

GLOUCESTER CITY COUNCIL MEETING

TUESDAY, October 20, 2009

7:00 P.M.

Kyrouz Auditorium – City Hall

Council Meeting 2009-026

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

Absent: Councilor Sharon George

Also Present: Mayor Carolyn Kirk, James Duggan,

Amy-Beth Healey, Greg Verga, Nancy Harrison, Michelle Sweet, Val Gilman,

Melissa Teixeira-School Committee members, Superintendent of Schools

Christopher Farmer, Dr. Richard Sagall

Flag Salute and Moment of Silence

City Council Meeting 2009-026 was called to order at 7:00 p.m.

Council President Tobey made the following comments/announcements:

Councilor Tobey welcomed the new Clerk of Committees, Dana Jorgensson.

He further clarified the agenda this evening stating there are two presentations, **Dr. Sagall** on the discount prescription card. and then **Mayor Kirk**.

He noted that there are six public hearings this evening. The main event this evening is the hearing on the North Shore Regional Vocational matter. We will hear this first if there are no objections (of which there were none). He suggested strongly up front that this is a hearing that will lead to **no action** this evening from this Council. Ms. Healey will speak for the School Committee perspective and the Council’s Budget and Finance Committee has a process in place needs to complete their review as well. This is a first-round hearing on the matter, and it will be continued until the next regular Council meeting on November 17, 2009 after all Committees complete their due diligence. And the last public hearing this evening, the rezoning of 447 Western Avenue is not ready for completion and will be opened and continued to the November 17, 2009 meeting.

ORAL COMMUNICATIONS: None

COUNCILOR REQUESTS TO THE MAYOR: Received in writing and forwarded.

Councilor Tobey recognized **Councilor Foote** regarding an emergency order for a handicapped parking space at 38 Green Street.

Councilor Foote stated that the matter of handicapped parking needs at 38 Green Street was taken up by the Traffic Commission before O&A and the resident there is in need of

handicapped parking. Accordingly, Councilor Foote, as in accordance with Section 2-11(b) of the Gloucester City Charter, declared an emergency measure to exist at 38 Green Street; and that for the public health and safety of the resident that a handicapped sign immediately be placed at said location. He wished to move this as an emergency request.

Motion: On motion of Councilor Foote, seconded by Councilor Ciolino, the City Council voted 7 in favor and 1 opposed (Grow) to the emergency preamble that one handicapped parking space be made in front of 38 Green Street be declared an emergency due to public safety needs of the person residing there to be able to travel freely as health need require.

Motion: On motion of Councilor Foote, Seconded by Councilor Romeo-Theken, the City Council voted 8 in favor and 0 opposed to the emergency order that a handicapped parking space be made in front of 38 Green Street be declared an emergency due to public safety needs of the person residing there to be able to travel freely as health needs require.

Discussion:

Councilor Romeo-Theken stated she thought this was to be able to move the matter along to have a public hearing on November 17th.

Councilor Tobey stated he believes that this is a way to bring this matter to get it [a sign] up in the interim and then we would have the public hearing to determine whether it was going to remain permanent on the 17th.

Councilor Romeo-Theken stated that she understood that now a sign would be posted and a handicapped space would be made but then they would run the risk that it may not be made permanent at the public hearing and then the sign would come down. Isn't that unfair?

Councilor Foote replied that he believes that is a chance they are willing to take.

Councilor Romeo-Theken asked how long this person has been waiting for this handicapped parking space to be made.

Councilor Foote remarked they have been waiting two months and some of this got left behind and got the Traffic Commission's OK.

Councilor Romeo-Theken asked if this would be put in writing by the Traffic Commission.

Councilor Foote responded that yes, it would.

Motion: On motion of Councilor Foote, Seconded by Councilor Romeo-Theken the City Council voted 8 in favor and 0 opposed to the emergency order that one

handicapped parking space be made in front of 38 Green Street be declared an emergency due to public safety needs of the person residing there to be able to travel freely as health needs require.

PRESENTATIONS:

Councilor Tobey welcomed Dr. Sagall and introduced him.

Dr. Richard Sagall – Free Drug Discount Card. He runs a non-profit in Gloucester called Needy Med, a national non-profit, a program to provide free and/or discount drugs to those who can't afford them. This is done primarily through their website. The decision to offer this discount card locally was announced in October at the Health Fair. Dr. Sagall showed an example of the card. This discount card is free to anyone. It is accepted at 54,000 pharmacies throughout the United States including all over Cape Ann. It can cover 0-75% on prescription drugs. Dr. Sagall gave the details of how it may be used and the useful discounts available on all sorts of drugs. Not only was this card able to be used by families, seniors, etc., but it may be used for pet medications as well in pharmacies. Needy Meds have set up a Gloucester Fund Card whereby 25 cents goes into a special fund managed by the Gloucester Fund from each transaction going towards health-related initiatives within the City. Since the card was started here in November, it has been presented over one hundred times with excellent savings to the users. Savings have ranged from several dollars to over \$100. The percentage range was 0-91% discount per transaction. This has just begun and is continuing to grow. Anyone can use the card. It is good for those who don't have insurance; or those who have insurance, but the drug is not completely covered; if you have a high deductible, or those on Medicare and are in the "donut hole and have no chance of getting out those on Medicare, etc. Dr. Sagall gave a packet of information to the Councilors. He noted that there is no up-front expense to the City or the Gloucester Fund and his organization has funded the printing on this card for the first 1,000 cards. Hopefully they will need more as time goes on and it catches on.

