

GLOUCESTER CITY COUNCIL MEETING

Tuesday, January 13, 2015 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Paul McGeary; Councilor Melissa Cox; Councilor Greg Verga; Councilor Robert Whyntott; Councilor Paul Lundberg; Councilor William Fonvielle; Councilor Robert Stewart; Councilor Joseph Ciolino

Absent: Councilor LeBlanc

Also Present: Mayor Sefatia Theken; Jim Destino; Linda T. Lowe; Salvatore DiStefano; Kenny Costa; John Dunn; Jim Caulkett; Paul Keane; Sally Polzin; Tom Daniel; William Sanborn; James Pope; Fire Chief Eric Smith; Nancy Papows; Gary Johnstone; Judith Hoglander; Robert Haverkamp; Dale Brown

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

Flag Salute & Moment of Silence.

Council President McGeary, on behalf of the Council, welcomed Mayor Theken to her first Council meeting.

Other Business:

Swearing in of Joseph Ciolino as Councilor at Large under Charter provision 2-13(a)

Linda T. Lowe, City Clerk, administered the oath of office to Joseph Ciolino as Councilor At Large, serving out the remainder of the term left vacant by former Councilor at Large Sefatia Romeo-Theken when she was elected to serve as Mayor, term to expire December 31, 2015.

Councilor Ciolino after a few brief remarks on returning to the Council, and thanking his family and friends for their support, he took his place at the Council dais.

Oral Communications:

Peter Todd, Poet Laureate of the City of Gloucester, read a poem he wrote especially for the city at the advent of a new Mayor and City Councilor:

The Ship of Gloucester Set at Full Sail
*On this date we have our ship with a full crew
Ready to set our sails to our new horizons
Seeking out what we as your Leaders can do
The citizens of Gloucester in thought of our findings
With our new ships captain at the wheel
Her goals guided by the reality of life
Searching in heart and soul anxious to reveal
The rewards of making our city greater and forthright
Our Gloucester will succeed in its goals
Its team work that will gain us our tomorrows
By guiding from wisdom new and heritage gold
With the lessons of even our youth to borrow
Through harmony and thinking before we act
Gloucester will again move forward and grow
Ignoring rumors and only listening to fact
Will we gain by what we reap and the imprints we sow?*

Kathryn Goodick, 10 Dogtown Road, submitted a written statement for the record (placed on file) and spoke to the water debt shift that she said has increased property taxes recently although lowering the per gallon water rate charges saying it is not a wash between the two – there is no offset. She expressed her concern that the water debt shift which increased property taxes is unfair, saying that her property taxes went up by \$200 for the fourth quarter of 2014. She said it is wrong to have annual increases to taxes to such a high extent. She said that Proposition 2 ½ has not offered the protection to homeowners from tax increases and should not have raised homeowners' taxes to

this high a level. She added with the steady rise of property taxes and sewer rates over the last seven years it appears that there has been no one working on a fiscally responsible city budget. She expressed concern with the increasing tax rates that she will be unable to continue to afford to live in Gloucester at this rate. She asked the Council to find a way to lower the property taxes as well as conduct a public hearing on the matter.

Amanda Kesterson, 293 Washington Street, also called for a public hearing regarding the water debt shift and increase of property taxes. She also addressed what she said was an issue of transparency and said in her opinion that the tax increase was voted this past June with little fanfare and discussion. She said she understood there was a public hearing to discuss the debt shift burden which she said was misleading and not easily understood. She cautioned that situations like this make people lose their faith in government which can only be restored through honesty and transparency.

Peter Cooney, 36 Warner Street, said his fourth quarter property tax bill was “shocking” and that his property value went up 33 percent which he said he thought was a mistake but learned that it wasn’t. He said that property assessments appear to be all over the map. He advised he had checked with the Assessors Department and learned the Assessors went by statistical analysis, but said he couldn’t understand why a multi-family dwelling next door to him had no increase in value when his property value increased at such a high rate.

Maria Leaman-Strauss, 3 Leaman Drive, also spoke to her shock with her increased tax bill which she found out about on Facebook, and said it was her understanding that no one knew about the increase in the property taxes. She said she has private water and lives on a private road, and only has children in the school system. She said the matter of the property taxes should be addressed plainly and be well known to the public.

Presentations/Commendations: Proposed Artwork for Solomon Jacobs Park

Former Mayor and City Councilor, **Bruce Tobey** and **Judith Hoglander**, Chair of the Committee for the Arts made the following presentation regarding a proposed installation of a sculpture, “High Seas” by David Black, a nationally renowned sculptor born and raised in Gloucester.

Mr. Tobey welcomed Mayor Theken. He also thanked the former Administration for bringing part of the costs of the installation of the sculpture forward; Council President Paul McGeary for his “dogged” attention to this matter over the course of several years, and to the B&F Committee Chair, Councilor Melissa Cox and to that Committee on their careful review of the funding which will be postponed in order to provide more transparency in the funding process and to hear more about the positive impact this installation will have on the community by furthering the city’s arts legacy. They presented a video highlighting the sculptor’s installations, and in his own words his thoughts on his art and creative process.

He suggested that public art is a way to leave a legacy to be honored for the future. The city has a strong public art legacy in the context of sculpture, citing examples of the Man at the Wheel, sculpted in 1923 by Leonard Craske, which was a gift to the community on the occasion of the city’s 300th anniversary; the Fisherman’s Wives Memorial unveiled in 2001 by sculptor Morgan Fauld Pike; the Joan of Arc statue which is one of six worldwide by sculptor Ann Hyatt Huntington; Walker Hancock’s Triton by a renowned sculptor known as a member of the famous World War II “Monuments Men”; Sea Harvest hosted by the Sawyer Free Library and sculpted by Aristides Burton-Demetrius; and the Fitz Henry Lane sculpture at Harbor Loop by sculptor Alfred Duca. He also cited private entities and individuals’ sculpture installations, such as the sculpture garden at the Cape Ann Museum and in the mini-park across from the museum with a striking sculpture, Dance of the Cranes by sculptor John Raimondi as well.

Mr. Tobey then highlighted Mr. Black’s background. He was born in 1928 in Gloucester, graduated from Gloucester High School in 1948 as valedictorian; graduated Wesleyan University; received a Master’s degree from Indiana University. He is a scientist and engineer as well as sculptor of international renown who has installations around the world and in many cities across the United States from Alaska to Washington, DC. He said Mr. Black captures movement and energy, challenging the mind, the heart and the senses; with a studio in Columbus, Ohio. He noted he is a Professor Emeritus in Sculpture at Indiana University. **Mr. Tobey** added with Mr. Black’s experiences in Gloucester he used his background here to create amazing pieces of art.

He then presented a power point presentation highlighting many examples of Mr. Black’s work in the United States and abroad. He especially highlighted one of Mr. Black’s sculptures installed in Akron, Ohio, memorializing the Wright Brothers first flight in Kitty Hawk, North Carolina. The sculpture is the actual flight path and exact distance of that flight with the figure of the plane moving through time and space.

Mr. Tobey showed the site plan for the proposed sculpture installation of Mr. Black’s work at the end of Solomon Jacobs Park on Harbor Loop adjacent to the harbor. It was noted there will be a substantial remediation of the area by National Grid prior to the installation due to it being the former site of the coal gasification plant and in

turn vast areas of open space will be preserved, **Mr. Tobey** said, for alternative uses. He showed a photo image of a view of the proposed “High Seas” sculpture, which will be 25 feet high, 40 feet wide.

