

**GLOUCESTER CITY COUNCIL MEETING
TUESDAY, September 8, 2009
7:00 P.M.
Kyrouz Auditorium – City Hall
Council Meeting 2009-022**

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: Jeffrey Towne; Jim Duggan; Marcia McInnis; Greg Verga; David Sargent; Chief Lane; Phil Turpos; Miles Schlichte, Carole McMahan; Douglas MacArthur; and approximately 35 interested residents.

Flag Salute and Moment of Silence

City Council Meeting 2009-022 was called to order at 7:00 p.m.

Council President Tobey made the following comments/announcements:

1. On Tuesday, September 22, 2009, the City Council will hold a Joint Meeting with the School Committee to receive a briefing on the consolidation of the North Shore Vocational School and Essex Aggie. The briefing will be from a three-person team who will give a comprehensive run-down on the proposed merger and construction of the new facility. At the OCTOBER 13, 2009 Regular Meeting of the City Council, there will be a PUBLIC HEARING on this matter.
2. Mass Municipal Board Meeting. There will be a Special Election to fill the US Senate seat. However, there is no money in many City Budgets for a Special Primary and Election. The State has been requested to fund these elections with a Supplemental Appropriation. If a community has to put an item on a Municipal Ballot, a request has been made that the item may be included on the January Special Election ballot.
3. State Revenue Projections were up in July and August; however, cities need to be cautious about September and watch closely what is happening with the State Administration.

ORAL COMMUNICATIONS; No one spoke.

Councilor Grow requested the Administration to download all of the responses to Oral Communications from June 1, 2009 forward.

COUNCILOR REQUESTS TO THE MAYOR: None other than those previously forwarded to the Office of the Mayor.

RECOGNITIONS

Clean Team – Kathy Milne of the Cape Ann YMCA was present with three of the over 100 plus teens who worked on the City streets and parks, painting, cleaning, weeding, sanding and other projects. Present were Hunter, Mike and Mr. Curcuru. She stated the kids did a fantastic job and showed great work ethic. The team received a robust round of applause for their efforts.

Councilor Foote conveyed a message from the residents around the Gordon Thomas Park and noted that the residents were treated with courtesy and respect. The parents, schools, and City should be proud of the excellent job the teens did, doing something that has not been done in years. Thumbs up.

2009 Lifeguards - A delegation lead by **Kathy Kapentanpoulos**, was present to receive due recognition for the save at Good Harbor Beach several weeks ago. **Ms. Kapentanpoulos** thanked the City and Council for recognizing the performances of the lifeguards. She said that each year, there are fine performances of the all the guards. Further, she believes Gloucester's beaches were the only ones open during the aftermath of Hurricane Bill, and the City has a good team of lifeguards that could prevent situations. She noted the incredible support from police, fire, and lot attendants and said there were 16 guards on Good Harbor that weekend. Accompanying her this evening were two head lifeguards, **Anthony and Chris**, as well as **Filipe Castro and John Dalone**. Good Harbor Beach Lifeguards are **Felipe Silva, Stacey Kapetanpoulos, Chris Trahon, Katie Hand, John Dalone, Lyla Roth, Josh Lufkin, Sam Kinawy, Justin Sandler, Tony Trupiano, Kansas Ricci-Munn, Andrew Mizzoni, Adam Chin, Erica Young, Max Aprans, Derek Castro**.

Councilor Tobey commended the guards for a job well done.

Councilor Grow stated that he is grateful to the man who wrote the letter as it highlighted how lucky Gloucester is to have lifeguards of this caliber on watch on the beaches.

The Council and audience recognized the efforts of the guards with a round of applause.

PRESENTATIONS

Administration – Update on Drinking Water Situation

Mr. Duggan stated that the Mayor is unable to be here because she is preparing for a presentation before the Chamber of Commerce tomorrow. Further, the entire staff has been working much time over the past days, and stated **Deputy Chief Miles Schlichte** will address the Councilor's questions and concerns.

Councilor Tobey stated that there is a collegial relationships with the office of the Mayor and keeping the Council in the dark is bad government policy

Councilor Grow stated he appreciates the hours the staff has worked; however there are people at home who were not able to get to the meetings. Further, there is no one here from the DEP or DPW to answer questions. He suggested deferring discussion to the next meeting or open a Special Council meeting.

Councilor George agreed stating there should be a Special Council Meeting, with all parties present. People at home need to know what is going on.

Councilor Foote stated there was a meeting at the Rose Baker Senior Center with 35 – 40 people present. This was an informational meeting and people have started to understand the issue. People are trying to fix the problem and the presentation was appreciated and outstanding.

Councilor Romeo stated people were not home in time for the 5 p.m. meeting and she informed people that the same presentation would be held live on Cable this evening at the Council meeting.

Mr. Duggan stated that the **DEP** was not at the Rose Baker Senior Center; however, the Board of Health was there.

Councilor Tobey stated that he e-mailed the Mayor asking that a presentation be scheduled, and he proposed a session at 5 p.m. this evening as part of the official Council meeting with Cable coverage. **Mayor Kirk** responded that her goal was to have a Town Meeting-type session and asked to have the venue switched to the Senior Center.

Councilor Ciolino agreed there should be a regular City Council meeting with all the players in order to get the latest update. Further, many people could not make the 5 p.m. meeting. He stated the Administration should be given the opportunity to give an update and plan to have all parties at the next Council meeting.

Councilor Hardy stated that the City Council would like to question the Mayor, DEP, Health Agent, etc. She had her constituents forward questions to her, which they did, and in turn she would present them to various people for answers. Communications are being ignored, she stated, and requests a Public Hearing before the City

Councilor Curcuru would like to hear what the Administration has to say and agrees with a Public Hearing as soon as possible.

Councilor George stated that all the people here this evening and those watching TV at home came to hear the Mayor give an update.

Councilor Grow stated that the Administration has an obligation to provide an update and knowledge is needed from people who represent the various departments.

Councilor Tobey spoke to the questions in the Editorial of the Gloucester Daily Times, which also announced a Special Meeting, tonight, Tuesday at 7 p.m.

Mr. Duggan stated that the past 18 days has been taxing on the department heads, and a full presentation would be held within a week or two.

Councilor Tobey commented that the Mayor scheduled a presentation this evening.

Mr Duggan stated that it made sense for the scheduled 5 p.m. presentation; that the City is moving forward; and, the past days have been tiring and taxing. He further noted that there will be a written response within 24 hours to questions which are not able to be answered this evening.

