

**GLOUCESTER CITY COUNCIL MEETING
TUESDAY, February 16, 2010
7:00 P.M.
Kyrouz Auditorium – City Hall
Council Meeting 2010-004**

Present: Council President Jacqueline Hardy; Council Vice President, Sefatia Theken; Councilor Steven Curcuru, Councilor Joe Ciolino, Councilor Robert Whycott, Councilor Paul McGeary, Councilor Ann Mulcahey, Councilor Bruce Tobey; Councilor Greg Verga

Absent: None.

Also present: Jim Duggan, Linda L. Lowe; Fire Chief Phil Dench; Mike Hale; David Anderson; Attorney Ralph Pino; Manuel Quesada; Hironori Koga, John Hessel; Michael Salmon; Attorney Miranda Gooding; Bob Hastings

City Council Meeting 2010-003 was called to order at 7:03 p.m.

Flag Salute and Moment of Silence

Oral Communications: None.

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

Commendations:

Ms. Lowe stated this matter was postponed due to the inclement weather.

Confirmation of Appointments:

John McElhenny, Open Space Committee, TTE 02/14/2010

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances and Administration Committee voted 3 in favor, 0 opposed, to recommend to the City Council the appointment of John McElhenny to the Open Space Committee, TTE 02/14/2013.

Councilor Theken stated that Mr. McElhenny that he worked very closely on the parks aspect of open spaces and has a good recommendation to the Council.

MOTION: On motion by Councilor Theken , seconded by Councilor Ciolino , the City Council voted unanimously 9 in favor, 0 opposed, to recommend to the City Council the appointment of John McElhenny to the Open Space Committee, TTE 02/14/2013.

Mayoral Appointments:

Chief Administrative Officer, James A. Duggan

Councilor Theken stated all concerns and interest were covered.

MOTION: On motion by Councilor Mulcahey seconded by Councilor Theken, the Ordinances and Administration Committee voted 2 in favor, 1 (Tobey) opposed to recommend to the City Council confirm the Mayor's reappointment of James A. Duggan, Chief Administrative Officer, TTE 02/14/2011.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 8 in favor, 1 (Tobey) opposed to confirm the Mayor's reappointment of James A. Duggan, Chief Administrative Officer, TTE 02/14/2011.

Chief Financial Officer, Jeffrey C. Towne

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances and Administrative Committee voted 3 in favor, 0 opposed to recommend to the City Council the Mayor's reappointment of Jeffrey C. Towne, Chief Financial Officer, TTE 02/14/2011.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted unanimously 9 in favor, 0 opposed to confirm the Mayor's reappointment of Jeffrey C. Towne, Chief Financial Officer, TTE 02/14/2011.

General Counsel, Suzanne Egan

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances and Administrative Committee voted 3 in favor, 0 opposed to recommend to the City Council the Mayor's reappointment of Suzanne Egan, General Counsel, TTE 02/14/2011.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to confirm the Mayor's reappointment of Suzanne Egan, General Counsel, TTE 02/14/2011.

Community Development Director, Sarah (Buck) Garcia

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances and Administrative Committee voted 3 in favor, 0 opposed to recommend to the City Council the Mayor's reappointment of Sarah Garcia, Community Development Director, TTE 02/14/2011.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted unanimously 9 in favor, 0 opposed to recommend to confirm the Mayor's reappointment of Sarah Garcia, Community Development Director, TTE 02/14/2011.

Personnel Director, David J. Bain, Jr.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances and Administrative Committee voted 3 in favor, 0 opposed to recommend to the City Council the Mayor's reappointment of David J. Bain, Jr., Personnel Director, TTE 02/14/2011.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted unanimously 9 in favor, 0 opposed to confirm the Mayor's reappointment of David J. Bain, Jr., Personnel Director, TTE 02/14/2011.

Purchasing Agent, Donna M. Compton

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances and Administrative Committee voted 3 in favor, 0 opposed to recommend to the City Council the Mayor's reappointment of Donna M. Compton, Purchasing Agent, TTE 02/14/2011.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted unanimously 9 in favor, 0 opposed to confirm the Mayor's reappointment of Donna M. Compton, Purchasing Agent, TTE 02/14/2011.

Inspector of Buildings, William Sanborn

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances and Administrative Committee voted 3 in favor, 0 opposed to recommend to the City Council the Mayor's reappointment of William Sanborn, Inspector of Buildings, TTE 02/14/2011.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted unanimously 9 in favor, 0 opposed to confirm the Mayor's reappointment of William Sanborn, Inspector of Buildings, TTE 02/14/2011.

Director of Public Works, Michael B. Hale

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances and Administrative Committee voted 3 in favor, 0 opposed to recommend to the City Council the Mayor's reappointment of Michael B. Hale, Director of Public Works, TTE 02/14/2012.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted unanimously 9 in favor, 0 opposed to confirm the Mayor's reappointment of Michael B. Hale, Director of Public Works, TTE 02/14/2012.

Principal Assessor, Nancy Papows

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances and Administrative Committee voted 3 in favor, 0 opposed to recommend to the City Council the Mayor's reappointment of Nancy Papows, Principal Assessor, TTE 02/14/2013.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted unanimously 9 in favor, 0 opposed to confirm the Mayor's reappointment of Nancy Papows, Principal Assessor, TTE 02/14/2013.

Presentations:

1 of 3: *Introduction of Veteran's Agent – Jeffrey Williams*

Councilor Hardy said Mr. Williams was unable to attend this evening due to the weather and would be introduced at the next regularly scheduled City Council meeting.