Councilor Romeo-Theken explained the Donut Hole concept is for people on certain types of Medicare. It only covers up to \$2,300, not what you pay out-of-pocket but what the prescription actually costs your pharmaceutical or your prescription plan. After that number you are stuck. That's called the Donut Hole. After that you have to pay 100% of the cost out-of-pocket. After \$3,100 the drug companies kick in. More and more prescription drug coverage plans like it when you reach the Donut Hole because then they can give you the non-generic drugs. This doesn't replenish until the new year. Seniors can make very good use of this especially with regards to the co-pays.

Councilor Grow thanked Dr. Sagall and asked how someone would get this card.

Dr. Sagall said to send a self-addressed stamped envelope with return address to Needy Meds, P.O. Box 219, Gloucester, MA 01930. The card is good anywhere in the country.

Councilor Grow asked how does one utilize this card.

Dr. Sagall said you simply give it to the pharmacist who can run it though immediately for a good savings on your prescription.

Councilor Grow also asked if this works on medicines not covered by one's insurance if they have it.

Dr. Sagall responded yes that whenever you get a prescription filled, unless you know the drug is \$10, \$20, then by all means give the card to the pharmacist.

Councilor Romeo-Theken explained more in depth what the card would cover. She advised everyone to use this card. She noted over the years that she has given out 900 such cards. She reiterated that it doesn't matter whether you have insurance or not. She highly recommended it. She especially urged her seniors to use this card

Councilor Ciolino stated that this morning he heard Dr. Sagall present the information about the Needy Med card at the Rose Baker Senior Center and said that at that meeting 1,000 cards were ordered. This card could even be mailed to family members to utilize in other parts of the country, in these tough times, who might not have insurance at this time. It is a good program especially for those down and out.

Dr. Sagall noted that the card is available at the Sawyer Free Public Library, the Rose Baker Senior Center, the Department of Public Health, the North Shore Health Project, at the Addison Gilbert Hospital, or send a letter to Needy Meds as noted earlier.

Councilor Foote asked does this pertain to diabetic medicines.

Dr. Sagall said there is a potential for discounts on diabetic supplies which may vary along with the drugs covered drug store to drug store. Even if it's an over-the-counter medicine or supplies, have the doctor write it on a prescription pad and the pharmacy will apply the discount when both the 'prescription' and the card is presented. That would apply to any non-prescription over-the-counter drug that the doctor recommends to you.

Councilor Romeo-Theken pointed out this is a good thing to send to college students.

Dr. Sagall agreed and stated that this age group with one of the highest uninsured rates, the group that is just graduated from school, folks in their 20's and 30's, and this card would be most useful to them.

Councilor Tobey congratulated Dr. Sagall on the successful launch of the card and thanked him for the presentation and asked him to come back to the Council in about a six months time or so to update them on their progress.

Councilor Tobey introduced Mayor Kirk.

Mayor Kirk noting the presence of the Fire Chief Dench, members of the negotiating team from the Firefighters Local 762, Deputy Chief Aiello, Captain Tom LoGrande, Captain Matt LoGrande, proudly announced that a settlement had been reached with Firefighters Local 762 who ratified their new contract last night. She had received word this morning and will have the paperwork available to the Council as soon she receives it. The Mayor and the firefighters wanted to let this Council know as soon as possible.

This is a three year agreement of no wage increases; no retroactive wage adjustments until June 30, 2010. The second piece is the minimum manning clause which is subject to funding to manning of 18 firefighters presently. It is now brought down to 14, subject to funding. Part of this is a migration towards proper manning for pieces of equipment known as per piece manning. We are comfortable in the current appropriation we can cover the minimum manning clause at 14. If maintained, there is an average of 15 to 17 firefighters per shift reporting for duty per shift at current attendance rates. We can achieve the 14 minimum. If attendance starts to fall and we need to backfill, then the Administration will need to come to the Council to ask for a revision. Because we took a three year average, we believe we can maintain it.

On the subject of firefighter paramedics, she noted that due to the growing number of calls, the City was able to negotiate an agreement of 'firefighter/paramedic, firefire/paramedic, be moved to paramedic/paramedic, paramedic/paramedic. All new hires will have to be State Certified EMT-Paramedics within the constraints of the Civil Service list with regards to hiring from a laid off personnel. We are moving in that direction. And the firefighter local has agreed to a regional 911. The union does not oppose the concept of regional/consolidated dispatch; however, they agree that any impacts of said implementation will be subject to collective bargaining. We are very pleased to have come to this. It has been a rocky road, but in a spirit of good will and shared sacrifice and acknowledgement under difficult conditions faced by the City, we came to this agreement.

Councilor Hardy stated that with the minimum manning being reduced to 14 per shift the people of Ward 4 is interested in Bay View station being open.

Mayor Kirk stated the contract is favoring the per piece manning. So 16 on-duty fire fighters opens the Bay View fire station.

Councilor Grow congratulated the Mayor on the signing of the contract asked is the minimum manning in the contract itself exchanging one minimum shift number for the other. And what would it take to have Magnolia be re-opened.

Mayor Kirk says it comes down to a safety protocol. It is below the 14. You might have 3 to 4 per piece. It is distributed differently inside that plan. The Magnolia station would require an additional two firefighters. That would be 18 staff with no absences. But we're turning the corner. We're able to grow back some of the service. We're staffed at 17 across each of the shifts, each shift.

Councilor Foote noted that it shows us again that we're all working together and that we have good people up here who listen; and it is nice to see that we've come together.

Councilor Tobey congratulated the Mayor noting this is a grueling process. Both sides have done what they have had to do, and he and the Council look forward to seeing the document.

