

**GLOUCESTER CITY COUNCIL  
JULY 14, 2009  
7:00 P.M.  
Kyrouz Auditorium – City Hall**

**Present:** Council President Bruce Tobey, Council Vice President Sefatia Romeo-Theken, and Councilor Joe Ciolino, Councilor Steve Curcuru, Councilor John “Gus Foote, Councilor Jason Grow, Councilor Sharon George, Councilor Jackie Hardy

**Absent:** Councilor Phil Devlin

**Also Present:** Jeffrey Towne, Jim Duggan, Acting Police Chief Lane, Acting Fire Chief Dench, DPW Director Mike Hale, Building Inspector Bill Sanborn

**Flag Salute and Moment of Silence**

**City Council Meeting 2009-017 was called to order at 7:00 p.m.**

**Councilor Tobey** announced that he has forwarded, to the Councilors, a DRAFT copy of the City Council Report for the Annual City Report and requests any changes be submitted in writing.

There will be a Joint Meeting of the City Council and School Committee on MONDAY, July 20, 2009 at 6:00 p.m. in the Library at the High School. The Agenda will be finalized by the end of this week.

With regard to articles in the newspaper about donations to the City in lieu of buying lottery tickets, the City Auditor will look into setting up an account; however, this must first be referred to the B and F Committee.

Lastly, he thanked the people who make things happen in spite of inconveniences, citing Mike Hale and saluting Frank Ventmeglia on the city’s road improvement projects.

**ORAL COMMUNICATIONS:**

**Pamela Tobey**, 16 Montvale Avenue, speaking for the Committee for the Arts, announced a Lecture that is being held on Thursday, July 16, 2009 at 7:30 p.m. in the Kyrouz Auditorium. All are invited.

**COUNCILOR REQUESTS TO THE MAYOR:**

**Request 09-064 – GEORGE** – The potholes at the corner of Mathieu and Lincoln Roads need to be addressed as soon as possible in the interest of public safety.

**Request 09-065 – HARDY** – Emergency Request – Stop Sign at Rowley Shore Road and Washington Street installed immediately.

**MOTION:** On motion of Councilor Hardy, seconded by Councilor Ciolino, the City Council voted UNANIMOUSLY in favor to declare an emergency under 2-11 C.

**MOTION:** On motion of Councilor Hardy, seconded by Councilor Romeo-Theken, the City Council voted UNANIMOUSLY in favor for the immediate installation of a STOP SIGN at Rowley Shore Road and Washington Street.

**Request 09-066 – ROMEO** – Requests crosswalks be painted on Washington Street by Christie's and Addison Gilbert Hospital.

**Request 09-067 - GROW** - Following the E911 Regional Dispatch Center Discussion, Councilor Grow requests a Cost Analysis/Comparison Costs of the E911 Regional Dispatch Center and its financial impact to the City.

### **CONFIRMATION OF APPOINTMENTS**

#### **1. Barry S. McKay, Council on Aging to 2/14/2012**

MOTION: On motion of Councilor Romeo-Theken, seconded by Councilor Tobey, the Ordinance and Administration Committee voted 3 in favor 0 opposed to recommend the City Council approve the appointment of Barry S. McKay to the Council on Aging for a term to expire on February 14, 2012.

**MOTION: On motion of Councilor Foote, seconded by Councilor Romeo-Theken, the City Council UNANIMOUSLY to approve the appointment of Barry S. McKay to the Council on Aging for a term to expire on February 14, 2012.**

#### **2. Pamela Tobey, Committee for the Arts to 2/14/2012**

MOTION: On motion of Councilor Romeo-Theken, seconded by Councilor Hardy (alternate), the Ordinance and Administration Committee voted 3 in favor 0 opposed to recommend the City Council approve the appointment of Pamela Tobey to the Committee for the Arts to February 14, 2012.

**MOTION: On motion of Councilor Foote, seconded by Councilor Romeo-Theken, The City Council voted 7 in favor 1 abstain (Tobey) to approve the appointment of Pamela Tobey to the Committee for the Arts to February 14, 2012.**

### **PRESENTATIONS:**

#### **911 Regional Dispatch Facility**

**Sheriff Frank Cousins, Joe McGowan,, Senator Bruce Tarr.**

**Sheriff Frank Cousins** – Gave a brief overview stating that the concept came from fire chiefs and police chiefs who had met with the Sheriff and asked how to go about a establishing regional center. This is a grass foot effort about how cities and towns can partner together to enhance public safety and regional E911. Once discussion started, other areas of the country and commonwealth were looked at. There are studies available on the Web Site. Further, there was an effort to come up with a project manager to format the process.

A group went to Pennsylvania and Mr. Dubas' resume is included in the Executive Summary provided to the Council this evening. Further, E911 legislation was due for renewal and legislators in Essex County worked on the legislation. This is unique in that funding is provided to build the center, not putting costs to the cities and towns. A funding stream came out for capital needs for areas of the Commonwealth to look at, a funding mechanism to enhance public safety. After rules were promulgated, a grant application was submitted to E911 to be processed. The grant ws awarded for nearly \$5 million for capital needs to build the center in Essex County.

To make the project possible, discussions began and the process of getting cities and towns to approve and move forward was implemented. Methuen, Swampscott, Wenham, Topsfield, Essex

and Middleton voted in favor. Further, last year at a Chiefs of Police meeting, they looked at equipment and a presentation was given to answer questions. The process will allow an enhancement in public safety in that police officers will be freed to be out in the streets doing police work.

**Mr. McGowan**, who prepared the Executive Summary, congratulated the community for allowing the Gloucester Police Chief and Fire Chief to go to Pennsylvania to see, first hand, the type of facility that is anticipated. This plan, which grew from public safety groups, gave those involved in the Pennsylvania trip an opportunity to view the enhancement, tools, and training to better serve the first responders.

