

**GLOUCESTER CITY COUNCIL MEETING
TUESDAY, December 15, 2009
7:00 P.M.
Kyrouz Auditorium – City Hall
Council Meeting 2009-030**

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

Absent: None.

Also present: Former Councilor Ab Khambaty Councilor-Elect Greg Verga, Councilor-Elect Mulcahey, Councilor- Elect Paul McGeary, Mayor Kirk, Jim Duggan, Linda L. Lowe, Marcia McInnis, Suzanne Egan, John Ronan, Sarah Garcia, Jeff Towne, Mike Hale, William Aubrey, Darin Strong, Herbert Wennerberg, Val Gilman, Sheree DeLorenzo, Chief Michael Lane, Christopher Farmer, Jonathan Pope, Larry Durkin, Peter Bent, Peter Hastings, David Anderson, Fred Shrigley, Michael and Mona Faherty, Paul Salah, David Lincoln, Nancy Papows, Gary Johnstone, Jim Caulkett, Captain Barry Aptt

City Council Meeting 2009-028 was called to order at 7:00 p.m.

Flag Salute and Moment of Silence

Council President Tobey advised that he will be leaving after the second public hearing and thanked the Council for his time serving the Council as President. He noted there were technical difficulties with the equipment to broadcast the meetings live and that the City Council needs to file with the City Clerk to ask the Mayor to work with IT to have the video equipment secured after each City Council Meeting because of tampering.

Oral Communications: No one spoke.

Councilor’s Requests to the Mayor:

All Councilor requests have been received in writing and forwarded to the office of the Mayor.

Commendations:

Mayor Kirk spoke about the November 27, 2009 rescue of Mrs. Tina Cavanaugh and the search and rescue effort by all Emergency personnel; the Gloucester Police Department, the Gloucester Fire Department, the Coast Guard, the Environmental Police, all assisted in the rescue. But it took citizens of Gloucester to never give up and help make the rescue come to a happy conclusion. She asked Chief Lane to join her at the podium. The Mayor commended

the efforts of Incident Commander, Lt. Joseph Aiello of the Gloucester Police Department for his efforts that evening in coordinating the search amongst the emergency services and citizens involved. They were able to put a helicopter above the location of Mrs. Cavanaugh with a search light and bring her out safely in part because the extraordinary efforts of these three citizens. She read the commendations from her office (a copy of each are made a part of this file).

Commendations were presented to William Aubrey, Darin Strong and Herbert Wennerberg for their actions in the search and safe rescue of City resident, Tina Cavanaugh on November 27, 2009 by the Mayor, Carolyn A. Kirk and she added her personal thanks as well.

President of the City Council, Bruce Tobey, on behalf of the Gloucester City Council, presented commendations to Messrs. Aubrey, Strong and Wennerberg and congratulated them on their extraordinary search and rescue efforts in the safe recovery of Mrs. Cavanaugh to return her to her family and expressed the Council's gratitude (copies on file).

There was a prolonged ovation of the assembly.

A two minute recess was called so that all the City Councilors could personally congratulate the three gentlemen.

Council was called back to order.

Presentations:

1. John Ronan, Poet Laureate for the City of Gloucester:

Councilor Tobey introduced Poet Laureate John Ronan and also commended three other City Councilors, who are not returning in January 2010, for their service to the City of Gloucester in addition to the long tenure of Councilor John "Gus" Foote, serving longer than any other City Councilor in the City's history, and to whom Mr. Ronan would be addressing his remarks this evening.

Mr. Ronan recognized the other three Councilors for their service as well. He then made several personal observations regarding Councilor Foote, his integrity, his clear voice, his dedication to Gloucester no matter the particular issue. He also joked about how his respect was raised when Councilor Foote proposed him as Poet Laureate for the City. Mr. Ronan then read aloud the poem he composed on the occasion of Councilor Foote's retirement of service to the City of Gloucester, who was a key factor in the creation of the position of Poet Laureate (a copy of the poem is on file).

Councilor Foote received a standing ovation from the assembly.

Councilor Foote thanked Mr. Ronan for the poem in his honor. He stated this was a sad moment but a good moment, and that he would miss all of this (gesturing to the assembly). His heart was always in the fishing industry and with the seniors of the City. He has enjoyed

everyone here, and whether they all agreed or not. He appreciated the respect. And working together, he pointed out, was so important. He noted his good relationship with the emergency services and the other departments as well. He appreciated his being able to serve with all his fellow City Councilors and his work for his beloved City. At this the Councilor received another standing ovation.

2. Administration – Seaport Council \$800,000 Grant

Councilor Tobey noted that the B&F Committee meeting of November 30, 2009 voted in favor of accepting this money.

Mayor Kirk made an announcement that they received late yesterday afternoon the approval for the municipal harbor plan of 2009, which is a significant milestone. The last harbor plan approved was in 1999. There is a framework now going forward recognized by Secretary Ian Bowles of the Commonwealth of Massachusetts Office of Energy and Environmental Affairs. It will be emailed to each Councilor in the next day.

She highlighted several items in the Harbor Plan. The harbor plan has protections for the commercial fishing industry in ways that have not been there before. If a property owner on the harbor wishes to change their property under the DPA and displaces a fishing vessel they must find another place in the harbor for the vessel and must not displace any other vessel in the process. This is first time there is protection of dockage for the commercial fishing fleet. The property owners are now able to have 50% commercial supporting marine/industrial use of their property. Right now only 25% is allowed. This is a doubling of their opportunities to find different kinds of mixed uses. This is an affirmation of the DPA. This is giving property owners relief they have been looking for. Another item was the public access. It is required that anyone who wishes to develop their property, needs to engage with the City to have access for the public and to the working waterfront. This will give the City the framework for creating a Harbor Walk. There is a provision that temporary public access can be granted. In I4-C2 if it moves forward, there is an opportunity to have, for example, the Farmer's Market there, until the property is developed and firm plans are put together. That would be considered temporary access. Any property owner who is unable to conform to the specific marine/industrial use has the opportunity to contribute money to a fund that is used to only improve the infrastructure of the working harbor front or piers, etc. She thanked the Council for their work on this and helping to bring it to a successful conclusion. This provides a framework for investment in our City. Some rezoning needs to be done, and the new Council will be asked to work on these changes in the coming months. Sarah Garcia will take you through what the State heard in a presentation by her.

Sarah Garcia, Director of Community Development showed the power point presentation that was presented to the Port Professionals Meeting of the Seaport Advisory Council of May 13, 2009 in Boston, MA on the I4-C2 property, and why it was so important to the City's waterfront. She also described the history of the parcel including litigation involving the GRA and the developer over its use. She noted that the community conversations have all been very positive. This is to establish City ownership. They wish to issue an RFP for reinvestment if the \$800,000 award is accepted. The state asked the City to move this money right away, to be

put to use immediately, due to budget issues in the State. The Mayor has appraisals and has been negotiating with the owner of the parcel.

Mayor Kirk said the intention was to submit this as a package to the Council, but the Executive Director of the Seaport Advisory Council stated last month at a meeting in Salem that they wanted the entire amount moved as one as soon as possible. The only thing before you then is for the acceptance of the grant. In terms of completing the transaction, it will be up to the next Council. The Administration will submit the package on the price, appraisals and the terms of the transactions on it. All of it is still under negotiation with the property owner. Once the transaction is completed the Administration is anticipating working with the Council and stakeholders on an RFP that has the City's requirements. There has to be a payoff on the property, and a land lease and retention of the docks for the fishermen's use. There will be strict guidelines including the DPA guidelines and then have those proposals vetted by the community. They don't anticipate anything on the site for 2-3 years. The dialog with the community is so important on this critical parcel. It's been vacant for over 40 years. They wish to take time and care in the proper use of the property. They are trying to keep it cost neutral in the City budget.

Motion: On motion by Councilor Grow, seconded by Councilor Curcuru, the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept the \$800,000 grant of the Seaport Bond funding to the City of Gloucester to make a down payment necessary to purchase 65 Rogers Street, Map 9, Lot 1, otherwise known as I4-C2.

Discussion:

Councilor Grow stated that the B&F moved this forward because this was strictly a grant acceptance. They understood that there is a larger discussion regarding the mechanics of how this property will be purchased, the costs coming forward to the Council in the process in greater detail, the use of the parcel, etc.; so at the Committee level it was less of a concern, and wanted to take up tonight with an opportunity to ask questions regarding this grant.

Councilor Theken asked if this is a matching grant.

Councilor Grow said there will be some funding necessary to purchase the entire parcel. There is no match to the grant, but it doesn't cover the entire purchase price.

Councilor Theken asked about the purchase price. **Councilor Grow** responded he didn't believe there was an answer on that yet.

Mayor Kirk said they are not completed with their negotiations with the property owner and have not disclosed the purchase price because of this. They are working on the documentation and will place it before the Council before that is signed. She stated if it was the will of the Council they may need to go into Executive Session on this issue.

Councilor Theken commented that there are so many problems that we have no money for. She'd rather have money go for other essential things like the schools. She needs the price, the

details, etc. She can't make any decisions without the full price. Accepting a grant is one thing, but the City needs to come up with additional funding. She doesn't wish to go into executive session to learn this information.

Mayor Kirk said the transaction tonight is simply to have a transfer from the State account to a City account to shelter the money so it doesn't go away. If down the road the City changes their mind, we don't agree on price, we're not going to sign an agreement; they can reprogram the money again working with the Seaport Advisory Council. The City's hands won't be tied. They're just trying to get the money from the State to the City before the money disappears at the State level.

Councilor Theken said if we accept this grant we don't have to purchase the lot if the City can't afford another loan we can designate it to something else?

Mayor Kirk said the Waterways Board said they would support the reprogramming of the grant if it is needed. There is good coordination and cooperation on this.