CONSENT AGENDA:

ACTION

• ***MAYOR'S REPORT***

1. Memo from Fire Chief re: Request to pay an invoice from FY2009 w. FY2010 funds (Refer B&F)
2. Memo from Com. Dev. Dir. re: Acceptance of donation from Gloucester Rotary Club (Refer B&F)
3. Appointments to Open Space Committee:
 - a. Daniel Morris TTE 02/14/2012 (Refer O&A)
 - b. Noel Mann TTE 02/14/2012 (Refer O&A)
 - c. Charles Crowley TTE 02/14/2011 (Refer O&A)
 - d. Susan Hedman TTE 02/14/2011 (Refer O&A)
4. Memo from Com. Dev. Dir. re: Energy Efficiency and Conservation Block Grants (Info Only)
5. Quarterly Report from the Assessor's Office (Info Only)

• ***ADDENDUM TO MAYOR'S REPORT***

1. Memo from Assessor Nancy Papows re: Tax Classification (Refer B&F)

• ***APPROVAL OF MINUTES***

1. City Council Meeting 10/06/2009 (Approve/File)

• ***APPLICATIONS/PETITIONS***

1. Petition of Residents re: 85-89 Bass Avenue (Refer P&D)
2. PP2009-009: Pole Petition re: #10 Parker Street (Refer P&D)

• ***COMMUNICATIONS***

1. COM2009-35: Letter from American Legion (Refer B&F)

• ***ORDERS***

1. 2009-045 (Foote) Amend GCO Sec. 22-287 by deleting one handicapped (Hearing to be Scheduled)
space 300 Main Street

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA: None

The Consent Agenda was accepted on unanimous consent.

FOR COUNCIL VOTE:

1. FCV2009-11 Motion to Accept Clean Energy Choice Community Matching Grant re: Big-Belly Trash Compactors

MOTION: On motion of Councilor Grow, seconded by Councilor Hardy, the City Council voted 8 in favor 0 opposed to accept the Clean Energy Choice Community Matching Grant in the amount of \$32,652.16 for the purchase of Big-Belly Trash Compactors (8) systems from Mass Technology under the Clean Energy Choice Award.

Discussion:

Councilor Romeo-Theken asked for a definition of the matching grant.

Councilor Grow responded that there is no actual matching grant. It is the name of the grant under "Green Up" program. It is not actually a match from the city. The money comes from voluntary contributions when you pay your electric bill you can opt into a program which is put into a fund and is put back into the community so that the cities can buy items that can help with green conservation.

2. Decision to Adopt: SCP2009-006: 16 Kondelin Road, Section 5.13 Personal Wireless Service Facility

MOTION: On Motion of Councilor Hardy , seconded by Councilor Ciolino, seconded by Councilor Ciolino the City Council adopted by roll call vote 8 In Favor 0 opposed to Adopt the City Council decision on the Special Permit Application 2009-006 16 Kondelin Road under Section 5.13 Personal Wireless Service Facility of the Gloucester Zoning Ordinance.

3. Decision to Adopt: SCP2009-007: 30 Blackburn Drive, Bldg. 4, Section 5.13 Personal Wireless Facility

MOTION: On Motion of Councilor Hardy , seconded by Councilor Devlin, the City Council voted by Roll Call 8 In Favor 0 Opposed to Adopt the decision on Special Permit Application 2009-007 30 Blackburn Drive, Bldg. 4, under Section 5.13 Personal Wireless Facility of the Gloucester Zoning Ordinance.

4. Decision to Adopt: SPC 2009-008: 1 Main Street, Section 5.13 Personal Wireless Service Facility

MOTION: On Motion of Councilor Hardy, seconded by Councilor Devlin, the City Council voted by Roll Call 8 In Favor 0 Opposed to adopt the decision on the Special Permit Application 2009-008 1 Main Street, under Section 5.13 Personal Wireless Service Facility of the Gloucester Zoning Ordinance.

SCHEDULED PUBLIC HEARINGS:

1. PH2009-040: Regionalization of North Shore Regional Vocational School District

The Public Hearing is now open.

Councilor Tobey stated that there would a presentation from School Committee Vice Chairman Amy Beth Healey and then Councilor Grow as Chair of the B&F Committee to comment.

Ms. Healey thanked the Council for opportunity to speak. School Committee Chairman Verga asked she do the update on the steps the School Committee is taking to establish a recommendation to the City Council

Last Friday, October 15th, many committee members, along with Councilor Hardy and the School Department's CFO visited North Shore Technical High School in Middleton. They were able to see all departments, including having lunch prepared and swerved by the culinary department.

The school has offered an additional tour for committee members and Councilors on Thursday, October 22nd from 10 a.m. to 1:00 p.m. Those interested should coordinate with Assistant Superintendent Brian Tarr.

Tomorrow, October 21st, the School Committee and City Councilors have been invited to tour the Gloucester Vocational Education Department at 12:15 p.m. Again, please coordinate with Mr. Tarr if you plan to attend. Those attending will be able to see the electrical, auto and machine shops in action. The carpentry shop will be “in the field” working on the house project in Magnolia. We can stop by the job site too after the tour. Also, tomorrow, the Budget & Finance Committee of the School Committee will be discussing the input from tonight’s public hearing. The meeting is at 4:00 p.m. at the main office.

Finally, as a full committee, the School Committee will discuss the options on vocational education at its meeting on October 28th, in order to make a recommendation to the City Council. As it stands, that recommendation is planned to go to the City Council Budget & Finance Sub-Committee which meets the following day.

Councilor Tobey noted that the entire School Committee is in attendance this evening.

Councilor Grow stated that once this recommendation gets to the Budget & Finance Committee, it will be taken up. If there is additional information needed, they will request it from the School Department and the Superintendent. We do not expect there will be a decision that night but will bring it back to the City Council as soon as they have one.

Speaking in favor:

Amelia O’Malley Superintendent North Shore Regional Vocational School District, a resident of Newburyport, addressed the Council with a prepared statement making many points from her perspective as an educator who deals with students from Gloucester, and as an advocate of these Gloucester students and those in the future. She noted vocational students enrich their communities. She pointed out the economic pluses for joining such a regional situation. She felt that GHS cannot match the 23 career offerings at the new school nor should they have to. That is what a regional vocational school is for. She pointed out the advantages of the qualifications of their graduates. She noted that their students all graduate with a high quality education. She noted that her Gloucester students have been some of her best students. She said this is a wonderful community and would be sorry to see the participation of the community end.

