 opposed, 1 (Fonvielle) absent, to Amend GCO c. 22, Sec. 22-270 "Parking prohibited at all times" as follows:**

By **DELETING:** "Warner Street easterly side from its intersection with Prospect Street to a point 78 feet northerly thereof" and by:

And by **ADDING:** "Warner Street easterly side for a distance of 245 feet from its intersection with Prospect Street".

This portion of the public hearing is opened at 8:17 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: Memorandum dated 10/23/14 signed by the Police and Fire Chiefs, and Public Works Director (on file) in support of both Council actions to ban parking on the northeast side of Prospect Street from Friend to Taylor Street as a matter of public safety as the road width does not support parked vehicles and appropriately sized travel lanes.

Councilor Questions: None.

This portion of the public hearing is closed at 8:18 p.m.

MOTION: On a motion by Councilor Theken, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 2 in favor, 1 (Whynott) opposed, to recommend that the City Council Amend GCO c. 22, Sec. 22-270 "Parking prohibited at all times" as follows:

By ADDING: "Prospect Street, parking prohibited on the northerly side from its intersection with Friend Street for a distance of 125 feet in a westerly direction.

DISCUSSION:

Councilor Cox said her original order was a request to prohibit parking from Friend to Taylor Street -- the entire length of the block. When it went to the Traffic Commission, the Commission voted a compromise for no parking 125 feet from Friend Street. She pointed out that the entire length of roadway is unsuitable for parking on the northerly side of the street (landmark Our Lady of Good Voyage Church). She said she agreed with Mr. Hale and the Police and Fire Chiefs that the street is not wide enough. The sidewalk is now raised to prevent parking on it. She also pointed out that in the past the half on/half off method of parking a car on the sidewalk was overlooked. Every neighbor on the northerly side, she pointed out, has adequate off-street parking. On the easterly side (landmark – DES Club and Destino's Sub Shop) there was one resident who had a car, and everyone else who resides there does not own a vehicle. The church parking and DES Club parking normally causes the overflow up and down Prospect Street.

Councilor Cox reported that she held a ward meeting during the nor'easter the previous week and said that it was one of her most highly attended ward meetings in her tenure with the Council. Many of her constituents were interested in the compromise of the Traffic Commission, but the DPW Director has said he preferred not to shift the painted center line, she reported, and agreed with him. She pointed out that at the widest point at the top of the street is 34 feet. The standard travel lane is 11 feet and 8 feet is required for a parking lane, which should total 38 feet. She reiterated that parking on a sidewalk is illegal and a hazard to pedestrians. The neighborhood can cope with losing four or five parking spaces, she said.

She said that the biggest issue for parking in that area is when there are events at the DES Club and Our Lady of Good Voyage Church simultaneously. She said the church pastor told her he would try to encourage people who live nearby to walk to church services and events, although she noted it would be unlikely especially with cold weather coming. She said this is not to prevent people from using the neighborhood institutions, but that this is a public safety issue. She clarified at the request of the Council President that she is speaking in favor of her original Council Order which completely would have banned parking on the northerly side of the street, although the matter before the Council is for a parking ban for 125 feet.

Councilor Whynott voiced his objections to the ordinance amendment saying that he grew up in the neighborhood for 27 years which he calculated is more years than the Fire Chief, Police Chief, the DPW Director and Councilor Cox have worked in the city. He said there was never a parking problem in that area when he resided there. He said he recalled no accidents there because with the parked cars and narrow roadway it does force cars to slow down. With the ordinance amendment, it will take the parked cars away; and he suggested people will speed down the street. He said even the compromise ordinance amendment was not well advised. When there are church services the parking lot is full, and the spaces on the surrounding streets are full, he pointed out. He said he would vote against the ordinance amendment as it is ill advised.

Councilor Theken spoke to the measurements taken at the site visit and the compromise of the Traffic Commission and asked for clarification, in reference to a particular sign. **Councilor Cox** discussed current signage and moving signage to still accommodate some parking. She reiterated that the street at the widest point is only 34 feet, and with two travel lanes and parking on either side of the street, it eliminates the ability to have street parking. **Councilor Cox** noted the sign Councilor Theken referenced is in the area on the side of Prospect Street adjacent to the DES Club and would only get moved back three feet and would not be relevant to what was under discussion.

Councilor Cox put forward a motion to amend the main motion to encompass no parking on the northerly side of Prospect Street from Friend Street to Taylor Street. **Councilor LeBlanc** seconded a motion for discussion purposes.