The Grant, he stated gave the initiative to regionalize and provide financial incentive. In addition to the capital expenditure, the grant allows more money to come back to cities and towns on an annual basis. Pooling resources, he stated, will offset operating costs. The two studies mention above are available on [www.ececc.com](http://www.ececc.com). They deal with feasibility and a better system to handle large scale disasters.

**Mr. McGowan** stated that by using the Sheriff's Department, there would be no charge back to the communities for human resources people or payroll people. Communities would pay for yearly operations, minus monies that come back from E911. Further, the governing structure has been well thought out to maximize the output and protect the impact to municipalities. There would be three advisory boards and each member community would have their Chiefs sit on the Boards for policy and procedures one each for fire dispatch, same for the police, then a fiscal board. The Sheriff's Department would be the employer in a stand-alone, secured facility with no other purpose other than dispatch.

**Councilor Tobey** asked if the facility is existing; how we would proceed; and, how long it would take to be up and running. **Mr. McGowan** stated that the facility is not yet existing; that the E911 Department came up with a program and the Grant deadline was December 15, 2009 which is to be spent in 18 months. Further, the City Council would be requested to approve the program. He also said that \$4.9 million is to implement the facility with a date of 2011 for substantial completion. Seven communities are far along with their commitment, and there are cost-effective savings for some towns, which are stand-alone.

**Mr. McGowan** also spoke to the Pennsylvania facility which is state-of-the-art and has every measure to prevent it from going down.

**Mr. Duggan** spoke of the initial talks with public safety and the two new acting Chiefs as well as other communities. He, too, went to Pennsylvania and was able to view the actual operation. He stated he was impressed, and the city needs to move forward to invest in the future. Further, there have been general discussions with the bargaining unions and they are in agreement with the plan.

**Senator Tarr** stated it is an individual decision and will make sense for some communities, not others. It is a communications resource with many advantages to people. He also stated he will be guided by the Police and Fire Departments, and it is important that the Chiefs went to visit the Pennsylvania facility. He offered his assistance in this issue.

**Councilor Foote** questioned the cost and whether the City, once in the program, could get out. **Mr. McGowan** stated that a city/town could get out after five years with no financial penalty; that there is no need for debt service; and they are trying to take the barriers down.

With regard to costs, **Mr. McGowan** said there would be a per capita cost of \$16.20; that realistic numbers have been established, but one cannot predict until the financial advisory board is in place. This board will pass and accept the budget, with controls for maintaining costs.

**Councilor Foote** asked if a city/town wants to get out, would other cities and towns pick up the additional costs. **Mr. McGowan** reported that population and staffing can be adjusted.

**Councilor Curcuru** asked if the cities and towns would be responsible for the infrastructure. **Mr. McGowan** said they will not. **Councilor Curcuru** also questioned how much Gloucester would be responsible for. **Mr. McGowan** reported that looking at the Federal census, with a 30,400 population in Gloucester times \$16.20 per, the cost to Gloucester would be \$498,000, as calculated by **Councilor Grow**.

**Councilor Curcuru** asked how many towns can be supplied. **Mr. McGowan** stated that the building will be intermediate serving 219,000 people in 13 communities. He also noted that Danvers has chosen not to participate; however, small towns have looked into joining. Further, there is no limited occupancy once established.

**Mr. McGowan** also noted there may be costs and an initial assessment to get in – in the future, but not in the first group.

**Councilor Curcuru** requested **Acting Chief Lane** to speak to the current E911 dispatchers and the Chief stated that there are currently two dispatchers and one house officer per shift. The plan would allow two to return to the street. He also said it is a good plan and would allow for the terminals to be updated and be compatible with the Middleton facility.

**Councilor Curcuru** also asked how a call would be directed to the Police Department in Gloucester, and **Mr. McGowan** said the policies and procedures would be set up by the police advisory board. The software and mapping are sophisticated and there would be twelve people per shift at the Center. He also stated that first responders would remain the same, sending the same personnel with the exception of mutual aid.

On question of **Councilor Grow** regarding dispatch, **Mr. McGowan** stated that the policies and procedures would be uniform and the system allows for general protocol, but tailored to the local community. The radios will not be obsolete once set up; however, additional equipment will be put in place in the station.

**Councilor Grow** asked how one buys into the program now. **Mr. McGowan** stated that interest has been shown by the Administration to pursue the program.

**Councilor Tobey** commented that there are procedural issues to follow and that the Kirk Administration would come before the Council with a proposal.

**Mr. McGowan** encouraged moving quickly.

**Councilor Grow** requested the Administration forward a cost analysis and cost comparisons. See Councilor Request 09-067.

**Councilor Hardy** stated that the proposal needs to come to the City Council for approval, with referral to committee for review. She asked if a representative would be available for a committee meeting. **Mr. McGowan** said yes, with advance notice.

**Councilor Romeo-Theken** questioned if AGH has been approached. **Mr. McGowan** said he has spoken with Mr. Epstein. **Councilor Romeo-Theken** recommends speaking with hospital personnel, and asked **Senator Tarr** about the Pennsylvania facility. The Senator said that he was fortunate to go to the facility; that the Police and Fire Chiefs met with people being serviced by the Pennsylvania Center; and, spoke to the Commonwealth's commitment with the E911 surcharge which raised and increased amounts of money. Further, the state will fund some of the operational costs. The primary Grant is to get to this point with funding available for capital costs.

**Councilor Ciolino** asked if the E911 system in Gloucester was evaluated. **Mr. McGowan** said no.

A Communication was received from Selectman Keith Lucy – Town of Danvers – in opposition to the consolidation of the 911 dispatch services to a central location in Middleton. (Copy on file, City Clerk's Office.)