Ellen Johnson, 21 Fernwood Lake Avenue. She noted she is an educator at North Shore Tech and spoke favorably and asked the Councilors to look at the program in a positive light.

Elizabeth Burnham, 5 Sylvan Street, student at North Shore Technical High School, Class President and a Gloucester resident.

David Anderson, 16 Middle Street spoke on the costs associated with the new school and expansion of the GHS facilities for vocational education and felt regionalization was appropriate and a very good opportunity for our community.

Jessica Adams, graduate of North Shore Technical High School and Gloucester resident.

Eileen Burnham, 5 Sylvan Street, former North Shore Technical High School graduate. She spoke of her experiences and that of her family.

Joe Parisi, 74 Wheeler Street. 30 year veteran of vocational education urging that both programs should be kept, that of the GHS program and to support the new regional school.

Roger Armstrong, 4 Wonson Street. North Shore Technical High School sub-committee, and employed many years in the machine tool industry.

Cynthia Carney, 72 Eastern Avenue. She spoke of her daughter in a specialized program for veterinary medicine and a younger son hoping to go into environmental sciences.

Angela Marino, 26 Hart Street.

Bob Hastings, 196 Main Street, Executive Director of the Board of the Chamber of Commerce urged support on behalf of their members of the business community.

Bill Johnson, 26 Fort Square spoke to many different points about a new regional school and also the GHS programs.

Robert Spanks Jr. 4 St. Peter's Lane spoke on a variety of points regarding both the regionalization and the GHS program.

Lisa Carter, 3 Merry Lane.

Robert Parsons, Sr., 163 Essex Avenue. He asked that we look beyond the current financial crisis and look to the future.

Brian Crowley, 4 Mt. Vernon Street. Graduate of North Shore Technical High School 1999, veteran U.S. Coast Guard.

Bob Ryan, 3 Blake Court.

Ed Collard, 4 Linwood Avenue.

Speaking in opposition:

Steven Aiello, 22 Linden Road noted that the City has too many issues, financially and of an infrastructural nature to support the proposition of a new vocational school and noted the education he received at Gloucester High School was a very fine one.

Tom Farina, 4 Riggs Point Road, 1966 Gloucester High School Vocational graduate and urged the City Council to spend their dollars on the Gloucester Schools.

Mayor Kirk thanked the Council for having this hearing on a difficult discussion for our community. She asked those in attendance to look to a thought process for re-imagining vocational educational in Gloucester. Imagine a unique competitive vocational program at Gloucester High School that is unique to Gloucester, aligned with the jobs and investment that the City can pursue. She referred to Gloucester 2020 the beginnings of a plan on the jobs and investments to be made coming into the City by 2020, and right now some of those clusters on maritime economy, visitor-based economy and others such as health care already in the community. Imagine a program that trains our students to work professions locally such as marine safety, mechanical or electrical engineering, boat building, ocean exploration and the

building of those tools. Think of building up from a culinary program into the visitor-based economy that feeds into entrepreneurialism. We have a once-in-a-generation decision before us in the City. How do we seize upon this moment to support these sorts of things, to live and work in our community?

Mayor Kirk laid out a tentative business plan for the School Department and the School Committee to pursue. She urged the delay of the decision by the School Committee and City Council to join the Regional School District so that the City can make this decision in their time frame. Starting with the FY2011 budget next spring all of the expenses for the North Shore Tech School should be transferred to the School Committee and corresponding revenue should also be transferred which would give them control over the funds, also. And this is where it becomes an "either or" proposition. Any increases to the North Shore Vocational School over time then become the responsibility of the School Committee. This is where the hard choices come in such as looking at a reduction of the high school program or raising sports fees or doing the other things the School Committee has had to do because the expenses have outpaced the revenue.

It is very clear that over the next couple of years the City alone will not be able to absorb the increased expenses associated with the Vocational School. Also, next spring she urged an aggressive marketing and even recruitment of our 8th graders to our own programs. Maybe we need to suspend the direct marketing of our 8th graders to the regional vocational schools. She referred to savings that could be had from sending fewer students to the regional programs and keeping students locally. If we were to graduate 15 students out of 12th grade this year and only enroll 5, 6 or 7 students [in the vocational schools], that savings could reach as much as \$170,000. The School Committee could then invest in the GHS program in order to expand that program which can make it competitive and set us up for the future. This is part of the self-funding mechanism that the Superintendent [of Schools, Christopher Farmer] spoke about. And, of course, no student would be denied the opportunity. Every child has the right to attend the North Shore Vocational School education if this is what he or she wants or needs or wants. She is asking the School Committee and City Council for a fact-based plan that demonstrates how we could do both or not join the program and expand the local program.

Some will say that we are depriving our children. The Mayor pointed out that next year's 9th graders will be the first class to enter GHS with no professional instruction in library skills. That has how long that has been. We won't even talk about the loss of Middle School languages and other losses to our schools. These are not easy choices. But the choice brings us a chance to think and act boldly. Can we compete with 23 programs? Absolutely not, but can we have 6 or 8 programs that are unique to Gloucester and keep our kids in Gloucester? We can give them the skills and the training they need to succeed and stay in our community. She stated she believes that we can do this. She urged that we tap into our community which has had a history of doing great things.

She asked the School Committee and the Superintendent to vigorously pursue a business plan to work on this.

Billy Martin 47 Langsford Street, former shop teacher for 23 years at GHS urged that the vocational program at GHS be kept intact and strong.