Councilor Cox, speaking on the amendment to the main motion, said that part of the compromise made with the Traffic Commission was that the center line had to be moved. The DPW Director has confirmed he preferred not to move the center line because it would cause the street to be non-conforming. She said public safety has to come first. The contractors measured from the DES Club side of the street for eight feet from the sidewalk for parking, and then 11 feet for a travel lane which is how the center line came to be painted in its current position.

Councilor Whynott invoked Sec. 2-11(c) under the City Charter.

This matter is postponed to the November 18, 2014 meeting to the point of the discussion on the amendment to the main motion. The Council will invite the DPW Director and the Traffic Commission Chair to be available at that time to answer Councilor questions.

3. PH2014-070: Tax Classification in accordance with MGL Chapter 40, §56 and GCO Sec. 2-26 to Determine the percentage of the local tax levy for the fiscal year 2015 to be borne by each class of real and personal property

This public hearing is opened at 8:35 p.m.

Those speaking in favor:

Nancy Papows, Principal Assessor reviewed with the Council the following information:

Real estate values and new growth for FY15 were certified by the Department of Revenue on Oct. 10. She then reviewed the Tax Classification Information for Fiscal Year 2015 (on file) with the Committee:

Page 4 – A Comparison of Fiscal 2015 Values by Class: The Residential class this year represents 89.02 percent (\$4,742,958,563) of the total value of the City (\$5,327,860,200), and Commercial/Industrial/Personal Property (CIP) class represents 10.98 percent (\$584,901,637). The total value of the property in the City is up approximately 3 percent from FY14. Based on sales analysis, the residential class as a whole increased 2.8 percent. The Commercial and Industrial classes were relatively stable.

Pages 5 and 5A – Fiscal Year Parcel Counts, Values, and percent of Total Taxable City Value: The table on these pages shows the parcel counts and the assessed values of each class from 1991 to present.

Page 6 and 6A – Previous Classification Factors and Resulting Tax Rate: The table shows the historic shift factors adopted over the years. On the bottom of 6A it shows the most recent shifts adopted; and the 1.06 shift factor has been adopted for the last nine years, shifting a portion of the residential tax burden to the CIP class.

Page 7 – Calculating the Maximum Allowable Levy: The table shows the calculation of the maximum allowable levy for FY2015. It starts with the levy limit from FY14 and added to that is the increase permitted by Proposition 2-1/2 and new growth from Residential and CIP classes which results in the FY15 levy limit. Added to that is the Pole's Hill debt exclusion (which runs through 2019); the CSO debt shift, and the water debt shift which results in the maximum FY15 allowable levy at \$73,272,129. That figure divided by the total value of all parcels in the City results in the FY15 tax rate at an equalized factor of 1.0 of \$13.75 per thousand dollars valuation. The tax rate at a factor of 1.0 would result in all properties paying the same rate for all classes of property. At a factor above 1.0, a portion of the residential tax levy would shift to Commercial, industrial and personal properties.

Page 8 – FY15 Tax Rate at a Factor of One = \$13.75, Shift in Tax Rate: This shows approximate tax rates that would result from the various shifts to the CIP class. The maximum shift allowed by the State is 1.5 percent this year.

Page 9 and 9A – Comparison of Levy by Class at Various Shift Factors: Pages 9 and 9A further shows the levy by class and approximate shift of the levy and also shows the approximate excess levy capacity that results which is approximate based on a rounding of the tax rates. The column on the far right shows the approximate difference between the maximum allowable levy and the tax dollars that will be realized depending on the shift if the Council chooses to shift from a factor of 1.0.

Page 10 – Change in Tax Dollars at Various Shifts: This shows the actual change in tax dollars for properties at different levels in terms of valuations. For instance, a property value at \$500,000 is the closest to the average single family home in Gloucester which is \$471,289 this year. At last year's shift factor that would save the residential taxpayer \$50 per year, while the CIP taxpayer would pay an additional \$415. At the maximum shift allowed for the same valued property it would be a savings to the residential taxpayer \$425 per year, while the average CIP taxpayer would pay an additional \$3,440.

Page 11 – Open Space Discount and Residential Exemptions. This page explains the open space discount. There are no parcels defined as open space in the City at this time. This page also discusses the residential exemption and small commercial exemption which is at the option of the Mayor who has chosen not to take not to adopt either the residential or small commercial exemptions this year.

Page 12 and 12A Residential Exemptions (Cont'd) and Page 13 – Small Commercial Exemption.

Council President McGeary thanked Ms. Papows and her staff – Tim Good, Assistant Assessor; and Assessors Gary Johnstone and Beth Godhino—for all their hard work.