2 of 3: *Tom Philbin of Massachusetts Municipal Association & Mike Hale, DPW Director Proposed Federal Stormwater Permit for 84 MA Communities*

EPA documents: Funding Stormwater Programs; Stormwater Phase II Final Rule, an Overview; and City Summary of Major Changes et. al., all on file in City Clerk's Office

Councilor Tobey gave a brief history on the EPA regulations which started in 1972 and stated that they have yielded some positives but with enormous consequences; some positive with the clean up of our harbor; but the cost issues have been severe. There were federal and state programs for reimbursement in the past, but the City is on its own now. This evening is a discussion of a renewal of a five-year permit for the City in an emerging area of concern for the government, the regulation of Stormwater runoff. Eighty-four communities are required to do this in the State. There are costs attendant to this program whether or not the City has a stormwater fee. The previous Council authorized the Administration to come forward with a stormwater fee that may or may not be coming forward noting he is not privy to those discussions. There are costs attendant to this that are already in the sewer rate, whether or not the City has a stormwater fee. This discussion will provide background so if there is comment before the March 10th deadline the Council can be better informed. He introduced Tom Philbin of the Massachusetts Municipal Association (MMA) who is active in city government working with the City of Salem. He was pleased to see him join the staff of the MMA specializing in environmental issues working with their environmental committee. He noted the City Clerk has been reappointed to that committee. Mr. Philbin also represents municipal interests ably at the State and Federal government levels.

Mr. Philbin gave a brief background on his experience. Federal officials recently released a draft plan that requires 84 communities in the State to comply with new regulations on the reduction of Stormwater runoff from municipal storm drains. The plan follows a similar policy issued in 2003 to ensure municipalities comply with the Clean Water Act. In 2003 it required cities and towns to remove sewage connections from storm drains; to improve sweeping; and to increase public education to cut stormwater runoff into the sewer systems. The goal is to reduce the levels of phosphorus and nitrogen, also metals, sediment, and disease-causing bacteria and other pollutants that can impact all bodies of water. Controlling the pollution from Stormwater runoff will help to keep beaches and shellfish beds open. However, communities have been burdened with drinking water costs; sewer costs and their utilities. Stormwater has no revenue to take care of it, which has normally been taken care of by the DPW. The cost of compliance with the new plan is onerous, especially with steep budget cuts in our communities. Some of the costs that will be required are the monitoring of outfall from their pipes in their local water sources during dry and wet weather. You actually have to have bodies at the outfalls to monitor these pipes. Inspect key manholes within 5 years to ensure they're not spreading pollutants which require staff to carry out; drafting plans to detect and deal with illicit pollution within one year and remedy it. It will require communities to encourage others to make their buildings and drainage systems more environmentally friendly. Gloucester has passed a lot of this already and is already somewhat a part of the ordinances. You may be asked to pass new building codes and bylaws. You may be asked to buy new, efficient street sweepers, vacuum sweepers. Traditional street sweepers don't pick up the fine particles; those particles get into the waste drains and into the rivers. Municipalities spend about \$94,000 annually to comply with the current Stormwater runoff regulations. The EPA says new plan would add between \$20,000 to 70,000 per year in increased costs. These regulations may be well intentioned, but how are communities going to pay for it without slashing other services. Councilor Tobey played a key role in representing the interest of municipalities with the MMA to push for both water and infrastructure funding and assistance with the energy efficiency measures in treating waste water and drinking water. For municipalities electricity is the number one cost related to these matters as well as the chemicals to treat waste water and runoff. The MMA membership in January 2009 endorsed a policy and resolution to call upon the Governor and the legislature to create a special infrastructure finance commission to develop a comprehensive long-range infrastructure finance plan for the state and municipalities. The Senate joined to override the Governor's veto of the infrastructure finance commission. He reviewed recent legislation at the State level and that the commission was included in the budget this past year; and an environmental bond bill that was enacted last year. After three tries, the Governor approved the commission. He has begun appointments to the commission. The MMA nominated Councilor Tobey for his experience and will hopefully hear soon about that appointment. This commission will look at waste water, drinking water and storm water and the overall big picture of all those costs. They are hoping this Commission will raise the issues of the costs that are burdening the cities and towns of Massachusetts. On the federal level, MMA had a delegation went to Washington that Councilor Tobey was a part of as President of the MMA at that time, to discuss with Federal officials about regulations and the costs of the requirements. These regulations that just came out give the number between \$20,000 and \$70,000 per year by the EPA. Worcester was given these a few months ago; and their costs to treat

the storm water were \$1 billion over the next 10 years. It may be a number in between there, but you can see the burden that is happening to cities and towns. The EPA is having a public meeting on the draft regulations at the Tip O'Neill Building on March 18th in Boston. The public comment period is going to last until March 31st and then the final regulations will be issued later this year. He suggested working with Mr. Hale, DPW Director to develop a cost impact estimate and what are some of the simple regulations that might be able to be put in place. He felt it important that each and every Councilor weigh in on this matter. Speak to the communities that surround Gloucester to collaborate and to reach out to your legislative representatives on the issue. Communities are struggling to come up with new sources of revenue to meet their infrastructure needs. For most communities the costs to manage this comes from general revenues to meet the growing demands of stormwater management. Some communities cover the cost in the same way water and sewer is covered. It may be the most equitable. In Newton residents see it on their water bill. It is divided out by residential and commercial properties that pay more because their lots are covered with more impervious surface. Newton estimates their costs at about \$700,000 annually including an engineer, five other employees, and various other services. MMA last year pushed for a regionalization on the matter. He gave other examples of how communities in the state handle the Stormwater and funding options, as well as other New England communities. The Clean Water Act requires these regulations be reviewed every five years. This is the next drinking water or waste water. Monitoring is required and more and more is being asked for monitoring purposes.

