

**GLOUCESTER CITY COUNCIL MEETING  
TUESDAY, August 11, 2009  
7:00 P.M.  
Kyrouz Auditorium – City Hall  
Council Meeting 2009-019**

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

**Also Present:** Jeffrey Towne; Jim Duggan; Greg Verga; Mike Hale; Suzanne Egan; Jack Vondras, Chief Lane; Chief Dench

**Flag Salute and Moment of Silence**

**City Council Meeting 2009-019 was called to order at 7:00 p.m.**

**Councilor Tobey** announced that, tonight, the NS Regional Vocational School will not be presenting. This is to be scheduled for a future date.

Two Public Hearings are on the agenda this evening. One regarding an Amendment to the Utilities Ordinance and the second, Water and Sewer rates. The first will be in workshop format with a presentation from the DPW Director and General Counsel. No vote will be taken. Secondly, dealing with costs, given the progress made, that proposal will be withdrawn and the public hearing will be closed.

**Councilor Tobey** announced there have been two retirements from the DPW, Jim Eastman and Brian Hamilton. The Council salutes their years of service and dedication to the City. He also spoke of and pointed out Mr. Hamilton’s paintings now in City Hall. **Councilor Hardy** also commented on a painting on the first floor of City Hall by Mr. Hamilton. Also, Kathy Middleton, Recycling Coordinator, is leaving the City’s employ. Thanks and best wishes go with her. She will be missed.

**ORAL COMMUNICATIONS; No one spoke.**

**COUNCILOR REQUESTS TO THE MAYOR:**

**Request 09-068:** **Councilor George** requested that the pot hole at Lincoln Street and Keystone Road be repaired/filled.

**FOR COUNCIL VOTE:**

1. **Emergency Ordinance – West Gloucester Firing Range.**

**Section 2-11 b – Emergency Preamble.**

**Councilor Foote** spoke to the safety issue and the range at the Police Station.

**MOTION: On motion of Councilor Devlin, seconded by Councilor Ciolino, the City Council voted 8 in favor, 1 opposed (Foote) to declare an emergency to exist inasmuch as public safety is jeopardized through the conduct of firing range operations without environmental certification that there is no adverse water quality impact and no evidence of construction that comports with reasonable safety standards and no evidence that permits have been obtained and inadequate evidence that firing range operations are conducted with appropriate postings in place.**

**Councilor George** stated that this has been discussed and a study, including soil testing, was done in the area; however, nothing has gone forward.

**Councilor Devlin** stated that this issue has been vetted by the neighbors and Attorney Frontiero and there is language in the new Ordinance that speaks to cleaning the area every two years, as well as testing. This facility is only used four weeks out of the year vs the nine months, previously.

**Councilor Tobey** requested the City Clerk notify the Council when the sixty-days have passed so this can be acted upon.

#### **EMERGENCY ORDINANCE:**

**MOTION: On motion of Councilor George, seconded by Councilor Devlin, the City Council voted 8 IN FAVOR 1 OPPOSED (Foote) to prohibit any fire arms operations at the West Gloucester Firing Range, effective Tuesday, 8/11/09 for a period of 60 (sixty) days, pursuant to Sec. 2-11b, and the fact of that prohibition be posted pursuant to Sec. 3-9 of the City Charter.**

#### **PRESENTATIONS**

**Joan Whitney**, working with the Board of Health staff, spoke of the GHS Youth Leadership Team, and thanked the Councilors for their involvement and interest.

She stated that, working with the Gloucester Health Department, the Team supports the work to promote the health and well-being of Gloucester's youth. There are over 200 community members, both youth and adults, who are actively engaged in working together to solve problems collaboratively. The core of the community, she stated, are the young people. The group deals with peer-role-modeling; decision making; goal setting; building leadership skills; and, presenting thoughts in fashion. This, she said, is an example of peer leadership in action. The teens were listened to, and they were heard. They also provided a brochure for the parents.

**Ms. Whitney** explained the video campaign at GHS, which was to teach decision making skills and how to say "no". The videos were done by the teens and were on school-tube. The top winner, chosen by the teens, was shown to the Council this evening. It is titled "*Close the Door and Walk Away*". She stated that with the making of the videos, the teens learned good skills about decision making, as well as creating and producing.