Those speaking in opposition:

Ken Riehl, CEO of the Cape Ann Chamber of Commerce (CACC) made the following statement (placed on file):

The CACC is not in favor of the recommended increase in the CIP tax rate and are advocating for a reduction of the rate to be the equivalent to the residential rate over a period of three years. For all those working toward the revitalization of the city's harbor and working waterfront, and in support of the city's fishing industry in the face of "onerous" federal restrictions, it is a step backwards to simultaneously increase the property tax burden on the harbor's commercial property owners.

In the last 20 years Gloucester's commercial and industrial base has decreased by 30 percent, from 15 percent of the total tax base to just over 10 percent. Although the overall economy continues to slowly improve there is still a great deal to do to put the city's working class back to work in solid year-round high paying jobs which include health care coverage and opportunities for advancement.

Any benefits that may be provided to residential property taxpayers by shifting more of the tax burden to commercial and industry property owners are not enough of a tax break for the average homeowner to be meaningful, and gave the examples of a shift factor from 1.06 to 1.1 would save the residential tax payer \$17.50 with a property worth \$250,000 while costing the commercial property owner of the same valued property an additional \$137.50 in property taxes. An owner of a \$1 million home would save only \$70 while the corresponding commercial property owner would see an increased tax bill of \$500. The shift to 1.1 from 1.0 saves the \$1 million homeowner \$170 while increasing the commercial property owner's taxes by \$1,380.

With the recent reduction of the city's water and sewer rates, they remain some of the highest rates in the state. The proposed shift to 1.1 begins to offset the benefits gained by Gorton's, Cape Pond Ice and other large employers in the city.

Ultimately, he said, it is about the message that the city is sending to the business community when trying to attract new businesses here.

Attorney Meredith Fine, 85 Eastern Ave., saying that she represented 30 businesses, as well as member of the CACC's Government Affairs Committee, made the following points to the Council: Raising rates for businesses would be counterproductive. Massachusetts ranks 46th among the 50 states for the cost of doing business. Local business owners already pay higher business taxes, inventory taxes, rooms and meals tax, as well as for trash removal; minimum wage is going up, and now there is a the ballot question for mandatory sick pay that could pass on Nov. 4. The Council needs to look at the whole burden placed on the city's businesses. The rate has been held constant at 1.06 since 2006. At a constant rate, at least the businesses know what the rate is and can plan for it. Raising the classification factor now sends a conflicting message. There need to be creative ways to help to stabilize taxes on local businesses and give relief to the residential homeowners. Most business owners rent their spaces. Some would have the costs passed through to them, some not. People who own their own business properties will be hurt most and are the most loyal business owners who want to stay here.

Thomas Gillett, Economic Development & Industrial Corp. (EDIC) Executive Director, said that the EDIC objective, particularly this year, is to gain more jobs for the city and bring more businesses to the city, and viewed the tax rate as to how it might impact negatively on those objectives. He submitted to the Council a chart of information from the Massachusetts Department of Revenue, Division of Local Services website showing Commercial Tax Rates in North Shore communities and those on Route 128. He noted the communities immediately adjacent to Gloucester have a residential rate that equals the commercial rate. By moving to a higher rate it would make Gloucester less competitive, he asserted. The key objective, he said, is to get more revenue out of the city's commercial base and not first to increase the rates. He suggested first the city needs to increase the number of businesses in the commercial and industrial classes. The more successful as a business area, then raising the rates would be less of a negative impact.

Ruth Pino, 82 Wheeler Street, a member of the EDIC and past president of the Cape Ann Chamber of Commerce, and local realtor, said she has always opposed having anything more for the commercial class than the residential class. By raising the tax rate now sends the wrong message, she said, and urged the Council to vote to lower the rate. Pointing out the questions on page 1 of the Assessor's Report, she asked if the Council had read through the questions pointing out how many businesses contribute in so many positive ways to the community.

Communications: None.

Councilor Questions:

Council President McGeary presented data showing where Gloucester stood among North Shore communities of 25,000 – 45,000 in population in terms of commercial tax rates. **John Dunn**, CFO, said that Gloucester is on the lower end. He noted that the communities of Danvers, Beverly, Salem, Peabody, Lynnfield, Wakefield, Stoneham, Woburn, have shifts of 1.3, 1.6, and some communities are allowed to as high as 1.75 which is the maximum statewide. The larger communities up and down Rte. 128 have much larger shifts than seen in Gloucester.