Mike Hale, DPW Director said in 2003 the City entered into the old permit with the EPA and DEP, having a 5 year lifespan. The new permit regulations are lengthy. The changes are drastic with a lot more monitoring and reporting. They are going to have to map all the outfalls and monitor them all. They do some of that today. This is not a voluntary program. This is something the City is required to do. This is not the same thing as the CSO; it is separate. This permit is for storm water. The permit has been around for many years. It started with very large cities and has now filtered down, in 2003, to the smaller communities like Gloucester. We have 26 square miles and 174 miles of road. Its not just stormwater that's conveyed through pipes; it's stormwater that's conveyed – period - whether it's sheet flow across the road or a drainage ditch for municipally controlled stormwater as it pertains to private stormwater, other than through new construction, redevelopment, and post-construction requirements that the City will need to enhance the current stormwater by-laws. He handed out a 'cheat sheet' on the different components proposed that will hit the City. His rough calculations on costs range greatly. There are so many unknowns to those of us in the Engineering Department and Public Works. They know where these catch basins are, but they don't know where they all go as to where the source water is. Just for the permit itself, not including peripherals, like street sweepers, it's \$200,000-\$500,000 for the permit. It isn't possible to know how far they're going to make us chase these storm drains. This cost doesn't include staff and managing the big ticket items replacing the infrastructure; like managing the street sweeping stockpile. Certainly the intent of the stormwater policy is a good one. We all want clean receiving waters. But stormwater is becoming an emerging federal regulation that's going into separate utility. The EPA and DEP manage sanitary sewer and water pretty effectively. Stormwater is getting to that, if not through this permit, then on the next. The DEP is helping to formulate methods to create stormwater utility. They're getting involved as to how communities charge residents. It will be a much greater responsibility for the communities. Now it is managed by the DPW through the sewer enterprise fund and in the general fund. The single street sweeper was bought through Chapter 90 money a few years ago was \$200,000 which last 5 to 6 years. If they have to go to new technology, it is fairly close in price. Depending how strict the new regulations become, there will need to be a way to institute a funding source. There will need to be a funding mechanism for this. They will be forwarding some kind of funding mechanism to the City Council through the Administration like a stormwater enterprise fee. It is gaining popularity throughout the nation. There are some successful examples, and they'll need to agree upon the equity on how the fee is distributed to residential and commercial properties. He reiterated that the City is going to be forced to do this. This is the City's chance to have input on the draft permit. His office, along with Community Development is formulating their comments individually on it and will combine them for the EPA and DEP and to the State delegation.

Councilor Tobey asked Mr. Hale to give a sense on the scope of the concerns he is identifying that you are voicing to the EPA. He urged the Administration to not only file written remarks; but if there is a public hearing,

to take the opportunity to participate. History shows a little bit of regulation becomes a lot. It is important to raise objections vigorously now. Also, please tell the Council the extent you are reaching out to our neighboring communities with whom we share the same watershed.

Mr. Hale said the first permitting had six minimal control issues to it. This now not only keeps those six control measures but asks for more thorough reporting on if you have an illicit connection. It's not just finding it. It's mitigating it and the timeframe is fairly quickly. First we have to find it, and that's an expensive process to find it. Then there's the cost of mitigating it. Is it the City's responsibility or the private landowner's responsibility? How do we manage the private and public relationship? The monitoring is not just knowing that you have outfalls to the receiving waters but where they are; the quality of it; and if suspect where it is coming from. There are two kinds of pollution: point source - you know where it's coming from; and non-point source where you don't know where it is coming from. Monitoring and reporting is also onerous. We have some pretty good maps; we can do some more. We have GPS, survey equipment. They can locate the outfalls, but it is reconnaissance to get to that point. Those are the expensive points of this permit. They are trying very hard at Public Works to maintain the housekeeping; but this is going to be beyond Public Works. It's going to be all public buildings, schools included. As far as neighboring communities, they're not really looking at water issues. Gloucester's roads lead to Gloucester roads. Mass Highway is another participant in this; they have their own stormwater permit through the EPA and DEP. How they contribute to the City is a topic they need to take up fairly quickly with District 4. Rockport, Essex, Manchester don't contribute greatly to our stormwater issues, nor do we contribute to theirs. But we have to look at the State's contribution to the issue.

Councilor McGeary asked for Mr. Hale to distinguish between the CSO and how it relates to the overall stormwater management.

Mr. Hale said it is stated that it is clearly separate, but it carries the same tone. CSO is to mitigate our combined sewer because we have sewer that discharges directly to our harbor during rain events or wet weather flows. Stormwater is any time there is precipitation. CSO is to separate the sewer and send it directly to the plant. Stormwater is to make sure it's relatively clean; if it's not clean, why it's not clean; and what can we do about where it enters the receiving bodies no matter where it occurs. It's regulated differently. This permit is solely for stormwater; The MS4, the municipal separate small storm sewer system. It is just about the conveyance of stormwater. Certainly CSO is a big issue, but it's not the same.

Councilor McGeary said the CSO; by separating the stormwater from the Sewer should help the City. We should be in a better position than we would be otherwise to manage our stormwater outfalls.

Mr. Hale said yes; but you still have the urban pollutants from automobiles down City drains, sand, salt, that enter the catch basins in the spring; heavy rains that carry it off to the receiving waters, etc. Yes, it will be better. CSO is only happening in a very small portion of the City. There is no CSO happening in North Gloucester, West Gloucester, and Magnolia. All those areas have conveyances for the stormwater. They have started a very aggressive catch basin rebuilding program with a few hundred rebuilt last year. They are replacing a lot of the catch basins along the CSO project as well. That will give the City a leg up - better catch basins can be cleaned. If you don't have a sump in the catch basins, you can't get the pollutants that settle out in it naturally. It is simple technology, but it works well.

Councilor Mulcahey asked how the City knows it is mandated to do this.

Mr. Hale said we've been under this permit since 2003, and we are up for renewal. The permit renewal will require more for the City to do.

Councilor Mulcahey noted a restaurant being fined for pouring oil down their kitchen drain, and asked why does the City need more regulations, and to pay out more money.