**Ms. Whitney** specifically commended **Alexander Allen** and the Students Against Destructive Decision. She stated that **Mr. Allen** sets an example and sees leadership as a service to others. He worked closely with SADD.

**Councilor Tobey**, on behalf of the City Council, presented **Mr. Allen** with a commendation which spotlighted his dedication and efforts.

**Mr. Allen** said he is not alone and that others are striving to reach the same goals. He recognized and thanked other teens in the audience.

**Ms. Whitney** told the audience about the medicine drop-off events and the drop-off box available at the Police Station.

## **CONSENT AGENDA.**

### **>Mayor's Report**

- |   |                  |
|---|------------------|
| 1. Special Budgetary Transfer request from Fire Department<br>Transfer 10-1.                        | Refer to B and F |
| 2. Special Budgetary Transfer request from Mayor's Office<br>Transfer 10-2.                         | Refer to B and F |
| 3. Memo from Police Chief re permission for reimbursement for EMT<br>Training                       | Refer to B and F |
| 4. Memo from Comm. Development re Green Communities Technical<br>Assistance Grant                   | Refer to B and F |
| 5. Memo from CAO re request to pay invoice without a purchase order                                 | Refer to B and F |
| 6. Memo from EMS Coordinator re request to pay for invoice for<br>services in FY09 using FY10 Funds | Refer to B and F |
| 7. Memo from Recycling Coordinator re New fee for smaller trash bag                                 | Refer to B and F |
| 8. Report from City Auditor re Accounts having expenditures<br>Which exceed their appropriations    | Refer to B and F |
| 9. Appointments to the Clean Energy Commission:   |                  |
| Jill Buchanan                   TTE 2/14/10   | Refer to O and A |
| Linda Stout-Saunders       TTE 2/14/10  | Refer to O and A |
| Michelle Dyer               TTE 2/14/10   | Refer to O and A |
| Linda Brayton               TTE 2/14/11   | Refer to O and A |
| Thomas Balf                 TTE 2/14/11   | Refer to O and A |
| John Moskal                 TTE 2/14/11   | Refer to O and A |
| Samuel Cleaves             TTE 2/14/11  | Refer to O and A |

### **>Approval of Minutes**

- |                                |              |
|--------------------------------|--------------|
| 1. City Council, July 28, 2009 | Approve/File |
|--------------------------------|--------------|

### **ORDERS**

- |  |          |
|--|----------|
| 1. CC2009-36 (Ciolino) Commentation for Mark Foote   | FCV 8/25 |
| 2. CC2009-37 (Curcuro) Amend GCO, Section 22-287<br>Handicapped Parking at 7A Riggs Street | TC/O &A  |

### **ITEMS REMOVED FROM CONSENT AGENDA - None**

**SCHEDULED PUBLIC HEARING**

1. **PH 2009-026 - Amend GCO, Chapter 23 “Utilities” adding new Section 23-200 “Storm Water Fee.**

**The Public Hearing is opened.**

**Speaking in favor: Mr. Hale, DPW Director,** spoke to the federal mandates and stormwater mandate. He also noted that sewer rates are climbing and with discussion on a debt shift, a separate utility for stormwater was reviewed. An Ordinance has been presented to the City Council. This Ordinance is to have a fee. He described how the fee would be assessed and this will be discussed further with the City Council.

**Ms. Egan, General Counsel,** stated that it was determined beneficial to have a stormwater utility Ordinance, which would be adopted to create a stormwater rate based on the benefit residents will get from the City in treating run-off, while providing the way in which the fee will be collected. This, she said, is an enabling Ordinance.

Under the City Charter, the fee structure will come back to the City Council for approval. An enabling Ordinance is established to accomplish this.

**Mr. Hale** spoke to residential vs commercial units and noted GIS will be used, taking a look at a sample of residential lots. The City of Newton was used as an example stating that they separated residential from non-residential. The fees will be determined in the fall and winter, calculating whether there is to be a flat fee or index with one rate for one unit, one rate for two, etc.

Further, the Council would enable a stormwater fee, and each and every July, this would be voted upon. There would be a Public Hearing, open to public conversation.

**Councilor Devlin** questioned how private roads would be handled and would like to see, in the Ordinance, a statement that the City will take care of the private roads.

**Ms. Egan** stated that in some instances, the City has no authority to enter on private roads and do the work. This would be difficult without City authority.