Deputy Chief Schlichte took the floor and reported that:

- >Addison Gilbert Hospital has returned to using public water for all uses;
- >Facilities flushing is complete;
- >Medical inpatients are being admitted;
- >Surgical procedures are beginning on Thursday;
- >The Hospital is functioning at 100%

Further, the DEP is still in the City and sends regrets they are not at the meeting as they were informed just a few days ago. **Deputy Schlichte** read from a letter dated September 7, from the DEP. (Copy on file in the City Clerk's Office and posted on the Web)

With regard to the service in the Blackburn area, he stated that there was a single hit from the water in that facility; and a boil water order is still in effect for that area. The water in the tower did not turn over as expected. There is a zero hit on those streets today; however, must wait for a second zero before lifting the order.

The action plan includes six immediate actions as follow:

- >Lifting the Blackburn area boil order immediately with two zero test results;
- >DEP operation of the Babson until W. Gloucester comes back on line;
- >Testing protocols carried forward, mandating a change in practices;
- >Continuation of seven chlorination stations, being made more secure and permanent by the Fire Department and United Water;
- >City to retain water consultants with recommendations

Deputy Schlichte stated that the City is going forward with the conditions under the DEP Consent Order. Further, that the Babson plant may reopen after corrections are made; but, the City has to prepare a contingency plan if Babson cannot be brought on line next summer

He further stated he will answer questions to the best of his ability.

Councilor Ciolino asked if the chlorination stations are safe, would they freeze up in the winter, and will people living nearby have a strong chlorine odor.

Deputy Schlichte stated that the stations will be permanent; however are temporary right now. They will be freeze protected and secured for accidental intrusion.

Councilor Ciolino also questioned if chlorine is safe in the neighborhoods. **Deputy Schlichte** stated that chlorine, in small amounts, will not burn and that safety concerns are being addressed. With regard to the Beaver Dams, **Deputy Schlichte** stated that he has spoken with several people who have reported this. All information has been forwarded to the DPW Director. At this time, there is no red flag pointing at any particular cause.

Councilor Ciolino asked when West Gloucester would be opening. The Deputy stated September 15th.

On question of **Councilor George**, **Deputy Schlichte** stated that United Water was at the 5:00 p.m. meeting at the Senior Center. She also questioned the chlorine in her area of West Gloucester, as well as the continual running hoses. **Deputy Schlichte** stated that is part of the process is to draw small amounts chlorine water through the system. Further, with regard to the odor of chlorine, many areas have been receiving little to no chlorine; and, now it is different because of the increase in chlorine going into the system.

The water is alright to drink, unless there is excessive chlorine. Efforts are being made to get a proper balance.

Councilor George asked why United Water is not at the meeting. **Deputy Schlichte** could not answer.

Councilor Tobey stated that Nashville, TN, gets water from rivers and the smell of chlorine is bad; however, chlorine is our friend and it is unfortunate it was not strong enough ten days ago.

Councilor Romeo thanked **Deputy Schlichte** for responses to her questions and asked that his role be explained.

Mr. Duggan stated that **Deputy Schlichte** has the training and is the most appropriate person to get the message out, as well as coordinating efforts. He was appointed because of his training.

Deputy Schlichte stated he has done extensive rescue work for FEMA and has responded to many incident commands.

Councilor Romeo stated that she has questions for the DEP on fines, delays and impact from Gloucester Crossing blasting. She further said this is not up to the CAO, Deputy Chief or Mayor to answer. She also stated she understands people have been working 24/7 and is not putting people down, but this was supposed to be a presentation.

Councilor Curcuru questioned daily testing and possible additional spikes in coliform. **Deputy Schlichte** stated that testing will go forward on a daily basis, then every other day, then weekly. The number of test sites will stay at the higher number. There is always a possibility of spikes, he said, but is confident that, subject to a major trigger, will go forward normally. In the DEP's words, it is a fragile system.

On question of **Councilor Curcuru**, **Deputy Schlichte** stated that the DEP allows up to 5% to pass on any given day, a hit can occur and that area is re-tested with results coming back in 24 hours. If positive, additional testing goes on. When hits start increasing, when exceed 5% hits, these are events saying the system is more unstable. He stated there is no e-coli in the system and action by the DEP was proactive and prevented systems from e-coli. The boil water order was preventative.

Councilor Grow spoke to the operations on the protocol, and now, coming out of 18 days, is the DEP treating with same protocol or more scrutiny. He questioned what assurances we have that there will not be a reoccurrence.

Deputy Schlichte stated that it cannot be said there will be no reoccurrence; however, there is increased testing and increased notification procedures, as pointed out in the DEP Report provided to the Council this evening. Further if there is a single e-coli hit, the city has two hours to notify the DEP.

Deputy Schlichte, on questions of **Councilor Grow**, stated that there are procedures for citizens; residents may have already purged their systems by watering lawns, showering, etc. With drinking water, citizens may want to draw water from the faucet for three minutes which will clear out the lines. Also, it is recommended that filters in ice makers and filtering systems be replaced.

Councilor Grow questioned the full impact of the costs and who will bear the brunt of the costs. United Water? Further, is the Administration prepared for the financial questions and who will be liable for the businesses who were affected and/or had to close.

Ms. Egan stated that there has not been the opportunity to discuss this issue; however, there is a process in place for filing a claim. The City is covered by insurance and claims would be submitted and reviewed by the insurance company. There is a process on any liability, she stated. Further, there is a process in place for contractor liability, as well. Once a claim is filed, an adjuster is assigned, and damage determined. The City's liability is limited.

Councilor Foote commented that his Ward is still on boil water and would like to know how long this will last. **Deputy Schlichte** stated this is in the hands of the DEP, and the same protocols will apply – two consecutive days. He stated that, hopefully, by Thursday night there will be a second "0". **Councilor Foote** stated this is scaring the people and he would like the problem fixed.

Councilor Hardy requested the Memo provided to the City Council be posted on the Web Site. She questioned whether chlorine is a poison, is safe to drink, how does one protect hot water heaters and asked about the impact to North Gloucester, including Bayview and Lanesville and the impact on the rate payers.

Deputy Schlichte stated that:

- >Chlorine is an irritant;
- >The water is now safe to drink;
- >If one has been showering and cycling water through hot water heaters, sinks and toilets, there is not an issue;
- >Individual test sites have not been released; however, there have been less than 5 hits coming from North Gloucester. North Gloucester water comes from Klondike and is coming into a treated system.
- >He could not comment on the impact on the rate payers.