Mr. Hale said as far as the dumping of oil that affects the transmission lines and makes it difficult to manage at the waste treatment plants. Stormwater is different. The impact on the receiving waters is great. The EPA is mandating this requirement. There are regulations that manage many aspects. They cleaned up streams and clean catch basins; and they street sweep to make sure streets are clean enough so when it rains the pollutants don't go into the receiving waters. The City doesn't have a choice.

Councilor Theken said we had been working with the last City Council to have a public hearing for storm water utility bill.

Mr. Hale said they did take it up as a discussion, and it still has to come forward. But they didn't know what form it would take. Now that they have a draft of the new permit, they can see what direction it is taking. Just the capital to get the permit done is \$200,000 to \$500,000. It will not go away. It will keep renewing itself; and as regulations change the City will be required to work within them and be held to those standards. The DEP is an active partner in this as are the State environmental regulators.

Councilor Theken asked what the Council and the City needs to do to continue this process.

Mr. Hale said he'll be forwarding the loan request through the Administration. This permit will be comparable to the last one. It will also be about how we fund this going forward. The Administration will discuss this with the Council.

Councilor Ciolino asked Mr. Hale regarding the Stormwater Enterprise Fund.

Mr. Hale said it hasn't been take up by this Council. He had a brief discussion with the CFO and CAO to be brought up sooner rather than later. The merits need to be discussed; what form it will take; and what's fair in a flat rate. The calculations will be an immense task and a daunting one as well. They're leaning towards a flat fee for residential and commercial.

Councilor Ciolino expressed concern that it seems like this matter is still in limbo. Perhaps the Administration can work a little harder to bring it forward. On Atlantic Road people complain about clogged drains. What is the definition of the maintenance of the existing storm drains? We need to have that definition. There are so many things on public streets that were done privately which create even more problems. It is something to think about going forward.

Councilor Curcuru asked if the CSO, permit, catch basins, and street sweepers, etc., can all be under storm water management fee.

Mr. Hale said are you saying that under the stormwater enterprise fee can we pass this off the cost of the CSO debt related drain; could we buy a street sweeper. With an enterprise fund dedicated to it, he felt you could.

Councilor Curcuru said along with the permit, the \$500,000.00, can this all be under one fee; you indicated that this was separate. He didn't think that's what Mr. Hale meant. It's still stormwater management, regardless.

Mr. Hale said in order to get going, the permit's due 'X' number of days after it becomes official. He doesn't have a storm water fee in place; and if he did he wouldn't have any revenue to put the permit in. They'd be looking for a borrowing that they could develop the plan, which, again is something that is a fairly lengthy process that would need to be undertaken.

Councilor Curcuru asked how it had been paid for all along.

Mr. Hale believed the first permit was done by a borrowing in 2002 of \$140,000. That bought the engineering services to develop the permit; to develop some mapping; and scanned a significant number of existing branch plans to a digital format that is still valid today. They also did some outfall scanning. Since then it's fallen under the annual maintenance budget for street sweeping which again falls between the sewer and general fund. It is a mix. Some of it does come out of the enterprise account.

Councilor Curcuru said we're getting ready to do the budget and setting the sewer and water rates. Isn't this something that we should be thinking about. If this is pulled out of the enterprise account, it's got to come from somewhere, whether we borrow for it, the taxpayer has to pay for it. Why should the rate payers pay for it.

Mr. Duggan said they will have the stormwater fee within the next Mayor's report to make a proposal to come forward.

Councilor Curcuru said this is not going to include the permit and the larger scope that we have regarding this.

Mr. Hale said if you're going to borrow, and you have a sewer enterprise, you're not paying it back all at once. It is an auditing question. You could charge it back to the enterprise once it is established.

Councilor Tobey reiterated that this is "teed" up now. The previous Council passed an ordinance that there could be a stormwater utility fee. The Council discussed a number of options but left it to the Administration to make recommendations. It wasn't meant to be a fee to capture every single cost, only those costs reasonably attributable to storm water management only [drainage only]. CSO costs are not appropriate except for debt shift.

Mr. Hale spoke to the debt shift and separating out the drain improvements under "CSO work" which can be separated easily. Unit pricing can be kept separate so they can separate water, sewer, and drain, if that was the will of the Administration.

Councilor Tobey said his advice to his fellow Councilors is to look forward to this in the Mayor's Report and to review it as any other fee. We do need to pay serious attention to this which he's said many times in the past. There are those environmental advocates, well intended, who would bankrupt communities by requiring more regulations and more regulations. One good way is to take an aggressive stand now in the very early days of the program. He hopes the Administration will engage this from that point of view and spirit. He hopes the Council will receive copies of comments sent to the EPA.

Councilor Hardy thanked Mr. Philbin and Mr. Hale for their presentation.

3 of 3: Sarah Garcia, Community Development Director – Facilities Report (On file in the City Clerk's Office and posted on City Website)

This matter is continued by unanimous consent to the March 2, 2010 meeting of the City Council.

Items to be removed from or added to the Consent Agenda:

It was motioned, seconded and unanimous to approve the Consent Agenda.

By unanimous consent the City Council referred the following matters to the Standing Committees, which were received late to the Council as noted below:

- **Letter from Stevan Goldin re: 79-99 Essex Avenue to be referred to Planning & Development Committee;**
- **Letter from Cape Ann Farmer's Market to request road closures for their Annual Farmer's Market running From June 24, 2010 ending October 7, 2010;**
- **Memo from Mayor re: City Auditor Pay Grade to be referred to the Ordinances and Administration Committee and the Budget and Finance Committee;**
- **Memo from Mayor re: Chief Financial Officer Pay Grade to be referred to the Ordinances and Administration Committee and the Budget and Finance Committee.**

It was motioned, seconded and unanimous to approve the amended minutes of the February 2, 2010 City Council.