Councilor Theken said we are voting to accept the grant we are just going to get the money. We can redirect it to other things on the waterfront?

Mayor Kirk said yes it can be redirected which would need to be worked out with the Seaport Advisory Council.

Councilor Foote stated he believes we should accept the grant. The lot is abandoned and is an eye sore. We need to keep our eyes open to the "sharks" that might change the harbor negatively. This is one of the greatest harbors in the world. We need to start to preserve something and make it work. He is glad how this is constructed in order to accept the grant.

Councilor Ciolino clarified that the \$800,000 didn't drop on the table tonight. It was allocated by the Seaport Bond money for the Harbormaster's Wharf. It is owned by Boston Gas, now National Grid, which is severely contaminated. If we leave this money sitting around, it will be taken away. We're just putting it on a different line item. Instead of working on the Harbormaster's Wharf which nothing can be done with until it is decontaminated and will take years; it is being moved over to I4-C2; it makes the money tied up and vibrant. We are limited when it comes to State and Federal money. We have a lot of privately-owned wharves. This will open up many avenues for the City if the sale goes through. He noted his history with the waterfront, and said that Ms. Garcia during her presentation, it was like recounting his own history. This parcel and its history end up being the poster child of the failures on the waterfront of the City of Gloucester. He congratulated the Mayor and that we all need to work together and work on the next phase when the money is 'harbored' in the City.

Councilor Grow said he has no problem in accepting the grant. Some of the questions that have been asked to him are: What sort of anticipated use would be done by a private developer who is limited? They won't be able to utilize the wharves. We're not selling the waterfront access, do you then severely limit the ability of whoever comes in for future development, and what about easements that would limit development? What about cost neutrality? How are we

going to keep it that way? We'll have to borrow the rest of the money to fund the rest of the purchase price. How is that cost neutral?

Mayor Kirk said that the key is to marry the parcels together - the land with the wharves. It is landlocked so it can never have a water dependent use. Alternatively, you could lift the parcel out of the DPA and put in local zoning, and then have a hotel go there, for example. They are not pursuing that option at this time. The Harbor Plan is an affirmation of the DPA. We need to give it a shot at putting in a marine/industrial use that is contemporary and maxes out what is allowed under the Harbor Plan, retaining the DPA, to support the working water front, retaining the commercial fishing industry. To lift the DPA is too much of a leap. That's the difference. A private developer is landlocked. By reuniting the water with the land it will allow a 50% marine use and 50% industrial use under the guidelines just enacted through the Harbor Plan. The arrangement could be, perhaps, a 99 year land lease or maybe nothing emerges through that process; and we are back at the drawing board. But at least we have movement and flexibility. It is at least a two or three year process with heavy community involvement. Regarding the easements, the goal of the City is just to get the deed in hand in order to clean up the property, remove the blight. Right now we're prohibited from trespassing. Once the deed is in hand through a transaction with the property owner, then the easements and the restrictions on that, it can be looked at closely to see what a developer would be able to do and comply with. Without going into negotiating strategy, some of the ideas for cost neutrality would be to have an agreement of a down payment of the \$800,000 in two or three years there is just a balloon payment at the end to pay off the balance; and in the meantime it gives us the time to put together a development plan requiring a payment of the successful bidder whoever that might be. There is a lot of complexity of putting the transaction together and of different alternatives being explored. The Legal Office has been bogged down on other matters and it's moving a little bit more slowly than the Administration would like.

Councilor Grow asked when they are going to come forward to fix the Harbormaster's wharf, Solomon Jacob's Pier. This is a public access pier. It is condemned. When are we going to get the funds to fix that?

Mayor Kirk said that project is delayed because of the contamination of that Wharf. The Waterways Board is one of the few departments that have money, and they can start to move their project along on their own. They have almost \$500,000 in their enterprise account. From the Seaport Advisory Council, they stated they want to help Gloucester. Salem is getting millions for their waterfront; New Bedford is getting millions and millions of dollars for theirs. The "asks" from Gloucester have been very modest. The City will go back and ask them to help with the Harbor Walk, with the Harbormaster's Wharf, to support the working waterfront. We want to be an example of what a DPA can be. We need State help for it.

Councilor Tobey asked Mr. Bent, Chairman of the Waterways Board to step forward and thanked him for being present this evening.

Peter Bent reiterated that the \$800,000 didn't just drop out of the sky. He said that this project has gone on a while. This marathon began with the Waterways Board using their own funds to do a concept, and got a grant for \$50,000 to do the design and permitting. This is the "public's

wharf” not the Harbormaster’s pier, not Solomon Jacob’s pier. This is the most important public access to the harbor that the City has. The Waterways Board will never give up on this project. It is central to the mission of their Board. They were right at the tape on this project; but unavoidably, there were a series of circumstances that caused the project to stall (to do with N-star). Testing has been done, pollution found. The site will be dredged. There will be no new pier on that site after the dredging. This will come before the Council in a big way because the project is extraordinarily complex. The site requires contaminate dredging which has its own process and issues. This is no longer a thing that will take a few months to do. This site can only be worked from October to February due to fishing regulations that are involved in the harbor regarding spawning season. It will take two years to do the work at best. They will need a lot of permits, and the process will be elaborate. When it is all done, they’re enthusiastic to have the City as a 30-year tenant which is good news to the Waterways Board. As to the redirecting of the monies, he stated he and the Mayor have come to an agreement and said this is the only practical thing to do with the \$800,000 at this time. I4-C2, several years ago, the City had the foresight to redraw with State permission, the harbor commission line particularly in front of this I4-C2 parcel. Knowing that the possibility of the City regaining control of the uplands, currently there are 12 slips, he believes he can increase it from 12 to 31. If there is water dependency there, no one will be kicked out to bring in someone new in. He reminds the Council, if that happens, they have funds on another Seaport grant for dockage for \$250,000. The Waterways Board does have money in their account, taking 15 years to build it. If they were to extend those funds on the project there, they would totally wipe out all of those funds, and they’d have to start all over again. They don’t wish to wipe it out and wish to honor their commitments the Board already has. A lot of that money is encumbered into maintaining the facilities that they have.

Councilor Devlin stated he commends Mr. Bent but asked Mayor Kirk if the intention to hang onto the property. He believes the Council should accept the grant.

Mayor Kirk said the start is to craft an RFP and to send it out and see what comes back, to set terms to whatever they want. She prefers a land lease, but people can weigh in on that. If no one responds then it’s back to the drawing board. It will not be a City park, it is not allowed in the DPA, and does not appear to be the best use of the property. They will work together to find a productive use for the property under the restraints it will have. It is premature to consider removal of the DPA. This is an opportunity to participate in the future.

Councilor Devlin pointed out about four years ago Councilor Tobey said that the City is not a very good landlord, and our track record with City property, property that is still sitting there and is blighted, is not good. The City isn’t very aggressive in selling properties, and even maintaining them. His concern is that the grant comes in, we grab the money, buy this piece of property; and two years down the line after the property is cleaned up then we’re back where we started and it’s no longer being maintained.

Mayor Kirk said she agrees. The last thing they want to do is take on more maintenance, more services in a declining revenue environment. She shares Councilor Devlin’s concern.

Councilor Hardy asked what timeframe we are looking at. When will it come back to the Council again, and when is an offer being made.

Mayor Kirk said the next step is to bring a full package to the Council, which would be at least another 60 days to get a full package to the Council. Then the Council would take up all the contents and that could take up another 30-60 days. End of April to be the best estimate to have this completed.

Councilor Hardy asked if there would be a Committee created for the gathering of ideas for the RFP.

Mayor Kirk said that would be a best course of action. It's too much about the future of Gloucester. It will take a collaborative effort, like the Charette, like Central Grammar, the Library, like the Temple.

Councilor Hardy said she looks forward to working on this.

Councilor Tobey thinks it is very commendable that the Administration is trying to find a solution to this problem. He would support the acceptance of this grant and vote yes. He'd like to propose some of the questions for the next Council to help set up an analytical framework if and when this goes forward. The current property owner is a good negotiator. And given the announcement tonight, the property owner might now have more development options open to him than he did yesterday and have renewed interest in the property. Councilor Tobey would want to be convinced that the public sector is better equipped at solving this than the private sector. He felt the Community Development Director's presentation was a little simplistic in a number of regards. There are property owners who abut that parcel with substantial maritime access and may have better ideas about its use, if in fact the owner, Metropolitan Properties, is not inclined to do so. He'd be concerned that it shouldn't come out of the DPA. There's never been a full conversation about that. This is the occasion to have that conversation. There was a hotel proposal down there many decades ago. We need a detailed history out there so we understand that it was owned by a variety of people. It took 25 years of public ownership, manipulations and RFP proposals to get this into the hands of the current owner, so that we could then spend 15 years to get out from under. It would be a mistake to not have a complete and full examination and to not go down that path. We don't want to leverage the state grant. It will probably only cover 1/3 of the cost of the purchase, this grant. How would we handle this with the regional vocational issue? He quoted George Santayana, "Those who can't remember the past are condemned to repeat it." It's not that we don't support the deal being done, but we need to do this with our eyes wide open with a full weighing of where the solution lies.

Councilor Theken thanked Peter Bent and Jim Caulkett, the Gloucester Harbormaster for being there this evening, and she believes the slip increase is important, going from 12 to 31. That's a big concern. She is glad with the returning Councilors having the same concerns. There is a lot of work to do, but she doesn't want to put the children aside and doesn't want this to be an either/or situation.

Motion: On motion by Councilor Grow, seconded by Councilor Ciolino, the City Council voted by roll call 9 in favor, 0 opposed to accept the \$800,000 grant of the Seaport Bond funding to the City of Gloucester to make a down payment necessary to purchase 65 Rogers Street, Map 9, Lot 1, otherwise known as I4-C2.