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### **Northeast Health Care Systems**

#### **Dr. Henry Ramini – Interim CEO**

**Dr. Henry Ramini** – Interim CEO Northeast Health Systems, gave a brief review of his history stating he has practiced for forty years and 30% of his patients came from Cape Ann. Further, his heart is on the North Shore and when, asked by the Board to step in as CEO, it was a pleasant challenge.

He spoke to the somewhat dysfunctional organization and a major plan, through collaboration, was to pull the organization back together. He noted that if one speaks with people at the hospital, there have been many accomplishments over the past few months.

**Dr Ramini** stated that AGH, at the present time, is fully utilized with the completion of the fourth floor; that there is very little empty space in the building. He stated the Hospital needs a three to five year plan, and a planning community was created to develop ways to strengthen the hospital. Plans, he said, are not complete. And, further, an area of weakness is the lack of depth of surgical specialties. There is a need for physicians to come, stay, and practice in Gloucester. Recruiting physicians is not an easy chore and a combined effort, with community cooperation, is needed to make physicians to want to come and stay here.

If a community is created with doctors and hospitals, it will make people feel welcome. An atmosphere of welcoming will strengthen AGH so it can go on and on for a long time in the future.

**Dr. Ramini** agreed he/or representatives would come before the Council with updates of what is happening at the hospital. Further, NE Health Systems is in the final states of hiring a new CEO and perhaps by fall, a new CEO will be in place and will come before the Council to share his/her vision.

AGH, he said, is a clean, efficient facility with a wonderful staff; an ER that has won awards; and, a state of the art Oncology unit.

**Councilor Tobey** thanked **Dr. Ramini** for his willingness to come before the Council and stated the Council is here to work with the Northeast Health Systems. Further, let surgeons know they are welcomed and needed.

**Councilor Foote** stated that both Beverly and AGH should be proud of their staffs, nurses, and custodians. Beverly and AGH are acceptable and good hospitals.

**Councilor Romeo-Theken** stated she has worked closely with the Health Center and invites people to visit the new Oncology Unit. Further, people want to stay local and doctors are needed. She encouraged regenerating the Health Access Committee, stating that an open-door policy makes it easier to work for the employees.

### **OLD BUSINESS**

#### **Amendment to Beach Regulations.**

**Mike HALE**, DPW Director spoke to the amendment to the Beach Regulations, noting that the fee remains at \$50.00

**Suzanne Egan, General Counsel**, responded to a request by the City Council to review the proposed change to section c of the Beach Regulations. As proposed, a non domiciled resident who owns residential property in Gloucester must show a copy of their tax bill and their vehicle registration form or a vehicle lease agreement. A non-domiciled resident may have their vehicle registered in the town in which they reside fulltime. A vehicle registration form or lease agreement does not help to document that a person owns property in Gloucester. It shows only where the person resides fulltime. She has recommended that section c. be amended as follows:

- c. Non-Domicled Residents who own residential property in Gloucester verified with a copy of their real estate tax property tax bill.*

**Councilor George** questioned the \$50.00 fee, stating she assumed the fee was \$20.00 .

**Mr. Hale** stated that there was no discussion of a change in fee, discussion was on the regulation wording. He stated that a fee change is not before the Council this evening.

**Councilor Ciolino** questioned the wording of “non residents”.

**Councilor Tobey** acknowledged that the issue involved is in the wording of section c., not changing the fee structure.

**Mr. Hale** commented on the Council’s approval of the Beach Regulations, which were adopted this past Spring, 2009.

#### **Speaker from the Audience:**

**Mary Sevland, 12 Langsford Way, Gloucester**, e-mailed and forwarded a letter stating the reasons she feels the \$50.00 is not fair or equitable to non-domicled residents. She stated she is not asking for special treatment, just asking to be treated the same as others in the community. Further, she said that the part/time and full/time resident issue is fragmenting the community and all should have the same rights. She noted that everyone pays the same taxes as well as water and sewer rates.

**Councilor Romeo-Theken** questioned the number of non-resident stickers and **Mr. Towne** stated there are a significant number of non-domicled stickers, estimating 1,000.

She also spoke to the definition of non-resident vs resident and stated it is not fair to charge additional if people are paying city property taxes.

**Mr. Duggan** spoke to the definition of non-resident, noting the Regulations went through the O and A process in the spring. He also spoke to a recommendation that people issued a non-resident sticker have an exchange for a resident sticker.

On question of **Councilor Hardy** regarding the cost of a full time resident of the City who is a Senior, **Mr. Duggan** stated the sticker is free. And, for those Seniors living part time in the city, the sticker is also free.

**Mr. Duggan** then stated that stickers, from this point on, for non-domiciled residents who are able to show a real estate property tax bill, the fee will be \$20.00

**Councilor Grow** questioned the process to issue a refund. **Mr. Towne** stated there is a process for a refund; however, he does not recommend. He further stated that his staff has spent a lot of time; that there are many exceptions; and, his staff tried to get everything right while following the regulations approved by the Council in the Spring. He further stated that the public should know that the clerks in his department were doing as they were instructed. Further, this being a new fiscal year, an appropriation would be required to allow pay backs.

**Councilor Grow** also questioned whether a letter could be issued to those who paid the \$50.00 and, if they present the letter next year, they would not have to pay.

**Mr. Duggan** stated he is not willing to recommend this; however, will talk to the staff. He also commented that the city was down \$200,000 at the end of FY09 in beach revenues, and he does not want to contribute to another shortfall.

**Councilor Tobey** commented that time is money and people will not come in to swap stickers and questions if this is necessary. Further, beach attendants can be instructed that, if someone arrives with a non-domicled resident sticker, they could be let in as a resident for parking purposes.

**Mr. Duggan** stated this is a good suggestion, but is concerned problems will erupt at the beaches.

**Councilor Ciolino** pointed out that people can also use the compost facility, as well as the beach, with the stickers. He recommended taking beach revenues as an appropriation for refunds. He also noted that people who come in with a tax bill for a sticker do not want to be asked how much time they live in a house.