**Councilor Tobey** suggested adding a clause “with assent by owners”. **Ms. Egan** agreed.

**Mr. Hale** pointed out that in new subdivisions, the associations are the owners of the stormwater systems.

**Councilor Ciolino** requested clarification whether there would be a third bill; with Water and Sewer being first and second,

**Mr. Hale** stated it would be a separate bill.

**Councilor Ciolino** questioned the issue of subsidized apartment owners who would need to be able to recover costs from the State. He also noted the benefits to the harbor and river that would result with the Ordinances.

**Mr. Hale** reported that there is discharge into the harbor at various points; that roads drain into other roads; and, collection systems are shared in some ways.

**Councilor Ciolino** questioned if the bills would be quarterly, and **Mr. Hale** stated that regulations will determine how the fee will be collected and that the fee will not affect the assessed value of the property. Further the cost could be \$47 - \$50 per unit.

**Councilor Tobey** noted that this will reduce the sewer rate.

**Councilor Curcuru** stated that it is about being fair; that Ward 3 is mainly 2 and 3 family homes with high water and sewer rates, with the possibility of being charged per unit for the stormwater fee. He requested consideration of a flat rate for all homes.

**Mr. Hale** said there will be a worksheet and, further, it will never be easy to say equal for all.

**Councilor Foote** stated that people having 2 – 3 family homes and single family should be even. There should be one fee per building, not per unit.

**Councilor George** questioned whether this would effect the water and sewer rates for next year.

**Mr. Hale** stated that water rates are in discussion, and there is the proposal that the fees would be divided into thirds, with the sewer rate coming down, but a new fee for stormwater.

**Councilor George** stated that people will be pushed against the wall with what they are being charged, given water consumption going down, sewer going up.

**Councilor Grow** recommended a proper formula with a scale for residential as well as commercial. Further, questioned if the stormwater fee can be combined with the water and sewer bill.

**Mr. Hale** stated that he is hoping the stormwater fee bill can be sent out with the existing bills.

**Mr. Towne** reported that \$1.80 to \$1.85 would be reduced from the sewer rate; and the stormwater fee may be more than \$50.00

**Councilor Romeo-Theken** thanked Mr. Hale for his efforts and said that, no matter what, people will be paying. She does not agree with putting the fee on the taxes.

**Councilor Tobey** stated there will be another opportunity to speak before the Council on this matter. He asked for public comment this evening.

**Robert Parsons, 163 Essex Avenue**, stated that he envisioned the Council making this Ordinance effective this fiscal year and is happy it will be going into the next FY. He further stated that anything that goes on, will not come off. There will be an assessment of \$50.00 and after the debt paid, the \$50 should come off and be a reduction. As far as passing along to renters, he pointed out the high numbers of properties now for rent. He said it is a sad day when there are mandates, but no support to support the mandates.

**Dave Hodgkins, 550 Essex Avenue**, stated he lives on a state highway and questioned if the drain is maintained by the State. Further, would people abutting City-owned property be charged given that the wetlands go through his house, which he must pump out.

**Councilor Tobey** stated that Mr. Hale and Ms. Egan will keep track of questions and prepare answers.

**Steve Malboeuf, 25 Overlook Avenue**, congratulated the Council stating this is a good Ordinance and will help to give structure to the issue. He questioned the scope and noted this is about CSO debt and if the scope is limited, it becomes a clear issue. He stated he has no ties with home service; however has obligation with his in-town business. This is more about the central City and obligation to pay for splitting up what was done many years ago. The scope is most important and as soon as the Ordinance can be accepted, it should be. Further he is in favor of single unit – single fee; two units – two fees.

**Mr. Hale** stated that we all share roads and the City is looking at stormwater as a community, not what is in front of our homes.

**Councilor Tobey** stated that the EPA looks for input on future direction of the water observation program. The public can provide feedback to the agency until August 23 at: <http://blog.epa.gov/cwactionplan/>. This, he said, is an opportunity for Gloucester to get on the record. Further, there is a two-year study with twelve members being appointed on water issues.

**Councilor Romeo-Theken** spoke to the tenant/rental issues and recommended taking time to see what is best and fair for all.

