

**GLOUCESTER CITY COUNCIL MEETING
TUESDAY, JULY 28, 2009
7:00 P.M.
Kyrouz Auditorium – City Hall
Council Meeting 2009-018**

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

Also Present: Jim Duggan, Greg Verga, Bob Ryan, Suzanne Egan

Councilor Tobey spoke of the passing and memories of the late **City Councilor John Giacalone**. A moment of silence will be held in his memory.

Flag Salute and Moment of Silence

City Council Meeting 2009-018 was called to order at 7:00 p.m.

Councilor Tobey announced that the one scheduled Public Hearing on Agenda regarding CSO will be continued to the City Council Meeting of August 11, 2009; and, that same evening, the O and A Committee will be providing a draft Ordinance on the Stormwater Plan.

Following normal business this evening will be an Executive Session, with the Council returning to Open Session for Committee Reports.

ORAL COMMUNICATIONS; No one spoke.

COUNCILOR REQUESTS TO THE MAYOR: No requests other than those previously submitted in writing.

CONFIRMATION OF APPOINTMENTS

1. Captain Phil Cusumano, Waterways Board 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 Captain Phil Cusumano to the Waterways Board for a term to expire on February 14, 2012.

MOTION: On motion of Councilor Foote, seconded by Councilor Romeo-Theken, the City Council voted **UNANIMOUSLY** to approve the appointment of Captain Phil Cusumano to the Waterways Board for a term to expire on February 14, 2012

Barry Gradwohl, Conservation Commission 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 Gradwohl to the Conservation Commission for a term to expire on February 14, 2012.

MOTION: On motion of Councilor Foote, seconded by Councilor Romeo-Theken, the City Council voted UNANIMOUSLY to approve the appointment of Barry Gradwohl to the Conservation Commission for a term to expire on February 14, 2012.

PRESENTATIONS: Peter Kwass – Mt. Auburn Associates – Harbor Economic Development Plan

Community members involved with this plan are:

Damon Cummings

Rick Noonan

John Orlando

Sarah Buck stated the plan is focusing on three areas to expand the harbor economy. The areas are fishing/maritime economy/ and visitor based economy. The team involved is well-based with a challenge to turn all ideas into something practical. The short and long term plans are taken from ideas generated by the community.

Mr. Kwass - Gloucester Harbor Economic Development Plan: Project Overview.

Mr. Kwass reported that Mt. Auburn Associates is an economic development strategic planning firm. He also noted that **Susan St. Pierre** of Vine Associates, a waterfront planning and engineering firm, is working with Mt. Auburn to provide the regulatory context.. Also, **Ken Seidman** is working with the team. His firm is a consulting service dealing with economic development, market analysis, and real estate development. His role in this particular plan is in the market analysis and what real estate is showing with regard to long and short term uses. He also commented that Boston Interactive will design a Website to market the plan.

Mr. Kwass commented that the community is unique, and the plan is looking at three industries and opportunities that are already in place. Further, thoughts and ideas were invited from the City Council.

Mr. Kwass reviewed the study area which is Gloucester Harbor and the Business District. The goals, he stated, are to sustain and strengthen the established harbor economic base of commercial fishing, maritime, and tourism by identifying the diversity, opportunities, strengthening the economic and physical linkages between the harbor and downtown, and promoting the harbor and downtown development aligned with market opportunities.

He also commented that the plan will bring about an understanding and capabilities of market opportunities building on the strengths and applying out-of-the-box thinking. Also, to maximize community engagement and draw from recent planning efforts.

Consultation with CDD and the Harbor Team has taken place during the planning process. An options memo will be developed outlining the research. A presentation of the draft report will be given to the advisory team and at a public meeting.

The analytic focus/economic base is on the real estate, infrastructure, regulatory context, and local resource base.

With regard to the real estate analysis, there will be an update on the current property inventory; development of a GIS map; identifications and assessment of vacant and underutilized properties; and development of a short and long term market analysis. A Harborwalk will be investigated. Following review, a summary of key infrastructure needs will be identified.