Councilor Hardy, commented on Code Red, and **Deputy Schlichte** said they are working on a solution to have a name vs number on called ID. The phone vendor has to purchase software and create the exchange from numeric to alpha display. Comcast caller ID comes up as "Code Red".

Ms. Egan, on question of **Councilor Hardy** regarding filing a claim, stated that there is a thirty day time period to file a claim. The claim form provides information for residents to give specific details and costs of damages. The thirty days is from the date when the damage occurred.

Councilor Hardy stated that communications have improved since **Deputy Schlichte** came on board.

On question of **Councilor Romeo**, **Deputy Schlichte** stated that the DEP has established a plan for Babson until the W. Gloucester facility opens. When W. Gloucester reopens, there will be a list of issues to cover at Babson and, further, there is the potential that Babson may not reopen as scheduled in the Spring. The plants do not run simultaneously.

Deputy Schlichte, on questions of Councilors, stated that:

- >Coliform is natural and a certain amount is allowable.
- >Coliform will not make people sick.
- >The presence of coliform is an indicator that there may be a risk for e-coli.
- >There has been no increase in baseline illnesses since the problem. There have been five incidents; however, were proven not to be caused by the water.
- >If the W. Gloucester plant had been operational, there would have been a shift to that plant.

- >The levels of chlorine going into the system would not negatively impact the system.
- >The chlorine going into the system has no effect on septic systems.

Councilor Tobey stated he has no questions for this evening; however requests answers to the following questions on Monday, September 14th at the Special City Council Meeting:

1. City was found in violation of State and Federal drinking water standards because 5% of the samples were coliform positive. Given the total readings as early as August 11th, why did the DPW, Health Department, and Administration not recognize a threat to public health and who made the statement that the water was “safe to drink”?
2. What plan does the Administration have to provide rebates to residents and businesses, who have incurred costs, from the boil water order?
3. What are the short term answers provided by the Administration in order to address people’s worries? What are the changes being made to ensure no reoccurrence?
4. When will the DEP and Legislators (Ferrante and Tarr) have an action-after report available?

Councilor Grow asked about United Water’s Contract being a month-to-month contract, also how long they will be on board. **Deputy Schlichte** stated that, yes, the contract is month-to-month; that RFP’s have been sent out; and, four bidders have returned the packets. He has no knowledge of when the contract will be awarded. **Mr. Duggan** stated that an independent panel will review the proposals and by October 1st, the new contract will be in place. He also commented there have been planning sessions to produce a strong RFP and this has taken time.

There will be a Special City Council Meeting, Monday, September 14th in the Kyrouz Auditorium. It was requested that Cable TV be available.

Administration – Patrolmen’s MOU

Mr. Duggan provided the Council with a memo regarding the Police Patrolmen’s MOA. It contained a financial breakdown of Base Pay Rate; Contract increase/Decrease and information on extra duty on city jobs for FYs 08, 09, and 10. The memo, further, outlined the Articles of the Contract. He noted there is a minimal impact on base pay, and a slight impact because of the clothing stipend that is due to paid on November 1st. Additional costs reflect an increase in the FY10 holiday pay and overtime costs. If, on November 1st, the stipends had not been rolled in, it would have cost \$43,000; however, because it covers only 8 months there is a savings of \$14,625.00. This is an actual decrease in the police budget.

He also stated that the extra duty rate has been reduced to \$40.00 per hour resulting in a savings of \$11, 595.92.

On question of **Councilor Grow**, **Mr. Duggan** stated there is the potential for increases. There will be a new contract prior to July 1, 2010 and there may be an increase of \$24,000 to \$25,000 in FY11.

With regard to patrolmen, **Chief Lane** stated that patrolmen choose a shift by seniority and they are on notice and expected to do the jobs, wherever they may end up. Work will get done. There are contractual limitations to work through which is not uncommon.

Mr. Terpos stated there is nothing in the contract regarding Quinn Bill benefits, but State Law does speak to new hires under the Quinn Bill.

Mr. Duggan spoke to police details vs flaggers, noting that police can order a car towed, make an arrest, and perform emergency response, whereas flaggers cannot.

On question of **Councilor Grow**, **Mr. Duggan** stated there was no outside assistance in negotiating the contract.

Old Business

O and A Minutes 8/17/09 – Cabo Drive

MOTION: On motion of Councilor Grow, seconded by Councilor Hardy, the City Council voted UNANIMOUSLY to CORRECT the minutes of November 1, 2006, as follows:

TO AMEND the GCO by INSERTING: Section 22-272, Parking Prohibited from May 1 through September 15, Saturdays, Sunday and Holidays to include Cabo Drive, easterly side, for its entire length.

CONSENT AGENDA

MAYOR'S REPORT

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| 1. Police – Acceptance of E911 Grant | Refer to B and F |
| 2. Memo from General Counsel – Proposed Lease
W and C Rafter and City of Gloucester | Refer to B and F |
| 3. Memo from Library Director re: Acceptance of LSTA Serving Tweens and Teens Grant | Refer to B and F |
| 4. Special Budgetary Transfer – Comm for the Arts | Refer to B and F |
| 5. Memo from Committee Arts re: Request to pay invoices without a Purchase Order | Refer to B and F |

APPROVAL OF MINUTES

- | | |
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| 1. City Council Minutes of August 25, 2009 | Approve/File |
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APPLICATIONS/PETITIONS

- | | |
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| 1. SCP 2009-11 – Metro PCS Section 5.13 Personal Wireless Facility | Refer to P and D |
| 2. Application for Rezoning, 447 Western Avenue | Refer to Planning Board/P and D |

ORDERS

- | | |
|---|----------------------|
| 1. CC2009-042 – Curcuru: Amend GCO, Section 22-270.1 by Adding 17-21 Commercial Street and all of Beach Court | Refer to TC/ O and A |
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COMMUNICATIONS - None

Councilor Grow requested that a Commendation be placed on the September 22nd agenda FOR COUNCIL VOTE. He will provide the information to the Assistant City Clerk.

FOR COUNCIL VOTE:

1. Warrant for Preliminary Election – September 29, 2009

MOTION: On motion of Councilor Tobey, seconded by Councilor Romeo-Theken, the City Council voted UNANIMOUSLY to approve the Warrant for the Preliminary Election to be held September 29, 2009.