**Councilor Tobey declared the Public Hearing continued to September 8<sup>th</sup>.**

**2. PH 2009-011 – Shifting CSO, waste water debt and water supply debt to the FY2010 tax rate. Continued from 7/28/09.**

**The Public Hearing is opened.**

**Councilor Tobey** commented his concerns are being addressed and discussed; therefore, **The Public Hearing is Closed.**

**2. PH 2009-027 – SCP 2009-05 – Maplewood School – 120 Maplewood Avenue**

**The Public Hearing is opened.**

**Speaking in favor:**

**John Dugger (presenting application on behalf of the City of Gloucester).**

**Mr. Dugger** stated that a preapproved project makes sense; that the neighborhood was engaged with regard to density; and, he continued by reviewing the application as follows:

1. Social Impact – positive to safety, neighborhood issues
2. Traffic Flow – no more traffic – variance for 12 parking spaces
3. Utilities – adequate
4. Neighborhood character – has been there a long time, is historic and part of the fabric of the neighborhood. Preservation is good.
5. Natural Qualities – largest building on block. Site was paved completely and looks abandoned and in order to improve, conditions have been imposed to develop with as much natural area as possible.
6. Fiscal Impact – Sell in range of \$200,000 - \$15,000 in taxes per year. No impact on schools. Units will be affordable housing.

He further noted that the ZBA is in concurrence with the plan. Also, with regard to the height, it is existing and not changing,.

**Gardner Estes, 9 Acacia Street** stated this has been a long ordeal, that the concept is not new and was suggested by abutters years ago. He hopes this is the end as the neighborhood is concerned.

**John Christopher, 122 Maplewood Avenue,** stated this is the best proposal, and he hopes it works with the economy as it is. He thanked the Councilors for listening to the neighbors.

**Speaking in opposition: No one spoke**

**Communications: No**

**Questions:**

**Councilor Grow** questioned the definition for affordable. **Mr. Dugger** stated it is based on the State median.

**The Public Hearing is closed.**

**Discussion:**

**Councilor Tobey** stated, for the record, this Public Hearing is as advertised and the Legal Notice is correct and complete.

**Councilor Hardy** spoke to the conditions and discussion at the P and D Meeting, noting that the application meets the criteria set forth in Section 1.8.3 of the Zoning Ordinance, and that the proposed use will be in harmony with the general purpose and intent of the Ordinance; that it will not adversely affect the neighborhood, the zoning district or the City to an extent as to outweigh the beneficial effects of said use.

Further that:

The social, economic and community needs will be served by the proposed use. The neighborhood is already thickly settled and the proposed 8 unit residential permit is in keeping with the neighborhood;

Traffic flow and safety have been addressed and will be improved because the plans allow for parking of 12 cars on site which will take 12 cars off the surrounding street. Traffic flow to the property will be by entrance only from Maplewood Avenue with exit only from Acacia Streets;

Utilities and other public services do not appear to be impacted negatively due to the proposed use;

The neighborhood character and social structure is residential in nature and in keeping with the neighborhood; and,

Fiscal impact should prove to be positive in that this proposal will put residential property on the tax rolls and remove from tax-exempt status.

**Councilor Hardy** also noted that everyone has expressed thanks to **Councilor Curcuru** and the acceptance of this plan.

**Councilor Romeo-Theken** questioned the Market Value of the units and **Mr, Dugger** stated \$200,000.

**Councilor Grow** commented the market will drive the decision, and if the RFP is submitted with conditions, a buyer can work with them. If there are no buyers, the permitting is in effect and could be modified.

**Mr. Dugger** commented that all units are affordable and this is a non-issue.

**Councilor Grow** thanked Mr., Dugger for shepherding the Council through the system and hopes it is a success. Further, is pleased with the efforts in moving this forward and finding a solution that works for the neighborhood.

**Councilor Hardy** stated that pre-permitting the project enables everyone to know, up front, that this is what is contained in the Ordinance. Further, the RFP is written by the Administration and is not up to the Council, but the conditions enable the Council to have guidelines.