Old Business:

1. **City Council Minutes: 11/17/09 – Amend GCO re: Poet Laureate Established Sec. 2-514**

Re-affirmation of motion and vote for editorial correctness as follows by voice vote of the City Council:

MOTION: On motion by Councilor Tobey, seconded by Councilor Romeo-Theken, the City Council voted 7 in favor, 0 opposed to amend the November 17, 2009 City Council Minutes to reflect that the Poet Laureate Established (text as provided to the City Council by General Counsel for the 11/17/09 City Council Meeting) be referenced as sec.2-514 of the Gloucester Code of Ordinances Art. V, Div. 10.

Correction moved, seconded and voted unanimously to be accepted.

2. **City Council Minutes – 12/01/2009 – Amend GCO Sec. 22-287 re: 300 Main Street by Deleting One Handicapped Parking Space**

President of the City Council has deemed no action necessary on this item.

2 a. Re-affirmation of motion and vote for editorial correctness as follows by voice vote of the City Council:

MOTION: On motion of Councilor Tobey, seconded by Councilor Romeo-Theken, the City Council voted 5 in favor, 0 opposed to approve the appointment of Jeanne Boland to the Tourism Commission for a term to expire 2/14/12.

Correction moved, seconded and voted unanimously to be accepted.

Consent Agenda:

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| <ul style="list-style-type: none"> • MAYOR'S REPORT <ol style="list-style-type: none"> 1. 5-Year Revenue and Expense Forecasting Workshop Packet 2. Memo from Fire Chief re: Approval to Create A New Account 3. Memo from Fire Chief re: Special Budgetary Transfer Request (#10-19) 4. Memo from Recycling Coordinator re: Permission to Pay Portion of Invoice from FY09 with FY10 Funds 5. Two Special Budgetary Transfer Requests from Inspection Services (#10-17 & #10-18) 6. Report from City Auditor re: Accounts Having Expenditures which Exceed their Appropriations 7. Appointment: <ol style="list-style-type: none"> a) Kathryn W. Leahy Open Space Committee (TTE 02/14/2012) | <p><u>ACTION</u></p> <p>(Info Only)</p> <p>(Refer B&F)</p> <p>(Refer B&F)</p> <p>(Refer B&F)</p> <p>(Refer B&F)</p> <p>(Refer B&F)</p> <p>(Refer B&F)</p> <p>(Refer O&A)</p> |
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- **INFORMATION ONLY**
- 1. Administration Support for Local Option Taxes (Info Only)
- 2. Farewell to Outgoing Councilors (Info Only)
- 3. Letter from President and CEO, Ken Hanover of Northeast Health System (Info Only)
- **APPROVAL OF MINUTES**
- 1. City Council Meeting 12/01/09 (Approve/File)
- **APPLICATIONS/PETITIONS**
- 1. scp2009-013: Stacy Boulevard, Section 5.5.4 Lowlands
- **ORDERS**
- 1. CC2009-049 (Tobey) City Council Recognize and Commend Outgoing Councilors (FCV 01/05/2010)

Items to be removed from the Mayor's Consent Agenda: None.

The Consent Agenda was adopted without objection.

Councilor Tobey said the City Clerk has asked that the approval of the minutes be separate.

Ms. Lowe asked that within the context of the Consent Agenda, the minutes are approved by the City Council for December 1, 2009 by voice vote separately approved from the Consent Agenda.

The Council motioned, seconded and voted unanimously to approve the minutes by voice vote.

For Council Vote:

1. Charter Sec. 3-9: Veto by Mayor re: Essex North Shore Agricultural and Technical School District

Councilor Tobey asked for the will of the Council.

Councilor Ciolino wishes to make a motion to continue the motion into the next year. Councilor Theken seconded.

Councilor Tobey stated they would pause in place while the City Clerk reviewed the City Charter for allowing the continuation because he believed there was a time sensitivity, and further there is a concern by not acting it becomes fact.

Councilor Theken said that if the veto goes through, can the new City Council take this up again?

Councilor Tobey said if the Mayor's veto stands, for the time being the City is not joining the Regional Vocational School. The matter can be revisited by the next City Council and so long as State legislation doesn't shut the door on the City, it could, at a future date within the deadline set by the Legislation, reconsider the motion to join. Failure to override the veto does not end the discussion.

Ms. Lowe noted that under the City Charter, section 3-9 requires the City Council “**forthwith**” to consider the veto. “Forthwith” does not mean the Council can postpone it.

Councilor Tobey then called the motion by Councilor Ciolino out of order.

Councilor Grow Moved to override the veto as originally presented and was **Seconded** by Councilor Hardy [under Charter Sec. 3-9 re: Essex North Shore Agricultural and Technical School District membership to override the December 10, 2009 veto of the Mayor, to become a member of the Essex North Shore Agricultural and Technical School District as established by Chapter 463 of the Acts of 2004 and Chapter 9 of the Acts of 2006].

Discussion:

Councilor Grow stated that he’s clear on his concerns and justifications for coming around. He felt that the Council should revote and accept moving forward on joining the new school. He has concern of framing this as an issue by itself. The infrastructure issues are separate. Getting a seat at the table during the development is important to the City to have local oversight. He would worry about a plan that is a mirror of the last one. Joining now we can state our concerns and draft it to be beneficial to all communities. The district absorbing the costs if we don’t join will be great to the City. The costs will balance out. He wished that the City could spend on their students what the Vocational School District spends on those students. We need to make an investment in our youth in this community. We are going to lose opportunities for the youth by not joining. When it comes to unknown costs, getting back to the CSO and the water – recent collective bargaining has locked in unknown costs in terms of road details on new infrastructure projects that will cost hundreds of thousands if not millions of dollars in the next few years. He’d wager that’s an awfully big unknown. This is a good thing to move forward.

Councilor Foote said we don’t like the Mayor’s veto but we should have the guts to support it. Don’t just veto the Mayor’s veto to be contrary. We all stand for children. There is no money. We’re talking about \$300,000 each year. It is the time to wait. He noted the example of Peabody and their history with regional vocational education. He supports the Mayor’s veto. There wasn’t enough time and money. When the time comes, we don’t have the money, we’ll have to lay off teachers. We’ll have to do something that will hurt the education of our children.

Councilor Ciolino will support the Voke tonight. He noted all the misinformation that is out in the public. He’s explained its \$5 million for our part of the build out, but it’s amortized over 30 years. It might start out at \$249,000 but then it’s a declining balance. He hears all the time that we don’t have any money. This year when they passed the budget, the B&F Committee found \$200,000 that they gave to the School Department. This is an \$80 million plus budget. It is short sighted to come up with \$249,000 each year. The end result is, what are we doing for the future of our children. We will shortchange our children. It is a decision that people are against vocational training. He has said what do you think when you think of vocational training to groups of men. They responded - young boys. But it is young women. They need many more opportunities to do 21st century jobs – it opens up so much more that we can ever

offer in our programs here. These children go through our school system only once. They need to be offered the best they can have. To say the children of surrounding communities have more choices than our children are unfair. We are not talking about closing our High School vocational programs. Our children need this. If we get in early, we have an opportunity to divvy up the old equipment from the schools they're closing and get it for our programs. We're giving up scholarships and giving up writing the mission statement. We have to bus them, then buy buses and hire school bus drivers. Where will that money come from? Councilor Grow and I worked out the numbers. It's a wash. We're already members of the vocational schools. It's not a new expense. We need to look forward. He will vote for the vocational school and for our children.

Councilor Theken is impressed with the force of the commitment of Councilors Grow and Ciolino who said it so eloquently. She thanked Melissa Teixeira from the School Committee on her representation to the District and her emails and all her information she passed on to the Council as being exceptional. Councilor Theken is asking the City Councilors to work on this and not let it die. Both Councilors said it correctly in how the money is currently being spent. We should commend the teachers at the high school in the vocational program. What they do with so little. Where were we before? She is not going to let this die.

Councilor George feels that the young women of Gloucester are being disenfranchised, even discriminated against at the vocational program in Gloucester and supports this override.

Councilor Tobey said he can count that there are not likely six votes to override the veto. If the effect of the veto is that the City's participation of the new school dies, it would be shortsighted and shameful if it is the intention of the veto. If the intention of the veto is to engage the new Council in intensive conversations to create a solution for a new world of vocational opportunity for the kids of Gloucester who seek such an opportunity, then this is a beginning not an end and is commendable. We have to work to achievable goals. He hopes we can try to continue the conversation towards a compromise. He points out that when Councilors or Department heads talk about finding money he cringes. You don't find money. You make decisions. You chose priorities. You don't find money under a rock. In bad times when you look at the 5 year spread sheet the Administration shared with the School Committee last week, you see a gap between projected revenues and projected expenditures. He is also familiar with good times. When you do a five year projection there are gaps. There are always going to be gaps. Sometimes they hurt more in good times. You make priorities; you do trade-offs and you craft solutions. He is tired of conversations that we have to regionalize. Until we get an opportunity, this is not about 5 or 6 communities – it's about doing big things together and better – water, sewer, public works, public safety. These are the sacred cows we need to be looking at. We need to look at collaboration. Here we have an opportunity to engage regionalization and walk the walk. He hopes there is a way to do it.

Councilor Foote said that Councilor Ciolino believes we're shortchanging our children. We want to see our good vocational program. Now you're going to the new school. Things will get better if you go there. They'll get better if you look at your own system here. We did not shortchange our children through our program. We have good teachers, a good School Committee.