SCHEDULED PUBLIC HEARINGS

1. PH 2009- 026 - Storm Water Management Utility Ordinance, Amend Chapter 23 of the Codes of Ordinances - “Utilities” by adding new Section 23-200 “Storm Water Fee”.

The Public Hearing is Opened

Speaking in Favor:

Suzanne Egan stated there have been numerous discussions on this Amendment and this is the best way for the City to deal with the CSO currently placed within the sewer rate. The City has the ability, under law, to create a storm water fund and collect fees that will pay for the cost of the CSO project and other storm water infrastructure. This is an “enabling ordinance” and the fee assessed and details will be provided through regulations. The regulations will come back to the City Council for approval.

Speaking in Opposition.

Dave Hodgkins, 550 Essex Avenue, stated that there is no reason he should have to pay, living on a State road. He said it is just another tax and questioned why should he pay with fire stations closed and undrinkable water.

Robert F. Parsons – Essex Avenue, stated that the tax bill will not go down, there will be a fee, and retired people are struggling. It is time for the City to say they cannot take money out of the pockets of the retired people. He spoke of tenants rights vs landlord rights and said one cannot sell or run a house in Gloucester.

Communications. No communications.

Questions:

Councilor Romeo questioned how it will be paid if it does not go as a utility bill or tax bill.

Councilor Tobey questioned if paying the stormwater fee through the sewer bill is the most equitable way to pay and does it fairly represent the stormwater work being done in the city.

Further, the fee would be approved by the City Council; and if no approved regulations, people will have higher sewer bills. Without regulations, he commented, this is a long way from being a done deal.

Ms. Egan, on question of **Councilor Tobey** stated she does not recall whether the DPW Director stated the current rate would be based on \$50. per unit. **Councilor Tobey** also stated that the charge does not show on the tax bills; and, sewer bills will go down.

Councilor Curcuru stated that people who do not have water and sewer bills will pay the fee.

Councilor Hardy questioned on what bill the fee will appear. Further, would it come off taxes at the end of the year.

Ms. Egan stated this will be determined by regulations. And, further, this is not a tax, but a fee similar to water and sewer.

Councilor Hardy commented that the money has to be used directly and specifically to stormwater management. She also commented on Chapter 83, Section 16 which discusses sewers and main drains, nothing that the distinction is not there. She quoted the Section regarding common sewers and main drains which shall be paid by every person who enters the sewer.

Ms. Egan said that the legislative section in Section 16 was amended in 2004 with sentences added which discuss the storm water utility fee. She pointed out Chapter 83, Section 1, Authority for main drains and sewers. Further, what is important is that the fee imposed relates to a service and benefit in the use of main drains.

Councilor Hardy suggested having the Ordinance correct in the first place, without having to change and possibly being contested in court.

Councilor Devlin asked about private roads and **Ms. Egan** stated the details regarding private roads would be left to the regulations. She pointed to Section 2, "all property in a municipality" includes private roads. **Councilor Devlin** stated that he foresees a problem in terms of who benefits, noting there is no direct benefit to those in West Gloucester or Magnolia.

Ms. Egan stated that the Ordinance enables funding to go to all stormwater problems in the city, not just one specific area. Further, it sets up a framework and addresses the CSO debt on the sewer rate. On further question by **Councilor Devlin**, **Ms. Egan** stated that the Ordinance does not go away when the CSO is paid for, that there is no sunset clause.

Councilor Grow questioned that this being a permanent Ordinance, once the project has gone through the debt cycle, would fees be reduced. **Ms. Egan** responded that calculating fees for the cost of the stormwater is part of the regulation, and the fee would be based on one single family unit, with commercial having another. It is an elaborate calculation and is based on the City of Newton's ordinance.

Councilor George questioned whether regulations have been developed and noted that this is difficult to swallow tonight with the water rates the highest in the Commonwealth. She further noted that she would like to see the regulations before the ordinance is adopted. She noted that people cannot pay anymore. **Ms. Egan** stated that the regulations will come back to the City Council for acceptance.

On question of **Councilor Hardy**, regarding whether there is a higher authority over C83, S16, **Ms. Egan** stated that one can refer back to the Stormwater Management Plan, which would take an amendment. If there is a concern, there could be an amendment.

Councilor Foote asked if there is no action on the ordinance, what happens. **Ms. Egan** stated that the CSO and Stormwater stays on the sewer rate and the rate will go up.

Mr. Towne stated that the debt payments are scheduled to climb and, if this is enacted and becomes a fee, the debt payments will come off the sewer rate, which will decrease the sewer rate. Further the sewer rate will not rise again because of the CSO; however, if there are other sewer projects, the sewer costs will rise.

Councilor Tobey commented that there are two pools of cost, the cost of the sewer system including the plant; and, the CSO piece. There will be some relief for the sewer fund now with the CSO shrinking over time. There will be new costs, but others will be brought down.

On question of **Councilor Curcuru**, **Mr. Towne** stated that appropriations will be reached by calculating the revenue base divided by the number of parcels.

On question of **Councilor George**, **Mr. Towne** stated that the \$3 million will affect the rate payers in approximately 24 months. **Councilor George** commented that the fee will go up every year if there are additional CSO costs.

Councilor Romeo stated that the ordinance before the Council tonight is the base to move forward; and, questioned whether the ordinance can be changed with regard to C83 S16. **Ms. Egan** stated that if there is an issue, regulations can be established and changed using C83, S16 as a basis; further the ordinance may be amended.

The Public Hearing is Closed.

MOTION: The Ordinance and Administration Committee voted 3 in favor 0 opposed to recommend the City Council AMEND Chapter 23 of the Code of Ordinances "Utilities" by adding new Section 23-200 "Storm Water Fee".

BE IT ORDAINED, by the City Council of Gloucester, as follows:

That Chapter 23 of the Ordinances of the City of Gloucester, Massachusetts, which chapter relates to Utilities, be amended as follows:

23-1 Authority and Jurisdiction

(a) Under the authority of the Massachusetts General Laws Chapter 83, Section 16, the City hereby establishes the Gloucester Impervious Fee or Stormwater Fee to pay the costs of the City's stormwater management and combined sewer overflow abatement program.

(b) The City through the Department of Public Works is authorized to assess and collect service fees from all persons owning land that benefit from the City's stormwater management and Combined Sewer Overflow (CSO) abatement programs.