**MOTION:** On motion of Councilor Hardy, seconded by Councilor George, the Planning and Development Committee voted 3 in favor 0 opposed to recommend the full City Council grant a SCP for an 8 unit, multi family, residential dwelling at 120 Maplewood Avenue, owner City of Gloucester, as shown on Assessors Map 39, Lot 4, Zoning Classification High Density Residential (R5), pursuant to Section 2..3.1 (8) of the Gloucester Zoning Ordinance with the following conditions:

1. That the property be entered only from Maplewood Avenue side of the property and exited only from the Acacia Street side of the property for all vehicular parking and deliveries.
2. That the dumpster be continuously maintained and visually screened from all abutters year round by either decorative cover or evergreen foliage by any and all subsequent owners of the building.
3. That outside mechanical units, including, but not limited to air conditioners and compressors, be sound screened so as to comply with the noise ordinances, City of Gloucester.
4. That a City of Gloucester Master Fire Alarm Box be installed on the building to service the building at the initial expense of the developer and future maintenance expense of the owners.
5. The proposed residential reuse of the Maplewood School, in the form of an eight (8) unit multifamily project, shall provide one on-site deed restricted affordable unit in accordance with the Inclusionary Housing Requirements of Section 5.11 of the Gloucester Zoning Ordinance.

**MOTION:** On motion of Councilor Hardy, seconded by Councilor George, the City Council voted by **ROLL CALL 9 IN FAVOR 0 OPPOSED** to grant a SCP for an 8 unit, multi family, residential dwelling at 120 Maplewood Avenue, owner City of Gloucester, as shown on Assessors Map 39, Lot 4, Zoning Classification High Density Residential (R5), pursuant to Section 2..3.1 (8) of the Gloucester Zoning Ordinance with the following conditions:

- 1. That the property be entered only from Maplewood Avenue side of the property and exited only from the Acacia Street side of the property for all vehicular parking and deliveries.**



2. That the dumpster be continuously maintained and visually screened from all abutters year round by either decorative cover or evergreen foliage by any and all subsequent owners of the building.
3. That outside mechanical units, including, but not limited to air conditioners and compressors, be sound screened so as to comply with the noise ordinances, City of Gloucester.
4. That a City of Gloucester Master Fire Alarm Box be installed on the building to service the building at the initial expense of the developer and future maintenance expense of the owners.
5. The proposed residential reuse of the Maplewood School, in the form of an eight (8) unit multifamily project, shall provide one on-site deed restricted affordable unit in accordance with the Inclusionary Housing Requirements of Section 5.11 of the Gloucester Zoning Ordinance.

MOTION: On motion of Councilor Hardy, seconded by Councilor George the Planning and Development Committee voted 3 in favor 0 opposed to recommend the City Council grant a SCP for a Maximum building height exception of 24 feet, 0 inches, building not to exceed 54 feet in height for the eight unit residential unit at 120 Maplewood Avenue, owner City of Gloucester, as shown on Assessors Map 39, Lot 4, Zoning Classification High Density Residential (R5), pursuant to Section 3.1.6 (b) of the Gloucester Zoning Ordinance.

**MOTION: On motion of Councilor Hardy, seconded by Councilor Romeo Theken the City Council voted by ROLL CALL 9 IN FAVOR 0 OPPOSED to grant a SCP for a Maximum building height exception of 24 feet, 0 inches, building not to exceed the existing height of 54 feet in for the eight unit residential unit at 120 Maplewood Avenue, owner City of Gloucester, as shown on Assessors Map 39, Lot 4, Zoning Classification High Density Residential (R5), pursuant to Section 3.1.6 (b) of the Gloucester Zoning Ordinance.**

### COMMITTEE REPORTS

#### Ordinance and Administration – August 3, 2009

MOTION: On motion of Councilor Foote, seconded by Councilor Romeo, the Ordinance and Administration Committee voted UNANIMOUSLY to recommend the City Council AMEND the Shellfish management Plan for the Jones River (Area N9.8) by adding Mondays to the days of the week when shellfishing is allowed. Further to ADVERTISE FOR PUBLIC HEARING.

**MOTION: The City Council voted 9 In favor 0 Opposed to ADVERTISE FOR PUBLIC HEARING to AMEND the Shellfish Management Plan for the Jones River (Area N 9.8) by adding Mondays to the day of the week when shellfishing is allowed.**

#### Planning and Development – August 5, 2009

MOTION: On motion of Councilor Hardy, Seconded by Councilor George, the Planning and Development Committee voted 3 in favor 0 opposed to recommend the full City Council rename the way previously known as Riverdale Place to Lupine Lane.