Councilor Grow thinks the hard work of the B&F did turn over a few rocks and did find money, but those rocks are gone. He's distressed about the disparagement of our own program. Our programs are not as well funded as they should be. But do not think those kids are getting less of an education there. They don't deserve to be slighted in the least. It is very important to remember, we are already in the vocational district now. Every child under the current agreement will finish through that program. The tuition costs won't change in the next four years. Once the district changes, we will not be paying non-resident rates. If we join later after the agreement we will be responsible to pay back that bonding. Pay it now or pay it later with a bill that will come, and we'll be expected to give our full share up. It will be very difficult to absorb all these kids back into the school system here. The Mayor said that we can't do both. Councilor Grow has a problem with that. We have 145 kids in limited space and can't increase the population. If we don't move forward, the young women of our community will suffer. We can't easily absorb these kids back into our schools. Seven kids are in programs now in the Voke district that we don't have. To do the maritime program that's being talked about, where is that money going to come from? We can help shape the agreement in the way that this moves forward. We'll be members of this school now or three years from now. Let's not lose this opportunity.

Councilor Hardy will support the Mayor's veto. She apologizes, but she won't change her mind. She will support another motion that comes forward to continue this after this vote. We don't know what the cut off date is. We still don't know what it is. What are the facts and figures? If she had them she might not vote this way. She wants to see the money. She actually went and saw the Voke School. As far as the women go, they have wonderful programs up there. She was amazed at how small the budget is at the local Voke program and how under funded it is. She believes this comes from a lack of understanding of the school budget, and she'd like to hear more about this when it comes back before the Council. She will be supporting the veto even though this is hard to do but it rises to the level of supporting the Mayor's veto. If we can get to the next Council meeting with this information she would possibly support this.

Councilor Tobey said the Clerk has shared with him a letter from School Committee member Teixeira who is also representative to the Regional Voke currently existing and read it aloud to the Council (a copy is on file) about any legal language in the district agreement or legislation for allowing the City of Gloucester to take another vote on the decision whether or not to join. Ms. Teixeira explained to the Regional District that an override may not be possible. The Regional School Committee's response was that there is a pending amendment request for the current legislation under Section 4 to July 2010. A decision is expected in January 2010 on that amendment. If approved, July 2010 will be the drop dead decision date; and a district can flip-flop all they want so long as they abide by Roberts Rules and make a decision by that date. The MSBA may reduce the size of the school. A press conference was held this week with the Governor who asked why the school wasn't larger commenting on the educational opportunities it would provide to our youth. Superintendent O'Malley wanted Ms. Teixeira to remind the Council that they will draft the charter in or around March, and Gloucester runs the risk of not being a part of that process.

Councilor Curcuru will support the Mayor's veto. He noted he has a plumbing business, and the trades are very important to him. But also the fiscal responsibility to the City is so important to him as well. By voting for the Mayor's veto this evening, he is not closing the door. He wants the discussion to continue. He doesn't think it will take until July. He thinks the Voke is a great opportunity. The rush to vote a couple of weeks ago was irresponsible. We didn't have the clear cut answers we were looking for. He's hoping the discussion continues and come to a resolution quickly after the new councilors come in.

Councilor Tobey takes exception to the use of the word irresponsible. This Council President tried to drive this issue through open discussion for months and was stonewalled. We would have done this a long time ago if they had the answers and the numbers were fleshed out. He assures it will be on the agenda for the next Council to revisit this matter, and vote on this matter again, to flesh it out in detail and get it out for the kids at the first meeting in January 2010 of the City Council.

Councilor Curcuru said there were a lot of mistakes made here. It should have come earlier but it should have come from the School Committee also. It was thrown in the Council's lap in a matter of months. That's why he said it was irresponsible of the Council.

Councilor Tobey explained that a yes vote is to override the veto. If you support the Mayor's veto, vote no.

MOTION: On motion by Councilor Grow, seconded by Councilor Hardy, the City Council voted by roll call 5 in favor, 3 (Hardy, Curcuru, Foote) opposed, 1 abstention (Devlin) under Charter Sec. 3-9 re: Essex North Shore Agricultural and Technical School District membership to override the December 10, 2009 veto of the Mayor, to become a member of the Essex North Shore Agricultural and Technical School District as established by Chapter 463 of the Acts of 2004 and Chapter 9 of the Acts of 2006.

FOR THE RECORD: Vote to override fails and the Mayor's veto stands as there are not six votes necessary to override it.

2. Decision to Adopt: SCP2009-012: 7 Norman Avenue, Sec. 3.2.2. (a)(e)

MOTION: On motion by Councilor Hardy, seconded by Councilor Ciolino, the City Council voted by roll call 9 in favor, 0 opposed voted to adopt the decision for the Special Council Permit pursuant to Gloucester Zoning Ordinance 3.2.2 (a)(e) for 7 Norman Avenue.

Scheduled Public Hearings:

1. PH2009-052: Acceptance of M.G.L. Chapter 64L Section 2(a) re: local sales tax of .75 percent on sale of restaurant meals

This Public Hearing is now open.

Speaking in Favor:

Jim Duggan, Administrative Assistant to the Mayor. The fiscal reality checks are daily. There are a number of financial challenges every single day. And this local meals option tax will help the City bridge the gap of declining revenues and to recognize in the last fiscal quarter approximately \$85,000 and going forward approximately \$350,000 minimum annually. It will help to maintain City and School services and urges the Council to move forward. Earmarks discussed before are withdrawn.

Councilor-Elect Greg Verga, 381 Essex Avenue spoke as a private citizen. He noted this is reasonable and important. He eats at a lot of restaurants in town and will continue to do so. He noted about the big revenue gap. He urges the Council to support this – it is a small step in the right direction.

School Committee member Val Gilman, 75 Revere St. spoke as a private citizen. She spoke of the finances of the City and the Schools and their budgets. She stated her concern at how they're going to manage all the items in the budget for the schools, and all the possible shortfalls. She is concerned about our potholes, our closed fire stations. This is an opportunity to gain back revenue for the City. 75 cents on a \$100 tab will not send her out of town to eat. She is looking ahead to approving something like the merger with the North Shore Voke School – there is a commitment here. We want to do both. She asks that the Council support this tax.

Superintendent Christopher Farmer, 27 Decatur Street, spoke as private citizen. He spoke about a local determination to raise revenues. There is an opportunity with this local tax and to take advantage of it. He visited a number of restaurants on line and figured what he might have spent, and at \$70, his liability would be 53 cents. Gas at \$2.75 a gallon, at 12 cents a mile, how far can you travel? If you do the math he can't see people changing their behavior in significant way. Given the financial difficulties this City faces, it should take advantage of this local tax.

Councilor-Elect Paul McGeary, 31 Eastern Avenue. He thinks that because the City is a tourist town, it is a chance to have those that take advantage of our city to be taxed for that right. Most other communities who have a tourism base have just such taxes. It is difficult to raise property taxes. We need this modest tax to raise revenues.

Speaking in Opposition:

Sheree DeLorenzo, General Manager and Co-Owner Cruiseport Seaport Grill and Gloucester Marine Terminal. She stated she is here on behalf of the other restaurant and function hall owners and has been in the business for 30 years. She is very upset about this tax. First, she can't believe it's going to the DPW and we can't find the money. She does her own marketing with the cruise ships. She went around the country to get these cruise ships into Gloucester herself. When the economy goes down the first business hit is the hospitality industry. Her clientele is local. Four months ago they were hit with a sales tax increase to 6.25% and now a .75% increase. The customer base will go out of

town. She serves 100, 200, 300 customers in one function. That is a huge increase on a tab of a wedding. She named larger venues of her competition and none of them are on this tax. They'll stay at 6.25%. Function customers, corporate, weddings and others shop around. What is going to stop a large function from going over the bridge? It will affect her business. At Seaport Grill they cater to the local clients. This will not serve her local clientele. She has 105 employees, mostly Gloucester residents. Anyone who is non-profit uses Cruiseport for free in Gloucester and Rockport. She gives this freely. If she's giving that out, the City should give something back to her. She's paying so much to the City in licensing, permitting, sewer and water. In the winter, she has a budget just like the City. She cuts the fluff. She cuts her labor down to half. She cuts her food costs. She cuts her liquor costs. She is on a freeze right now on spending. Why can't the City find it in their own budget and not come to the small business owner. She is here for the consumer not just herself. She hopes the Council will not vote for this tax.

Peter Hastings, 196 Main Street, Executive Director, Cape Ann Chamber of Commerce. The Chamber is formally on record against this tax. These restaurants are having a very difficult year between the boil water order which cost hundreds of thousands of dollars, a down economy, and the new sales tax. Please don't pass this tax this evening.

David Anderson, 16 Middle Street, Retailer-Main Street shop owner). There are 18 vacant storefronts on Main Street. We are a depressed area. The problem here is not the 75 cents; it's a tax at a time when the merchants and restaurants can't survive. The two larger restaurants on his block had 5 customers in one, 9 customers in another. You can't pay your bills on that. The issue isn't just a tax. It's what you have been doing over the last year. The issues you are facing are not going to be solved with a meals tax. This City is in top 20 percent for what it costs for public safety in the State. When you negotiate with them, that's where you save money. Restaurants are just trying to survive. When we talk about tourists, there are none. There is no in comparison to Newburyport and Salem. In the middle of July 50 or 60 people are on the sidewalk if we're lucky. Tourism is the second largest revenue producer in the State, but in Gloucester it's about the 50th. This tax is just another nail in a very large coffin. Those rent signs are there because we can't survive in this City. First Impressions is closing because there aren't people coming in to generate money. He supports the new water treatment plant but you don't get the money for that by nickel and diming your citizens.

Fred Shrigley, 20 Centennial Avenue, proprietor of the Rhumb Line for 30 years. We have had it in Massachusetts with taxes; the Citizens of Gloucester have had it with taxes. When is it going to stop? The Council represents the citizens of Gloucester. This is taking nickel and diming to another level.