(c) The fee will fund services provided through the Department of Public Works for stormwater management and CSO abatement programs.

23-2 Establishment of Stormwater Fund

(a) The City shall establish a dedicated Stormwater Fund and an accounting system to manage all funds collected for stormwater management. All revenues and receipts shall be

placed in the Stormwater fund, which shall be separate from all other funds, and only the expenses of Stormwater Management Programs, Services, Systems, Facilities, and CSO abatement of the City shall be paid by the fund.

(b) The Department may accept for deposit into the stormwater fund loans, state, federal and private grants, and allocations of funds from the City's General Fund or special purpose funds .

(c) Stormwater Service Fees will be set at a rate that covers the costs necessary to carry out the Stormwater Management Programs, Services, Systems and Facilities approved by the City as necessary to properly manage stormwater runoff within the city.

23-3 Service Area:

The service area of the utility will include all areas within the municipal boundaries of the City of Gloucester.

23-4 Stormwater Utility Service Fees

(a) The City may determine and modify from time to time the service fees of the Utility in order that the funds generated correspond to the cost of Stormwater Management Programs, Services, Systems, and Facilities of the City. In general, funding for the stormwater utility shall be equitably derived based on methods that establish a link between the fees and degree of impact imposed on the stormwater management system and facilities.

(b) Rate studies may be conducted periodically by the utility to determine all changes and future updates to the Storm water Utility Use Fee Schedule.

(c) The Director of Public Works shall promulgated regulations implementing the Storm water Utility Use Fee. The fees, rates or other charges shall be referred to the Mayor and the city council for approval as required by section 7-16 of the City Charter.

23-5 Right to Enforcement and Violations

(a) The Director of the Department of Public Works, or his authorized designee is the enforcement authority who shall administer, implement, and enforce the provisions of this article.

(b) The City has the right to utilize the lien processes to enforce provisions of this article and for non-payment of stormwater fees.

23-6 Applicability

This ordinance and the fees, obligations and requirements identified herein shall apply to all use of and benefit from the City's Stormwater Management Systems and Facilities, occurring on or after the enactment of this ordinance. All persons owning land within the municipality that benefit from the services provided by the utility shall be subject to service fees for their use of the Stormwater Management Systems and Facilities occurring on or after the enactment of this ordinance. Property that is vacant and unimproved with no impervious surface will be exempt from the fee.

Discussion:

Councilor Grow stated this is a good first-step in that the system is in place and by transferring costs, will free money in the General Fund to be used for other services and needs. This reduces fees from the sewer rate payers and stabilizes a system that can be relied upon. Further, it spreads the burden and is equitable.

Councilor Ciolino stated that money has to be spent to leave Gloucester a better place, commenting on the “bubbler”. The money being spent will be a payback for the City. This is a fair, flat-rate for all, sharing the burden. The City Council manages the City now and for the future. He further stated that bookkeeping has to be straightened out on the CSO. He will support this as it is fair and not included on the tax bill

Councilor Devlin spoke to high water and sewer rates, noting this will drop the sewer rate; however, is concerned with it rising again. He stated he cannot support this Ordinance in that there is an area in his Ward that has received no benefit, as promised, and it is not fair for everyone.

Councilor Romeo-Theken agreed with **Councilor Ciolino** stating she does not pay sewer fees, but remembers the “bubbler” and fish factories filtering water. Further, the City Council has the say regarding the fees. She spoke of the seniors who live downtown and who have water, sewer, and will now have CSO fees; however, this is a first step towards going forward.

Councilor Curcuru stated this is the only way to be fair to the rate payers, and that the CSO should not be on the water and sewer bills.

Councilor Foote agreed that this is fair and this is about kids and wanting the kids to stay in Gloucester. He will support.

Councilor Hardy stated that she supports the premise as this is the fairest option. However, she said that she does not want to give someone the opportunity to question the Ordinance, citing issues with Chapter 83, Section 16. This is a first step; however, the City will have to tend to storm drains on private roads.

Councilor Tobey stated the CSO method of payment was flawed and questioned what is the least unfair way to pay. This has come a long way and is as close to consensus as it will get. He noted a correction in Section 23 – 4 “c”: “The Director of Public Works shall promulgate.....”

Councilor George, on the next agenda, would like the language contained in Chapter 83, Section 16.

MOTION: On motion of Councilor Foote, seconded by Councilor Hardy, the City Council voted by ROLL CALL 6 IN FAVOR (Tobey, Ciolino, Curcuru, Foote, Grow, Romeo-Theken) 3 OPPOSED (Hardy, George and Devlin) to Amend the Code of Ordinances, Chapter 23 “Utilities” by ADDING new Section 23-200 “Storm Water Fee” as follows:

BE IT ORDAINED, by the City Council of Gloucester, as follows:

That Chapter 23 of the Ordinances of the City of Gloucester, Massachusetts, which chapter relates to Utilities, be amended as follows:

23-1 Authority and Jurisdiction

(a) Under the authority of the Massachusetts General Laws Chapter 83, Section 16, the City hereby establishes the Gloucester Impervious Fee or Stormwater Fee to pay the costs of the City's stormwater management and combined sewer overflow abatement program.

(b) The City through the Department of Public Works is authorized to assess and collect service fees from all persons owning land that benefit from the City's stormwater management and Combined Sewer Overflow (CSO) abatement programs.

(c) The fee will fund services provided through the Department of Public Works for stormwater management and CSO abatement programs.

23-2 Establishment of Stormwater Fund

(a) The City shall establish a dedicated Stormwater Fund and an accounting system to manage all funds collected for stormwater management. All revenues and receipts shall be placed in the Stormwater fund, which shall be separate from all other funds, and only the expenses of Stormwater Management Programs, Services, Systems, Facilities, and CSO abatement of the City shall be paid by the fund.

(b) The Department may accept for deposit into the stormwater fund loans, state, federal and private grants, and allocations of funds from the City's General Fund or special purpose funds .

(c) Stormwater Service Fees will be set at a rate that covers the costs necessary to carry out the Stormwater Management Programs, Services, Systems and Facilities approved by the City as necessary to properly manage stormwater runoff within the city.

23-3 Service Area:

The service area of the utility will include all areas within the municipal boundaries of the City of Gloucester.

23-4 Stormwater Utility Service Fees

(a) The City may determine and modify from time to time the service fees of the Utility in order that the funds generated correspond to the cost of Stormwater Management Programs, Services, Systems, and Facilities of the City. In general, funding for the stormwater utility shall be equitably derived based on methods that establish a link between the fees and degree of impact imposed on the stormwater management system and facilities.