Mr. Kwass stated that the current zoning and land use regulations will be assessed as well as potential changes in the draft Harbor Plan, State regulations, and DPA Master Plan. Regulatory impediments will be developed. Zoning, he said, will be amended to permit the Harbor Plan.

The Local Resource Base includes an inventory of economic development, community, development and historic and cultural organizations. New organizational structures, tools, and resources will be identified to support study area redevelopment.

The strategic plan includes study of area conditions, economic growth opportunities, and recommendations including goals, marketing, infrastructure development, public access improvements, and regulatory changes.

He concluded his presentation by stating the Website is highly sophisticated and will allow people to explore characteristics of the sites and get details of the site. Further, after working for nearly a month, the group is deep into the research phase. 25 – 30 people from the community have been interviewed. There are, at this time, no findings or conclusions.

QUESTIONS/REMARKS:

Councilor Ciolino commented that the study is not getting the usage of the waterfront and focus should be on something that will benefit the water and use of the waterfront. Further, a study connecting the downtown to the waterfront has been done in the past.

Mr. Kwass stated that the plan is sensitive and is trying to build on what the harbor is about as well as working with what is compatible with the harbor. Further, planners are trying to figure how to sustain and strengthen the industries.

Councilor Foote stated that the planners should keep in mind that in the marine industrial harbor and designated port area not to lose value to the commercial fisherman, big boats and small boats; keeping in mind that the fishermen of Gloucester are looking for the harbor to be protected.

Mr. Kwass stated this is being kept in mind, and the planners are spending time understanding as best as possible the future of the fishing industry.

Councilor Grow spoke to the I4C2 parcel and the potential of the city purchasing and developing. He stated there are issues with the filled tidal land and questioned the use of that property, as well as the restrictions. He stated he would like to see the best economic use in East Gloucester within the DPA and there is some merit with the reconfiguration of the DPA.

Mr. Kwass commented that there is potential within the regulations and if difficulties within the regulations, one looks to the alternatives.

Councilor Curcuru questioned who the Website is marking to and which properties.

Mr. Kwass stated that privately-owned properties could be listed on the site, for sale or lease.

Councilor Hardy questioned how many properties within the DPA the planners are working with.

Ms. Buck stated 79 properties.

With regard to the time-frame of the draft report, **Mr. Kwass** said it would be in late December.

Councilor Hardy also questioned the status of the Harbor Plan

Ms. Buck stated it was finished and would be up on the Website by Wednesday morning (July 29, 2009). There will be 25 copies available for distribution by the end of this week.

Councilor Hardy questioned **Mr. Kwass** when the final report would be available, and he stated after the public meeting and after the holidays.

Councilor Romeo-Theken asked where the planners got their project goals and recommended they read the Harbor Plan and meeting minutes.

Mr. Kwass stated the goals reflected back to the RFP by the City.

Councilor Tobey commented that evolution is occurring daily on Gloucester Harbor, parcel by parcel, citing growth on the waterfront. He cautioned the group to be careful when talking with people and going to meetings in view of the fact the City Council has, together with Planning and Zoning Board, land-use and permitting authority,

Mr. Kwass stated he believes there is a lot of incremental change with people working individually and together. The plan is not to change what is good, but to recognize there is change occurring in the world and one has to make the best advantage of change to make the best results for the community. Further, they will not minimize what is important in the community.

Councilor George asked why it is to take so long for the draft, and **Mr. Kwass** stated there are a set of steps with discussion papers on the three key industries, then the lyceums, followed by team reviews and discussions; after which, comes the public meetings and other steps in the work plan.

Councilor Tobey asked if the team will return to the City Council, and **Mr. Kwass** said they will be happy to discuss the plan with the Council.

Councilor Hardy requested that **Ms. Buck** provide all the charettes from all the meetings from CDD to Mt. Auburn and the consultants.