He noted that the total project cost is \$150,000. Mr. Black will take no commission on the sculpture bringing the price down substantially, he said. He pointed out that the site preparation cost is substantial which would include the sculpture mount, ground treatment and some ground lighting will be taken care of by National Grid as their contribution to the project valued as much as \$50,000. The transport and the assembly are estimated to cost \$60,000-\$70,000. He said the hope is after a bit more public discussion, the city through its proposed support of \$30,000 from free cash will be moved into a sequestered account until the private fundraising for the sculpture’s installation and maintenance, a project he will be spearheading, will complete the funding.

A video was presented of sculptor David Black speaking about one of his first sculptures called “Breakers” which he explained came from his experiences as a child growing up in Gloucester and describing his sculpture he means to donate to the city as his gift and its impetus. He described the influence of hurricanes growing up in the city, and that the sculpture, “High Seas” will remind people of actual seas with the light reflecting off the high-gloss steel sculpture. He said he relished his time in the city, recalling proudly being valedictorian of the class of 1948 at GHS.

Mr. Tobey said that Mr. Black is as Gloucester as it gets and his work is recognized around the world. He concluded by saying that city has a unique opportunity before it.

Judith Hoglander, Chair of the Committee for the Arts, said it has been over two years since Mr. Black approached the Committee for the Arts (CFA) to bring a sculpture to his hometown. He always had Solomon Jacobs Park in mind, but because of the planned remediation of the park it wouldn’t be accessible as a site for the sculpture’s installation until 2017. She reviewed the CFTA’s process to make a determination as to what constitutes appropriate public art, how the CFA concluded that Solomon Jacobs Park was the most appropriate site, and reviewed further the costs associated with the sculpture’s installation and on-going maintenance. She also noted that the Kirk Administration had the cost of foundation of the sculpture written into the contract between the city and National Grid as part of the city’s negotiation.

Ms. Hoglander said the key to Mr. Black’s sculptures installations are the fact that many are installed in highly populated areas and are built so that they are safe for the public. She pointed out the lowest accessible point on High Seas is 12 feet high. She said that the CFTA strongly recommends the sculpture’s acceptance by the city. While there are other factors yet to be decided, she pointed out that there is no contemporary art in city-owned public spaces nor has a donation of this magnitude been made to the city in some time.

Mr. Tobey said that he looked forward to moving this project forward and honoring a son of Gloucester.

Councilor Cox offered to host a ward meeting with the CFTA members in attendance regarding the sculpture installation to take place Monday, Jan. 26 at 6 p.m. She said it would be a public meeting where questions can be asked. The meeting location is to be determined. **Council President McGeary** acknowledged he would also be in attendance.

Consent Agenda:

- **CONFIRMATION OF NEW APPOINTMENTS**

Community Development Director	Thomas Daniel	TTE 02/14/16
Chief Administrative Officer	Salvatore L. DiStefano, Sr.	TTE 02/14/16
Chief Financial Officer	John Dunn	TTE 02/14/16
City Engineer	Paul Keane	TTE 02/14/16
Personnel Director	Sally Polzin	TTE 02/14/16
Building Inspector	William Sanborn	TTE 02/14/16
Harbormaster	James Caulkett	TTE 02/14/18
Assessor	Gary Johnstone	TTE 02/14/18

- **MAYOR’S REPORT**

1. Special Budgetary Transfer Request (2015-SBT-28) from Police Department (Refer B&F)
2. Special Budgetary Transfer Request (2015-SBT-29) from Police Department (Refer B&F)
3. Special Budgetary Transfer Request (2015-SBT-30) from Police Department (Refer B&F)

- **COMMUNICATIONS/INVITATIONS**

- **INFORMATION ONLY**

1. Decision for the approval of the Gloucester Municipal Harbor Plan Renewal and Designated Port Area Master Plan (Info Only)
2. Memorandum from CFO John P. Dunn to City Council re: Fiscal 2015 Property Tax Bills (Info Only)

- **APPLICATIONS/PETITIONS**

- **COUNCILORS ORDERS**

1. CC2015-001 (Verga) Request P&D & O&A Standing Committees together and in connection with City Council Order 2014-039 Regarding the position of the Executive Director of the Fisheries Commission, assure that the structure of the Fisheries Commission Be consistent with the requirements of the Special Acts from 1956 through 1984 and Chapter 361 of the Acts of 1980 and Chapter 740 of the Acts of 1981 (Refer P&D & O&A)

2. CC2015-002 (Cox) Request the O&A and Traffic Commission review the parking restrictions in GCO Chapter 22 for Elm Street in The area between the intersection of Federal Street and Elm Street and the intersection of Main Street and the vicinity of 9 Elm Street and amend GCO Sec. 22-270, Sec. 22-273 and Sec. 22-274 (Refer O&A & TC)
- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: December 16, 2014 (Approve/File)
 2. Special City Council Meeting: January 8, 2015 (under separate cover) (Approve/File)
 3. Standing Committee Meetings: B&F 01/08/15 (under separate cover), O&A 01/05/15, P&D 01/07/15 (under separate cover) (Approve/File)

Unanimous Consent Agenda:

1. Memorandum from Mayor Theken regarding the withdrawal of reappointment of Salvatore L. DiStefano, Sr. as Chief Administrative Officer (Accept Withdrawal)
2. Memorandum from Mayor Theken regarding 90-day appointment of James Destino to the position of Chief Administrative Officer with a term to expire April 13, 2015 and 90-day appointment of Salvatore L. DiStefano, Sr. to the position of Economic Development Director with a term to expire April 13, 2015. (Info Only)

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

Council President McGeary informed the Council that the Mayor wished to withdraw the reappointment of Salvatore DiStefano, Sr. as Chief Administrative Officer from the Consent Agenda.

Councilor Verga asked to remove Item #3 under Approval of Minutes, O&A 01/05/15. He said that the O&A Committee's minutes need to be amended - - that under the matter of City-owned Cemeteries Committee the incorrect chapter number was inserted into a motion, and that the correct Code of Ordinance chapter was listed as 2, and Art. 2. That needs to be replaced by, "Chapter 6, with no Article stated."

By unanimous consent the Council's Unanimous Consent Agenda and Council Unanimous Consent Calendar was accepted as amended.

Committee Reports:

Budget & Finance: January 8, 2015

B&F Unanimous Consent Agenda

MOTION: On a motion by Councilor Cox, seconded by Councilor Stewart, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (LeBlanc) absent, to accept the Budget & Finance Unanimous Consent Agenda dated January 13, 2015 as follows:

1. *Special Budgetary Requests 2015-SBT-25 and 2015-SBT-27 from Police Department*

MOTION: On motion by Councilor Cox, seconded by Councilor Stewart, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (LeBlanc) absent, to approve Special Budgetary Transfer 2015-SBT-25 in the amount of \$271.40 from Account #101000.10.292.51100.0000.00.000.00.051, Animal Control-Salary/Wage Permanent Position to Account #101000.10.218.51400.0000.00.000.00.051 Police-Parking, Salary/Wage-Longevity, for the purpose funding a deficit in the account.