**Mr. Duggan** stated people will not be asked how long they live in a house with the amendment that is before the Council.

**Councilor Romeo** commented that people want to go to the beaches and be treated, equally, as a resident.

**Councilor Tobey** asked if there is a proposal to change the rate. **Mr. Duggan** stated that the Administration has no plan to change the rate.

**MOTION: On motion of Councilor Hardy, seconded by Councilor Romeo-Theken, the City Council voted UNANIMOUSLY to AMEND the Beach Regulations as follows:**

*Non-Domicled Residents who own residential property in Gloucester verified with a copy of their real estate tax property tax bill.*

**CONSENT AGENDA.**

**>Mayor's Report**

1. Memo from Harbormaster - Acceptance of Grant in the amount of \$9,500 for the on-going Pumpout Boat Program. **Refer to B and F**
2. Memo from Health Director Jack Vondras, requesting the City Council acceptance of a Grant in the amount of \$10,000 from the Massachusetts Water Abatement Trust for the Community Septic Management Program. **Refer to B and F**
3. New Appointments. Mayor Kirk has requested referral of the appointment to the Waterways Board, Capt. Phil Cusumano, for a term to expire 2/14/12 and Barry Gradwohl to the Conservation Commission for a term to expire 2/14/12 to the Ordinance and Administration Committee for review and recommendation. **Refer to O and A**

**>Information Only**

1. Environmental Notification Form re Gloucester Inner Harbor Dredging, North Channel (on file City Clerk's Office)

**>Approval of Minutes**

1. City Council 6/16/09

**Approved/File**

**>Applications and Petitions**

1. SCP2009-006 – 16 Kondelin Road, Section 5.13 Personal Wireless Service Facility. **Refer to P & D**
2. SCP2009-007 – 30 Blackburn Drive, Building 4, Section 5.13 Personal Wireless Service Facility. **Refer to P & D**
3. SCP 2009-008 – One Main Street, Section 5.13, Personal Wireless Service Facility. **Refer to P & D**
4. SCP 2009-09 – 21 Rocky Neck Avenue, Section 5.5., Lowlands **Refer to P & D**
5. SCP 2009-10 – 7 Norman Avenue – Section 3.2.2.(e). Permission to reduce distance between buildings. **Refer to P & D**
6. PP 2009 – 008 – Pole Petition – 401A Essex Avenue **Refer to P & D**

**ITEMS TAKEN UNDER UNANIMOUS CONSENT:**

**Special City Council Meeting Minutes of June 19, 2009.**

**>MOTION: On motion of Councilor Grow, seconded by Councilor Romeo Theken, the City Council voted UNANIMOUSLY to refer the SPCC Meeting Minutes of June 19, 2009 to the Budget and Finance Committee for further discussion.**

**Budget and Finance Committee/Special City Council Meeting Minutes of July 29, 2009**

**>MOTION: On motion of Councilor Grow, seconded by Councilor Romeo Theken, the City Council voted UNANIMOUSLY to AMEND the above Budget and Finance Committee Minutes of July 29<sup>th</sup>, page two by ADDING to Transfer 09-55, the amount of \$8479.72; and by AMENDING the Special City Council Meeting Minutes of July 29, 2009, page two by ADDING to Transfer 09-55 the amount of \$8479.92.**

**Gloucester Fisherman's Athletic Association – Road Race/Triathlon Permit**

**>MOTION:** On motion of Councilor Hardy, seconded by Councilor Ciolino, the City Council voted UNANIMOUSLY to AMEND the City Council's previously approved (December 16, 2008) Road Race/Triathlon Permit granted to the Gloucester Fisherman;s Athletic Association by SUBSTITUTING as follows:

*To grant the Gloucester Fisherman's Athletic Association request for a Road Race/Triathlon Permit for Sunday, August 9, 2009, and to close St. Peter's Square from 2 p.m. on Saturday, August 8, 2009 until 12:00 noon on Sunday August 9, 2009. FURTHER, to close Main Street on Sunday, August 9, 2009 from 7 a.m. to 12 noon and to allow the Gloucester Police Department to make appropriate changes hereto that are in the best interest of public safety.*

**FOR COUNCIL VOTE:**

1. Motion to authorize and endorse Local Acquisitions for National Diversity (LAND) Grant.

**MOTION:** On motion of Councilor Grow, seconded by Councilor Romeo-Theken, the City Council voted UNANIMOUSLY to authorize and endorse the LAND Grant application assistance for acquisition for conservation purposed, of a Conservation Restriction over the Magnolia Hill property on Magnolia and Western Avenues in Gloucester; that the Chief Executive Officer be authorized to sign such application on behalf of the City Council; and, that Gregg Cademartori, Planning Director be designated as the City's representative and agent for all activities associated with said application.

2. Decision to Adopt SCP 2009-03 – Side Street Highway/Gloucester Crossing Road - Application of Sam Park & Company, LLC for a Modification of a Special Council Permit Pursuant to the City of Gloucester Zoning Ordinance, Section 1.5.13 and a Special Council Permit for a Height Exception Pursuant to Section 3.2.4 (footnote c).

**MOTION:** On motion of Councilor Hardy, seconded by Councilor Romeo-Theken, the City Council voted by Roll Call 8 In Favor, 0 Opposed to Adopt the Decision, SCP 2009-03 – Side Street Highway/Gloucester Crossing Road - Application of Sam Park & Company, LLC for a Modification of a Special Council Permit Pursuant to the City of Gloucester Zoning Ordinance, Section 1.5.13 and a Special Council Permit for a Height Exception Pursuant to Section 3.2.4 (footnote c).