Councilor Tobey recognized **Councilor Devlin** asking if he had a statement of an extraordinary purpose to bring before the Council this evening.

Councilor Devlin told the City Council he must recuse himself on the issue of the North Shore Regional Vocational School District due to a conflict of interest being an alumni North Shore Technical High School and having a relative who is a teacher at the Gloucester High School vocational program, and therefore will not be commenting or voting on this issue.

Councilor Ciolino inquired of **Councilor Tobey** how many votes were needed to bring the matter before the Council.

Councilor Tobey replied he believed a simple majority was required when the matter comes before the City Council for a vote, that being a vote of 6 members or 5. He asked that the Acting City Clerk look into this matter and ask the General Counsel to provide an opinion in writing as to the statutory vote requirement that would be in order when this matter comes back before this Council.

Councilor Romeo-Theken asked for another clarification on procedure on how many meetings could a Councilor miss and still be able to vote on the matter when it comes before the Council.

Councilor Tobey stated that strictly speaking this was not a matter that required a public meeting on the matter so that a vote can occur. The provisions of the Mullins Act which governs Zoning issues, for example, wouldn't necessarily apply here but then the minutes will be available in full audio and video should Councilors miss any meetings prior to the matter coming to this Council for a vote.

Councilor Tobey recognized **Councilor Grow** and asked him if he had any questions with regards to procedure.

Councilor Grow said not, but that he wished to ask questions of an administrator of the North Shore Regional Technical High School in the audience on the Regional School District issue. Since it would be unlikely she would not be at subsequent meetings, he asked for permission to pose questions to her at this time.

Councilor Tobey responded that was reluctant to open this up to Council questions until all have spoken in accordance with the rules of procedure.

Councilor Hardy stated a CD-Rom disk was available at www.nsths.mec.edu which is a tour of the North Shore Vocational Technical School campus.

Councilor Tobey stated that he would ask that the Council refrain from questions at this time and noted he received a communication from Mr. Marquis, Town Manager of Danvers, MA and Principal Bourgeois of the North Shore Vocational Technical High School who could not be in attendance this evening.

Questions: none

The Public Hearing is continued to November 17, 2009 at 7:00 p.m.

Councilor Tobey called a two minute recess.

Councilor Tobey called the meeting back to order.

2. PH2009-037: Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: 7A Riggs Street

The Public Hearing is now opened.

Speaking in favor:

Bob Ryan, 3 Blake Court, Chairman of the Traffic Commission.

Mr. Ryan stated that the Traffic Commission at their August 27, 2009 the Commission unanimously supported the granting of this request. There is very limited parking. The requestor is in need.

Councilor Tobey asked if there was anyone else who wished to speak in favor of this amendment.

Speaking in opposition: none

Communications:

Questions: none

Councilor Romeo-Theken asked **Councilor Tobey** if they could advise Mr. Ryan at this time of the item on Green Street Emergency Order, since he had not been in attendance at City Council meeting at the time the Emergency Order was taken up.

Councilor Tobey stated they could come back to that issue after the public hearing on this issue as a matter of housekeeping.

The Public Hearing is now closed.

Committee Report:

MOTION: By a vote of 3 in favor 0 opposed it was vote to recommend to the City Council to amend the Code of Ordinances, Section 22-287 GCO entitled "Disabled Veteran, Handicapped Parking: be amended by adding: In front of 7A Riggs Street, one handicapped parking space.

Discussion: none

MOTION: On motion by Councilor Foote, seconded by Councilor Ciolino, the City Council voted 8 in favor 0 opposed to approve the amendment of the Code of Ordinances, Section 22-287 GCO entitled "Disabled Veteran, Handicapped Parking: be amended by adding: In front of 7A Riggs Street, one handicapped parking space.

Councilor Tobey stated that he had been remiss by having not read into the record those communications received by the Council on the matter of PH2009-040 Regionalization of North Shore Regional Vocational School District. He asked that the Clerk copy them and get a copy to all members of the Council and ask that at the renewed public hearing

that he be reminded to read them into the record. At this time he named the citizens who had communicated with him prior to tonight's meeting. They were:

Communications: Received on September 22, 2009 via email from Jane Keddy in favor; October 5, 2009 via email from Thomas MacDonald and on October 20, 2009 via e-mail from Dianne Eason both opposed. Mr. Leonard Linquata of the Gloucester House Restaurant indicating he is in favor.

Councilor Tobey recognized **Councilor Hardy**.

Councilor Hardy stated that along those same lines that a CD-Rom disk was made available at a recent visit of the campus of North Shore Technical High School. She advised that this tour can be viewed at www.nsths.mec.edu. She strongly recommended that the Councilors take a look at this virtual tour before the next City Council meeting for the continuation of the hearing on PH2009-040.

Councilor Tobey then referred to the matter **Councilor Romeo-Theken** had mentioned to earlier, and wanted the Chairman of the Traffic Commission to be aware that the Council this evening as a matter of emergency adopted an ordinance pending the November 17th City Council meeting whereby a handicapped parking space will be allowed at 38 Green Street. The Council was advised that you will be preparing a written report based on a meeting of the Traffic Commission for the next Council meeting that indicates that the Traffic Commission supports that matter and the Public Hearing will occur on the 17th of November.

Mr. Ryan responded that yes, this was the case that on October 1, 2009 that went forward and was unanimously supported.

3. PH2009-038: Amend GCO Sec. 22-280 "Fifteen Minute Parking" re: Washington and Duly Streets intersection

The Public Hearing is now opened.

Speaking in favor:

Mr. Ryan, Chairman of the Traffic Commission noted that in their August 27th meeting the Traffic Commission unanimously supported this amendment. **Councilor Hardy** and I spent some time down on Washington Street. This is simply to accommodate the Lanesville Package Store. They are now open on Sundays and holidays and we just want to change the signage. It is still 15 minute parking but we wanted to add that its 12 p.m. to 6 p.m. Sundays and holidays.