Councilor Cox asked about the percentages of commercial properties in these Rte. 128 communities versus residential. **Mr. Dunn** said he couldn't speak to that fully, but pointed out that the range is to 30 percent where

Danvers and Peabody are because of the location of shopping centers, with Salem at about 1.25 percent, but the power plant is being significantly reduced in size and that may impact their tax rate. He suggested that ten years from now the 1.25 would likely lower to the 1.15 range.

Councilor Theken asked if the tax classification rate remains the same what the savings would be to the businesses. **Ms. Papows** said when there is a shift from 1.0 to 1.06, there is always something is shifted from the residential class onto the CIP, and by keeping the same rate it remains stable and expected. She pointed out there is a change in the rate for both classes from last year. The estimated rates at 1.06 percent would be for the residential class \$13.65 and CIP would be \$14.58. In FY14 the rate is \$12.98 residential class and \$13.65 CIP. The rates go up for a lot of reasons – the Proposition 2-1/2, and water and sewer debt shifts, even if the shift stays the same, she said.

Council President McGeary said that if the tax rate went from 1.06 to 1.0, the CIP effective tax rate would actually decline from FY14 to FY15. **Ms. Papows** said that they are starting at a factor of 1.0 at the \$13.75. She indicated that if the B&F Committee had recommended the 1.1, and if going from a 1.1 to 1.06, and that's what was voted, then it would be a lower rate for the CIP than the 1.1 shift would cause. **Council President McGeary** said that if the rate went to 1.0 as the CACC advocated for, the CIP rate was \$13.86 for FY14 and would decline to \$13.75 for FY15.

This public hearing is closed at 8:57 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 a TAX CLASSIFICATION FACTOR OF 1.1 percent for Fiscal Year 2015.

DISCUSSION:

Council President McGeary, with the assent of **Councilor Cox** who said she wished to offer an amendment to the main motion, addressed the Council on the main motion. He explained that he brought the rate forward at 1.1 at B&F because when reviewing the relative benefits that the Council had granted to commercial and industrial properties in the city, when the Council voted to shift the water system debt onto the tax rate, it in effect created a large subsidy not only to the large employers who benefited the most, but also for small commercial/industrial properties. He said there is a significant savings realized. He noted charts he submitted to the Council (on file) as prepared by the Assessors and CFO which shows among the larger properties, using the example of Americold, that going from 1.06 to 1.1, net savings even after a \$10,000 increase in property taxes, would still save \$41,000 in the water rate. He pointed out he was using last year's water rate. This year had the Council not shifted the water debt, the actual water rate would have been \$10.43/thousand gallons and means that Americold, even after paying an increase of \$10,000 in property taxes, has a net savings of \$63,562 in payments to the city. That was the logic, he said, of going to 1.1. He also noted some other large water users: Gorton's saves \$38,000; Varian saves \$20,000; Cape Pond Ice saves \$20,000. He said this modest tax rate increase is more than offset by the savings that the subsidy the residential users have granted to the large commercial users in the city. Noting the question of the small businesses in the city, he also pointed out that at St. John's Church has three employees and are not open every day, saw its water bill go down by \$1,000 last year. This, he said, is a real benefit to the CIP class at the expense of the residential rate payers in order to bring businesses to the community and sends a powerful message.

He concluded his initial remarks by saying that a tax rate of 1.1 levels the playing field just a little bit by taking a small portion the burden placed on the residential rate payers, some of whom are not a part of the water system even, and who subsidized this boon to business. By voting a tax rate of 1.1 it gives the residential class some relief, but is taking back very little from the CIP class.

Councilor Cox said she would have been happier had the Council President's comparison included the effect on some of the smaller businesses, such as restaurants and retailers and is for whom she has a concern. **Council President McGeary** advised he had spoken to several restaurateurs who had informed him they were thrilled with the savings, and while anecdotal, it is supportive. He said that no one wants to pay more taxes, but these restaurateurs are doing so well on the water savings, that a small increase in their taxes is a good trade off.

Councilor Whynott said that the city has become unfriendly to business in many ways; with draconian permitting processes and other restrictive edicts citing recent restaurant and small business closures. He said that Gloucester can't be compared to Danvers, Peabody and Beverly because they have many more businesses than Gloucester. He said at 1.0 everyone pays their fair share. He would agree with Councilor Cox and would prefer the tax rate to stay at 1.06.