Ginger Attaya, 73 Rocky Neck Avenue, owner of the Rudder Restaurant. The restaurant business has the highest failure rate of all. It is a psychological effect. This will make staying in business more difficult.

Michael Faherty, 83 Mt. Pleasant Avenue. If you listen to the arguments as to why you pass this – it is such a small amount it won't hurt. That's the same justification a

shoplifter makes. That's what you're doing. It's not your money, but you're taking it from people. There is no cause and effect between the money you're taking and the service you're providing. This tax is on food. There's no one in the City Council or Government who's producing that meal. You're tithing on the common victualer's license, fee to the Board of Health, the liquor license; but the City is not providing any additional services. This has nothing to do with anything the City is providing us.

Paul Salah, 10 River View Road, owner of the Pilot House Restaurant. He implored the Council to listen to the restaurateurs this evening. He noted he's been in the business since 1954. If it's such a small amount, this is nickel and dimes. You're looking for big money. Every dollar that goes across the bridge doesn't come back. People will go out of town. Nobody will come to Gloucester if we insult them, and this is an insult. We're talking about a volunteer tax. We won't get money back. Say a few dollars do come back. It'll go in the General Fund, and we'll never see it. The State never holds up their end of the bargain. Let's not shoot ourselves in the foot. He asked Councilor Foote to not make this the last thing he is remembered for.

Communications:

Letter delivered by hand from Melissa Joy Teixeira, Esq., member of the Gloucester School Committee, resident of 8 Leighton Court urging the passage of the meals tax option, a copy of which is on file and was read for the record by City Clerk Linda Lowe.

Questions:

Councilor Ciolino asked Mr. Duggan if you go into a restaurant and you do \$50 of food and \$25 bottle of wine. Is the wine separate and not taxed under the meals tax?

Mr. Duggan said whatever tax that is on any prepared foods it will apply. If you go into a 7Eleven and buy a prepared sandwich, or McDonalds, you will see a Mass Meals Tax, and you will see an additional .75% tax.

Ms. DeLorenzo came forward and said it is on the whole bill.

Mr. Duggan stood corrected by the restaurateurs.

Councilor Theken asked for an explanation of procedure. The extra .75 goes to the State first in normal collection procedures and comes back to the City on quarterly basis. Is this local meals tax option established with the state?

Mr. Duggan said the numbers have grown. As of yesterday 69 communities are taking advantage of this tax option. Peabody just adopted this. Danvers, Beverly and Salem are also going to be sending this to their Councils for consideration.

Councilor Theken said did we reimburse or rebate or any give a break to the restaurants during the water problems this summer.

Mr. Duggan said there was an effort where the places that altered their systems they were reimbursed for the permits for the fees by the plumbers. We did not reimburse them for any other expenses.

Councilor Theken said in O&A Committee a percentage was going to go back to tourism and now earmarks are off the table?

Mr. Duggan said this is because there is no general consensus.

Councilor Curcuru asked if we pass this tax tonight when will it take effect?

Mr. Duggan said it would be in the last quarter of this fiscal year, April, May and June would then come back. \$89,000 is estimated.

Councilor Curcuru said so the room and meals combined tax would be \$480,000 and just the meals tax is approximately \$350,000 to 370,000.

Councilor Tobey asked Mr. Duggan at one point in O&A Committee the conversation was the use of money to deal with tax recap filing with the State and using it for the snow and ice deficit. The recap is filed. You were able to manage assets of the City to cover this.

Mr. Duggan said it was covered without the tax for snow and ice.

This Public Hearing is closed.

Motion: On motion of Councilor Tobey, seconded by Councilor Ciolino, the Ordinances and Administration Committee voted 0 in favor, 3 opposed (Tobey, Romeo-Theken, Ciolino) to recommend to the City Council to accept the provision of the Massachusetts General Laws, Chapter 64L sec. 2(a) to impose a local meals excise tax of .75%.

Discussion:

Councilor Foote said he's eaten in everybody's restaurants and sees a lot of tourists. He doesn't have a problem with this tax, and if that's he's going to be remembered for that, he's got to be remembered for something!

Councilor Grow stated he respects the businesses in the community and appreciates what they do for the non-profits, what they have to deal with on a daily basis. Five years ago he supported the Prop 2-1/2 override and it couldn't be supported. The CPA struggled to pass. We have fire stations closed. We have streets that we have trouble paving and fixing. The schools are on the edge. When will it end? We need every source of revenue we can get. We are millions of dollars under funded for the demands made on this City for services. We want these services, but we don't want to pay for it. Who's going to pay for them? Where will it come from? He will support the tax because

we have to take advantage of every revenue source we can. We tax kids to play football, to ride the school bus. You aren't being taxed as much as you think you are. If we want this community to be what it needs to be, we have to have taxes. There are areas we can work on, but we can't do this without money.

Councilor Devlin said knowing that everything that we need to pay for, he can't support this - not on the back of the service industry. An override, something will have to happen soon. The State and Federal government are not changing the way they do business, and it's affecting cities and towns. City governments have unions. We're cut to the bone right now. He won't vote for this tax. This is the most volatile industry. A refrigerator goes down in a restaurant, \$5,000. The inspections, the certifications, etc., the amount of money that is put out is non-stop. If you make it five years in the restaurant business, 90% fail. After 10 years it's 50%. The weather can kill you; a boil water order can kill you. They're paying their water bills, sewer bills, real estate taxes. Now you're taxing their customers. It leaves a bad taste in the mouth. These are small businesses which are the backbone of our country. This will make it more volatile for these businesses. We do have expenses, but this isn't the way to do it. You are nickel and diming the service industry.

Councilor Curcuru said he is a small business owner. He watched the federal government bail out the banks and automotive industry. The State gives us this tax option which isn't a good one. He has to think of the City and fiscal responsibility. He had to vote against the Voke. He will support this and will still eat at Gloucester restaurants.

Councilor Theken said this is very difficult. She noted her work with Mr. Duggan on this issue. She noted the confusion on the issue and recounted the recent history of how the local option tax came before the Council tonight. What changed her mind is the new State tax. It is psychological. It's not that it's going up .75%, it's that taxes went up just a few months ago. There's no help for small business. Now that 6.25% is going to be 7%. The other communities are laughing because they don't have this tax. Ultimately it will be 7%. She does drive out of town or out of state for a better deal. There is money to be found. We've found it before. She applauds the School Committee for coming forward to support the tax. But she noted they are reacting because of the five year plan they recently saw and the budget difficulties they face. Let's give the City's tourism industry a good year to go by before we try and tax them. Three weeks ago it was snow and ice and now it's off the table. \$300,000 that you might raise is not going to fix budget problems. The restaurants are so supportive of our community. They're saying right now they're hurting, so please don't do this [the tax]. Don't put this on the backs of people who are already giving.

Councilor Ciolino said something happened this evening that is extraordinary in all his years on City Council. He's never seen members of the School Committee and Superintendent of Schools come before the Council on taxes. This is the first time that they've come to this Council in this manner. He feels that this signifies that as a City we've hit rock bottom with regard to revenues. We need to think about where new

revenues will come from. It is not because the government in Gloucester is 'fat', and the City can chop here and chop there. The money shortage is not because the City hasn't chopped to the bone; it is due to being constantly shortchanged by the State. This local option tax is a tool from the State with them saying, 'we're going to cut your money, but we'll give you this'. When this came to Committee, we noted that we're all hurting; but since that meeting, everywhere he goes and explained the meals tax, no one really seemed to mind it. The average person doesn't feel because of the tax they'll go out of town to eat. It is inevitable that the meals tax will pass. There may be another room tax because that's where the State has put us. This is not the City's doing. We've been struggling with this in Budget and Finance Committee trying to make ends meet. The State is no good to us – they keep decreasing our money and increase our fees. The School Department has their back to the wall, and we need to raise revenue. He hates to raise real estate taxes; it would be the worst thing to do. This is a small tax. Business is tough at this time, but we have to be optimistic that it will change for the better. Revenue is revenue. Things need to happen. Potholes are ruining vehicles. We have to make our streets safe. Where will the money come from to do things like that? He said that he voted against this in Committee but is for it now.

Councilor Tobey handed the gavel to Councilor Theken in order to make the following statement:

Councilor Tobey said he wants to address the remarks of Councilor Ciolino because there is something there that he agrees with - that the problem is about the State. And it dovetails with something Mr. Anderson said, that you can't much trust the State. He was president of the Massachusetts Municipal Association and they advocated that the cities and towns should have the right to choose to add this tax. But the State took more and gave the cities less. They gave us a tool, snapped it in half and then left us with .75%. We did get some sort of leftover thing that we could use if we chose in an exercise of discretion. Bear in mind as Chief Justice John Marshall said, 'the power to tax is the power to destroy'. In a fragile economy in an at-risk business sector, we risk destroying some restaurants in this community now. It troubles him to be asked to approve this now without it being related to an overall spending plan so the Council can decide where the priorities lay. The earmarks changed. He doesn't know what it is for. So why vote for it. The current fiscal year's budget is in balance with the revenues now in place. He would argue the time to be considering this, as well as the other local option tax, is in the context of a whole years proposed budget. This will not open the Bay View Fire Station for a day; give a boost to the School Committee for the current fiscal year and so on. He is saying no tonight - no, not now, but not ever either. When there is a demonstrable recovery in this sector, then maybe, but believes this isn't the time.

The gavel was returned to Councilor Tobey.

Councilor Hardy will be supporting this tonight. If there is a chance of getting and keeping the Voke School the City needs to start somewhere. She looks forward to having the other tax brought forward so we can make a decision on that as well. "Show me the money" – even a little bit. She's glad the earmarks were taken off of this. She will be

supporting this. She's looking for reasons so bills can be paid that are coming down the road. She visits all the local restaurants and is downtown frequently and sees what is going on, and the City needs to start somewhere.