(b) Rate studies may be conducted periodically by the utility to determine all changes and future updates to the Storm water Utility Use Fee Schedule.

(c) The Director of Public Works shall promulgated regulations implementing the Storm water Utility Use Fee. The fees, rates or other charges shall be referred to the Mayor and the city council for approval as required by section 7-16 of the City Charter.

23-5 Right to Enforcement and Violations

(a) The Director of the Department of Public Works, or his authorized designee is the enforcement authority who shall administer, implement, and enforce the provisions of this article.

(b) The City has the right to utilize the lien processes to enforce provisions of this article and for non-payment of stormwater fees.

23-6 Applicability

This ordinance and the fees, obligations and requirements identified herein shall apply to all use of and benefit from the City's Stormwater Management Systems and Facilities, occurring on or after the enactment of this ordinance. All persons owning land within the municipality that benefit from the services provided by the utility shall be subject to service fees for their use of the Stormwater Management Systems and Facilities occurring on or after the enactment of this ordinance. Property that is vacant and unimproved with no impervious surface will be exempt from the fee.

2. PH 2009-0030 – SCP2009-06 16 Kondelin Road – Section 5.13 Personal Wireless Service Facility

The Public Hearing is Opened

The Public Hearing is Continued to 9/22/09

3. PH 2009-0031 – SCP2009-07 30 Blackburn Drive, Building 4, Section 5.13 Personal Wireless Service Facility.

The Public Hearing is Opened

The Public Hearing is continued to 9/22/09

4. PH 2009-0032 – SCP 2009-008 One Main Street – Section 5.13 Personal Wireless Service Facility

The Public Hearing is Opened

The Public Hearing is Continued to 9/22/09

5. H2009 – 033 – SCP 2009 09 Special Council Permit – Lowlands – Section 5.5. CZO – 21 Rocky Neck Avenue

The Public Hearing is Opened

Speaking In Favor.

Richard Nyland, spoke to the lowlands permit and provided a copy of the map. He explained the property is presently a dilapidated single family house on distressed piers. The applicant is requesting to remove the eyesore and replace the dwelling, moving it twenty feet off the water and away from the southern encroachment. Further, the seawall will be rehabilitated and the foundation repaired/replaced in order for the house to be constructed. To go forward, he stated, a Chapter 91 license is required and must show compliance with local Ordinances. Further, the Conservation Commission has approved the petition and a copy of the Order of Conditions is included in the application packet.

Mr. Nyland said that Project Manager, **Dennis Senical** is also present to address any questions.

Speaking in Opposition. No one spoke

Communications. From neighboring residents, on file in the City Clerk's Office

Questions. No questions

The Public Hearing is closed.

MOTION: On motion of Councilor George, seconded by Councilor Hardy, the Planning and Development Committee voted **UNANIMOUSLY** to recommend the City Council grant a Special Permit to Pier One Nominee Trust, Patricia Turner, Trustee to allow the applicant to reconstruct a house upon land bordering on coastal waters at 21 Rocky Neck Avenue, Gloucester, shown on Assessors Map 130 – Lot 9 Zoning Classification r-10 pursuant to Section 5.5. Lowlands of the GZO with the following Conditions:

1. That buildings on this property not exceed the height restrictions that are outlined in the Gloucester Zoning Ordinances;
2. That the Inspector of buildings be consulted regarding the shed, its side yard set backs so that the Inspector can make a determination as to whether or not the repairs to the roof of the shed are a repair or reconstruction.
3. That the ConCom Order of Conditions becomes incorporated into these conditions.

MOTION: On motion of Councilor Hardy, seconded by Councilor George the City Council voted by **ROLL CALL 9 In Favor 0 Opposed to Grant a Special Permit to Pier One Nominee Trust, Patricia Turner, Trustee, to allow the applicant to reconstruct a house upon land bordering on coastal waters at 21 Rocky Neck Avenue, Gloucester, shown on Assessor's Map 130 – Lot 9, Zoning Classification R-10 pursuant to Section 5.5. Lowlands of the Gloucester Zoning Ordinance with the following Conditions:**

1. That buildings on this property not exceed the height restrictions that are outlined in the Gloucester Zoning Ordinances;
2. That the Inspector of buildings be consulted regarding the shed, its side yard set backs so that the Inspector can make a determination as to whether or not the repairs to the roof of the shed are a repair or reconstruction.
3. That the ConCom Order of Conditions becomes incorporated into these conditions.

6. PH 2009 - Loan Order - \$3,000,000 Improvements to George P. Riley Wastewater Treatment Plant.

The Public Hearing is Opened

Speaking in Favor.

Mr. Duggan stated this is Phase 1 of a Phase 2 and the project is about to go out for bid. The completion date is expected to be in March of 2011, with Phase 2 completion in 2013. The project is a \$20,000,000 project.

Speaking in Opposition. No one spoke.

Communications. No communications.

Questions.

Councilor Romeo asked if these costs will be included on the sewer bill. **Mr. Duggan** responded that they will.

Mr. Towne spoke to restructuring the debt at a rate of 3.3%, short term until December of 2010. Further, there is approximately \$33 million outstanding at the current time. The City is trying to put as much additional money as it can into state authorized bonds, taking advantage of the state's bond rating. He expects to hear from Moody's and S and P tomorrow on an update.

Councilor Curcuru asked what the \$3 million is being used for, and **Mr. Duggan** responded that there is a Consent Order, and the DEP is requiring plant improvements. The \$3 million will be used for plant maintenance and improvements on the existing plant.

The Public Hearing is Closed**Committee Report:**

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino, the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend the City Council ORDER that up to \$3,000,000 be appropriated for the purpose of making improvements to the City's George P. Riley Wastewater Treatment Plant including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow up to \$3,000,000 and to issue bonds or notes thereof under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws or any other enabling authority; that such bonds or notes shall be general obligations of the city unless the Treasurer, with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust ("Trust") established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental protection to expend all funds available for the project and to take any other action necessary to carry out the project.

Discussion.

Councilor Grow stated that the DEP has ruled that improvements need to be made and all improvements to the facility will be compliant and compatible improvements. The plant needs to be kept operational and functional, he stated.