OLD BUSINESS

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

The Public Hearing is Continued

Mr. Ryan, Traffic Commission Chair, spoke to the issue of the Handicapped Parking request. He provided photographs of the site. The Traffic Commission supported and approved the request for Handicapped Parking 186 Main Street. He stated that there are two handicapped spaces across the street in front of the Police Station, and it was recommended that one be moved to in front of 186 Main Street. There would be no loss of meter revenue and it would make it safer to accommodate people on both sides of Main Street.

Speaking in Favor. No other speakers

Speaking in Opposition. No one spoke

Communications. No communications

Questions. No 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” by adding Main Street, #186 (one space) and by deleting one of the two spaces across the street in front of the Police Station.

MOTION: It was moved, seconded and voted UNANIMOUSLY to AMEND the Code of Ordinances, Section 22-287 entitled “Disabled Vet/Handicapped Parking by adding: Main Street, #186 (one space) and by deleting one of the two spaces across the street in front of the Police Station.

CONSENT AGENDA.

>Mayor’s Report

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| 1. Department of Revenue re: Local Option Exises | Refer to O and A |
| 2. Memo from CAO re: Regional Emergency Dispatch Center | Refer to O and A |
| 3. Draft request for Proposal – Disposition by Sale – Maplewood Avenue School | Refer to B and F |
| 4. Memo from Fire Chief re: Acceptance of grant from MEMA | Refer to B and F |
| 5. Memo from Police Chief re: Establishment new special revenue Account | Refer to B and F |
| 6. Memo from Police Chief: Permission to apply for Grant in the Amount of \$58,730 | Refer to B and F |
| 7. Memo from Police Chief : Permission to apply for grant in the Amount of \$10,985 | Refer to B and F |
| 8. Memo from Police Chief: Permission to apply for grant from Executive Office of Public Safety | Refer to B and F |
| 9. Memo from Police Chief: Acceptance of grant and establish New special revenue account | Refer to B and F |
| 10. Memo from Asst Superintendent: Permission to pay invoice To Triumph Modular | Refer to B and F |
| 11. Memo from City Engineer: Special Budgetary Request Supplemental Appropriation | Refer to B and F |
| 12. Memo from DPW Director: Loan Authorization for Wastewater Plan Improvements | Refer to B and F |
| 13. Memo from Engineering Department re Proposed Street Numbering Plans | Refer to P and D |
| 14. Memo from Shellfish Dept: Amendment to local shellfish Management plan for Jones River | Refer to O and A |

>Information Only

1. Quarterly Report of the Assessor’s Office
2. Memo from City Solicitor re: Firefighters’ Litigation

>Approval of Minutes

- | | |
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| 1. City Council, July 14, 2009 | Approve/File |
| 2. Special City Council, June 19, 2009 (As amended) | Approve/File |
| 3. Joint City Council and School Committee Minutes 7/20/09 | Approve/File |

>Communications

1. COM 2009-025 – Request for Magnolia Road Race road closures Refer to P & D
2. COM2009-026 - Letter from Virginia S. Ellis re Parking Signs/
Beach Area Refer to DPW Director
3. COM2009-027 - Letter from Sandulli Grace, PC
Gloucester Superior Officers Assoc For Council Discussion
4. COM2009-028 - Memo from City Auditor: Patrolmens' MOU Refer to B and F

ORDERS

1. CC2009-32 (Devlin) Speed Limit signs and “Slow Children” Sign
Fuller Street TC/Police/O&A
2. CC2009-033 (Hardy & Romeo) Create new Ordinance re
Prohibiting Soliciting Ref to O and A
3. CC2009-34 (Hardy) AMEND GCO, Section 22-280 re Washington
And Duley Streets Intersection Refer to TC/O&A
4. CC2009-035 (Hardy) AMEND GCO, Section 22-280 re
Washington and Tucker Streets Refer to TC/O&A

ITEMS REMOVED FROM CONSENT AGENDA

Councilor Tobey - Communications #3 Letter from Sandulli Grace PC regarding the Gloucester Superior Officers' Association.