Councilor Tobey asked does this mean this will make the Mayor more amenable to a support of the Voke and not veto another vote of this Council if this money is on the table. Has she told you that?

Councilor Hardy said she has had no such conversation.

Councilor Theken said everyone knows what the tax means here. We're talking about the competition on either side of us. Remember this is 7% total.

Councilor Devlin said he understands this is the tool from the State – restaurants – service industry. If this was a different tool whatever it would be, this would be a whole different story. Fair and equitable, is his motto. He believes we'll all have to pay for this some day but why on the back of one sector of our City.

Councilor George said we're not in an economic recovery nor will we by mid-2010 either. It is reasonable to say between last quarter of 2008 and in 2009 it is the worst economy in years. Small businesses have taken the biggest hit from this downturn. She will not support this. She is tired of us trying to balance the money. We can't balance the budget, and we're taxing our residents more.

Councilor Tobey invokes 2-11C of the City Charter which moves this issue to the next regular City Council Meeting on January 5, 2010 at 7:00 p.m. No vote is taken at this meeting.

A five minute recess is called at 10:20 p.m. by Councilor Tobey.

Councilor Tobey left the meeting as he previously announced he would do, handing the gavel to Councilor Theken, Vice President of the City Council.

Councilor George left the meeting at 10:27 p.m. during the recess.

The meeting was called to order at 10:31 p.m. by Councilor Theken.

2. PH2009-053: Loan Order #10-02: \$6,000,000 for Improvements to the City's Water Treatment Plants and Distribution System

This Public Hearing is now open.

Speaking in Favor:

Mike Hale, DPW Director. This is the most important loan request, he believes, in his 10 years with the City. \$4 million is for the Babson filtration plant as mandated by the

State. The nature of the water crisis will pale in light of not getting Babson open. As summer approaches, demand rises. The failure to act on this matter evening will lead to catastrophic events. He noted in the last 18 months since he became director of the DPW, that if West Gloucester hadn't been paid attention to we would not be able to support the City's water supply now. His staff and the consultants have been going non-stop, giving up personal and family time, to have this all ready to go. The documentation is ready, and construction could start in January if this loan order is passed. Larry Durkin, City Engineer is here this evening and Mr. Towne, CFO for the City is here also.

David Lincoln, 7 Amero Court. He stated he knows a bit about the water treatment plant and sewer plant because he was on the Citizen's Committee to make the recommendation for the plant operator for both contracts. The plants are in dire need of help. The contractors competed with each other to tell us how much needed fixing. The City can't afford to not take this action. He asks that the City needs to make it clear that the Federal and State government needs to provide more support and financing of municipal projects like this.

Russell Hobbs, 1166 Washington Street. Mr. Hobbs said he knows his water rate will go up and he can't afford it; but the City can't afford not to fix this treatment plant. This water supply belongs to the people of the City, and it is vital. We demand it be fixed. We want clean water. We need to protect it. We can't wait.

Speaking in Opposition: None.

Communications: None.

Questions:

Councilor Ciolino asked that \$6 million is not just for the Babson treatment plant. There are other things that will be done and asked Mr. Hale to enumerate.

Mr. Hale said \$4 million, which is the bulk of the money is for Babson to be brought back on line; and the rest is system wide. The \$2 million is not for "emergency" issues but is high on the order of capital work on the distribution system, the connections for the two dead-end lines in and around Bond Street and Essex Avenue, which causes restricted flow also and water mains on Western Avenue. There's no good way to get water through all of West Gloucester or going out to East Gloucester with clean water from West Gloucester. That area is a difficult network of pipes. There are two water main breaks a year on Western Avenue. The water main on the Boulevard is the same water main in the Spooner tunnel. They are also looking at the Spooner Tunnel under the Blynman Canal - if one main broke under there - you'll lose the whole tunnel. It will cut off finished water from East Gloucester to West Gloucester. If one facility is down you could not produce enough water for the other side to support the needs of the City. There would be loss of natural gas service to the island also.

Councilor Devlin asked if the City is looking to recover anything from United Water

(former company responsible for maintaining the water treatment plants in the City of Gloucester).

Mr. Duggan said the Administration is taking all avenues to recover some of it from United Water. They are going for it all. The City is also exploring the issue with insurance companies.

Councilor Curcuru said \$4 million for Babson Reservoir is a patch. How long will that be good for before the State says let's do something different here.

Mr. Hale said certainly regulations change frequently. He explained about the standards to sampling of the water. As regulations change, and our facilities can't keep up, we could have to build a new facility. We need to look forward. If we had a big industry that required a great deal of water or clean water use, we would be in trouble. We have brown water issues in the City.

Councilor Curcuru asked about the \$4 million – this won't change the water quality more so than make us compliant. Or is it going to change the water quality?

Mr. Hale said the issue this summer was complex – it was immediate due to lack of attention; it was also historic. You can't just look at each individual problem – you have to look at the entire system. How will the water quality improve? Babson by far is the lesser quality source and needs more work as to how we process it and get it out in better condition. The water mains are unlined cast iron pipe. The minerals get released into the system if there is a water main break, and they happen frequently.

Councilor Curcuru said just because we do the work on Babson we still have all the old lines in the streets.

Mr. Hale said the City has tens of millions of dollars worth of work to do on the system. There are 120 miles of pipes and over 62% of that is outdated. He said that length of pipe is exceptional for the size of the City relative to our user base. There are 11,000 user accounts. That's why we have high water rates. Not because we don't invest in it, it's because we have a big system with few users. That costs a lot of money.

Councilor Hardy asked Mr. Towne will the City be borrowing on long or short term – what is the structure on this, and are we asking the Federal government for help.

Mr. Towne said it is short term first as the City typically does through a bond anticipation note (BAN). It will start as a BAN, depending on the timing of how much construction gets done, in FY2010 until 2011 and then permanently bond in FY2011 which is the way he has scheduled it. A portion of the 50 cent rate increase will hit in FY 2011 and completely in FY2012. He is not sure that the Federal government has been asked for help on this loan. In his opinion, the big push will happen if the City builds a new plant in the future. If you talk about a stimulus plan, the best thing at this point you can do is contribute towards local government because if local government can save

\$30,000 taxpayers' money, plus put people to work on a new treatment plant; it repays itself over and over again because you can reinvest the money saved on the plant improvement debt plus the savings of the interest and so forth, to keep people employed; to keep the taxes down, to help the businesses on Main Street. If you want to turn the economy around in this country, this is the type of project that is to be encouraged. He spoke to the Mayor just last week saying he wanted to design a concept plan that says this is what a stimulus plan could look like based on a \$40 million treatment plant. He would encourage anyone who wishes to help him with that thought process to work with him now because this is going to come up shortly, and we want to get moving on this as quickly as we can to plan for the future. He can be contacted at City Hall.

This Public Hearing is closed.

MOTION: On motion by Councilor Grow, seconded by Councilor Ciolino, the voted 3 in favor, 0 opposed to recommend to the City Council to order that \$6,000,000 is appropriated for the purpose of making improvements to the City of Gloucester's Water Treatment Plants and Distribution System including without limitation all costs thereof as defined in Section I 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 \$6,000,000 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 onto 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 said that this is a project that needs to get done now, and the DPW is dealing with a short timeframe.

Councilor Ciolino said that our DPW Director has a tall task to get this complete so we can have Babson up and running. If not, we would have a critical shortage this summer. He has faith in the DPW director that he can meet that deadline.

MOTION: On motion by Councilor Grow, seconded by Councilor Hardy, the City Council voted by roll call 7 in favor, 0 opposed to order that \$6,000,000 is appropriated for the purpose of making improvements to the City of Gloucester's

Water Treatment Plants and Distribution System including without limitation all costs thereof as defined in Section I 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 \$6,000,000 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 onto 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.

3. PH2009-054: Amendments to GCO re: Community Preservation Ordinance Sec. 2-83 and Sec. 2-84

This Public Hearing is now open.

Speaking in Favor:

Nancy Papows, Principal Assessor. She supports these exemptions. It establishes a deadline for the exemptions and outlines the exemptions. Without an application deadline, they could get FY2010 applications in years that follow. It is important from an accounting aspect. The deadlines reflect others already in place. This timeframe allows for ample time to apply and is important to all accounting aspects of the CPA fund.

Mr. Towne said a good cut off date is needed to let people know when to apply by so that the accounting treatment of this is predictable. Without this it would be an accounting nightmare for his side as well as for the City Auditor’s office. This is good financial planning.

Speaking in Opposition: None.

Communications: None.

Questions: None.

This Public Hearing is closed.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Theken, the Ordinances and Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council to amend the Code of Ordinances to Section 2-83:

The City of Gloucester adopted M.G.L. Chapter 44B, section 1 et seq., the Community Preservation Act, which imposes a surcharge on real property. The act authorizes the property owner to file an application for an exemption on the basis of certain criteria. In adopting M.G.L. c. 44B, the City of Gloucester accepted the following exemptions: 1) for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the City; and 2) for \$100,000 of the value of each taxable parcel of residential real property. The Act does not establish a deadline for filing the application. The City of Gloucester hereby establishes a deadline which matches the time restrictions for filing an exemption pursuant to M.G.L. c. 59.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Theken, the Ordinances and Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council to amend the Code of Ordinances to Section 2-84:

An Application for an exemption from the Community Preservation Act surcharge shall be filed with the Board of Assessors by December 15 or 3 months after the actual bills are mailed for the fiscal year, whichever is later. An application shall be considered filed when (1) received by the assessors on or before the filing deadline, or (2) mailed by United States mail, first class, postage prepaid, to the proper address of the assessors, on or before the filing deadline, as shown by a postmark made by the United States Postal Service. All other procedures and deadlines for the consideration of the exemption shall be in accordance with the personal property exemption procedure as set forth in M.G.L. c. 59.