MOTION: On motion by Councilor Cox, seconded by Councilor Stewart, the City Council voted 8 in favor, 0 opposed, 1 (LeBlanc) absent, to approve Special Budgetary Transfer 2015-SBT-27 in the amount of \$9,500 from Account #101000.10.211.51910.0000.00.000.00.051, Police-Uniform Tuition/Training Employee to Account #101000.10.211.55870.0000.00.000.00.054 Police Uniform Police Ammunition, for the purpose of purchasing ammunition for the Gloucester Police Department minimum training of firearms.

2. *Special Budgetary Request 2015-SBT-26 from the City Clerk's Office*

MOTION: On motion by Councilor Cox, seconded by Councilor Stewart, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (LeBlanc) absent, to approve Special Budgetary Transfer 2015-SBT-26 in the amount of \$1,500 from Account #101000.10.163.52700.0000.00.000.00.052, City Clerk-Rental of Facilities to

Account #101000.10.161.52550.0000.00.000.00.052 City Clerk-Office Furnishings, for the purpose of replacing window blinds.

3. Supplemental Appropriation-Budgetary Request 2015-SA-9 from DPW

MOTION: On a motion by Councilor Cox, seconded by Councilor Stewart, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (LeBlanc) absent, to approve Supplemental Appropriation 2015-SA-9 in the amount of \$30,000 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 Services, Paving for the purpose of funding various city paving projects.

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

Administration's supplemental budget requests from free cash

Councilor Cox explained that the Administration's free cash requests total \$395,000 and that available Free Cash is just over \$2.4 million. A portion of the overall free cash must be set aside in support of the Fire Department's new contract. There were three appropriations that were not put forward yet through the B&F Committee. They are: Funds to replenish Mayor's contingency fund for \$10,000; \$24,000 for support of Economic Development; and \$150,000 for support of the School Department's Chromebook initiative. All three supplemental budget requests will be discussed at the B&F meeting of February 5 pending receipt of further information.

1. 2015-SA-10: Funds to support design and installation of David Black sculpture

COMMITTEE RECOMMENDATION: On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2015-SA-10 in the amount of \$30,000 (Thirty Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Committee for the Arts Fund, Transfer from General Fund, Account # 295031.10.991.49700.0000.00.000.00.040 for the purpose of supporting the design and installation of a David Black sculpture as recommended by the Committee of the Arts.

DISCUSSION:

Councilor Cox proposed that the motion on the table, which was seconded by **Councilor Verga**, be continued to the next City Council meeting in order to obtain further information. By unanimous consent of the Council the matter was continued to January 27.

2. 2015-SA-12: Funds to allow for the reconfiguration of the server room at Gloucester High School

COMMITTEE RECOMMENDATION: On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2015-SA-12 in the amount of \$60,000 (Sixty Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Management Information Systems, Replace Equipment, Account #101000.10.155.58700.0000.00.000.00.058 for the purpose of funding the reconfiguration of the server room at Gloucester High School.

DISCUSSION:

Councilor Cox explained that this appropriation is for the replacement of equipment for the GHS server room that was damaged during a storm. This is a high priority funding as the need is urgent. There will be an evaluation of the infrastructure as well as the capacity of the high school generator and other electrical matters related to the server room which is necessary for the equipment to be installed which this transfer supports. The work on the room will be done through a bond, as structure will be redone within the building associated with the server room equipment replacement and assessment. Some of the work can be done during the school year without disturbing the learning environment. There will be a site visit by the Committee, and is likely to take place during a school vacation. Council will be noticed of the date and time, she said.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1(LeBlanc) absent, to approve Supplemental Appropriation 2015-SA-12 in the amount of \$60,000 (Sixty Thousand Dollars) from the General Fund-Undesignated Fund Balance (“Free Cash”), Account #101000.10.000.35900.0000.00.000.00.000 to Management Information Systems, Replace Equipment, Account #101000.10.155.58700.0000.00.000.00.058 for the purpose of funding the reconfiguration of the server room at Gloucester High School.

3. 2015-SA-14: Funds for Community Development to support economic development and other support activities

COMMITTEE RECOMMENDATION: On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2015-SA-14 in the amount of \$6,000 (Six Thousand Dollars) from the General Fund-Undesignated Fund Balance (“Free Cash”), Account #101000.10.000.35900.0000.00.000.00.000 to Community Development-Contractual Services, Account # 101000.10.181.52000.0000.00.000.00.052 for the purpose of financial support of the Downtown Block Parties and Summer Outdoor Movies.

DISCUSSION:

Councilor Cox briefly explained that this funding from free cash is in support the downtown block parties and a continuation of the summer outdoor movies. A Request For Proposal to run the 2015 Block Parties will be put forward after a careful review by the Community Development Director of the city’s needs for a group to run next year’s Block Parties.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (LeBlanc) absent, to approve Supplemental Appropriation 2015-SA-14 in the amount of \$6,000 (Six Thousand Dollars) from the General Fund-Undesignated Fund Balance (“Free Cash”), Account #101000.10.000.35900.0000.00.000.00.000 to Community Development-Contractual Services, Account # 101000.10.181.52000.0000.00.000.00.052 for the purpose of financial support of the Downtown Block Parties and Summer Outdoor Movies.

4. 2015-SA-15: Funds for Exhibit Space at the Seafood Exposition

COMMITTEE RECOMMENDATION: On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2015-SA-15 in the amount of \$10,000 (Ten Thousand Dollars) from the General Fund-Undesignated Fund Balance (“Free Cash”), Account #101000.10.000.35900.0000.00.000.00.000 to Community Development-Other Charges/Expenses, Account # 101000.10.181.57000.0000.00.000.00.057 for the purpose of covering expenses for exhibit space at the Boston Seafood Exposition.

DISCUSSION:

Councilor Cox explained this appropriation is to support the city’s rental of a booth at the world’s largest seafood exposition which takes place in Boston from March 15 to 17. Associated with this booth rental at \$3,200 are funds for a tour for exposition participants of the city, their transportation, booth giveaways and other ancillary expenses anticipated for the city’s participation.

Councilor Ciolino said this funding was timely for the city’s participation at the Seafood Exposition to promote the city and was pleased to see the funding come forward.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (LeBlanc) absent, to approve Supplemental Appropriation 2015-SA-15 in the amount of \$10,000 (Ten Thousand Dollars) from the General Fund-Undesignated Fund Balance (“Free Cash”), Account #101000.10.000.35900.0000.00.000.00.000 to Community Development-Other Charges/Expenses, Account # 101000.10.181.57000.0000.00.000.00.057 for the purpose of covering expenses for exhibit space at the Boston Seafood Exposition.

5. 2015-SA-16: Funds to supplement Fire Department Overtime for station openings

COMMITTEE REPORT: On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2015-SA-16 in the amount of \$100,000 (One Hundred Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Fire Department-Salary/Wages, Overtime, Account #101000.10.220.51300.0000.00.000.00.051 for the purpose of funding fire station openings that may incur overtime salary and wages.

DISCUSSION:

Councilor Cox said this free cash appropriation is for overtime expenses due to many on-the-job injuries in the Fire Department this year -- a total of nine firefighters are out long-term and some are off the job. The department is fully staffed but there are upcoming retirements at the end of January and March (3 in total), which is factored into the staffing situation. New hires won't start until the next budget year, she noted. These funds would see the department through the end of the fiscal year, and once the account is re-balanced, with the minimum staffing at 16 and 18 which opens Magnolia Station, the remaining funds will be divided through the stations to keep them open in the same way it was handled in the last fiscal year.