Councilor Verga said that what the Council did with the water rates certainly doesn't show the city is anti-business. The tax shift follows the economy, he pointed out, and there has been some stability. He said what the

Council did for the water rates was a great thing but that he would like to give it another year before the city tries to take it back on the tax rate. He noted he would support 1.06 percent for FY15, saying that if the city had one year under its belt of the water rate reduction, he may have a different opinion. Perhaps next year a tax rate of 1.1 percent would be the way to go, but the savings for homeowners at this point at that rate would be negligible, he said, and urged that the rate stay at 1.06 percent.

Councilor LeBlanc also expressed his desire to have the tax rate remain at 1.06 percent.

Councilor Theken said she appreciated stability. She also reiterated that it is untrue that the city is not business friendly. She pointed to the water rate being lowered. She pointed out, however, that businesses were well represented at the public hearing this evening, rather than homeowners. She also said the tax rate should remain at 1.06, and would also like to see some research as to how much savings there are for small businesses.

Councilor Lundberg said that the current 1.06 tax rate and stability it brings is the right way to go and agreed with Councilor Verga to get a year of water rates under the belt to see how it plays out.

Council President McGeary said that in Danvers, the residential tax rate is \$14.85 per thousand and the CIP tax rate is \$20.90 per thousand. He said that belied the idea that a higher CIP rate drives business away. He pointed out that there are other cities that have vibrant CIP sectors, but the fact that there are much greater disparities between the residential and commercial rates puts the lie to the argument they won't come to Gloucester if taxes are raised. People come to Gloucester because there is a product they want to make, and the city can attract businesses, he contended, because the city has so much to offer. He reiterated the rate of 1.1 is a way to level the playing field – if only a little bit. The residential tax payers are still subsidizing the businesses and their water use substantially. Going to a rate of 1.1 will serve to recognize the contribution the residential class is making, but he added that he recognized it is clear the rate of 1.1 will not fly.

Councilor Cox proposed to amend the main motion that the tax classification factor remains at 1.06 for Fiscal Year 2015 which was seconded by **Councilor Whynott**.

Councilor Cox said there is time needed to look at the numbers and is the way to go for the time being. She said that 1.06 is a good “medium” number.

Councilor Stewart expressed his agreement with Councilor Cox; and said that there is a lot of attractiveness in the city, but that the city has a serious deterrent which is the fact is the city is an island. People who work in this community can only service 25 percent of the circle of what people in Beverly can service. He said he reviewed the Council documentation, and that the numbers put forward this evening are correct. The cost to the small business person is almost 13 times the savings to the homeowner between 1.06 and 1.1. He said the argument to stay the rate at 1.06 is fair, although he didn't disagree with the Council President's analysis. He said the small businesses have small savings because they are not big water users. He expressed his support for keeping the rate at 1.06.

Councilor Theken said that she would also support the amendment.

The motion to amend the tax classification factor to 1.06 for Fiscal Year 2015 was voted by the City Council 7 in favor, 1 (McGeary) opposed, 1 (Fonvielle) absent by the City Council.

MOTION: On a motion by Councilor Cox, seconded by Councilor Verga, the City Council voted by ROLL CALL 7 in favor, 1 (McGeary) opposed, 1 (Fonvielle) absent, to adopt a TAX CLASSIFICATION FACTOR OF 1.06 percent for Fiscal Year 2015.

Councilor Whynott left the meeting at 9:17 p.m.

Councilor Cox called for a reconsideration of the vote, and which was seconded by **Councilor Stewart**.

MOTION: On a motion by Councilor Cox, seconded by Councilor Stewart, the City Council voted 0 in favor, 7 opposed, 2 (Fonvielle, Whynott) absent, to reconsider the vote to adopt a TAX CLASSIFICATION FACTOR OF 1.06 percent for Fiscal Year 2015.

MOTION FAILS.

Committee Reports:

Budget & Finance: October 23, 2014

MOTION: On a motion by Councilor Cox, seconded by Councilor Verga, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Fonvielle, Whynott) absent, to accept the Budget & Finance Committee Unanimous Consent Agenda of October 28, 2014 as follows:

1. *Memorandum from Police Chief re: acceptance of the FY15 911 Support & Incentive Grant in the amount of \$61,795*

MOTION: On a motion by Councilor Cox, seconded by Councilor Verga, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Fonvielle, Whynott) absent, to accept under MGL c. 44, §53A from the Massachusetts State 911 Department a FY15 Support and Incentive Grant in the amount of \$61,795 to provide funding for Police Department E911 salaries, overtime and equipment.