3. Decision to Adopt SCP 2009-04 – 7 – 9 Essex Avenue.

**MOTION:** On motion of Councilor Hardy, seconded by Councilor RomeoTheken, the City Council voted by Roll Call 8 In Favor 0 Opposed to Adopt the Decision, SCP 2009-04 – 7 – 9 Essex Avenue, pursuant to the City of Gloucester Zoning Ordinance Section 5.5.4 (Lowlands) and Section 3.1.6(b) (Height).

**SCHEDULED PUBLIC HEARINGS**

1. **PH 2009-011 – Shifting CSO waste water debt and water supply debt to FY 2010 Tax Rate.**

**The Public Hearing is Continued to July 28, 2009. Mr. Hale was requested to expedite the draft plan.**

2. **PH 2009-18 – CC2009-022 (Tobey) Amend GZO, Section 2.3.1 and Section 3.2.6 Hotel.**

**The Amendment to the GZO is WITHDRAWN by Councilors Tobey and Romeo Theken. The Public Hearing is CLOSED.**

3. **PH 2009-22 – Amend GCO, Section 22 – 287 – Handicapped Parking 186 Main Street.**

**The Public Hearing is Opened.**

**Speaking in Favor.** No one spoke

**Speaking in Opposition.** No one spoke

**Communications.** No communications

**Questions.**

MOTION: On motion of Councilor Romeo Theken, seconded by Councilor Ciolino, the Ordinance and Administration Committee voted 3 in favor, 0 opposed to recommend the City Council amend the Gloucester Code of ordinances, Section 22-287 entitled “Disabled Vet. Handicapped Parking” be adding Main Street, #186 (one space) and by deleting one space across the street.

**Discussion on the Motion.**

After Discussion on the Motion, the Council has requested that additional information/location be obtained from the Traffic Commission.

**MOTION: It was moved, seconded and voted UNANIMOUSLY to Continue the Public Hearing until the July 28, 2009 City Council Meeting. Further, to request, Mr. Ryan, Traffic Commission, to attend the meeting, placing the Item under Old Business at the top of the Agenda.**

4. **PH 2009-23 – Amend GCO, Chapter 5, “Building and Building Regulations”**

**The Public Hearing is Opened.**

**Speaking in Favor.** **Bill Sanborn, Building Inspector,** stated that this is a mandate that came from the State, in that it is a safety issue.

**Speaking in Opposition.** **No one**

**Communications.** **None**

**Questions.**

**Councilor Hardy** questioned **Mr. Sanborn** on the definition of “trench”. **Mr. Sanborn** stated that a trench is three feet deep and 15 feet long. Everyone is included in the Amendment; however there may be some (few) exceptions, citing Perk Tests. Further, the penalty is three times the fee.

**The Public Hearing is Closed.**

MOTION: On motion of Councilor Romeo Theken, Seconded by Councilor Foote, the Ordinance and Administration Committee voted 3 in favor, 0 opposed to recommend the City

Council amend the Gloucester Code of Ordinances, Chapter 5, entitled “Buildings and Building Regulations” by Adding:

Section 5-3 entitled Excavation and Trench Safety as follows: “No person shall excavate a trench either on private property or a public way without first obtaining a trench permit from the Inspector of Buildings in accordance with 520 CMR 14.00 EXCAVATION AND TRENCH SAFETY, MGL C82A. The fee for the trench permit shall be \$50.00 (Fifty Dollars); however, the Inspector of Buildings may waive the fee if another City permit was issued and paid for relative to said trench. Failure to obtain a trench permit prior to the start of excavation will result in the fee being increased to \$150.00 (One Hundred and Fifty Dollars). Violation: If a trench is deemed to be unsafe in accordance to 520 CMR 14.00 the Inspector of Buildings shall take the necessary action to make said trench safe (filling in trench/hiring police detail, etc). The cost of this expense shall be recovered as a municipal charges lien.”

**MOTION:** On motion of Councilor Foote Seconded by Councilor Romeo-Theken, the City Council voted UNANIMOUSLY to amend the Gloucester Code of Ordinances, Chapter 5, entitled “Buildings and Building Regulations” by Adding:

**Section 5-3 entitled Excavation and Trench Safety as follows:** “No person shall excavate a trench either on private property or a public way without first obtaining a trench permit from the Inspector of Buildings in accordance with 520 CMR 14.00 EXCAVATION AND TRENCH SAFETY, MGL C82A. The fee for the trench permit shall be \$50.00 (Fifty Dollars); however, the Inspector of Buildings may waive the fee if another City permit was issued and paid for relative to said trench. Failure to obtain a trench permit prior to the start of excavation will result in the fee being increased to \$150.00 (One Hundred and Fifty Dollars). Violation: If a trench is deemed to be unsafe in accordance to 520 CMR 14.00 the Inspector of Buildings shall take the necessary action to make said trench safe (filling in trench/hiring police detail, etc). The cost of this expense shall be recovered as a municipal charges lien.”

**5. PH 2009 – 24 – DPW Fee Increases proposed by the Mayor in the FY2010 Budget.**

**The Public Hearing is Opened.**

**Speaking in Favor.** Mr. Hale, DPW Director, stated that this proposal is mainly for water enterprise and to maintain a provided level of service to the water enterprise.

**Speaking in Opposition.** No one spoke.

**Communications.** None

**Questions.**

Councilor Hardy questioned how the fees compare with other communities. Mr. Hale stated that Gloucester is low on existing fees. Further, Councilor Hardy questioned when the fees would go into effect. Mr. Hale said they will go into effect immediately.