Mr. Duggan stated that over the past year, members of the public safety departments have expressed support for the 911 Dispatch Center; however, this does not specifically mean that the unions have agreed and accepted the proposal. He stated he misspoke on this item and it is not an official position. He announced that people from the Pennsylvania facility are coming to Gloucester to make a presentation to safety and other officials. This will be an informational, only, session on August 12, 2009. There will be an opportunity for questions and answers. Further, parallel to that, negotiations will be scheduled separately.

MOTION: It was moved, seconded and voted UNANIMOUSLY to file Communication #3 – Letter from Sandulli Grace PC regarding the Gloucester Superior Officers' Association.

Councilor Grow - #9 Mayor's Report – Memo from the Police Chief – Acceptance of grant and establish a new special revenue account. **Councilor Grow** would like to request that the City Council receive, in advance of a Budget and Finance Committee meeting, issues that apply to this type of funding.

MOTION: It was moved, seconded and voted UNANIMOUSLY to refer Item #9 to the Budget and Finance Committee for review and recommendation.

FOR COUNCIL VOTE

Motion to Reconsider (Tobey)

MOTION: On motion of Councilor Tobey, seconded by Councilor Hardy, the City Council voted 8 in favor 1 opposed (Foote) to reconsider the vote taken July 14, 2009 to AMEND the GCO, Section 19, Second Hand Goods, Division 1 and 2.

MOTION: On motion of Councilor Tobey, seconded by Councilor Hardy, the City Council voted UNANIMOUSLY to refer the Amendment to the GCO, Section 19, Second Hand Goods, Division 1 and 2 to the Ordinance and Administration Committee for further discussion following review by Ms. Egan, General Counsel, and Police Detective Ryan.

Full Text available in the City Clerk's Office.

EXECUTIVE SESSION.

Ms. Egan, General Council, requested her Memo to the Council be discussed in Executive Session.

MOTION: On motion of Councilor Tobey, seconded by Councilor Romeo-Theken, the City Council voted by ROLL CALL 8 in favor 0 opposed, 1 Present (Hardy) to convene an Executive Session to discuss strategy with respect to litigation and to reconvene to Open Session in one-half hour.

Councilor Hardy disclosed she will not be taking part in the Executive Session whereas she has a brother who is a Gloucester firefighter.

MOTION: On motion of Councilor Tobey, seconded by councilor Romeo-Theken, the City Council voted by ROLL CALL 9 in favor, 0 opposed to reconvene to Open Session at 8:50 p.m. During the Executive Session, no motions were made or votes taken.

SCHEDULED PUBLIC HEARING

1. PH2009-011 – Shifting CSO, waste water debt and water supply debt to the FY2010 tax rate.

MOTION: On motion of Councilor Tobey, seconded by Councilor Romeo-Theken, the City Council voted UNANIMOUSLY to continue the Public Hearing re shifting CSO, waste water debt and water supply debt to the City Council Meeting on August 11, 2009.

COMMITTEE REPORTS

Planning and Development – July 22, 2009

One motion - for Public Hearing August 11, 2009

Budget and Finance – July 23, 2009

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino, the Budget and Finance Committee voted UNANIMOUSLY to recommend the full City Council accept the Grant Funding for the Pumpout Boat Program in the amount of \$9500.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino, the City Council voted UNANIMOUSLY to accept the Grant Funding for the Pumpout Boat Program in the amount of \$9500.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino, the Budget and Finance Committee voted UNANIMOUSLY to recommend the full City Council accept the Grant Funding from the Mass. Water Abatement Trust – Community Septic Management Program in the amount of \$10,000 for administrative expenses, Board of Health.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino, the City Council voted UNANIMOUSLY to accept the Grant Funding from the Mass. Water Abatement Trust – Community Septic Management Program in the amount of \$10,000 for administrative expenses, Board of Health.