Council President McGeary said at the B&F meeting, the members learned that this has been an unfortunate and unusual year for the department in terms of employee injuries and illness. He said it was hoped the Fire Department would get by without overtime with the new staffing structure, this was a "lightning strike" situation and the overtime funding is needed.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (LeBlanc) absent, to approve Supplemental Appropriation 2015-SA-16 in the amount of \$100,000 (One Hundred Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Fire Department-Salary/Wages, Overtime, Account #101000.10.220.51300.0000.00.000.00.051 for the purpose of funding fire station openings that may incur overtime salary and wages.

6. 2015-SA-17: Funds to purchase new commercial dishwasher for Rose Baker Senior Center

COMMITTEE RECOMMENDATION: On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2015-SA-17 in the amount of \$5,000 (Five Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Council on Aging, Capital Outlay, Account #101000.10.541.58425.0000.00.000.00.058 for the purpose of purchasing a new commercial dishwasher for the Rose Baker Senior Center.

DISCUSSION:

Councilor Cox said that this commercial dishwasher that is needed by the Senior Center as the current one is leaking. She noted it is difficult to hold many Senior Center events and initiatives while still adhering to health codes with the dishwasher there now. She pointed that this was a perfect example of free cash use.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (LeBlanc) absent, to approve Supplemental Appropriation 2015-SA-17 in the amount of \$5,000 (Five Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Council on Aging, Capital Outlay, Account #101000.10.541.58425.0000.00.000.00.058 for the purpose of purchasing a new commercial dishwasher for the Rose Baker Senior Center.

Ordinances & Administration: January 5, 2015

Due to his absence from the O&A meeting of January 5, **Councilor Whynott** deferred the presentation of the O&A Committee Report and matters to come forward at public hearing to Councilor Verga who attended as an alternate member.

1. Memorandum from Harbormaster re: new parking area for resident only parking at Hodgkins Cove Public Landing

COMMITTEE RECOMMENDATION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of the matter the “Memorandum from Harbormaster re: new parking area for resident only parking at Hodgkins Cove Public Landing, and close the matter.”

DISCUSSION:

Councilor Verga said this was a submittal to the Council by the Harbormaster asking for a parking area at a public landing, but that the Harbormaster asked that it be withdrawn, and so this action closes the administrative loop.

MOTION: On a motion by Councilor Verga, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (LeBlanc) absent, to permit the withdrawal of the matter the “Memorandum from Harbormaster re: new parking area for resident only parking at Hodgkins Cove Public Landing, and close the matter.”

2. Approval of negotiated contract between the City of Gloucester & Fire Chief for the period of July 1, 2015 through June 30, 2020

COMMITTEE RECOMMENDATION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve the negotiated contract between the City of Gloucester and Fire Chief Eric for the term of July 1, 2015 through June 30, 2020 under GCO c. 8, Sec. 8-18(d).

DISCUSSION:

Councilor Verga said that the matter of the Fire Chief’s negotiated contract approval was one of the last matters Mayor Kirk wrapped up before her exit. He expressed his and the O&A Committee’s endorsement of the five-year contract for Fire Chief Eric Smith. He noted that the Chief had requested the five year term which he said was allowed by ordinance.

Council President McGeary said Chief Smith has done a terrific job and has brought the Gloucester Fire Department along carefully yet thoroughly, and that the city is much the better for his presence.

MOTION: On a motion by Councilor Verga, seconded by Councilor Fonvielle, the City Council voted 8 in favor, 0 opposed, 1 (LeBlanc) absent, to approve the negotiated contract between the City of Gloucester and Fire Chief Eric for the term of July 1, 2015 through June 30, 2020 under GCO c. 8, Sec. 8-18(d).

3. Withdrawal of Management Reappointments:

General Counsel

Suzanne Egan

TTE 02/14/16

COMMITTEE RECOMMENDATION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council allow the withdrawal of Suzanne Egan for consideration for reappointment to the position of General Counsel due to Ms. Egan’s resignation effective 01/02/2015.

DISCUSSION:

Councilor Verga reminded the Council there is no need to reappoint Ms. Egan as she is no longer employed by the city with the advent of her resignation effective Jan. 2.

Council President McGeary thanked Ms. Egan for her work for the city over the years noting she was always helpful to him with legal questions, and a good legal scholar. He wished her well in her new endeavor.

MOTION: On a motion by Councilor Verga, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (LeBlanc) absent, to allow the withdrawal of Suzanne Egan for consideration for reappointment to the position of General Counsel due to Ms. Egan's resignation effective 01/02/2015.

4. ***CC2014-052 (Verga/Theken) Request that City Council establish "The Ab Khambaty Extraordinary Performance/Service Award"***

COMMITTEE RECOMMENDATION: On a motion by Councilor Verga, seconded by Councilor LeBlanc the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council establish "The Ab Khambaty Extraordinary Performance/Service Award." This shall be awarded, from time to time as seen fit by the City Council, to an individual or group that has contributed to the civic improvement of the City of Gloucester. In recognition of this extraordinary performance or service, a "master" plaque shall hang in the Kyrouz Auditorium describing the name and purpose of the award, and name of the recipients added continually to the plaque.

Further, the City Council will award a personalized certificate to the individual or group. Nominations for the award may be made by City Councilors as well as members of the general public and will be reviewed for consideration by the City Council. Following a vote by the Council to name an award recipient, a recognition ceremony will be held at a regularly scheduled City Council meeting.

DISCUSSION:

Councilor Whynott said Councilors explained that Councilors used to nominate publicly candidates for the Mariner's Medal which then reverted to making nominations via written communication and suggested the same should be done for this new award.

Councilor Verga recounted that at the time the Council voted to install a plaque in honor of former Councilor Hardy, at that time, former Councilor Theken suggested that the Council should honor former Councilor Ab Khambaty's service to the city who passed away last year. He explained that this award is being established to highlight the extraordinary actions and achievements by an average person in the community who puts themselves forward on behalf of the city. He said this award was crafted to resemble to the extraordinary service award established by the School Committee, named in honor of Al Swekla and Margaret Wilmot who were also the first recipients of the award. He noted the School Committee's award is not given annually, and has been given to several outstanding individuals in service to the community, Jonathan Pope and Kim Normand, and Pat Earle. He said this is a fitting tribute to Mr. Khambaty for his years serving the city, not just for his tenure as a City Councilor but spearheading so many other important city-related matters, and expressed his wholehearted supported the creation of the award.

Council President McGeary conveyed to the Council he had spoken to Mr. Khambaty's widow, Lynn, whom he said is thrilled, as the entire Khambaty family, with the award's creation.

MOTION: On a motion by Councilor Verga, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (LeBlanc) absent, to establish "The Ab Khambaty Extraordinary Performance/Service Award." This shall be awarded, from time to time as seen fit by the City Council, to an individual or group that has contributed to the civic improvement of the City of Gloucester. In recognition of this extraordinary performance or service, a "master" plaque shall hang in the Kyrouz Auditorium describing the name and purpose of the award, and name of the recipients added continually to the plaque. Further, the City Council will award a personalized certificate to the individual or group. Nominations for the award may be made by City Councilors as well as members of the general public and will be reviewed for consideration by the City Council. Following a vote by the Council to name an award recipient, a recognition ceremony will be held at a regularly scheduled City Council meeting.