Councilor Hardy noted that the Standing Committee Meeting Minutes are now being approved within the Consent Agenda. The Consent Agenda has been approved by unanimous consent; the three Standing Committee Minutes noted on the Consent Agenda have been approved as well.

For Council Vote:

- 1. Motion to Rescind vote taken 02/02/2010 approving extension re: Extension of SCP2007-019 Windover Properties, LLC, 14 Cliff Avenue, Sec. 5.7 (Major Project) Multi-Family (no rescission for advertising for hearing)**

Councilor Hardy explained a motion to rescind requires a second; it is debatable; it is amendable; and requires a majority vote.

Councilor Ciolino said at the previous City Council meeting they wanted to put this forward to advertise but what they did was pass it prematurely, as evidenced by the next agenda item, which is the exact same item that the Council is going to discuss properly. Basically this was a case of the cart went before the horse.

Councilor Hardy said it is her understanding that there was a little bit of confusion as to what the Council was actually passing. It was a motion to actually advertise the item. The motion did carry that way, but to clear up any confusion, the motion to rescind is on the floor.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Mulcahey, the City Council voted 8 in favor, 0 opposed 1 present (Tobey) to RESCIND the vote taken on February 2, 2010 by the City Council on the Special Council Permit 2007-019 Extension of SCP2007-019 Windover Properties, LLC, 14 Cliff Avenue, Sec. 5.7 (Major Project) Multi-Family of the Planning and Development Committee under Committee Reports of their meeting of January 13, 2010.

Scheduled Public Hearings:

1. *PH2010-005: Extension of SCP2007-019 Windover Properties, LLC 14 Cliff Avenue, Sec. 5.7 (Major Project) Multi Family*

The public hearing opened.

Speaking in Favor:

Attorney Miranda Gooding, Glovsky & Glovsky, representing Windover Properties, LLC, asked for a continuance for this evening's public hearing. She communicated with the City Clerk and as the Chair is aware, the applicant is requesting a continuance. As they stated before when they were in front of the Planning and Development Committee, they been in on-going discussions with one abutter who has recently filed an appeal to the latest round of relief that was obtained by Windover LLC from the Zoning Board of Appeals. In light of those ongoing discussions to resolve this amicably, they requested earlier in the day suggesting a continuance to the abutter's attorney, via email to ask for a continuance; and the abutter's attorney agreed to this also (on file). She hopes the Council will deign to continue this matter. She noted they have a limited time to respond to their complaint within the next couple of weeks to know whether there is a solution that works for everybody. They will accommodate the Council as they see fit.

Speaking in Opposition: None.

Communications: None.

Ms. Lowe said a communication was received in agreement with the request for a continuation by both parties (on file).

Councilor Hardy recognizing there was no one else to speak in opposition on the matter, continued the public hearing to the City Council meeting of March 16, 2010.

By unanimous consent the Public Hearings out of order.

3. *PH2010-007: SCP2010-002: 121 East Main Street, sec. 2.3.4(8) Restaurant, without outdoor seating and limited takeout and Special Permit under sec. 5.18 Marine Industrial District*

The public hearing opened.

Councilor Hardy stated the amended application on this Special Council Permit has been filed as requested by the Planning and Development Committee in the City Clerk's office.

Speaking in Favor:

Attorney Pino spoke for the applicant American Lobster a d/b/a Sakurabana Inc., and property owner, East Gloucester Marine, LLC, and gave site maps to the Councilors (on file) and said the property is 121 East Main Street, the former site Bob's Clam Shack. The zoning is for Marine Industrial and needs a special permit under sec. 5.18 and section 2.3.4(8). This will be a use within 200 feet of the waterfront. The applicant seeks to use the center portion of the building. There will be no exterior changes to the building except for doors and windows. The building is rundown now. He described the building in its current condition to the Council. There will be no exterior change to the building other than doors and windows. It is in fairly run-down condition because there hasn't been an economic use for that building in quite some time. The proposal is for a seating plan is now 102

seat restaurant which includes counter seas, sit down tables towards the rear of the building, and a sushi bar. The site is 3.2 acres. Parking for the restaurant and the uses of the building is compliant with the zoning ordinance and no relief has been sought. This proposal fits into the Harbor Plan. It already comprises a lobster company, a sushi operation; the Yankee Fleet operates its fishing vessels from the waterfront and has an office in this building as well. There is dockage for commercial and pleasure craft, and boat storage on the property. The restaurant proposed is trying to incorporate its industrial uses (lobster, sushi) already on the property and to have patrons of the Yankee Fleet could have their catch cooked at the restaurant. This is one site that is complementing the industrial uses. No industrial uses will be displaced. This is a supporting use to maintain the rest of the structures. Included is a section from the Harbor Plan, an exhibit under current uses, which lists this site as a restaurant in total. There is a Chapter 91 license which shows the use as a restaurant. They are not changing anything there. This was before P&D on January 13th and had unanimous approval with some conditions which the attorney listed, from the Planning & Development meeting. Looking at the criteria, he believed they have adequately addressed them in the application. The traffic and safety is covered with adequate parking on site as well as visibility. They have municipal sewer and water. This neighborhood is a mixed one of residential and commercial. No exterior changes other than beatifying the windows; and under Chapter 91 and the harbor plan is to get uses that support the marine industrial plan. The attorney acknowledged representatives from East Gloucester Marine and Sakurabana who were available to answer questions.

David Anderson, 16 Middle Street said with over 1 million square feet of empty commercial space, if someone is going to step forward to create business and uplift the property, he is 100% in favor of this project.

Michael Salmon, 4 Haskell Street said he is an abutter, and thinks it's a good use and will compliment the other businesses that are there, improving the property and not displacing anyone. For those reasons he is for it.

Speaking in Opposition: None.

Communications: None.