Mr. Ryan asked the **Acting City Clerk, Joanne Senos**, if this was what she had in her records.

Ms. Senos noted that the record indicates it is 2 p.m. to 6 p.m.

Mr. Ryan stated that it was intended to be 12 p.m. to 6 p.m. and is what they passed and what they advertised.

Ms. Senos noted that the record of the O&A Committee indicates it is 2 p.m. to 6 p.m.

Councilor Tobey stated that would be dealt with when the motion comes to a vote.

Mr. Ryan repeated again to clarify that this was to accommodate the business person in Lanesville.

Speaking in opposition: None.

Communications: None.

Questions:

Councilor Grow asked if this was expanding the parking itself, or just expanding the parking duration, and it was noted that related to the parking duration only.

The Public Hearing is now closed.

Committee Report:

MOTION: Voted 3 in favor 0 opposed to recommend to the full City Council to amend the Code of Ordinances, Section 22-280, Fifteen Minute Parking by adding:

Washington Street, northerly side from a point 140 feet from its intersection with Duly Street for a distance of 32 feet in a westerly direction from 8 a.m. to 11 p.m. Monday – Saturday and 2 p.m. to 6 p.m. on Sundays and Holidays.

Councilor Tobey stated that the motion was moved and seconded as read. He then asked what the desire of the Council on this matter was.

Discussion:

Councilor Hardy asked for the minutes of the Traffic Commission's meeting in order to offer a friendly amendment that should read:

"...Duly Street for a distance of 32 feet in a westerly direction from 8 a.m. to 11 p.m. Monday – Saturday and 12 p.m. to 6 p.m. on Sundays and Holidays."

Councilor Tobey asked if the maker of the motion accept that change.

Councilor Foote responded in the affirmative and of the Seconder.

Councilor Tobey asked if there was any discussion on the amendment.

Councilor Devlin stated that if the time is changed, noting that this was **Councilor Hardy's** Ward, why not just make it 8:00 a.m. to 11:00 p.m. seven days a week.

Councilor Hardy responded that she appreciated **Councilor Devlin's** suggestion but that the business has agreed to the hours as stated and that in this part of Lanesville it is a village area like Magnolia and they just wish to offer people the opportunity to park without being ticketed

MOTION: On motion by Councilor Foote, seconded by Councilor Ciolino, the City Council voted 8 in favor 0 opposed to approve the amendment of the Code of Ordinances, Section 22-280, Fifteen Minute Parking by adding:

Washington Street, northerly side from a point 140 feet from its intersection with Duly Street for a distance of 32 feet in a westerly direction from 8 a.m. to 11 p.m. Monday – Saturday and 12 p.m. to 6 p.m. on Sundays and Holidays.

4, PH2009-039: Amend GCO Sec. 22-280 "Fifteen Minute Parking" re: Washington and Tucker Streets

The Public Hearing is now opened.

Speaking in favor:

Mr. Ryan noted the Traffic Commission on August 27, 2009 voted unanimously in favor of this amendment. He clarified the reasons behind the change for signage purposes.

Speaking in opposition: None.

Communications: None.

Questions:

Councilor Hardy asked how Tucker Street comes into this.

Mr. Ryan stated this is from the former order. It is the same distance on the opposite side. This would be a correction.

Councilor Hardy asked if this would place the arrows to correct the direction and not towards the neighbor's driveway.

Mr. Ryan said yes.

The public hearing is now closed.

Committee Report:

MOTION: The O&A Committee voted 3 in favor 0 opposed to recommend to the City Council to amend the Code of Ordinances, Section 22-280, Fifteen Minute Parking by adding:

Washington Street, northerly side from a point 227 feet (Pole 296) from Tucker Street in a westerly direction for a distance of 40 feet between the hours of 6:00 a.m. and 4:00 p.m. in front of 1064 Washington Street, (One sign on Pole 296 with a left pointing arrow and a sign mounted on existing sign pole with a right pointing arrow).

Discussion: None.

Councilor Grow stated that the City would be at a great loss if Mr. Ryan ever gave up the position of Chairman of the Traffic Commission, that he has served this City most ably and thanked him for all that he does. He noted there is no one who knows more about these parking issues than he does and thanked him most wholeheartedly.

Councilor Hardy thanked Mr. Ryan for his assistance and his patience with her at the site and for paying attention to the needs of the business owners and the residents there also. It's not easy to accomplish this. She, too, thanked Mr. Ryan for his efforts.

MOTION: On motion by Councilor Foote, seconded by Councilor Ciolino, the City Council voted 8 in favor 0 opposed to approve the amendment of the Code of Ordinances, Section 22-280, Fifteen Minute Parking by adding:

Washington Street, northerly side from a point 227 feet (Pole 296) from Tucker Street in a westerly direction for a distance of 40 feet between the hours of 6:00 a.m. and 4:00 p.m. in front of 1064 Washington Street, (One sign on Pole 296 with a left pointing arrow and a sign mounted on existing sign pole with a right pointing arrow).

5. PH2009-041: SPC2009-011: 37 Causeway Street, Sec. 5.13 Personal Wireless Facility

The Public Hearing is now open.

Speaking in favor:

Gin Vilante, Agent for MetroPCS and owner Bernard Sova.

Ms. Vilante noted they are intending to install a wireless facility with four panel antennas attached to the façade of the existing penthouse. Their equipment would be installed on the ground level inside the building with an 11 ft. x 17 ft. equipment room. The antennas will be at the height of the penthouse and will not extend beyond that of the height of the penthouse and will be painted to match the brown color as it is now.

Speaking in opposition: None.

Communications: None.

Questions:

This Public Hearing is now closed.