Planning & Development: January 7, 2015

COMMITTEE RECOMMENDATION: On a motion by Councilor Fonvielle, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the

Lone Gull 10K Road Race sponsored by the Children's Center for Communication to be held Sunday, September 20, 2015 with the following conditions:

1. A Certificate of Insurance naming the City of Gloucester as an additional insured party has been filed with the City Clerk's office on or before August 31, 2015.
2. Road Closure Plan:
Memoranda from the Police Department and the Fire Department or approvals through the Special Events Advisory Committee giving approval of the plans for the Lone Gull 10K Road Race on or before September 14, 2015. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before September 14, 2015.
3. Refuse and Comfort Stations:
All event refuse and recycling must be removed by the organizer. Any portable toilets (with two handicapped accessible) are to be provided and maintained by the organizer, placed the evening before the day of the event or early in the morning of the day of the event and be removed by 1:00 p.m., Sunday, September 20, 2015.
4. Emergency Services:
Any EMS requirements of the City EMS Director must be met.
5. Staffing:
Event staff is to have cell phones and be identified by the public with distinct shirts. A list of event staff and their cell phone numbers is to be submitted to the Police, Fire, or DPW Departments.
6. Notification of Immediate Abutters and Businesses to Parade Route:
Notice shall be made by the event organizer by hand or by mail no later than 7 (seven) days in advance of the event to any function halls, motels and hotels, and other businesses along the race route.
7. Responsibility of the Children's Center for Communication:
The applicant is also required to obtain any necessary approvals from the Licensing Board, the Health Department, and the Licensing Commission. It is the sole responsibility of the Children's Center for Communication to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation. Any changes to the route must receive prior approval from the Police and Fire Departments.

DISCUSSION:

Councilor Verga said that this event has been run for many years with no changes from last year's plans. He noted that the Special Events Advisory Committee voted in favor of holding the 2015 event as did P&D.

MOTION: On a motion by Councilor Verga, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (LeBlanc) absent, to permit the Lone Gull 10K Road Race sponsored by the Children's Center for Communication to be held Sunday, September 20, 2015 with the following conditions:

1. A Certificate of Insurance naming the City of Gloucester as an additional insured party has been filed with the City Clerk's office on or before August 31, 2015.
2. Road Closure Plan:
Memoranda from the Police Department and the Fire Department or approvals through the Special Events Advisory Committee giving approval of the plans for the Lone Gull 10K Road Race on or before September 14, 2015. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before September 14, 2015.
3. Refuse and Comfort Stations:
All event refuse and recycling must be removed by the organizer. Any portable toilets (with two handicapped accessible) are to be provided and maintained by the organizer, placed the evening before the day of the event or early in the morning of the day of the event and be removed by 1:00 p.m., Sunday, September 20, 2015.
4. Emergency Services:

- Any EMS requirements of the City EMS Director must be met.**
5. **Staffing:**
Event staff is to have cell phones and be identified by the public with distinct shirts. A list of event staff and their cell phone numbers is to be submitted to the Police, Fire, or DPW Departments.
 6. **Notification of Immediate Abutters and Businesses to Parade Route:**
Notice shall be made by the event organizer by hand or by mail no later than 7 (seven) days in advance of the event to any function halls, motels and hotels, and other businesses along the race route.
 7. **Responsibility of the Children's Center for Communication:**
The applicant is also required to obtain any necessary approvals from the Licensing Board, the Health Department, and the Licensing Commission. It is the sole responsibility of the Children's Center for Communication to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation. Any changes to the route must receive prior approval from the Police and Fire Departments.

COMMITTEE RECOMMENDATION: On a motion by Councilor Fonvielle, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor , 0 opposed, to recommend that the City of Gloucester accept ownership of and full responsibility for the sewer extension and all existing laterals based on submitted "as built" that lay within the streets known as Eagle Road in its entirety constructed by Jim Ketchopulos and Sons, 40 School Street, Rockport, MA, and as shown on the plan entitled "As-Built Sewer Extension Plan" prepared by Gateway Engineering, 33 Forest Hill Avenue, Lynnfield, MA, dated 9/28/08 with the following conditions:

1. That the existing current DPW Rules and Regulations pertaining to the city's acceptance of private sewers are adhered to;
2. That the homeowner residing at Eagle Road #4 represented by Nicolette C. Van Stigt of Eagle Road and the City of Gloucester by its appropriate Administrative staff coordinates the execution and exchange of all documents deemed necessary by the City of Gloucester's legal office to effectuate the transfer of ownership and control of the as-built sewer project to the City of Gloucester.

DISCUSSION:

Councilor Verga noted the acceptance of the Eagle Road private sewer was recommended by the DPW Director.

MOTION: On a motion by Councilor Verga, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (LeBlanc) absent, that the City of Gloucester accept ownership of and full responsibility for the sewer extension and all existing laterals based on submitted "as built" that lay within the streets known as Eagle Road in its entirety constructed by Jim Ketchopulos and Sons, 40 School Street, Rockport, MA, and as shown on the plan entitled "As-Built Sewer Extension Plan" prepared by Gateway Engineering, 33 Forest Hill Avenue, Lynnfield, MA, dated 9/28/08 with the following conditions:

1. That the existing current DPW Rules and Regulations pertaining to the city's acceptance of private sewers are adhered to;
2. That the homeowner residing at Eagle Road #4 represented by Nicolette C. Van Stigt of Eagle Road and the City of Gloucester by its appropriate Administrative staff coordinates the execution and exchange of all documents deemed necessary by the City of Gloucester's legal office to effectuate the transfer of ownership and control of the as-built sewer project to the City of Gloucester.

The Council recessed at 8:16 p.m. and reconvened at 8:22 p.m.

Scheduled Public Hearings:

1. PH2015-001: Amend GCO Chapter 2, Article V by adding new subsection re: The Linzee Coolidge Philanthropy Award Committee

This public hearing is opened at 8:22 p.m.

Those speaking in favor: None.
Those speaking in opposition: None.
Communications: None.
Councilor Questions: None.
This public hearing is closed at 8:22 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO c. 2, Article V Boards, Commissions, Councils and Committees, The Linzee Coolidge Philanthropy Award Committee by adding a new subsection Div. 6B as follows:

DIVISION 6B. THE LINZEE COOLIDGE PHILANTHROPY AWARD COMMITTEE

Sec. 2-477. Purpose

The Linzee Coolidge Philanthropy Award is hereby created in honor and recognition of the contributions made by Linzee Coolidge through the Dusky Foundation to organizations which benefit the citizens of Gloucester. The Linzee Coolidge Philanthropy Award is created to foster philanthropy in Gloucester and to encourage others to model their philanthropic giving on Linzee Coolidge's generosity and commitment to the civil community of Gloucester.

Sec. 2-478. Criteria

The Linzee Coolidge Philanthropy Award is the highest honor for philanthropic giving, financial or otherwise, to be bestowed by the City of Gloucester. As such, the Linzee Coolidge medallion may be awarded to individuals who demonstrate substantial generosity and contributions to the City of Gloucester which meet or exceed the contributions in the tradition of Samuel Sawyer and Linzee Coolidge.

Sec. 2-479. Medallion

The Linzee Coolidge Philanthropy Medallion shall be awarded to a citizen in appreciation for outstanding generosity, caring and notable philanthropy which has contributed to the betterment of the community.