It is requested that the Administration have the Capital Advisory Board on an active report basis. There are many projects that need to be done, and they should be put into priority. This is the first of many steps to improve our systems.

Councilor Ciolino stated that the City is now operating under a waiver; it will always be our primary plant; and, it needs to be kept running well. This is money well spent and a good investment in the City's infrastructure.

Councilor Hardy stated this money is being spent wisely and it is pay now or pay later.

Councilor Tobey stated that the Capital Improvement Advisory Board must be engaged because it is the law under the City Charter. Further, it is mandatory that the City Council shall receive a report; however, the Council did not get reports in 2008 or, yet in 2009.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 9 IN FAVOR 0 OPPOSED to ORDER that up to \$3,000,000 be appropriated for the purpose of making improvements to the City's George P. Riley Wastewater Treatment Plant including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow up to \$3,000,000 and to issue bonds or notes thereof under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws or any other enabling authority; that such bonds or notes shall be general obligations of the city unless the Treasurer, with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust ("Trust") established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental protection to expend all funds available for the project and to take any other action necessary to carry out the project.

7. PH 2009 – 35 – AMENDMENT GCO, Chapter 20, Section 20-2(d) re Shellfish Management Plan for Jones River

The Public Hearing is Opened.

Speaking in Favor.

David Sargent, Shellfish Constable, stated that in this area, clams may only be harvested on Wednesday and Saturdays. This amendment, he stated would add an additional day to relieve pressure on other areas.

Speaking in Opposition. No one spoke

Communications. None

Questions. None

The Public Hearing is Closed

MOTION: On MOTION of Councilor Romeo-Theken, seconded by Councilor Ciolino, the Ordinance and Administration Committee voted UNANIMOUSLY to recommend the City Council approve the AMENDMENT to the GCO, Chapter 20, Section 20-2(d), Shellfish Management Plan, Jones River (shellfish growing area N9-8) by ADDING: Mondays to the days of the week when shellfishing is allowed.

MOTION: On MOTION of Councilor Foote, seconded by Councilor Romeo-Theken, the City Council VOTED UNANIMOUSLY to approve the AMENDMENT to the GCO, Chapter 20, Section 20-2(d), Shellfish Management Plan, Jones River shellfish growing area N 9-8, by ADDING: Mondays to the days of the week the week when shellfishing is allowed.

8. PH 2009-36 - By adding Article V West Gloucester Firing Range, Section 21-87. The Public Hearing is Opened.

Speaking in Favor. No one spoke

Speaking in Opposition. No one spoke

Communications. None

Questions.

The Public Hearing is Closed

>MOTION: On motion of Councilor Foote, seconded by Councilor Romeo-Theken, the Ordinance and Administration Committee voted UNANIMOUSLY to recommend the City Council AMEND the Code of Ordinances by adding, Article V. West Gloucester Firing Range, Section 21-87 as follows:

Section 21-87 - West Gloucester Firing Range

1. This article shall govern the use and maintenance of the West Gloucester Firing Range located at the terminus of Forest Lane in West Gloucester (“the Range”). The implementation of this article shall be under the control of the Director of the Department of Public Works.
2. Use of the Range shall be limited to firearms training for active and retired members of the Gloucester Police Department (GPD) and any unit of the armed forces, which is permanently stationed in the city as required by Mass. General Laws c. 33 sec. 121.
3. The range shall be open for such training for not more than fifteen days each year, all of which shall be held in the month of March and all of which are subject to the notice provisions set forth herein. The hours of operation shall be limited to 9 a.m. to 5 p.m., except that one of the fifteen days may be used for evening firearms called “low light” training, to be conducted between the hours of 5 p.m. and 10 p.m. All training days shall be scheduled only after reasonable pre-scheduling approval by the DPW Director after consultation with the GPD.
4. No shooting is permitted on Saturday or Sunday or Massachusetts recognized holidays.
5. Not less than seven days prior to each scheduled shooting, the GPD shall provide notice, including identification of the specific date for the evening shoot, if applicable, in the following manner: (1) written notice to the Mayor, the councilor for the ward wherein the range is located and such other city officials may be designated by the DPW Director, (2) a posting on the GPD’s official web page and (3) email notification to any citizen of Gloucester

who elects to receive such notice in accordance with procedures to be prescribed by the DPW Director.

6. The Range shall at all times be secured by fencing, with a locked gate, adequate to deter illegal use of the Range, as determined by the DPW Director. The entrance and both sides of the Range shall be posted with signage, the exact size and location of which shall be determined by the DPW Director, indicating that the range is for use by the GPD only and that trespassers are subject to arrest.
7. The entrance and both sides of the Range shall be posted with the following signs:

POLICE FIRING RANGE
KEEP OUT
TRESPASSING BEYOND THIS POINT
TRESPASSERS SUBJECT TO ARREST IN ACCORDANCE WITH CITY OF GLOUCESTER
CODE OF ORDINANCES SECTION 14-6.

8. The DPW shall be responsible for maintenance of the Range and shall implement a maintenance plan the same or substantially similar to the "Environmental Stewardship Plan for Management of Lead Shot/Bullets," as suggested by the United States Environmental Protection Agency. The Range shall be maintained in accordance with the foregoing at least once every two years.
9. There shall be no use of the firing range, unless, until and for so long as the above-described conditions are in place and maintained.

Discussion.

Councilor George does not feel this is a good place for a Firing Range and would like to see it banned completely.

Councilor Devlin stated there have been many meetings, with stipulations that the area has to be cleaned every two years with lead being removed. The neighbors are satisfied and the administration is satisfied, he commented. Further, it took a long time to get to this point and the neighbors hired an attorney. He will support as proposed.

Councilor Romeo-Theken stated that everything has been reviewed, the neighbors are satisfied, and the Ordinance is a long time coming.

Councilor Ciolino stated that he will support this Ordinance as the neighbors concerns would go into the next Council, and they would have to start the process over. He is happy they are in agreement.

Councilor Foote stated the neighbors are not in agreement and want the site studied. He also spoke to the firing range at the Police Station, and if money is going to be spent, spend it at the Police Department..

Councilor Grow commented that we have to make sure the police officers are properly trained. He stated that the area became a shooting range for others, which resulted in the neighborhood situation. Further, he is satisfied that the neighbors are relatively content, but cautioned that one has to keep an eye on the situation.

Councilor Devlin stated that this cannot be a long-term solution and that a new site needs to be found. Further the audit recommended the police have an outdoor range.