**The Public Hearing is Closed.**

MOTION: On motion of Councilor Ciolino, seconded by Councilor Foote, the Ordinance and Administration Committee voted 3 in favor, 0 opposed to recommend the City Council accept the proposed revised fee schedule as presented:

Water Readings:	Final Reading	Existing	Proposed
	Service Turn On/off	\$35.00	

		New Service	\$50.00	\$75.00
		Seasonal		\$50.00
		Routine Plumbing		\$50.00
Meters	5/8 inch		\$225.00	\$356.00
	Includes bracket			
And RF	¾ inch		\$275.00	\$416.00
	1 inch		\$350.00	\$500.00
	1.5 inch		\$400.00	\$560.00
	2 inch		\$600.00	\$770.00
	Replace RF			\$225.00
	Test Meter if works properly			\$100.00
	Seasonal activation of meter RF			\$100.00
Water Taps	1 inch		\$250.00	\$600.00
	1.5 inch		\$350.00	\$750.00
	2 inch		\$350.00	\$850.00
Entry Fee	4 inch		\$600.00	\$4500.00
These charges do	6 inch		\$750.00	\$6000.00
Not reflect any	8 inch		\$1000.00	\$9000.00
Additional fees	>8 inches			\$10,000.00
Fire Service				
Connection				
(does cover tap)<1.25 inch				
				\$100.00
				>1.25 to 2 inch
				\$1,000.00
				>2 inch to 4 inch
				\$3,000.00
				>4 inch to 6 inch
				\$4,500.00
				>6 inch
				\$6,000.00
Backflow Device	Test		\$45.00	
Residential				\$45.00
Commercial				\$100.00
	Retest of Device			\$30.00
Hydrant Flow Test	Per Test			\$250.00
Metered Hydrant	Per Day, plus water usage			\$50.00
MISCELLANEOUS:				
Sidewalk Obstruction			\$75.00	
	Per week of obstruction			\$75.00

**MOTION: On motion of Councilor Foote, Seconded by Councilor George, the City Council voted UNANIMOUSLY to accept the proposed revised fee schedule as presented:**

		Existing	Proposed
<b>Water Readings:</b>	<b>Final Reading</b>	<b>\$35.00</b>	
	<b>Service Turn On/off</b>		
	<b>New Service</b>	<b>\$50.00</b>	<b>\$75.00</b>
	<b>Seasonal</b>		<b>\$50.00</b>
	<b>Routine Plumbing</b>		<b>\$50.00</b>
<b>Meters</b>	<b>5/8 inch</b>	<b>\$225.00</b>	<b>\$356.00</b>
<b>Includes bracket</b>			
<b>And RF</b>	<b>¾ inch</b>	<b>\$275.00</b>	<b>\$416.00</b>

	<b>1 inch</b>	<b>\$350.00</b>	<b>\$500.00</b>
	<b>1.5 inch</b>	<b>\$400.00</b>	<b>\$560.00</b>
	<b>2 inch</b>	<b>\$600.00</b>	<b>\$770.00</b>
	<b>Replace RF</b>		<b>\$225.00</b>
	<b>Test Meter if works properly</b>		<b>\$100.00</b>
	<b>Seasonal activation of meter RF</b>		<b>\$100.00</b>
<b>Water Taps</b>	<b>1 inch</b>	<b>\$250.00</b>	<b>\$600.00</b>
	<b>1.5 inch</b>	<b>\$350.00</b>	<b>\$750.00</b>
	<b>2 inch</b>	<b>\$350.00</b>	<b>\$850.00</b>
<b>Entry Fee</b>	<b>4 inch</b>	<b>\$600.00</b>	<b>\$4500.00</b>
<b>These charges do</b>	<b>6 inch</b>	<b>\$750.00</b>	<b>\$6000.00</b>
<b>Not reflect any 8 inch</b>		<b>\$1000.00</b>	<b>\$9000.00</b>
<b>Additional fees</b>	<b>&gt;8 inches</b>		<b>\$10,000.00</b>
<b>Fire Service</b>			
<b>Connection</b>			
<b>(does cover tap)</b>	<b>&lt;1.25 inch</b>		<b>\$100.00</b>
	<b>&gt;1.25 to 2 inch</b>		<b>\$1,000.00</b>
	<b>&gt;2 inch to 4 inch</b>		<b>\$3,000.00</b>
	<b>&gt;4 inch to 6 inch</b>		<b>\$4,500.00</b>
	<b>&gt;6 inch</b>		<b>\$6,000.00</b>
<b>Backflow Device</b>	<b>Test</b>	<b>\$45.00</b>	
<b>Residential</b>			<b>\$45.00</b>
<b>Commercial</b>			<b>\$100.00</b>
	<b>Retest of Device</b>		<b>\$30.00</b>
<b>Hydrant Flow Test</b>	<b>Per Test</b>		<b>\$250.00</b>
<b>Metered Hydrant</b>	<b>Per Day, plus water usage</b>		<b>\$50.00</b>
<b>MISCELLANEOUS:</b>			
<b>Sidewalk Obstruction</b>		<b>\$75.00</b>	
	<b>Per week of obstruction</b>		<b>\$75.00</b>

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**6. PH 2009 – 25 – Amend GCO, Section 19, “Second Hand Goods”, Division 1 and 2.**

**The Public Hearing is Opened.**

**Speaking in Favor. No one spoke**

**Speaking in Opposition. No one spoke**

**Communications. No communications**

**Questions.**

**Councilor Grow** questioned the motivation behind the need for this proposed Ordinance. Further, how would it affect shops such as Bananas, Stuff, and other second-hand shops on Main Street.

**Councilor Romeo Theken** explained that the Police Department needs regulations in order to regulate Pawn Shops. Further, second hand shops have policies in place.

**Councilor Ciolino** stated this is a standing practice in other communities; and, if you are buying off the street, the rules will apply.

**The Public Hearing is Closed**

MOTION: On motion of Councilor Foote, seconded by Councilor Tobey, the Ordinance and Administration Committee voted 3 in favor, 0 opposed to recommend the full City Council amend the Code of Ordinances, Section 19, Division I and 2 by DELETING and ADDING various sections as follows:

By deleting Section 19-16, entitled “Examination of shop, inventory, vehicles, etc.,” in its entirety and replacing with the following:

Section 19-16 – Examination of shop, inventory, vehicles, etc.