Committee Report:

MOTION: On Motion of Councilor Hardy, seconded by Councilor George motion the Planning & Development Committee approved on a 3-0 vote to recommend to the full City Council the granting of a SCP for a Personal Wireless Service Facility to MetroPCS Massachusetts, LLC (co-applicant) and to Bernard A. Sova (owner/co-applicant) at 37 Causeway Street, Gloucester, as shown on assessors map 234, Lot 48 zoning classification GI, pursuant to Section 5.13 of the Gloucester Zoning Ordinance - With the following Conditions:

1. That a key box be installed at a location approved by the Gloucester Fire Department, and that the Fire Department be given maps and drawings of how to access the facility in an emergency.
2. Conditioned upon the satisfactory compliance with the agreement entered into by Bernard A. Sova as Trustee of the 47 Causeway Street Realty Trust and by Jeffrey Towne, City of Gloucester Treasurer/Collector dated August 17, 2009 pursuant to Gloucester Ordinance Section 2-82 : Copy is in the file.

Discussion:

Councilor Hardy asked for a third condition as with the three previous wireless facilities of which the SCP applicants were aware of, and that is Chapter 5.13.12 which states that prior to the City of Gloucester's issuance of a building permit for the Facility, MetroPCS shall provide the Gloucester Fire Department with a check in the amount of \$5,000 (Five Thousand Dollars). Such check is intended as a contribution toward improving the adequacy of the City of Gloucester to respond to hazardous or emergency events.

MOTION: On Motion of Councilor Hardy, seconded by Councilor Devlin, the City Council voted unanimously 8 in favor 0 opposed to amend the conditions of the Motion of the adoption of SPC2009-006: 16 Kondelin Road, Section 5.13 Personal Wireless Service Facility, creating a third condition in accordance with the Gloucester Zoning Ordinance, Section Chapter 5.13.12 that prior to the City of Gloucester's issuance of a building permit for the Facility, MetroPCS shall provide the Gloucester Fire Department with a check in the amount of \$5,000 (Five Thousand Dollars). Such check is intended as a contribution toward improving the adequacy of the City of Gloucester to respond to hazardous or emergency events.

Discussion:

Councilor Hardy acknowledged that **Mr. Bernard Sova** was present this evening, but was not at the P&D meeting when this matter was presented and wanted to be sure that he was aware of this third condition.

Mr. Sova replied that he was aware of this third condition, and that he understood and agreed to this condition as well.

MOTION: On Motion of Councilor Hardy, seconded by Councilor Ciolino, a roll call 8 in favor 0 opposed was made to adopt a Special Council Permit for a Personal Wireless Service Facility to MetroPCS Massachusetts, LLC (co-applicant) and to Bernard A. Sova (owner/co-applicant) at 37 Causeway Street, Gloucester, as shown on assessors map 234, Lot 48 zoning classification GI, pursuant to Section 5.13 of the Gloucester Zoning Ordinance - With the following Conditions:

1. That a key box be installed at a location approved by the Gloucester Fire Department, and that the Fire Department be given maps and drawings of how to access the facility in an emergency.
2. Conditioned upon the satisfactory compliance with the agreement entered into by

Bernard A. Sova as Trustee of the 47 Causeway Street Realty Trust and by Jeffrey Towne, City of Gloucester Treasurer/Collector dated August 17, 2009 pursuant to Gloucester Ordinance Section 2-82 : Copy on file.

- 3. That prior to the City of Gloucester's issuance of a building permit for the Facility, MetroPCS shall provide the Gloucester Fire Department with a check in the amount of \$5,000 (Five Thousand Dollars). Such check is intended as a contribution toward improving the adequacy of the City of Gloucester to respond to hazardous or emergency events.**
6. PH2009-042: 2009-002 Rezoning of 447 Western Avenue from NB to Residential (R10) or Residential (R30) with savings provision

The Public Hearing is now open.

The Public Hearing is recessed and continued to Tuesday, November 17, 2009.

COMMITTEE REPORTS:

Joint B&F and School Committee – October 13, 2009

No motions made for this meeting.

Planning & Development Committee-October 14, 2009

MOTION: On the motion of Councilor Hardy, seconded by Councilor George, the Planning and Development Committee voted 2-0 to recommend to the full City Council, as in accordance with the Gloucester Zoning Ordinance Section 5.22.12, the granting an 18 month extension on the Special City Council Permit to Varian Semiconductor Equipment Associates, Inc., applicant and owner of the property which is located at 35 Dory Road, Gloucester and shown on Assessor's Map 263, Lot 30 in the BP (Business Park) zoning district said permit having been previously issued on December 11, 2007 to allow the construction of two (2) land-based wind energy conversion devices as in accordance with section 5.22 of the Gloucester Zoning Ordinance – said extension is to expire June 11, 2011 with the following conditions:

1. That the original conditions of the December 11, 2007 permit remain in effect.

Councilor Tobey noted that no vote is needed at this time that this matter will now be advertised for public hearing.

Councilor Hardy noted the next two motions pertaining to 7 Norman Avenue are also for advertising for public hearing and nothing further is needed at this time.

On the motion of Councilor Hardy, seconded by Councilor George, the Planning and Development Committee voted 2-0 to recommend to the full City Council the granting of a Special City Council Permit; to reduce the distance between the proposed garage and

the multi family residence to 15 feet; to Charles Caldwell and Carol Dirga of 7 Norman Avenue, Gloucester and shown on Assessors Map 168, Lot #10 in Zoning Classification R20 in accordance with the Gloucester Zoning Ordinance Section 3.2.2 (e).