2. *Memorandum from Community Development Director re: Intermunicipal Agreement with the Town of Essex for Staff Assistance for the Essex Open Space & Recreation Plan*

MOTION: On a motion by Councilor Cox, seconded by Councilor Verga, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Fonvielle, Whynott) absent, to authorize the Mayor to enter into the inter-municipal agreement entitled, "INTER-MUNICIPAL AGREEMENT BETWEEN CITY OF GLOUCESTER AND THE TOWN OF ESSEX FOR STAFFING ASSISTANCE TO SUPPORT THE UPDATE OF THE TOWN OF ESSEX OPEN SPACE AND RECREATION PLAN" for a consideration on the part of the Town of Essex of \$5,000.

3. *Memoranda from Harbormaster and Supplemental Appropriation-Budgetary Requests: 2015-SA-6; 2015-SA-7; and 2015-SA-8*

MOTION: On a motion by Councilor Cox, seconded by Councilor Verga, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Fonvielle, Whynott) absent, to approve Supplemental Appropriation 2015-SA-6 in the amount of \$1,058 from Account #710001.10.996.59600.0000.00.000.00.059, Capital Projects Waterways, Sailing Floats-Transfer Out to Enterprise Fund to Account #710004.10.492.58760.0000.00.000.00.058, Capital Projects Waterways-Solomon Jacobs Park Public Landing Project for the purpose of funding the completion of engineering, permitting and construction of the Solomon Jacobs Public Landing.

MOTION: On a motion by Councilor Cox, seconded by Councilor Verga, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Fonvielle, Whynott) absent, to approve Supplemental Appropriation 2015-SA-7 in the amount of \$9,258.20 from Account #710002.10.996.59600.0000.00.000.00.059, Capital Projects Waterways Launch Boat-Transfer Out-to Enterprise Fund to Account #710004.10.492.58760.0000.00.000.00.058, Capital Projects Waterways-Solomon Jacobs Park Public Landing Project for the purpose of funding the completion of engineering, permitting and construction of the Solomon Jacobs Public Landing.

MOTION: On a motion by Councilor Cox, seconded by Councilor Verga, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Fonvielle, Whynott) absent, to approve Supplemental Appropriation 2015-SA-8 in the amount of \$9,166.44 from Account #710003.10.996.59600.0000.00.000.00.059, Capital Projects Waterways, Floating Transient Marina Study-Transfer Out to Enterprise Fund to Account #710004.10.492.58760.0000.00.000.00.058, Capital Projects Waterways-Solomon Jacobs Park Public Landing Project for the purpose of funding the completion of engineering, permitting and construction of the Solomon Jacobs Public Landing.

4. *Memorandum from Fire Chief & Special Budgetary Transfer Request 2015-SBT-16*

MOTION: On a motion by Councilor Cox, seconded by Councilor Verga, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Fonvielle, Whynott) absent, to approve Special Budgetary Transfer 2015-SBT-16 for \$1,200.00 from Account #101000.10.220.55890.0000.00.000.00.054, Fire Department, Firefighting

Tools to Account #101000.10.220.58570.0000.00.000.00.058, Fire Department, Additional EMS Equipment for the purpose of purchasing a snow blower for the Magnolia Fire Station.

***** END B&F UNANIMOUS CONSENT AGENDA *****

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 accept the provisions of MGL c. 44, §31D Snow and Ice Removal, Emergency Expenditures not to exceed \$1,100,000. The increase of emergency expenditure authority is \$450,000 added to the current FY2015 DPW Snow and Ice Removal appropriation budget of \$650,000.

DISCUSSION:

Councilor Cox noted that the Department of Public Works recently built a new salt shed, and with the road salt rate rising by about \$8 per ton, the DPW is asking to deficit spend now and fill the salt shed to near capacity for the coming snow and ice season. The DPW doesn't want to be in the position of having to seek emergency supplies of road salt during winter storm events and at a premium cost, she said.

Council President McGeary added that the Council is not actually appropriating funds for the road salt purchases but is allowing the department to deficit spend to buy the road salt now. Later this expenditure will have to be covered, he pointed out.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Fonvielle, Whynott) absent, to accept the provisions of MGL c. 44, §31D Snow and Ice Removal, Emergency Expenditures not to exceed \$1,100,000. The increase of emergency expenditure authority is \$450,000 added to the current FY2015 DPW Snow and Ice Removal appropriation budget of \$650,000.

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 approve Supplemental Appropriation 2015-SA-5 in the amount of \$70,000 from Account #294015.10.991.59600.0000.00.000.00.059, Highway Force, Transfer out to the General Fund to Account #101000.10.470.58415.0000.00.000.00.058, DPW Public Properties Maintenance, Paving for the purpose of funding various city paving projects.