The shop and all items of merchandise referred to in this article, and any place, vehicle or receptacle used for the collection or keeping of such items may be examined at all times by the mayor and City council, or by any police officer of the city, or by any person authorized by the mayor of City council to make such examination.

By deleting Section 19-18 in its entirety and replacing as follows:

Section 19-18 Record of Purchases.

Every keeper of a shop in the City for the purchase, sale or bartering of gold, silver or other valuable second hand items shall keep a permanently bound book in which he shall at the time of purchase of any item enter in the English language a legibly printed and detailed description thereof, and the amount paid therefore; the name, the residence (by street number, City or Town), telephone number, date of birth and social security number, of the person from whom such items are purchased; and the date and hour of the transaction.

In addition, thereto, such shopkeeper shall:

1. Require the person selling such articles to provide one form of photo identification issued by a government agency. A copy of such photo identification shall be made and maintained with said book as part of his records.
2. Make and maintain a photograph of all items purchased and keep said photograph with said book as part of his records.
3. Photograph the person selling said items and shall keep said photograph with said book as part of his records.

Said book and the photocopies and photographs required hereby shall at all times be open to the inspection of the Mayor, the City Council or any individual City Councilor, police officers of the City of Gloucester or State Police or to any other person authorized by the Mayor or City council to make such inspection.

Keeper of a shop for the purchase and sale of gold, silver, and/or other valuable second hand items shall photocopy and FAX to the Chief of Police of the City or his designee a copy of such entry. If delivery cannot be made by FAX for whatever reason, the copy of the above transaction should be hand delivered to the Chief of Police or his designee.

By deleting Section 19-19 in its entirety and replacing with:

Section 19-19. Articles not to be sold until thirty days after purchase or receipt thereof.

No such item purchased or received by any dealer or keeper of a shop shall be removed from the city or sold or otherwise disposed of nor its identity changed until at least thirty (30) days from the date of purchase has elapsed, unless permission in writing has been obtained from the Chief of Police or his designee who may request to observe or photo such item.

By deleting Section 19-20 in its entirety and replacing with the following”  
Section 19-20. Dealing with minors.

No dealer in junk, old metals or secondhand items shall directly or indirectly purchase or receive by the way of barter or exchange such goods, or allow such goods to be deposited upon or within his premises, shop vehicle, by any minor, knowing or having reason to believe him to be such.

By adding new section 19-22, as follows:  
Sec. 19-22. Signs required.

Every keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand items in the city shall put in a suitable and conspicuous place in his shop, a sign having his name and occupation legibly inscribed thereon.

By adding new section 19-23 as follows:  
Section 19-23. Place of business to be that designated in license.

No dealer in junk, old metals, or second hand items shall carry on his business in any other place than that designated in his license, unless a consent to his removal be granted by the City council.

By deleting Section 19-30, paragraph a, and replacing it with:

No person who makes a business of purchasing and selling, or who keeps a place of business in the city for purchasing or purchasing and selling either gold or silver coins, stamps, or other precious metals, art objects, paintings, jewelry, rugs or other secondhand items such as antiques and/or furniture, junk or old metals, shall engage in such business or open such place of business for such purposes unless licensed by the Gloucester Licensing commission. The Commission may revoke such licenses at pleasure.

By deleting Section 19-36 in its entirety and replacing with:  
Section 19-36 Penalties – fine and/or suspension/revocation.

Failure to comply with any requirement of this ordinance shall result in a fine of \$100 for the first offense and a fine of \$300 for any second or subsequent offense.

Nothing in this Section shall abrogate the right of the City council to revoke any license issued under this ARTICLE IV at their pleasure in accordance with Section 12-71 herein or G.L. Chapter 14, Section 54 (Ord. No 12 2-13-2006)

**Councilor Foote** stated he went over the amendment with Inspector Ryan, GPD, who said this will give the department regulations and a right to investigate.

**Councilor Hardy** invited the O and A Committee to look into a Pawn Shop Ordinance as this amendment has nothing to do with Pawn Shops.

**Councilor Grow** said he is concerned this may impact businesses that are not, initially, targeted by this amendment.

**MOTION:** On motion of Councilor Foote, Seconded by Councilor Romeo-Theken, the City Council voted 7 In Favor 1 Opposed (Hardy) to AMEND the Code of Ordinances, Section 19, Division I and 2 by DELETING and ADDING various sections as follows:

By deleting Section 19-16, entitled "Examination of shop, inventory, vehicles, etc.," in its entirety and replacing with the following:

**Section 19-16 – Examination of shop, inventory, vehicles, etc.**

The shop and all items of merchandise referred to in this article, and any place, vehicle or receptacle used for the collection or keeping of such items may be examined at all times by the mayor and City council, or by any police officer of the city, or by any person authorized by the mayor of City council to make such examination.

By deleting Section 19-18 in its entirety and replacing as follows:

**Section 19-18 Record of Purchases.**

Every keeper of a shop in the City for the purchase, sale or bartering of gold, silver or other valuable second hand items shall keep a permanently bound book in which he shall at the time of purchase of any item enter in the English language a legibly printed and detailed description thereof, and the amount paid therefore; the name, the residence (by street number, City or Town), telephone number, date of birth and social security number, of the person from whom such items are purchased; and the date and hour of the transaction.

In addition, thereto, such shopkeeper shall:

4. Require the person selling such articles to provide one form of photo identification issued by a government agency. A copy of such photo identification shall be made and maintained with said book as part of his records.
5. Make and maintain a photograph of all items purchased and keep said photograph with said book as part of his records.
6. Photograph the person selling said items and shall keep said photograph with said book as part of his records.