Sec. 2-480. Committee

- a) There shall be a Linzee Coolidge Philanthropy Award Committee which shall consist of four persons appointed by the mayor. The mayor shall serve on the Committee and shall be the fifth member thereof. The terms of the members shall be coterminous with the Mayor.
- b) None of the four appointed members of the Committee shall hold any elective or appointive office with the government of the City when appointed, and should they later hold such an office, their membership on the Committee shall be declared vacated. The Committee shall serve an executive function within the administration of the Mayor's Office.

Sec. 2-481. Chairperson

The mayor or his/her designee shall be the chairperson of the Committee.

Sec. 2-482. Duties

It shall be the duty of the Linzee Coolidge Philanthropy Award Committee to establish and seek to maintain high standards for bestowing the award on any person demonstrating a substantial record of generosity and commitment to the civil community of the City of Gloucester. The Committee, after investigation and consideration of all the facts, shall recommend to the City Council the awarding of the Linzee Coolidge Philanthropy Medallion to such person or persons as the Committee deems deserving to receive the award.

DISCUSSION:

Council President McGeary explained that at the December meeting the Council presented Mr. Coolidge with the first of the Linzee Coolidge awards, and at the time it was determined it would be a good thing to have a medal for those who make similar gifts of philanthropy to the city, modeled on the Mariner's Medal as well, and recommended the ordinance amendment adoption.

MOTION: On a motion by Councilor Verga, seconded by Councilor Lundberg, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (LeBlanc) absent, to Amend GCO c. 2, Article V Boards, Commissions, Councils and Committees, The Linzee Coolidge Philanthropy Award Committee by adding a new subsection Div. 6B as follows:

DIVISION 6B. THE LINZEE COOLIDGE PHILANTHROPY AWARD COMMITTEE

Sec. 2-477. Purpose

The Linzee Coolidge Philanthropy Award is hereby created in honor and recognition of the contributions made by Linzee Coolidge through the Dusky Foundation to organizations which benefit the citizens of Gloucester. The Linzee Coolidge Philanthropy Award is created to foster philanthropy in Gloucester and to encourage others to model their philanthropic giving on Linzee Coolidge's generosity and commitment to the civil community of Gloucester.

Sec. 2-478. Criteria

The Linzee Coolidge Philanthropy Award is the highest honor for philanthropic giving, financial or otherwise, to be bestowed by the City of Gloucester. As such, the Linzee Coolidge medallion may be awarded to individuals who demonstrate substantial generosity and contributions to the City of Gloucester which meet or exceed the contributions in the tradition of Samuel Sawyer and Linzee Coolidge.

Sec. 2-479. Medallion

The Linzee Coolidge Philanthropy Medallion shall be awarded to a citizen in appreciation for outstanding generosity, caring and notable philanthropy which has contributed to the betterment of the community.

Sec. 2-480. Committee

- a) There shall be a Linzee Coolidge Philanthropy Award Committee which shall consist of four persons appointed by the mayor. The mayor shall serve on the Committee and shall be the fifth member thereof. The terms of the members shall be coterminous with the Mayor.
- b) None of the four appointed members of the Committee shall hold any elective or appointive office with the government of the City when appointed, and should they later hold such an office, their membership on the Committee shall be declared vacated. The Committee shall serve an executive function within the administration of the Mayor's Office.

Sec. 2-481. Chairperson

The mayor or his/her designee shall be the chairperson of the Committee.

Sec. 2-482. Duties

It shall be the duty of the Linzee Coolidge Philanthropy Award Committee to establish and seek to maintain high standards for bestowing the award on any person demonstrating a substantial record of generosity and commitment to the civil community of the City of Gloucester. The Committee, after investigation and consideration of all the facts, shall recommend to the City Council the awarding of the

Linzee Coolidge Philanthropy Medallion to such person or persons as the Committee deems deserving to receive the award.

2. PH2015-002: Loan Order 2014-011: Loan Authorization in the amount of \$460,000 for the Coastal Community Resilience Grant Program, Little River Restoration

This public hearing is opened at 8:25 p.m.

Those speaking in favor:

John Dunn, CFO, explained that this loan order even though it is in the gross amount of \$460,000 is really intended to cover a match of \$150,000 for the \$310,000 grant from the state. They are asking the Council approve the match funds at maximum of \$150,000. The loan would entail a modest principal payment of \$7,500 a year and the interest in the first year of \$5,500 would decline through the life of the loan, he said.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Council President McGeary said the authorization language is for \$460,000 but the intent is to only bond for \$150,000. **Mr. Dunn** assured the Council that the maximum amount of debt issued will be \$150,000, but the language from state Bond Counsel is to authorize borrowing for the entire project cost of \$460,000 and is typical loan order language.

This public hearing is closed at 8:28 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 approve the following loan order:

Ordered: That the City of Gloucester appropriates Four Hundred Sixty Thousand Dollars (\$460,000) to pay costs of surface drainage improvement projects at the West Gloucester Water Treatment Plant, including the payment of all costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G. L. Chapter 44, Section 7(1), or pursuant to any other enabling authority. The Mayor and another appropriate official of the City are authorized to apply for and accept any and all grants or gifts that may be available to the City to pay costs of the project provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of bonds or notes under this order.

Further Ordered: 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:

Councilor Cox explained there was a grant acceptance that will subsidize the cost of the Little River restoration project, saying it is a winning situation for the city. She noted this was an extremely competitive grant which the city won, and is the city's best interest to move forward with the grant match financing.

Councilor Fonvielle pointed out this is about the restoration of an environmental asset and was a positive thing to do. The area is approximately where Rte. 133 has a large bend in the road near the water treatment plant adjacent to the Wellspring House property on Essex Avenue.

Council President McGeary thanked Wellspring House their cooperation which entailed a small land swap with the city allowing the restoration project to move forward.

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

Ordered: That the City of Gloucester appropriates Four Hundred Sixty Thousand Dollars (\$460,000) to pay costs of surface drainage improvement projects at the West Gloucester Water Treatment Plant, including the payment of all costs incidental or related thereto. To meet this appropriation the Treasurer, with the

approval of the Mayor is authorized to borrow said amount under and pursuant to M.G. L. Chapter 44, Section 7(1), or pursuant to any other enabling authority. The Mayor and another appropriate official of the City are authorized to apply for and accept any and all grants or gifts that may be available to the City to pay costs of the project provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of bonds or notes under this order.

Further Ordered: 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.

3. PH2015-003: Amend GCO Sec. 22-269 “Stop Intersections” by adding Flume Road at its intersection with Fuller Street

This public hearing is opened at 8:31 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 8:31 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Chapter 22 “Traffic,” Sec. 22-269 “Stop intersections” by ADDING: “Flume Road at its intersection with Fuller Street.”

DISCUSSION:

Councilor Fonvielle stated that this is in the area of the Magnolia Fire Station which is at the bottom of a hill making it an important to maintain vehicular safety. There is talk of making Lexington Avenue one way to Flume Road so that this would be a timely change, he said.

MOTION: On a motion by Councilor Verga, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (LeBlanc) absent, to Amend GCO Chapter 22 “Traffic,” Sec.22-269 “Stop intersections” by ADDING: “Flume Road at its intersection with Fuller Street.”

4. PH2015-004: Amend GCO Sec. 22-269 “Stop Intersections” by adding Crafts Road for motor vehicles heading in a northerly direction at its intersection with Ye Old County Road

This public hearing is opened at 8:33 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 8:33 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Chapter 22 “Traffic,” Sec.22-269 “Stop intersections” by ADDING: “Crafts Road at the intersection with Ye Old County Road.”