MOTION: On motion of Councilor Grow, seconded by Councilor Curcuro, the Budget and Finance Committee voted UNANIMOUSLY to recommend the full City Council approve the establishment of Account 101.10.161.48300.0000.00.000.00.830 for the purpose of accepting unrestricted donations / gifts up to \$500 to the City under C44, S53A – To accept gifts without appropriation. Donations would be made through the Treasurer/Collector's Office.

MOTION: On motion of Councilor Grow, seconded by Councilor Curcuro, the City Council voted UNANIMOUSLY to approve the establishment of Account 101.10.161.48300.0000.00.000.00.830 for the purpose of accepting unrestricted donations / gifts up to \$500 to the City under C44, S53A – To accept gifts without appropriation. Donations would be made through the Treasurer/Collector's Office.

Ordinance and Administration – July 27, 2009

Appointments – See above

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 AMEND the Code of Ordinances by ADDING one Handicapped parking space as follows: 30 feet from the intersection of Maplewood Avenue on the southerly side of Cleveland Street in an easterly direction for 20 feet, with the sign being mounted on the existing "Slow Children" signpost.

MOTION: On motion of Councilor Foote, seconded by Councilor Romeo-Theken, the City Council voted UNANIMOUSLY to AMEND the Code of Ordinances by ADDING one Handicapped parking space as follows: 30 feet from the intersection of Maplewood Avenue on the southerly side of Cleveland Street in an easterly direction for 20 feet, with the sign being mounted on the existing "Slow Children" signpost.

Budget and Finance Committee – July 28, 2009

Amendment to the Special City Council Meeting Minutes of June 19, 2009.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino, the Budget and Finance Committee voted UNANIMOUSLY to AMEND the Minutes of the Special City Council Meeting on June 19, 2009 as follows:

Page 21 – General Fund, Department 900, Special Reserve for Contingency should read \$565,859.00.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino, the City Council voted UNANIMOUSLY to AMEND the Minutes of the Special City Council Meeting on June 19, 2009 as follows:

Page 21 – General Fund, Department 900, Special Reserve for Contingency should read \$565,859.00.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino, the Budget and Finance Committee voted UNANIMOUSLY to AMEND the Minutes of the Special City Council Meeting on June 19, 2009 as follows:

Page 23 - to reflect the Total General Fund Appropriations at: \$81,081,511.53.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino, the City Council voted UNANIMOUSLY to AMEND the Minutes of the Special City Council Meeting on June 19, 2009 as follows:

Page 23 - to reflect the Total General Fund Appropriations at: \$81,081,511.53

COUNCILOR REQUESTS OTHER THAN TO THE MAYOR.

Councilor Foote: The teens working to clean up the City and Playgrounds should be commended.

Councilor Curcuru: Volunteers are needed for the Triathlon. Please contact organizers at: www.gloucestertri.com.

Councilor Devlin: Phil Rose, who should be recognized for his contributions to the Magnolia community, recently passed away. And, thank you to those Magnolia residents who clean the parks and sweep sidewalks.

Councilor Ciolino: A reminder to residents that the Sidewalk Bazaar will start this Thursday, July 30th through Saturday, August 1. He invites people to come and participate.

Councilor Grow: A vote was taken regarding a No Parking sign on Cabo Drive. The sign was put in incorrectly. Requests referring the minutes and vote back to O and A for correction.

MOTION: On motion of Councilor Tobey, seconded by Councilor George, under UNANIMOUS CONSENT, the City Council voted UNANIMOUSLY to refer the Cabo Drive Meeting Minutes to the Ordinance and Administration Committee for review and correction.

Councilor Romeo: Thanks Bill Gillis for cleaning up the problems under the Magnolia Bridge. Contratulations to Chief Lane and Chief Dench and their families during the badge ceremony.

ADJOURNMENT. It was moved and seconded to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,

Anne Marchand, Substitute Recorder