Councilor Hardy stated she will support, and that the audit stipulates that the City must maintain training for police officers.

MOTION: On motion of Councilor Tobey, seconded by Councilor Romeo-Theken, the City Council voted by ROLL CALL 7 In Favor (Tobey, Romeo-Theken, Hardy, Grow, Ciolino, Curcuru and Devlin) 2 Opposed (George and Foote) to AMEND the Gloucester Code of Ordinances, by ADDING: Article V West Gloucester Firing Range, Section 21 – 87 as follows:

Section 21-87 - West Gloucester Firing Range

1. This article shall govern the use and maintenance of the West Gloucester Firing Range located at the terminus of Forest Lane in West Gloucester (“the Range”). The implementation of this article shall be under the control of the Director of the Department of Public Works.
2. Use of the Range shall be limited to firearms training for active and retired members of the Gloucester Police Department (GPD) and any unit of the armed forces, which is permanently stationed in the city as required by Mass. General Laws c. 33 sec. 121.
3. The range shall be open for such training for not more than fifteen days each year, all of which shall be held in the month of March and all of which are subject to the notice provisions set forth herein. The hours of operation shall be limited to 9 a.m. to 5 p.m., except that one of the fifteen days may be used for evening firearms called “low light” training, to be conducted between the hours of 5 p.m. and 10 p.m. All training days shall be scheduled only after reasonable pre-scheduling approval by the DPW Director after consultation with the GPD.
4. No shooting is permitted on Saturday or Sunday or Massachusetts recognized holidays.
5. Not less than seven days prior to each scheduled shooting, the GPD shall provide notice, including identification of the specific date for the evening shoot, if applicable, in the following manner: (1) written notice to the Mayor, the councilor for the ward wherein the range is located and such other city officials may be designated by the DPW Director, (2) a posting on the GPD’s official web page and (3) email notification to any citizen of Gloucester who elects to receive such notice in accordance with procedures to be prescribed by the DPW Director.
6. The Range shall at all times be secured by fencing, with a locked gate, adequate to deter illegal use of the Range, as determined by the DPW Director. The entrance and both sides of the Range shall be posted with signage, the exact size and location of which shall be determined by the DPW Director, indicating that the range is for use by the GPD only and that trespassers are subject to arrest.
7. The entrance and both sides of the Range shall be posted with the following signs:

**POLICE FIRING RANGE
KEEP OUT
TRESPASSING BEYOND THIS POINT**

**TRESPASSERS SUBJECT TO ARREST IN ACCORDNACE WITH CITY OF
GLOUCESTER CODE OF ORDINANCES SECTION 14-6.**

8. The DPW shall be responsible for maintenance of the Range and shall implement a maintenance plan the same or substantially similar to the “Environmental Stewardship Plan for Management of Lead Shot/Bullets,” as suggested by the United States Environmental Protection Agency. The Range shall be maintained in accordance with the foregoing at least once every two years.
9. There shall be no use of the firing range, unless, until and for so long as the above-described conditions are in place and maintained.

COMMITTEE REPORTS

1. **Ordinance and Administration – August 31, 2009**
Municipal Resources, Inc. Re: Police and Fire Department Audits.
For Presentation before the full City Council on September 22, 2009
2. **Planning and Development – September 2, 2009**
Complete

Councilor Devlin left the meeting.

3. **Budget and Finance – September 3, 2009**

MOTION: On motion of Councilor Grow, seconded by Councilor Hardy , the Budget and Finance Committee voted 3 IN FAVOR 0 OPPOSED to recommend the City Council approve the Special Budgetary Request – Supplemental Appropriation in the amount of \$40,000:

From: Highway Force Account 294015.10.442.59600.0000.00.000.00.000

To: Highway Paving Account 101000.10.422.52490.0000,00.000.00.052

MOTION: On motion of Councilor Grow, seconded by Councilor Hardy , the City Council Voted **BY ROLL CALL 8 IN FAVOR 0 OPPOSED (1 Absent – Devlin)** to approve the Special Budgetary Request – Supplemental Appropriation in the amount of \$40,000:

From: Highway Force Account 294015.10.442.59600.0000.00.000.00.000

To: Highway Paving Account 101000.10.422.52490.0000,00.000.00.052

MOTION: On motion of Councilor Grow, seconded by Councilor Hardy, the Budget and Finance Committee voted 3 IN FAVOR 0 OPPOSED to recommend the City Council approve the renewal of the lease for the Isabel Babson Memorial for a term to end on June 30, 2014.

MOTION: On motion of Councilor Grow, seconded by Councilor Hardy, the City Council Voted 8 IN FAVOR 0 OPPOSED (1 Absent – Devlin) to approve the renewal of the lease for the Isabel Babson Memorial for a term to end on June 30, 2014.

MOTION: On motion of Councilor Grow, seconded by Councilor Curcuro, the Budget and Finance Committee voted 3 IN FAVOR 0 OPPOSED to recommend the City Council approve payment to CATOC in the amount of \$1,900.00 for transportation services rendered on Saturday, July 4, through Tuesday, July 7, 2009 for SailGloucester.

MOTION: On motion of Councilor Grow, seconded by Councilor Curcuro, the City Council Voted 8 IN FAVOR 0 OPPOSED (1 Absent – Devlin) to approve payment to CATOC in the amount of \$1,900.00 for transportation services rendered on Saturday, July 4, through Tuesday, July 7, 2009 for SailGloucester.

Councilor Hardy recommended speaking with the Auditor regarding CATA having a standing purchase order given they are used in various capacities within the City.

Councilor Grow spoke to discussion on the proposed Enterprise Account for Recycling. A Committee will be formed with report the City Council in the future.

COUNCILOR REQUESTS OTHER THAN TO THE MAYOR

Footnote: Good Night Senior Citizens

Ciolino stated the City has been through some tough times and thanks residents for working together with the City.

Councilor Hardy congratulated **Councilor Devlin**; however, he will be missed. She noted he will be fulfilling his term of office.

Councilor Romeo-Theken thanked the people behind the scenes – staff of the DPW, Board of Health, Senior Center, residents and shop owners during the boil water order. She commended Lucy Sheehan for her ongoing efforts and hard work at the Senior Center.

ADJOURNMENT

MOTION: It was moved, seconded and voted UNANIMOUSLY to adjourn the City Council Meeting at 10:50 p.m.

**Respectfully Submitted,
Anne Marchand, Substitute Recorder**