**MOTION: On motion of Councilor Hardy, Seconded by Councilor George, the City Council voted 9 In Favor 0 Opposed to rename the way previously known as Riverdale Place to Lupine Lane.**

MOTION: On motion of Councilor Devlin, seconded by Councilor George, the Planning and Development Committee voted 0 in favor 3 opposed to recommend the City Council rename a portion of Bray Street to East Bray Street. MOTION FAILED

**MOTION: On motion of Councilor Hardy, seconded by Councilor Devlin, the City Council voted by Roll Call 0 in favor 9 opposed to rename a portion of Bray Street to East Bray Street. MOTION FAILED.**

MOTION: On motion of Councilor George, Seconded by Councilor Devlin, the Planning and Development Committee voted 3 in favor, 0 opposed to recommend the City Council renumber 71 R Friend Street to #3 Friend Court (Assessor Map 51, Lot 19 )

**MOTION: On motion of Councilor George, Seconded by Councilor Devlin, the City Council voted 9 in favor, opposed to renumber 71 R Friend Street to #3 Friend Court (Assessor Map 51, Lot 19 ).**

MOTION: On motion of Councilor Devlin, seconded by Councilor George, the Planning and Development Committee voted UNANIMOUSLY to recommend the City Council issue a permit to allow the 33<sup>rd</sup> running of the Magnolia 5K Road Race and One Mile Fund Run on THURSDAY, SEPTEMBER 3<sup>rd</sup>, beginning at 6:00 p.m. with the following road closures:  
Lexington Avenue from Hesperus Avenue to Norman Avenue closed from 4 p.m. to 8 p.m.  
Magnolia Avenue from Magnolia Square to Western Avenue closed from approximately 6:50 p.m. to 7:20 p.m.

**MOTION: On motion of Councilor Hardy, seconded by Councilor George, the City Council voted UNANIMOUSLY to issue a permit to allow the 33<sup>rd</sup> running of the Magnolia 5K Road Race and One Mile Fund Run on THURSDAY, SEPTEMBER 3<sup>rd</sup>, beginning at 6:00 p.m. with the following road closures:  
Lexington Avenue from Hesperus Avenue to Norman Avenue closed from 4 p.m. to 8 p.m.  
Magnolia Avenue from Magnolia Square to Western Avenue closed from approximately 6:50 p.m. to 7:20 p.m.**

#### **Budget and Finance – August 6, 2009**

MOTION: On motion of Councilor Grow, seconded by Councilor Curcuru, the Budget and Finance Committee voted 2 in favor, 0 opposed to recommend the City Council approve payment of Invoice R177987 in the amount of \$17,125.00 to Triumph for installation of pavement at the Beeman Memorial School.

**MOTION: On motion of Councilor Grow, seconded by Councilor Hardy, the City Council voted 9 IN FAVOR 0 OPPOSED to approve payment of Invoice R177987 in the amount of \$17,125.00 to Triumph for installation of pavement at the Beeman Memorial School.**

MOTION: On motion of Councilor Grow, seconded by Councilor Curcuru, the Budget and Finance Committee voted 2 in favor, 0 opposed to recommend the City Council accept the MEMA Grant in the amount of \$2,500.00, which is an Emergency Management Performance Grant, with no match required.

**MOTION: On motion of Councilor Grow, seconded by Councilor Curcuru, the City Council voted 9 IN FAVOR 0 OPPOSED to accept the MEMA Grant in the amount of \$2,500.00, which is an Emergency Management Performance Grant, with no match required.**

MOTION: On motion of Councilor Grow, seconded by Councilor Curcuru, the Budget and Finance Committee voted 2 in favor, 0 opposed to recommend the City Council approve a transfer from DPW Highway Force Account to DPW Highway Paving Account - Allied Paving – Potholes and Trenches in the amount of \$14,500 as follows:

From: DPW – Highway Force Account  
294015.10.991.59600.0000.00.000.00.000.

To: DPW – Highway Paving Account for Allied Paving  
101000.10.470.58415.0000.00.000.00.058 – DPW Paving

**Note: Corrected Account Number**

**MOTION: On motion of Councilor Grow, seconded by Councilor Curcuru, the City Council voted 9 IN FAVOR 0 OPPOSED to approve a transfer from DPW Highway Force Account to DPW Highway Paving Account - Allied Paving – Potholes and Trenches in the amount of \$14,500 as follows:**

**From: DPW – Highway Force Account  
294015.10.991.59600.0000.00.000.00.000.**

**To: DPW – Highway Paving Account for Allied Paving  
101000.10.470.58415.0000.00.000.00.058 – DPW Paving**

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

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

**Councilor Tobey** requested a report from the Capital Improvement Advisory Board on this vs other work to be done in the City.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino, the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend the City Council approve the Request for Proposal for the Disposition by Sale of the Maplewood Avenue School, RFP Number 99175, minimum bid of \$350,000 as written, subject to conditions of the Special CC Permit.