Discussion:

A motion was made, seconded and voted unanimously to extend the meeting 30 minutes.

MOTION: On motion by Councilor Theken, seconded by Councilor Hardy, the City Council voted 7 in favor, 0 opposed to amend the Code of Ordinances to Section 2-83:

The City of Gloucester adopted M.G.L. Chapter 44B, section 1 et seq., the Community Preservation Act, which imposes a surcharge on real property. The act authorizes the property owner to file an application for an exemption on the basis of certain criteria. In adopting M.G.L. c. 44B, the City of Gloucester accepted the following exemptions: 1) for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the City; and 2) for \$100,000 of the value of each taxable parcel of residential real property. The Act does not establish a deadline for filing the application. The City of Gloucester hereby establishes a deadline which matches the time restrictions for filing an exemption pursuant to M.G.L. c. 59.

MOTION: On motion by Councilor Theken, seconded by Councilor Hardy, the City Council voted 7 in favor, 0 opposed, to amend the Code of Ordinances to Section 2-84:

An Application for an exemption from the Community Preservation Act surcharge shall be filed with the Board of Assessors by December 15 or 3 months after the actual bills are mailed for the fiscal year, whichever is later. An application shall be considered filed when

(1) received by the assessors on or before the filing deadline, or (2) mailed by United States mail, first class, postage prepaid, to the proper address of the assessors, on or before the filing deadline, as shown by a postmark made by the United States Postal Service. All other procedures and deadlines for the consideration of the exemption shall be in accordance with the personal property exemption procedure as set forth in M.G.L. c. 59.

Committee Reports:

Ordinances & Administration Committee 12/7/09

MOTION: On motion by Councilor Tobey, seconded by Councilor Ciolino, the Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that as required by amendments to the State Ethics Statute, City Clerk, Linda T. Lowe be appointed the liaison to the Commonwealth of Massachusetts State Ethics Commission for the City of Gloucester.

Discussion:

Councilor Ciolino has asked that more information needs to be gathered by the State and requires that the City keep these records and that the City Clerk be the right place for this to be kept.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Devlin, the City Council voted 7 in favor, 0 opposed that as required by amendments to the State Ethics Statute, City Clerk, Linda T. Lowe be appointed the liaison to the Commonwealth of Massachusetts State Ethics Commission for the City of Gloucester.

Councilor Hardy noted that on Page 1 first order of business should be the Gloucester City Ordinance (GCO) not GZO and to amend in the minutes on Item #1 on Page one and the motion that follows on the second page. **A motion was made, seconded and voted unanimously to amend the O&A minutes as well as the motion of December 7, 2009 as noted.**

Planning & Development 12/09/09

No motions to bring forward. All items were continued and will be brought up later in the Committee Reports.

Budget & Finance Committee 12/10/09

MOTION: On motion by Councilor Ciolino, seconded by Councilor Curcuru, the Budget and Finance Committee voted 2 in favor, 0 opposed to recommend that the City Council Request For a Proposal for a lease on 8 Washington Street for advertisement.

Discussion:

Mr. Duggan said two points that were incorporated into the updated RFP are with the heating system and boiler. Originally it was the responsibility of the lessee, but now the City will have the responsibility of the City. Once it is replaced, it will then revert to the tenant whoever it may be and they will then be responsible for maintenance. City use of the building, the upstairs in particular, will be free of charge with 48 hours notice, as long as the tenant has no scheduled event going on.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Curcuru, the City Council voted by roll call vote 6 in favor, 1 opposed (Grow), to recommend that a Request For a Proposal for a lease on 8 Washington Street for advertisement be done.

MOTION: On motion of Councilor Ciolino, seconded by Councilor Curcuru, the Budget and Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to accept the Staffing for Adequate Fire and Emergency Response grant from the Department of Homeland Security for a total of \$388,125.00. This money is to be used for overtime required to maintain current staffing and service levels that have not been met due to personnel reductions and budget restraints.

Discussion:

Mr. Duggan said this is to accept \$388,125.00 which will assist in formulating a spending plan to deal with peaks and valleys in staffing and when they need to back fill and to hire one full-time firefighter paramedic. It is not a matching grant.

Councilor Theken asked when the grant is over will the new firefighter paramedic still be employed by the City, and Mr. Duggan said yes.

Councilor Grow said we are required to maintain that position as a condition of the grant? Mr. Duggan said no.

MOTION: On motion of Councilor Ciolino, seconded by Councilor Devlin, the City Council voted 6 in favor, 0 opposed 1 abstention (Hardy), to accept the Staffing for Adequate Fire and Emergency Response grant from the Department of Homeland Security for a total of \$388,125.00. This money is to be used for overtime required to maintain current staffing and service levels that have not been met due to personnel reductions and budget restraints.

MOTION: On motion of Councilor Ciolino, seconded by Councilor Curcuru the Budget and Finance Committee voted 2 in favor, 0 opposed to recommend that the Gloucester Fire Department apply to the Department of Homeland Security (FEMA) for the Staffing for Adequate Fire and Emergency Response (SAFER) grant.

Discussion:

Councilor Ciolino said this particular grant has a match in the third year. Please remember that while we are starting the discussion that this is simply an application to apply. If we get it or some of it, we can decide whether or not to accept it. The Fire Department is looking for grants, and we want to encourage them to continue to do so.

Mr. Duggan stated the City looked at the number of positions and the City's ability to maintain the number of firefighters. In doing their due diligence and being fiscally responsible, the application would go forward for four firefighters. It would be a \$315,000 investment for the department, in Year 3 of the grant.

Councilor Ciolino said this is like getting the fire department personnel at 1/3 of the costs. He believes they all can agree they need to build up the fire department personnel so the City can cover some of these stations and maybe these grants can help to do that.

Councilor Theken said she commends them for going after these grants.

Councilor Curcuru asked Mr. Duggan in year 3 with 4 firefighters the Council can assume the Administration will commit to this. Mr. Duggan said yes. Councilor Curcuru continued, layoffs and retirements, how does it affect this? Or is it just what we hire under this grant. We don't have to backfill?

Mr. Duggan said Captain Aptt is here for correction, but he understood it has to do with the number of positions that are awarded. It doesn't have to do with the overall staffing, just those positions.

Councilor Theken asked for an explanation that if anyone retires during that 3 year period you have to fill those positions or you lose the grant.

Captain Aptt confirmed that if anyone retires during that three year, the position has to be filled or the grant is lost and you are penalized.

MOTION: On motion of Councilor Ciolino, seconded by Councilor Curcuru the City Council voted 6 in favor, 0 opposed 1 abstention (Hardy) to recommend that the Gloucester Fire Department apply to the Department of Homeland Security (FEMA) for the Staffing for Adequate Fire and Emergency Response (SAFER) grant.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Curcuru, the Budget and Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to approve the Special Budget Transfer Request by the Fire Department from the Fire Department, Pub. Safety Program, Unifund Account # 101000.10.220.53060.0000.00.000.00.052 to Fire Department, Sal./Wage-Overtime Unifund Account # 101000.10.220.51300.0000.00.000.00.051 to pay overtime for the

Deputies and Captains to attend a class on Firehouse Scheduling Module to utilize software to its fullest capacity in the amount of \$923.01.

Discussion:

Councilor Ciolino stated this is what we asked the Fire Department to do, which is to get more training on this software and that it was done on an on-line basis, and this covers the cost of that training.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Devlin, the City Council voted 7 in favor, 0 opposed to approve the Special Budget Transfer Request by the Fire Department from the Fire Department, Pub. Safety Program, Unifund Account # 101000.10.220.53060.0000.00.000.00.052 to Fire Department, Sal./Wage-Overtime Unifund Account # 101000.10.220.51300.0000.00.000.00.051 to pay overtime for the Deputies and Captains to attend a class on Firehouse Scheduling Module to utilize software to its fullest capacity in the amount of \$923.01.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Curcuru, the Budget and Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to approve the leasing of a Volvo L70F Wheel Loader for a period of five (5) years with the option to purchase at the end of the lease agreement at a cost of \$132,800.00 with an annual lease payment of \$29,683.60. The lease payment will be divided between the Water Enterprise, Sewer Enterprise and General Fund over the next five (5) years. For the rest of the Fiscal Year 2010, the funding will be between the Water and Sewer Fund only.

Discussion:

Councilor Ciolino explained that the piece of equipment we have now is on its way out and not worth repairing. This vendor is off the State list, which gives us the best deal because the terms are worked out in advance. It has a bucket in front, and arm that does the digging and is for digging really big holes. The cost is divided up among three funds.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Devlin, the City Council voted 7 in favor, 0 opposed to recommend to approve the leasing of a Volvo L70F Wheel Loader for a period of five (5) years with the option to purchase at the end of the lease agreement at a cost of \$132,800.00 with an annual lease payment of \$29,683.60. The lease payment will be divided between the Water Enterprise, Sewer Enterprise and General Fund over the next five (5) years. For the rest of the Fiscal Year 2010, the funding will be between the Water and Sewer Fund only.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Curcuru, the Budget and Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council the payment of Footie's Chimney Sweep service for the repair the chimney at the

Veteran's Office for \$4,400.00 from Public Properties Contract Services Account #101000.10.470.52000.0000.00.000.00.052.

Discussion:

Councilor Ciolino said the work was done before the paperwork was in place and stopped the leak that was a problem. The work was performed satisfactorily. He urged the passage of the motion.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Devlin, the City Council voted 6 in favor, 0 opposed, 1 abstention (Foote) to the payment of Footie's Chimney Sweep service for the repair the chimney at the Veteran's Office for \$4,400.00 from Public Properties Contract Services Account #101000.10.470.52000.0000.00.000.00.052.