DISCUSSION:

Councilor Cox noted that this money is being transferred in order to finish up small paving projects throughout the city.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Fonvielle, Whynott) absent, to approve Supplemental Appropriation 2015-SA-5 in the amount of \$70,000 from Account #294015.10.991.59600.0000.00.000.00.059, Highway Force, Transfer out to the General Fund to Account #101000.10.470.58415.0000.00.000.00.058, DPW Public Properties Maintenance, Paving for the purpose of funding various city paving projects.

Council President McGeary explained that the City Auditor has to submit to the Department of Revenue (DOR) the city's tax rate recap by Friday and asked that the matter of the vote on 2015-SA-5 be reconsidered.

MOTION: On a motion by Councilor Cox, seconded by Councilor Verga, the City Council voted by ROLL CALL 0 in favor, 7 opposed, 2 (Fonvielle) absent, to reconsider the vote on Supplemental Appropriation 2015-SA-5 in the amount of \$70,000 from the Highway Force account to DPW Public Properties Maintenance, Paving for the purpose of funding various city paving projects.

MOTION FAILS.

Ordinances & Administration: October 20, 2014

Councilor Theken, O&A Vice Chair, noted there were no matters for Council action from this meeting.

Planning & Development: October 22, 2014

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 permit the Downtown Gloucester Christmas Parade and Tree Lighting from 3 pm to 6 p.m. on Sunday, Nov. 30, 2014 with a rain date of Sunday, Dec. 7, 2014. Sign offs from the Fire and Police Departments are to be on file as well as written documentation of the parade route in the City Clerk's Office and proof of insurance coverage as a sanctioned event by the City of Gloucester, which falls under the City's General Liability Insurance.

DISCUSSION: None.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted 7 in favor, 0 opposed, 2 (Fonvielle, Whynott) absent, to permit the Downtown Gloucester Christmas Parade and Tree Lighting from 3 pm to 6 p.m. on Sunday, Nov. 30, 2014, with a rain date of Sunday, Dec. 7, 2014. Sign offs from the Fire and Police Departments are to be on file as well as written documentation of the parade route in the City Clerk's Office and proof of insurance coverage as a sanctioned event by the City of Gloucester, which falls under the City's General Liability Insurance.

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 Amend its vote of February 14, 2012 in order to clarify condition #1 and condition #14 to now read as follows:

1. That this Permit shall be valid from April 30, 2012 to May 1, 2017 upon payment of appropriate fees to the City Clerk on an annual basis as delineated in condition #14;
14. The Permit Fee is to be paid yearly to the City Clerk on April 30. The application is to be reviewed by the City Council in five years unless it deems there is a cause to review the Permit sooner due to any violations of conditions herein.

DISCUSSION:

Councilor Verga said this action by the Council is simply clarifying the language in two conditions that previously appeared to be contradictory and now clearly show the term of the Permit as well as the annual renewal date as it relates to the Open Air Parking Lot Permit held by Angela Procaccini. There is a Council Order being referred to O&A to further clarify the guiding Ordinance section, he noted.

MOTION: On a motion by Councilor Verga, seconded by Councilor Cox, the City Council voted 7 in favor, 0 opposed, 2 (Fonvielle, Whynott) absent, to Amend its vote of February 14, 2012 in order to clarify condition #1 and condition #14 (for an Open Air Parking Lot Permit held by Angela Procaccini) to now read as follows:

1. That this Permit shall be valid from April 30, 2012 to May 1, 2017 upon payment of appropriate fees to the City Clerk on an annual basis as delineated in condition #14;
14. The Permit Fee is to be paid yearly to the City Clerk on April 30. The application is to be reviewed by the City Council in five years unless it deems there is a cause to review the Permit sooner due to any violations of conditions herein.

For Council Vote:

1. **Special Speed Regulation #7931 from MassDOT re: Brightside Avenue approved by City Council On August 26, 2014**

Council President McGeary said as Ward Councilor it was brought to his attention that Brightside Avenue which is a narrow twisting road had a prevailing speed limit of 30 miles per hour; the Council asked MassDOT to approve the change to lower the speed limit to 20 mph which they did, and the Council is now simply adopting the proposed regulation.

MOTION: On a motion by Councilor Cox, seconded by Councilor Stewart, the City Council voted 7 in favor, 0 opposed, 2 (Fonville, Whynott) absent, to adopt pursuant to MGL c. 90, §18, Special Speed Regulation #7931 to impose the following speed limits in which motor vehicles may be operated on Brightside Avenue as follows:

Brightside Avenue-Eastbound

Beginning at the junction of Bass Avenue (Route 127A), thence easterly on Brightside Avenue 0.29 miles at 20 miles per hour ending at the junction of Beach Road; the total distance being 0.29 miles.