DISCUSSION:

Councilor Fonvielle explained Crafts Road is a major thoroughfare in Magnolia, and that a portion of this the intersection is blind to one side, and an area with young children which makes the installation of a stop sign appropriate.

MOTION: On a motion by Councilor Verga, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (LeBlanc) absent, to Amend GCO Chapter 22 “Traffic,” Sec. 22-269 “Stop intersections” by ADDING: “Crafts Road at the intersection with Ye Old County Road.”

5. PH2015-005: Amend GCO Sec. 22-153 “Privately-owned open-air parking spaces”

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

Those speaking in favor:

Those speaking in opposition: None.

Communications: Angela Procaccini, owner of one of the two permitted licensed open air private parking lots at 2 Long Beach Road, expressed her support of the ordinance amendment.

Councilor Questions: None.

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

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 Amend GCO c. 22, Sec. 22-153 “Privately owned open-air parking spaces by DELETING the entire section and adding a new Section 22-153 as follows:

- (a) *Authority to grant license and compliance with zoning.* The City Council is authorized to grant licenses for the conduct or maintenance of open-air parking spaces, pursuant to MGL c.148 §56 following a public hearing as specified in subsection (e) of this section. Applicants for a license under this section must first obtain any necessary zoning relief required by sec. 2.3.6 (1) or (2) of the Zoning Ordinance for parking lots or obtain certification from the Building Inspector that no such relief is needed. Any applicant who does not own the premises shall provide written permission of the property owner with the application.
- (b) *Contents, limitations, suspension and revocation of license.* Every license issued under this section shall specify the premises to be occupied by the licensee as shown on a plan to be submitted to the City Council and shall be subject to all the provisions of MGLc.148 §56. The license may be suspended or revoked by the City Council and the Fire Chief after notice and a public hearing. Licenses shall be non-transferable.
- (c) *Penalty for engaging in business without a license.* Any person or entity who engages in the business of conducting an open air parking space without the license required herein shall be subject to the penalty of \$300 as provided in MGL c.148 §56.
- (d) *Fee for open-air parking.* The fee for the initial license granted shall be \$100 plus an additional \$10 for each parking space and said license shall expire each year on April 30th and be renewable on a yearly basis for the same fee.
- (e) *Review by City Council and Public Hearing.* The City Council shall hold a public hearing every 5 years to determine if the license shall be reissued for another 5 year term with 7 days’ notice to abutters to be given by the parking lot applicant/operator.

DISCUSSION:

Linda T. Lowe, City Clerk, explained that due to the recent renewals of the city’s two permitted licensed open-air parking lots, it came to the Planning & Development Committee’s attention that there was a need to update and amend the section of the ordinance that governs the permitting process. She said a lot of the provisions in the ordinance are quite old with some being less than clear, including the terms of the permit when granted. The owners of the two permitted open air parking lots have seen the changes; she pointed out, and are in agreement with them.

Council President McGeary advised that Mrs. Procaccini, a constituent of his, had pointed out an internal discrepancy in the ordinance of a three-year term and a five-year renewal. There was an effort to make the length of the terms of the permits to be in accordance with each other.

MOTION: On a motion by Councilor Verga, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (LeBlanc) absent, to Amend GCO c. 22, Sec. 22-153 “Privately owned open-air parking spaces by DELETING the entire section and adding a new Section 22-153 as follows:

(a) *Authority to grant license and compliance with zoning.* The City Council is authorized to grant licenses for the conduct or maintenance of open-air parking spaces, pursuant to MGL c.148 §56 following a public hearing as specified in subsection (e) of this section. Applicants for a license under this section must first obtain any necessary zoning relief required by sec. 2.3.6 (1) or (2) of the Zoning Ordinance for parking lots or obtain certification from the Building Inspector that no such relief is needed. Any applicant who does not own the premises shall provide written permission of the property owner with the application.

(b) *Contents, limitations, suspension and revocation of license.* Every license issued under this section shall specify the premises to be occupied by the licensee as shown on a plan to be submitted to the City Council and shall be subject to all the provisions of MGLc.148 §56. The license may be suspended or revoked by the City Council and the Fire Chief after notice and a public hearing. Licenses shall be non-transferable.

(c) *Penalty for engaging in business without a license.* Any person or entity who engages in the business of conducting an open air parking space without the license required herein shall be subject to the penalty of \$300 as provided in MGL c.148 §56.

(d) *Fee for open-air parking.* The fee for the initial license granted shall be \$100 plus an additional \$10 for each parking space and said license shall expire each year on April 30th and be renewable on a yearly basis for the same fee.

(e) *Review by City Council and Public Hearing.* The City Council shall hold a public hearing every 5 years to determine if the license shall be reissued for another 5 year term with 7 days' notice to abutters to be given by the parking lot applicant/operator.

6. PH2015-006: SCP2014-12: Thatcher Road #78, Map 179, Lot 44, GZO Sec. 2.3.1.7 conversion to or new multi-family or apartment dwelling, four to six dwelling units and Sec. 5.7.1 Major Projects

Ms. Lowe explained that the City Council was in receipt of a letter from the applicant requesting a continuance to January 27 which would otherwise take the application past its statutory deadline.

Council President McGeary then opened the public hearing at 8:38 p.m. and announced its continuance to January 27, 2015.

7. PH2015-007: SCP2014-013: Mt. Pleasant Avenue #125, Map 79, Lot 17, GZO Sec. 1.10.1(a) and Sec. 3.1.6(b) building height in excess of 35 feet

This public hearing is opened at 8:39: p.m.

Those speaking in favor:

Attorney Joel Favazza, Seaside Legal Solutions, 111 Main Street, Gloucester, representing Marc and Melissa Cunningham, owners of Mt. Pleasant Avenue #125, Map 79, Lot 17, explained the following regarding the Special Council Permit application of the Cunningham's who are seeking a height exception:

OVERVIEW:

The house has been in Mr. Cunningham's family for many years. The current owners purchased the family home 10 years ago and began renovations on the existing portion of the house while living in it, which are now completed. Phase 2 of their long-term plan is for an addition now being completed that will seat a second unit which they have moved into with a prospective purchaser having moved into the first unit as a tenant, with an eye once permitted that the two units will be made into a two-unit condominium. He noted a site plan (on file) to the Council, and described the large lot which is almost 49,000 square feet which is about five times the minimum lot size. He noted there is a 20 foot side yard setback to the property, although the Zoning Ordinance only calls for a 10 foot setback, and 20 feet front and rear. He indicated there is a 20 foot border around the entire lot. The addition sits northwest of the current house. At its highest the addition is actually is 34 feet, 3 inches above average grade and otherwise meets all the normal requirements for the Zoning Ordinance and has received the necessary permission from the Zoning Board of Appeals (ZBA).

Due to a technicality that although the existing house is not being altered, the matter is before the Council because the way the city measures average grade for a structure is by taking measurements of the elevation at all corners of the structure and average it. Because the addition is down grade and adding a lot of corners with lower elevations, technically the ridge line of the existing house although not physically being altered, its height is going from 37 feet, 3 inches above average grade to 38 feet, 8 inches above average grade and requires a Special Council Permit.