Said book and the photocopies and photographs required hereby shall at all times be open to the inspection of the Mayor, the City Council or any individual City Councilor, police officers of the City of Gloucester or State Police or to any other person authorized by the Mayor or City council to make such inspection.

Keeper of a shop for the purchase and sale of gold, silver, and/or other valuable second hand items shall photocopy and FAX to the Chief of Police of the City or his designee a copy of such entry., If delivery cannot be made by FAX for whatever reason, the copy of the above transaction should be hand delivered to the Chief of Police or his designee.

By deleting Section 19-19 in its entirety and replacing with:

**Section 19-19.** Articles not to be sold until thirty days after purchase or receipt thereof.

No such item purchased or received by any dealer or keeper of a shop shall be removed from the city or sold or otherwise disposed of nor its identity changed until at least thirty (30) days from the date of purchase has elapsed, unless permission in writing has been

obtained from the Chief of Police or his designee who may request to observe or photo such item.

By deleting Section 19-20 in its entirety and replacing with the following”  
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Nothing in this Section shall abrogate the right of the City council to revoke any license issued under this ARTICLE IV at their pleasure in accordance with Section 12-71 herein or G.L. Chapter 14, Section 54 (Ord. No 12 2-13-2006)

## COMMITTEE REPORTS

Budget and Finance – June 18, 2009

**1. Memo from CAO re Program Year 09 CDBG and Home Grant Funds Grants Allocation.**

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino, the Budget and Finance Committee voted 3 in favor 0 opposed to recommend the full City Council AMEND the acceptance of the Program Year 09 CDBG Grant to approve increased amounts not to exceed \$850,000, and the HOME Grant in the amount not to exceed \$180,000.

**MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino, the City Council voted UNANIMOUSLY to AMEND the acceptance of the Program Year 09 CDBG Grant to approve increased amounts not to exceed \$850,000, and the HOME Grant in the amount not to exceed \$180,000.**

**Ordinance and Administration – June 22, 2009 - Complete**

**Planning and Development – June 24, 2009 - Complete**

**Ordinance and Administration – June 29, 2009.**

City Clerk's Job Description – Discussion only, no votes were taken.

**Budget and Finance – June 29, 2009. Voted at the SPCC Meeting on 6/29 and amended, this date, above.**

**Planning and Development – July 8, 2009**

MOTION: On motion of Councilor Hardy, seconded by Councilor George, the Planning and Development Committee voted 3 in favor, 0 opposed to recommend the full City Council grant a Road Race permit to the Lone Gull Charitable Trust, Wesley Lassen, Race Director for the third annual Lone Gull 10K Road Race scheduled for Sunday, September 20, 2009 beginning at 9:00 a.m. at the Good Harbor Beach footbridge with a course stretching along Gloucester's Backshore, out onto Eastern Point, and continuing along the backshore as in accordance with the Race Course Map presented as part of this application (copy on file). At the discretion of the Gloucester Police Department, this permit is inclusive of either a temporary parking ban along Nautilus Road from 12:01 a.m. until 11 a.m. on September 20<sup>th</sup>, or a temporary road closure to traffic on Nautilus Road from 8:30 a.m. until 11 a.m. on September 20<sup>th</sup> which will eliminate traffic and parking problems along the start and finish areas of the race. This permit is conditioned upon filing with the City Clerk's Office no later than August 15, 2009 a Certificate of Insurance naming the City of Gloucester as an additionally insured and holding the City of Gloucester harmless for any events arising from said road race.

**>MOTION: On motion of Councilor Hardy, seconded by Councilor George, the City Council voted UNANIMOUSLY to grant a Road Race permit to the Lone Gull Charitable Trust, Wesley Lassen, Race Director for the third annual Lone Gull 10K Road Race scheduled for Sunday, September 20, 2009 beginning at 9:00 a.m. at the Good Harbor Beach footbridge with a course stretching along Gloucester's Backshore, out onto Eastern Point, and continuing along the backshore as in accordance with the Race Course Map presented as part of this application (copy on file). At the discretion of the Gloucester Police Department, this permit is inclusive of either a temporary parking ban along Nautilus Road from 12:01 a.m. until 11 a.m. on September 20<sup>th</sup>, or a temporary road closure to traffic on Nautilus Road from 8:30 a.m. until 11 a.m. on September 20<sup>th</sup> which will eliminate traffic and parking problems along the start and finish areas of the race. This**

**permit is conditioned upon filing with the City Clerk's Office no later than August 15, 2009 a Certificate of Insurance naming the City of Gloucester as an additionally insured and holding the City of Gloucester harmless for any events arising from said road race.**

**COUNCILOR REQUESTS OTHER THAN TO THE MAYOR.**

**Councilor George** congratulated the Gloucester players involved in the Agganis Football Classic.

**Councilor Ciolino** congratulated the Sail Gloucester Committee and is hopeful this will become a yearly event. He reminded residents of the Downtown Block party on Saturday, July 18<sup>th</sup>.

**Councilor Hardy** encourages people to attend this Saturday's Downtown Block Party.

**Councilor Grow** recognized the years of service by former Clerk of Committees, June Budrow.

**Councilor Grow** provided the Web Site for the Triathlon: [www.glo.tri.com](http://www.glo.tri.com).

**Councilor Grow** requested that the Administration address issues/requests pending before the various City Council Standing Committees such as pot hole repair, senior tax abatement, highway Force Account, etc.

**Mr. Duggan** left the meeting during this request.

**Councilor Romeo Theken** announced that the Fisherman's Memorial has been moved up to August 15<sup>th</sup>.

**Councilor Romeo Theken** spoke to Seniors being scammed and cautioned them not to give information over the phone, not to let anyone into their homes, and, to call the police if there are any questions.

**ADJOURNMENT. It was moved and seconded to adjourn the meeting at 9:40 p.m.**

**Respectfully Submitted,**

**Anne Marchand  
Substitute Recorder**