**MOTION: On motion of Councilor Grow, seconded by Councilor Hardy, the City Council voted 9 IN FAVOR 0 OPPOSED to approve the Request for Proposal for the Disposition by Sale of the Maplewood Avenue School, RFP Number 99175, minimum bid of \$350,000 as written, subject to conditions of the Special CC Permit.**

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino, the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend the City Council approve the establishment of a Special Revenue Account for Federal asset forfeitures received from GPD's share of seizures through the DEA.

**Councilor Grow** stated that the Police Chief would decide how this money would be spent within guidelines which lay out, specifically and in detail, things that the funds can and cannot be spent on. **Chief Lane** reiterated that the funds are for the good of the department and include training and new cruisers, etc; however, cannot be used for salaries.

**MOTION: On motion of Councilor Grow, seconded by Councilor Hardy, the City Council voted 9 IN FAVOR 0 OPPOSED to approve the establishment of a Special Revenue Account for Federal asset forfeitures received from GPD's share of seizures through the DEA.**

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino, the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend the City Council accept the Byrne Grant in the amount of \$21,459 from the Office of Justice Programs, US Department of Justice to be used for physical improvements to the cell block area, GPD. Further, to establish a new Special Revenue Account for equipment and supplies.

**MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino, the City Council voted 9 IN FAVOR 0 OPPOSED to accept the Byrne Grant in the amount of \$21,459 from the Office of Justice Programs, US Department of Justice to be used for physical improvements to the cell block area, GPD. Further, to establish a new Special Revenue Account for equipment and supplies.**

**Councilor Grow** spoke to the discussion at the B and F Committee meeting on the MOU for the Police Department. It is requested that a full briefing be given by the Administration on the MOU, including an accounting of the terms and conditions. Further, he stated that, if not a need for funding, the impact of the contract would be beneficial.

**Councilor Tobey** questioned whether the City Auditor is working with the B and F Committee. Further, if there is a cost appropriation not requiring approval by the City Council. He further noted that the law provides a loophole which may have been exercised by the Administration. He requests a presentation at the first City Council Meeting in September.

**Mr. Duggan, CAO**, suggested working with the City Auditor and have her conclusions prior to a presentation. He said he will discuss this with Mayor Kirk.

**Councilor Hardy** stated that in the MOU she saw nothing related to whether it is retroactive or not. **Mr. Dugan** said it is not retroactive and is under the impression this is outlined in the MOU.

**Councilor Hardy** requested that Mr. MacArthur, Retirement Board, be consulted to confirm whether there is/is not unfunded liability.

**Councilor Grow** stated that the department contracts have millions of dollars of impact on the City. Further, the presentation would not just be to the City Council, but to the people of the City who are paying for the contracts. Conversations should be before the Council/community whether or not the Council has any part in the decision-making process.

**Councilor George** commented that the contract is not costing the residents a dime and that there are many benefits given in the contract.

**Discussion will continue at the first meeting in September, September 8<sup>th</sup>.**

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

**Councilor Hardy** reminded one and all of the Block Party this Saturday evening. She also spoke of Brian Hamilton's art work; and, gave her thanks to Kathy Middleton.

**Councilor Grow** noted Kathy Middleton's efforts and stated his appreciation for her work in the City. He also commented on the Triathlon's tremendous success and thanked those responsible. He said this is a Grand Slam for the City.

**Councilor Romeo** reminded residents of the Rotary Club Pancake Breakfast and Waterfront Festival on Saturday morning. Also, on Saturday afternoon at 5 p.m. there is a Memorial Service for the Fishermen.

**Councilor Foote** bid goodnight to the senior residents and thanked those residents of Senior Housing.

**ADJOURNMENT.** It was moved, seconded and voted UNANIMOUSLY to adjourn the meeting at 9:20 p.m.

**Respectfully Submitted,**

**Anne Marchand,  
Substitute Recorder**