GZO SEC. 1.8.3 and 3.1.6 (b) COMPLIANCE:

Mr. Favazza acknowledged that the application six requirements of GZO Sec. 1.8.3 for a Special Council Permit as follows:

1. Social, economic and community needs: The lot is almost five times the minimum lot size for an R-10 lot (medium/high density residential). By allowing another unit on the property fulfills the goals of the zoning district.
2. Traffic flow and safety: The lot contains a more than adequate driveway with plenty of parking on site.
3. Utilities and other public services: The lot is sited in a residential neighborhood, and the existing building has adequate utilities.
4. Neighborhood character and social structure: It was reiterated this was a medium/high density residential area and adding a unit to an existing home fits in.
5. Qualities of the Natural Environment: Even with the addition to the main building, it will still be only 11 percent lot coverage, and therefore there would be a large amount of natural greenspace remaining.
6. Potential fiscal impact: Through the sale of the second unit, it will allow the current owners to finance the construction of the second unit and allow them to move back onto the property.

Under Sec. 3.1.6(b) which is criteria for a Special Permit for Building Heights in Excess of Sec. 3.2 Limits,

Mr. Favazza conveyed the following information:

1. The height must be in keeping with neighborhood character. The trigger for the Special Council Permit is the 100 year old house. Within the immediate vicinity there are at least three other lots where there are actually two separate buildings with a dwelling unit in each, and so the addition to the applicant's property is fitting.
2. The height is not substantially detrimental to the neighborhood as there is no obstruction of views, overshadowing, and impairment of utilities to neighboring properties or other adverse impacts.
3. The lot is almost five times larger than required under the Zoning Ordinance and provides no detriment to the neighborhood. It was noted that many neighbors came out in support of the changes to the property at the ZBA public hearing as well as putting forward of their own volition a petition containing 19 signatures in support of the Cunningham's application (on file).

Pointing out that the project has strong neighborhood support, and meets the various zoning ordinance factors, he asked the Council to grant a Special Council Permit for a height exception.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Responding to a question from **Councilor Ciolino**, **Mr. Favazza** reiterated the height exception is for 38 feet, 8 inches.

Mr. Favazza pointed out on the displayed lot plan to the **Council President**, at his inquiry, a series of garages which will remain untouched that have been on the property for some time.

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 grant to Marc Cunningham and Melissa Cunningham a Special Council Permit (SCP2014-013) for the property located at Mt. Pleasant Avenue #125 (Assessor's Map 79, Lot 17), zoned R-10, pursuant to Gloucester Zoning Ordinance Sections 1.10.1(a)(1) and 3.1.6(b) for a building height in excess of 35 feet, for a residential building to be 38 feet, 8 inches (for a total height exception of 3 feet, 8 inches over 35 feet). This Special Council Permit is made on the basis of the plans and elevations dated 10/18/14 by Jason Gove, Architect, 5 Autumn Lane, Gloucester, MA, as submitted to the City Clerk on November 12, 2014, and on the Zoning Board of Appeals Decision dated November 4, 2014 for conversion to a two-family residential building.

DISCUSSION:

Councilor Verga said that the P&D Committee endorsed unanimously endorsed this application for a height exception as it is in keeping with the neighborhood. This application also meets the six standards under GZO Sec. 1.8.3 for a Special Council Permit and is in harmony with its intent.

Mr. Favazza discussed with **Councilor Stewart** and **Ms. Lowe** that the City Council under the zoning ordinance has the authority to direct any city staff to write a decision for adoption which he offered to draft given that at this time there is no General Counsel on city staff. **Ms. Lowe** offered to work with applicants' attorneys during this time so that the Council adoption of decisions is not unduly held up.

Councilor Stewart and **Council President McGeary** discussed briefly the overlap of criteria for height exceptions and the intent of the Zoning Ordinance, which **Councilor Stewart** noted he was a member of the committee that drafted that particular ordinance and expressed his concern.

MOTION: On a motion by Councilor Verga, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (LeBlanc) absent, to grant to Marc Cunningham and Melissa Cunningham a Special Council Permit (SCP2014-013) for the property located at Mt. Pleasant Avenue #125 (Assessor's Map 79, Lot 17), zoned R-10, pursuant to Gloucester Zoning Ordinance Sections 1.10.1(a)(1) and 3.1.6(b) for a building height in excess of 35 feet, for a residential building to be 38 feet, 8 inches (for a total height exception of 3 feet, 8 inches over 35 feet). This Special Council Permit is made on the basis of the plans and elevations dated 10/18/14 by Jason Gove, Architect, 5 Autumn Lane, Gloucester, MA, as submitted to the City Clerk on November 12, 2014, and on the Zoning Board of Appeals Decision dated November 4, 2014 for conversion to a two-family residential building.

For Council Vote:

1. Election of Council Vice President

Council President McGeary suggested the rules be followed as the Council did for filling a Councilor position. He explained that a Councilor must be nominated and seconded by a member of the Council and that the successful candidate would need to receive five votes. With the absence of Councilor LeBlanc, reaching a five vote majority may be difficult with eight Councilors present but that he would like to proceed to start the voting.

Councilor Verga, noting that the Council was in receipt of an email from Councilor Steven LeBlanc asking this matter be postponed until he could be present, moved that the election of a Council Vice President matter be held at the next Council meeting, and was seconded by **Councilor Cox**. She said she would appreciate more time to speak with the candidates which she hadn't done yet in belief the matter would have been postponed because of Councilor LeBlanc's absence this evening.

Councilors Lundberg and **Ciolino** also voiced their endorsement to continue the matter of the vote for a Council Vice President to the Jan. 27 Council meeting.

This matter is continued to January 27, 2015.

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilor Stewart said that the plan for a power outage for eight hours on January 20 in Annisquam by National Grid has been cancelled and will be rescheduled for a warmer day at a later date. **Council President McGeary** commended the work of Councilor Stewart in working with National Grid to postpone a planned power outage in order to complete necessary infrastructure work in that area.

Councilor Cox noted there is a Tourism Commission meeting on Thursday, Jan. 15 at 6 p.m., 3rd fl. Conference Room at City Hall, and on Tuesday, Jan. 20 at 6 p.m. when at that time the Commission will take up the matter of the Phase 2 marketing strategy five-year plan; the Elks are hosting a reception for returning veterans Saturday, Jan. 17 from 12 noon to 3 p.m.; Action has open house on Thursday, Jan. 29, 4:00 to 6:00 p.m. to showcase their adult education and job training programs.

Councilor Lundberg said on Thursday, Jan. 22 he will be attending in his capacity as a hospital board member a retirement party for Dennis Conroy, President of Northeast Hospital Corporation. He added in his capacity as a City Councilor would convey the city's best wishes to Mr. Conroy.

Councilor Ciolino expressed his pleasure to be back with the Council. He welcomed back Councilor Whyntott from his three week vacation in Florida.

Council President McGeary reminded the public of the joint meeting of the Council and Fisheries Commission on Friday, Jan. 16 at 1 p.m. in Kyrouz Auditorium on the future of the fisheries and what can be looked forward to and be hoped for as a city, harbor and as industries. There will also be a joint meeting of the School Committee and City Council on Thursday, Jan. 22 at 7 p.m. likely to take place at Gloucester High School Library, which has yet to be confirmed, to talk about common issues including a presentation on the high level view of options for the city's elementary schools. He encouraged the Council to submit matters they wish to add to that agenda.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:02 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Poem – The Ship of Gloucester Set at Full Sail by Peter A. Todd, Poet Laureate of Gloucester**
- **Written statement under Oral Communications by Kathryn Goodick, 10 Dogtown Road**