Brightside Avenue-Westbound

Beginning at the junction of Beach Road, thence westerly on Brightside Avenue 0.29 miles at 20 miles per hour ending at the junction of Bass Avenue (Route 127A); the total distance being 0.29 miles.

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilor Verga congratulated the Open Door Food Pantry which held its fundraising breakfast last Thursday. There will be another opportunity to help the Food Pantry on Saturday, Nov. 22 there will be a food drive with live music provided by "The Wave," an '80s cover band featuring a well-known City Councilor on bass at the Gloucester Fraternity Club. Admission is free and donations of canned food or non-perishable food items are welcome.

Councilor LeBlanc announced there will be a community-build at the Oval Playground on Nov. 6, 7 and 8. Volunteers are needed as the old playground structure has been removed and be donated to the Gloucester Housing Authority for installation at Riverdale Park. The Oval Playground will have all new playground equipment installed as well. Any volunteer is welcomed, he said. For more information please contact Councilor LeBlanc at: SLeblanc@gloucester-ma.gov or Stephen Winslow at: swinslow@gloucester-ma.gov.

He also noted that the infrastructure project in the Fort has begun, and that Beach Court is now under construction. **Councilor LeBlanc** said he and Councilor Cox have worked to get parking set aside for Beach Court residents in the St. Peter's Park lot, and as the Fort infrastructure work progresses down Commercial Street those residents as well may utilize the designated parking spaces in the lot. Permits for Fort residents to park in the St. Peter's Park Parking Lot can be obtained at the DPW office on Poplar Street during business hours.

Councilor Cox announced the following upcoming community events:

- Wednesday, Oct. 29 there will be a fundraiser at Jalapeno's Restaurant from 4:30 p.m. to close to raise money for Jason LoCoco, a Gloucester firefighter hurt in a motorcycle accident;
- Election Day is Nov. 4 and all registered voters are encouraged to go to the polls;
- Veteran's Day is Nov. 11. Ceremonies begin at 9 a.m. at Gloucester High School;
- A Craft Fair will be held at the Gloucester Amvets on Saturday, Nov. 8 from 9 a.m. to 2 p.m. – attendance and purchases will go towards support of local veterans and to the Amvets Scholarship Fund;
- There will be a metal drive on Saturday, Nov. 8, to raise funds for the Phyllis A. – location to be determined;
- The Harbortown Cultural District's annual meeting will be held on Wednesday, Nov. 5 from 5 to 7 p.m. at The Hive on Pleasant Street.

Councilor Theken expressed her thanks to the Fire and Police Department for their actions recently during the fire in Magnolia House of Pizza building, and that there is a fundraiser for those residents who lived in that building and were misplaced. She encouraged the displaced residents to call the Gloucester Housing Authority to assist them in finding emergency housing. For more information please contact the Magnolia Historical Society or the Magnolia Library.

She also mentioned the loss of Police Robert Officer Johnsen and extended her condolences to his family and his fellow officers in the Police Department.

She also mentioned the Affordable Care Act and Medicare Open Enrollment open enrollment and deadlines and issues surrounding it for city residents. She urged that anyone with concerns or questions to contact her through the Addison Gilbert Hospital, 978-281-4001x623.

She added that she will be representing Gloucester in New York City in honor of Paul Goldberg's photography on Monday, Nov. 3.

Councilor Stewart said the Pathways for Children annual fundraising Snow Ball will be held on Friday, Dec. 12 at Cruiseport. He highlighted out the work that Pathways for Children does serving the underprivileged population in the city and now Beverly. He asked the Council and public to support the event.

Council President McGeary announced that on Monday, Nov. 3 at 6 p.m. the city's five-year Phase 1 marketing and tourism plan will be unveiled in Kyrouz Auditorium at City Hall. He said that Chris Papows from the Open the Door, Inc. will be making the presentation.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:42 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Letters in support of renewal of Open Air Parking Lot Permit for Richard Pratt from Bill & Gina McLaughlin at 30B Rockport Road, and Kieran McAllen, 30A Rockport Road**
- **Statement by Ken Riehl, CEO of the Cape Ann Chamber of Commerce**
- **Chart of information from the Massachusetts Department of Revenue, Division of Local Services website showing Commercial Tax Rates in North Shore communities and those on Route 128 from Tom Gillett, EDIC Executive Director**