Questions:

Councilor Ciolino asked Attorney Pino about Restaurant Odor Control to be in place which Attorney Pino assured that they will comply with that as a condition of the Special Council Permit.

Councilor Mulcahey asked about the parking spaces.

Attorney Pino said there are 51. The parking plan shows 77 spaces on the site. The restaurant needs 51 of those spaces. There is adequate parking under the plan submitted.

Councilor Curcuru confirmed with Attorney Pino that no one is displaced and that the restaurant is in the center back of the building.

This public hearing is closed.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant the Special Council Permit 2010-002: 121 East Main Street, Map 59, Lot 77, zoning Classification MI, pursuant to Gloucester Zoning Ordinances Section 2.3.4(8) restaurant without outdoor seating with takeout constituting no more than 20% of total business and Section 5.18, Marine Industrial District, applicant name of American Lobster a d/b/a of Sakurabana, Inc., owner's name of East Gloucester Marine, LLC with the following conditions:

1. The restaurant will occupy 3,270 square feet in the center/rear portion of the 121 East Main Street building;
2. No outdoor seating is permitted;
3. No all-alcohol license to be requested;
4. Take out constituting no more than 20% of the total business;
5. A fence and planters to be erected on the East Main Street side between parking

- Spaces 1-10 as shown on submitted plans;
6. Restaurant odor control will be in place;
 7. The restaurant dumpster to be fenced in.

Discussion:

Councilor Ciolino said when someone wants to put a restaurant into Marine Industrial, one of the most important questions is, and will it displace any marine-related business or fishing boats. The answer is no. The existing fishing boats are not going to be removed. The previous use was a restaurant. You can see that the property is run down. The owners have given assurances that they will be cleaning up the property. The restaurant will work in tandem with the Yankee Fleet and felt that it will compliment the use. He noted it would be a good business practice to offer breakfast right through to dinner, to utilize the catch. It is an improvement for the neighborhood and for the property. This compliments the Marine Industrial.

Councilor Whynott was pleased to see this happening, and that it will compliment the area; and he will support it.

Councilor Verga said it will enhance the marine businesses that are there now. As Councilor Whynott said, it will compliment the area. It will be good to have a restaurant to attract people to the area.

Councilor Theken said she will support this. We want to fill the empty spaces with businesses that are going to enhance not only the building but the community. The abutters and their concerns have been addressed in a friendly manner, as it should be. American Lobster supports the local fishing community. The owner and manager have been in the community for years. It will be good to see the property cleaned up. She expressed concern over #4 of the conditions but withdrew them upon understanding that the building inspector reviews this periodically to ensure the percentages are by the zoning law.

Councilor Mulcahey asked about the beer and wine license they will seek.

Attorney Pino said the Councilors and the neighbors don't want the restaurant to be turning into a bar. So their original petition said they would not have an all-alcohol license. He clarified that the applicant would like to have a beer and wine license at some point to compliment the restaurant.

Councilor Curcuru said he will support this.

Councilor Hardy asked Attorney Pino to address the criteria under 1.8.3 of a Special Council Permit.

Attorney Pino said he touched upon them in his presentation, but they are in an addendum sheet to the application. They are not taking anything away from the Marine Industrial use but to find a way to support it by using the products, encouraging people to use the Yankee Fleet. They have a very large road in front of the property. There is adequate water and sewer, and excellent parking. There is good vision. It is a neighborhood of mixed uses. There is a letter submitted from Brown's Yacht Yard (on file) in support. They're not changing anything. The impact is the symbiotic relationship between the uses of the site in conjunction with the harbor.

Councilor Hardy said this is in keeping with the neighborhood from years ago with the Chapter 91 license. The roadway seems to be wide enough. She was also at the Planning and Development meeting when the neighbors did discuss what they'd like to see in relationship about a little bit of blockage and planters which is a really good idea. She thanked the applicants for working with the neighbors. There is very strong need for the applicant to keep the property up, not to let it become run down again. So for that and for the reasons of section 1.8.3 she will be supporting this also.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted by roll call unanimously 9 in favor, 0 opposed to grant the Special Council Permit 2010-002: 121 East Main Street, Map 59, Lot 77, zoning Classification MI, pursuant to Gloucester Zoning Ordinances Section 2.3.4(8) restaurant without outdoor seating with takeout constituting no more than 20% of total business and Section 5.18, Marine Industrial

District, applicant name of American Lobster a d/b/a of Sakurabana, Inc., owner's name of East Gloucester Marine, LLC with the following conditions:

- 1. The restaurant will occupy 3,270 square feet in the center/rear portion of the 121 East Main Street building;**
- 2. No outdoor seating is permitted;**
- 3. No all-alcohol license to be requested;**
- 4. Take out constituting no more than 20% of the total business;**
- 5. A fence and planters to be erected on the East Main Street side between parking Spaces 1-10 as shown on submitted plans;**
- 6. Restaurant odor control will be in place;**
- 7. The restaurant dumpster to be fenced in.**

Councilor Hardy stated they will have the City's Legal Department work on getting the decision forwarded as soon as possible.

2. PH2010-006: Acceptance of M.G.L. Chapter 64G, section A which authorizes the City of Gloucester to impose a local room occupancy excise tax

Ms. Lowe read the advertisement for public hearing (copy on file).

The public hearing opened.

Speaking in Favor:

Mr. Duggan, CAO, asked for clarification that the vote before the Council is to amend the local tax.

Ms. Lowe responded that the advertisement is to accept. It was written that way in M.G.L 64G which is not being amended by Gloucester. It is a local acceptance. The Council would be enacting a local variation of it.

Councilor Hardy said they went to a great deal of effort that it was correct and explicit in the advertisement and is why she had Ms. Lowe to read it into the record.

Mr. Duggan said that this came before the Council in August to amend the room tax to 6% to give the City revenues and to maintain City services.