Councilor Ciolino commended Councilor Grow along with Councilor Curcuru on his time on the Budget and Finance Committee and did a terrific job and that they will miss him. Whoever becomes the new Chair of the Budget & Finance Committee will have some big Crocs to fill. He did a great job.

Planning & Development Special Meeting 12/15/09

MOTION: On motion by Councilor Hardy, seconded by Councilor Devlin, the Planning and Development Committee voted 2 in favor, 0 opposed to recommend to the full City Council that the City of Gloucester accept ownership of and full responsibility for the approximately 5,230 foot long gravity sewer main and all existing laterals that lay within the streets known as Farrington Avenue, Edgemoor Road and St. Louis Avenue which was constructed by ELF Corporation and as shown on two sets of plans entitled "as Built Sewer Plan prepared by Gateway Consultants Inc and dated September 20, 2000 with revisions thereto dated October 2, 2000 and August 8, 2001" ; and the "as-built sewer plans" by Gateway Consultants Inc. showing only Farrington Avenue dated November 6, 2000; copies of which are attached.

With the following conditions:

1. That the existing, current rules and regulations pertaining to the city's acceptance of private sewers be adhered to.
2. That ELF and the City of Gloucester by its appropriate administrative staff coordinate the execution and exchange of all documents deemed necessary by the City of Gloucester legal office to effectuate the transfer of ownership and control of the ELF Corp. sewer main from ELF Corp to the City of Gloucester.

Discussion:

Councilor Ciolino said they put the feeder line for a lot of homes that stretch off of Farrington Avenue and Atlantic Road and everybody's been able to take advantage of it. A lot of homes would not have sewer now. It is a good thing and the right thing to do at this time.

Councilor Devlin said he wanted to make sure now that now the City is taking ownership of this that if anyone is hooking up to this that they will be charged a betterment to the system. Can we look into it to make sure that those hooked up are paying their fair share please?

Mr. Duggan stated he would see that it was looked into.

MOTION: On motion by Councilor Hardy, seconded by Councilor Devlin, the City Council voted 7 in favor, 0 opposed that the City of Gloucester accept ownership of and full responsibility for the approximately 5,230 foot long gravity sewer main and all existing laterals that lay within the streets known as Farrington Avenue, Edgemoor Road and St. Louis Avenue which was constructed by ELF Corporation and as shown on two sets of plans entitled "as Built Sewer Plan prepared by Gateway Consultants Inc and dated September 20, 2000 with revisions thereto dated October 2, 2000 and August 8, 2001" ; and the "as-built sewer plans" by Gateway Consultants Inc. showing only Farrington Avenue dated November 6, 2000; copies of which are attached.

With the following conditions:

1. That the existing, current rules and regulations pertaining to the city's acceptance of private sewers be adhered to.

2. That ELF and the City of Gloucester by its appropriate administrative staff coordinate the execution and exchange of all documents deemed necessary by the City of Gloucester legal office to effectuate the transfer of ownership and control of the ELF Corp. sewer main from ELF Corp to the City of Gloucester.

MOTION: On motion by Councilor Hardy, seconded by Councilor Devlin, the Planning and Development Committee voted 2 in favor, 0 opposed to recommend to the full City Council that the City of Gloucester accept ownership of and full responsibility for the approximately 2,880 foot long pressure sewer main and all existing laterals that lay within the streets known as Farrington Avenue and Atlantic Road, which was constructed by Atlantic Road Improvement Project LLC and as shown on plan entitled "as Built Sewer Plan" prepared by Gateway Consultants Inc and dated January 21, 2002.

With the following conditions:

1. That the existing, current rules and regulations pertaining to the city's acceptance of private sewers be adhered to.

2. That Atlantic Road Improvement Project LLC and the City of Gloucester by its appropriate administrative staff coordinate the execution and exchange of all documents deemed necessary by the City of Gloucester legal office to effectuate the transfer of ownership and control of the Atlantic Road Improvement Project LLC sewer main from Atlantic Road Improvement Project LLC to the City of Gloucester.

Discussion:

Councilor Hardy said this was fed off of the other project and recommended that Councilor Devlin's note on the other project to the Administration should apply here as well.

MOTION: On motion by Councilor Hardy, seconded by Councilor Devlin, the City Council voted 7 in favor, 0 opposed that the City of Gloucester accept ownership of and full responsibility for the approximately 2,880 foot long pressure sewer main and all existing laterals that lay within the streets known as Farrington Avenue and Atlantic Road, which was constructed by Atlantic Road Improvement Project LLC and as shown on plan entitled "as Built Sewer Plan" prepared by Gateway Consultants Inc and dated January 21, 2002.

With the following conditions:

1. That the existing, current rules and regulations pertaining to the city's acceptance of private sewers be adhered to.

2. That Atlantic Road Improvement Project LLC and the City of Gloucester by its appropriate administrative staff coordinate the execution and exchange of all documents deemed necessary by the City of Gloucester legal office to effectuate the transfer of ownership and control of the Atlantic Road Improvement Project LLC sewer main from Atlantic Road Improvement Project LLC to the City of Gloucester.

MOTION: On motion by Councilor Hardy, seconded by Councilor George, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend that the City Council GRANT, for nominal consideration, an electric easement for an overhead system at 401A Essex Avenue, Gloucester MA. to Massachusetts Electric Company and Verizon New England, Inc. as requested on Exhibit A Plan number WR# 6497578 dated December 14, 2009 for the purpose constructing and maintaining high and low voltage and intelligence and telephone lines to consist of one pole with wires and cables thereon, without any additional anchors guys, braces and appurtenances as shown on said plan. Said easement is to be located on the northerly side of Essex Avenue, to originate from Pole P-3935, then proceed in a northerly direction across Gloucester land to new Pole P-3935-1, to become established upon the final approval thereof by the Grantees. And to refer this to the General Counsel to draft the easement.

Discussion:

Councilor Hardy said this is for Cape Ann Animal Aid which is under construction for their new shelter on Paws Lane, and they need electricity. She noted the City will give this easement to put the project forward. She recommends that the Council vote favorably.

MOTION: On motion by Councilor Hardy, seconded by Councilor Ciolino, the City Council voted 7 in favor, 0 opposed to GRANT, for nominal consideration, an electric easement for an overhead system at 401A Essex Avenue, Gloucester MA. to Massachusetts Electric Company and Verizon New England, Inc. as requested on Exhibit A Plan number WR# 6497578 dated December 14, 2009 for the purpose constructing and maintaining high and low voltage and intelligence and telephone lines to consist of one pole with wires and cables thereon, without any additional anchors guys, braces and appurtenances as shown on said plan. Said easement is to be located on the northerly side of Essex Avenue, to originate from Pole P-3935, then proceed in a northerly direction across Gloucester land to new Pole P-3935-1, to become established upon the final approval thereof by the Grantees. And to refer this to the General Counsel to draft the easement.

Councilor's Requests Other Than To The Mayor:

Councilor Theken thanked Councilor Foote for how much he taught him; she respects him. She won't forget his seniors. She thanked Councilor Grow and how much she respects what he's done. In the long run he proved he really, really cares for the community. Everyone lost when we lost him from the Council. She will miss them both.

Councilor Foote said to all Merry Christmas, Happy New Year and it's been a pleasure. Goodnight.

Councilor Curcuru wished to say goodbye to the departing Councilors, Councilor Devlin for two years; a sharp fellow and a shame to see him go. To Councilor Foote he will miss him and his drawers of candy. He will miss Councilor Grow. He's probably the hardest working City Councilor there is. He is dedicated to this City. The time spent with him on the Budget & Finance Committee was worth it.

Councilor Theken thanked Councilor Devlin for being such an efficient Ward Councilor.

Councilor Devlin thanked the entire Council for what they taught him and the amount of the work they put in, and he appreciates that. He spent a great deal of his time with Councilor Hardy who he feels is unbelievable. She is looking into everything and appreciates all the work on behalf of the City and the same for Councilor Grow – they may not have agreed most of the time, but he has seen the amount of work he's put in; and it is formidable. To Gus Foote – he grew up in his Ward. He's been a Councilor almost all of Councilor Devlin's life. He has tremendous respect for him and for the time he put into the City. He wishes the best to the incoming Council.

Councilor Ciolino said goodbye to Councilor Devlin and Councilor Grow, but they will see them in the future. They have a lot to give this City. When you hear about Councilor Foote, which took three tries to win his ward, and look how long it stuck! Councilor Foote is not going away – he'll hold court at 153 Main Street every afternoon and will look forward to that. Councilor Foote will tell him how to vote and will give him heck for the way he voted. The end is bittersweet. They're a lot closer as a group. He is optimistic for the next Council. He wished a Merry Christmas and Happy Chanukah and a prosperous and peaceful New Year to the people of Gloucester.

Councilor Theken said also a thank you to Councilor George.

Councilor Hardy said she has tremendous respect for all the Councilors that are leaving and a thank you to all the councilors. They have all taught her something. She appreciates that. Happy Holidays and Happy New Year to everybody.

Councilor Grow wanted to reiterate his thanks to all the Councilors. He appreciates all the Councilors and the folks that served on the last Council. He appreciates all the effort, energy and time put in. At the end of the day, they're all thinking about the City and the willingness to put themselves out there and be part of this process. He thanks everyone in the Administration. People don't have a true appreciation of the fine folks who work for the City, from the top down – everybody works hard. There are a lot of challenges that are put in their way. He can't thank enough the department heads who took their time to explain and were generous with their time. Gloucester is lucky to have them. Thank you to the people of Gloucester for letting him serve. It's been an honor. Thank you.

ADJOURNMENT:

MOTION: It was moved, seconded and voted UNANIMOUSLY to adjourn the City Council Meeting at 11:40 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of the Committees**