On the motion of Councilor Hardy, seconded by Councilor George, the Planning and Development Committee voted 2-0 to recommend to the full City Council the granting of a Special City Council Permit to reduce the minimum open space per dwelling unit to Charles Caldwell and Carol Dirga of 7 Norman Avenue, Gloucester and shown on Assessors Map 168, Lot #10 in Zoning Classification R20 in accordance with the Gloucester Zoning Ordinance Section 3.2.2 (a).

Budget & Finance Committee – October 15, 2009

MOTION: On motion of Councilor Grow, seconded by Councilor Curcuru, the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend that the City Auditor establish a new account for the receipt of trench permit fees per request of the Building Inspector.

Discussion:

Councilor Grow clarified for the Council that when you establish a new fee you have to have a place to put it. Moving forward whenever there is any new fee established there will automatically be a new account established with it so as to be sure there is no disruption. This is to be sure that when the money comes into the City, it has an appropriate place to go.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino, the City Council VOTED in 8 favor 0 opposed to direct the City Auditor to establish a new account for the receipt of trench permit fees per request of the Building Inspector.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino, the Budget and Finance Committee voted unanimously 3 In Favor 0 Opposed that the City Auditor establish a new revolving account under C44 Section 53E-1/2 named the Vacant Building Fund for assessments for the purpose of securing, maintaining and removal of vacant buildings with a cap of \$20,000 for this fiscal year with the Inspector of Buildings the authorized department head.

Discussion:

Councilor Grow noted that the reasoning for this is a fee was established for vacant buildings, and the money that comes in would go into a revolving account to secure the buildings, make the properties safe for the public. Once the property is secure, the Building Inspector would then bill the property owner. This would be a self-maintaining account, allowing the Building Inspector to use these up-front fees to maintain these properties. This would be a self-maintaining account.

Councilor Ciolino stated that the first billing has gone out on the vacant buildings ordinance done in 2008.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino, the City Council voted 8 in favor 0 opposed to direct the City Auditor to establish a new revolving account under C44 Section 53E-1/2 named the Vacant Building Fund for assessments for the purpose of securing, maintaining and removal of vacant buildings with a cap of \$20,000 for this fiscal year with the Inspector of Buildings the authorized department head.

Councilor Grow noted Chris Rogers of Sullivan & Rogers, our outside auditing firm, came to give the Committee an update on the independent audit that is done every year and to respond to and satisfy the Department of Revenue (DOR) concerns about the City's financial condition. They are being very thorough; they are asking for and are requiring more information, probably information than has been required in any year previously. They are doing a very thorough job and stated that audit is proceeding as scheduled. They are meeting benchmarks for times that the auditor set up and should meet all deadlines for securing the tax rate by the end of the year and satisfy the DOR. Any time you go through an exceptionally rigorous process first time it's going to be difficult. There will be a great improvement over the next couple of years. All departments are working understaffed with new staff in the City auditor's office and yet all are working very well together. The new CFO at the School Department, Tom Markham and Jeff Towne, CFO of the City, are working diligently together as well. He expressed his confidence that it will all get done in a timely manner.

Councilor Grow further stated that Mr. Towne has committed giving the B&F a quarterly review and gave his first quarterly review of where we are fiscally throughout the year, and we had our first report from him at this meeting. The Committee expects each subsequent quarter going forward to have more substance.

COUNCILOR REQUESTS OTHER THAN TO THE MAYOR:

Councilor Ciolino stated plans are being made to welcome Santa Clause via the Santa Clause Parade in Gloucester on Sunday, November 29th after Thanksgiving Day which will start from Parker Street at the Jodrey State Fish Pier and work its way down to the Tree Lighting Ceremony. This year Bob and Linda O'Maley have retired and Councilor Ciolino thanked them for their efforts. He noted they have a group of volunteers to keep this cherished tradition going. The group is looking for people to build floats, to march and bands as well. He asked that any interested persons or groups to contact him at 978-281-1227 at the Weather Vane Shop or email him weather.vane@verizon.net. This is a great Gloucester tradition which we want to keep going which will try to match what we did last year and improve each year going forward. He urged people to call him – schools, Kindergartens, Boy Scouts, Girl Scouts, sports teams, all please participate!

Councilor Grow remind members of the community that on Saturday, November 7th 1:00 p.m. to 3:00 p.m. here in the Kyrouz Auditorium the Board of Education and the

School Committee will hold a public meeting with the School Committee, Mayor and a delegation from Beacon Hill for people to understand the process on the GCAS Charter School issue. He urged all members of the community, even if they have no children to attend, that the Charter School impacts all of our residents. This is not a public hearing. It is very important to understand the impact these decisions will have on our community. He urged that the citizens of Gloucester attend this meeting to know what is being done.

Councilor Romeo-Theken stated she has upsetting news that some insurances are leaving the community. No more PPO for Tufts. A presentation is coming from Harvard for First Seniority that it has increased by 50% for all seniors on which you are getting letters now. Some of you who are used to paying \$101 are now going to be paying \$173. There are programs are being taken away. There's not going to be anymore Evercare. She urged seniors that any letter they receive from Medicare, Social Security or your health care carrier now, or your prescription plans now, to **open their mail**. Open enrollment is November 15th to December 15th for your prescription plan. November 10th at 10 a.m. at the Rose Baker Senior Center First Seniority will make a presentation on the changes. You may need to change because now your deductions are going up. Hopefully Prescription Advantage will stay in Massachusetts. If you do have an Rx plan, please read it, it's changing. Some of you who are used to no deductible now could be paying a deductible as high as \$310 come January 1, 2010 to be paid out before you can get your prescription on any medication from the pharmacy.

Councilor Foote reminded all that there is a Friday rally at McPherson Park and invited all the Councilors to attend and that there is a rally also the night before the election. He wished all the seniors a good evening.

ADJOURNMENT:

MOTION: It was moved, seconded and voted UNANIMOUSLY to adjourn the City Council Meeting at 9:45 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of the Committees