Speaking in Opposition:

Bob Hastings, 196 Main Street, and Cape Ann Chamber of Commerce President said this is not a good time to pass this. 6% is a 50 percent increase. The Tourism sector is under a great deal of stress. He noted that we are coming out of a major recession and other industries are outright depressed. He believes the tax is not well thought out. He asks that this be put off to better times.

David Anderson, 16 Middle Street said he is sympathetic to the City's financial difficulties. This is a very small amount of revenue for the City. A meals tax, then a room tax, the possible increase of parking meters. We are damaging Main Street and the restaurants. We are a small tourist city compared to our neighbors. Tourism is still the second largest industry in the State. We know we need revenue. Cut the budget but do not add taxes. It is time to be serious about cutting the budget and we need strong decisions. Please make them now.

Communications: None.

Questions:

Councilor Verga asked what is the estimated revenue for the quarter if enacted and how soon would the City see these revenues come back from the State.

Mr. Duggan said it would be per percentage point for April May and June Annually it is \$120,000.00 approximately.

Councilor Ciolino said they can't earmark the funds, and wanted to know the administration's plan for funding tourism.

Mr. Duggan said there has been an investment in volunteerism at the Welcoming Center through the Tourism Commission. They will continue through the budget process to invest in tourism and will not drop it.

Councilor Tobey was confused by answer to Councilor Verga. The majority of hotel beds aren't year around but are seasonal. It is a June to mid-October season. He felt it was accurate to say \$30,000.00 would be realized during the summer.

Mr. Duggan said this estimate came from the Department Of Revenue (DOR). The City gets their payments from the DOR every quarter on the current 4% tax; and that schedule will be on pace. This is taken from them.

Councilor Tobey said when DOR issued that bulletin, they must have assumed that hotels were open 365 days a year. He asked how much the DOR sent to the City in April, May, and June in 2009.

Mr. Duggan said gave the example of Nantucket whose hotel business is largely seasonal. They amended their hotel local option excise tax to 6%. They are on track.

Councilor Tobey said that the answer to Councilor Verga was misinformation. For the current fiscal year's impact, we need to know what last year's figure. Unless the Council has that information they can't make a decision this evening.

Councilor Curcuru said last year \$260,000.00 came in to the City. That comes out to \$65,000.00 per quarter.

Councilor Tobey didn't feel that was the actual answer to the question.

Councilor Theken asked for current State room tax which Mr. Duggan noted he was not sure but believes it to be 7%.

This public hearing is closed.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept the provision of Massachusetts General Laws, Chapter 64G, Section 3A to impose the local room occupancy excise at a rate of 5 percent and to advertise for public hearing.

Discussion:

Councilor Theken said she voted to advertise for public hearing. She didn't like the meals tax. She sees that there are more issues coming down the road. She can't support this because the City is already getting 4%.

An amendment to the motion on the table was offered as followed:

MOTION: Councilor Curcuru moved and Councilor Ciolino seconded a motion to amend the main motion by substituting the word 6% in place of the word 5%.

Discussion:

Councilor Curcuru said at 1 % or at 2%, Mr. Hastings said it precisely that it is not hitting our own citizens. It is a tax to the visitors of the City.

Councilor Mulcahey said when discussed at O&A we had voted on a 1% raise and now it is 2%. She is not in favor of this. This is excessive.

Councilor McGeary will support the amendment. The City is being hurt by under-funded mandates from the Federal and State government. We have a way to spread this expense to the people who come to enjoy our beaches and use our services.

Councilor Ciolino said he will be supporting the amendments. Keep in mind, even if we go to 1%, eventually we'll go to 2% anyway. We are feeling and taxing the residents of Gloucester. As Councilor Theken said we need extra revenue. Where will it come from? It will either come off the backs of the residents of Gloucester or the visitors of this City. When you go on vacation do you ever ask what the rooms tax is at the hotel you're staying at. No. We need to remember that we are in the throws of permitting a 90 room hotel, and we are in the process

of a permitting of another hotel at Gloucester Crossing. If things go the right way, and start getting convention business here, there is the possibility of many rooms that will be filled through most of the year. We are missing an opportunity if we don't vote for this tonight. If you're going to do 5% you might as well do 6%. He urges his fellow councilors local room occupancy excise at a rate of 6 percent to vote for this.

Councilor Verga supported the local option taxes. No one wants to vote for taxes. The economy is working its way it up. He will reluctantly support this tax. If going by feedback from his ward, he sees support for this tax.

Councilor Whynott can't believe he is going to support another tax, but he will. Gloucester still has to pay the bills. We've cut to the bone. It is affecting services in the City. It is not a direct tax. It is an alternative. Maybe we can stave direct taxes off.

Councilor Tobey said he was involved in municipal option taxes at the outset and it gave communities local options, and trusted discretion would rule. Revenues aren't rising fast enough for the Administration. The hospitality industry is stressed, and regardless what our constituents say, it is a sector we should be growing not stifling. We have to get past the myopia. Cities like Salem, Portsmouth, Boston are taking our tourist dollars away. There was a communication received that a hotelier said please don't do this to us now. The message here and the choice really is tax or spend. Figure out what the priorities are where we have discretion, and make cuts where we have to. Yes you can grow revenue or you can cut costs. It is a small amount of money. It isn't much in the second quarter of the year. We could wait. This is a local option tax. It is when, not if. When the economy is stronger, and proof that discretionary spending has grown he will support it then but not now.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 6 in favor 3 opposed (Mulcahey, Theken, Tobey) to amend the main motion by substituting the word 6% in place of the word 5%.

Discussion:

Councilor Theken said the economy is hard, and vacation for many is not an option. We do have two permits for two hotels coming up. If those pass, those are corporate hotels. They are not like the unique hotels that we have here now. They can afford the 10%. She will give the local hotels a break.

Councilor McGeary stated we are not imposing the tax on the hotels, it is on the patrons.

Councilor Theken said there is a difference. We're not talking 50 cents on \$100. You're adding on. They [the hoteliers] know it's not coming out of their pocket, but it will if their rooms don't fill up. They're just saying give them a break.

Councilor Ciolino said please remember this is a pass through tax. The Selectmen in Rockport are already looking to increase their tax. Gloucester might be ahead of the curve. Every other community will follow. He urged his fellow Councilors to vote in favor of this.

Councilor Whynott said not every community is facing what Gloucester is now. We are unique, and we may have to do things a little differently than others do.

Councilor Tobey said that is directly paid for by our rate payers. We have to stop looking at ourselves in isolation. The entire country is in terrible financial shape. We're not as in bad shape as other places. States are imploding and taking their cities and towns with them. What we are doing now is putting an anchor on the competitive position on our community in a much larger marketplace at a time when we can least afford it; and specifically, it is another burden on an exceedingly troubled sector when we can avoid it.

Councilor Hardy restated the new main motion for the Council.

NEW MAIN MOTION: On motion by Councilor Hardy, seconded by Councilor Ciolino, the City Council voted by roll call 6 in favor, 3 opposed (Mulcahey, Theken, Tobey) to recommend to the City Council to accept the provision of Massachusetts General Laws, Chapter 64G, Section 3A to impose the local room occupancy excise at a rate of 6 percent.

COMMITTEE REPORTS:

Ordinances & Administration: 02/08/2010

All agenda matters related to Confirmation of Appointments were taken up previously in these City Council Minutes. All other matters related to this meeting were continued in that meeting to 02/22/10 of O&A Committee.

The O&A will next meet on Monday at 6:00 p.m. because of unfinished business on a long agenda. The Committee took up the Civil service ballot, all the parking issues couldn't be taken up awaiting Traffic Commission recommendations; and the discussion on beach regulations is continued. and all information on the unfinished business from that meeting is on the City's website under O&A Agenda Packets. They did look at the polling places consolidation. They are considering setting up workshops on the City Charter which is reviewed in year ending with 0's and so will be reviewed in 2010.

Budget & Finance: 02/11/2010

MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted unanimously 9 in favor, 0 opposed to advertise the following:

That up to \$13,000,000.00 is appropriated for the purpose of making improvements to the City's George P. Riley Waste Water 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 \$13,000,000.00 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.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 9 in favor, 0 opposed to advertise the following:

That up to \$7,000,000 is appropriated for the purpose of funding the next phase of the CSO Long-term Control Plan 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 \$7,000,000 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.

The transfer of funds for the Police Department is awaiting updated paperwork and is continued to the March 2, 2010 City Council meeting under the Budget & Finance Committee Report.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council that the special budgetary request for a supplemental appropriation 2010-SA-02 to transfer \$66,600.00 from Assessors Triennial Recertification Stabilization Fund, Unifund Account #294019.10.991.59600.0000.00.000.00.059 to Assessors Re-Valuation Program, Unifund Account #101000.10.141.57840.0000.00.000.00.057 to fund FY2011 Triennial Recertification.

Discussion:

Councilor Curcuru explained this is for the Assessors to be recertified and shifting the money to pay for it under a special account set up specifically by the Assessors Office.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino , the City Council voted unanimously 9 in favor, 0 opposed approve the special budgetary request for a supplemental appropriation 2010-SA-02 to transfer \$66,600.00 from Assessors Triennial Recertification Stabilization Fund, Unifund Account #294019.10.991.59600.0000.00.000.00.059 to Assessors Re-Valuation Program, Unifund Account #101000.10.141.57840.0000.00.000.00.057 to fund FY2011 Triennial Recertification.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget and Finance Committee voted 3 in favor, 0 opposed to accept a \$2,000.00 grant from the Massachusetts Department of Public Health and Human Services for the purpose of ensuring the maintenance of and training on the Gloucester Fire Department’s Decontamination Unit’s trailer.

Councilor Curcuru said this is a non-matching grant for the Fire Department to upgrade the decontamination unit housed at the West Gloucester Fire Station and to do training,

MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted unanimously 9 in favor, 0 opposed to accept a \$2,000.00 grant from the Massachusetts Department of Public Health and Human Services for the purpose of ensuring the maintenance of and training on the Gloucester Fire Department’s Decontamination Unit’s trailer.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget and Finance Committee voted 3 in favor, 0 opposed to accept a \$2,500.00 grant from the National Endowment for the Humanities, Catalog of Federal Domestic Assistance #45.149, for the purpose of conducting a condition assessment of the WPA murals in City Hall.

Councilor Curcuru said this non-matching grant is to do assessment on the murals then apply for a grant or grants for having repairs and restoration made.

Councilor Hardy asked if there is current maintenance being done on the murals, and Councilor Curcuru said no.

Councilor Ciolino said this is a treasure for the citizens of Gloucester and it's about time to determine how we can preserve them for the generations to come.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted unanimously 9 in favor, 0 opposed to accept a \$2,500.00 grant from the National Endowment for the Humanities, Catalog of Federal Domestic Assistance #45.149, for the purpose of conducting a condition assessment of the WPA murals in City Hall.

Planning & Development: 02/12/2010

MOTION: On motion of Councilor Whynott, seconded by Councilor Verga, the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to allow the 2010 annual St. Peter's Fiesta commencing on Wednesday evening, June 23 through Sunday, June 27, use and control of St. Peter's Park on Rogers Street, the streets and sidewalks of Rogers Street, from Mansfield Way to the entrance of Commercial Street, Commercial Street up to the Chamber of Commerce Building, and from the intersection of Main and Washington Streets to St. Peter's Park; and on Friday, June 25, Saturday, June 26, and Sunday, June 27, only, the water side of Stacey Boulevard from the Tavern, to the Fishermen's Memorial (to the extent allowable by law) and the Ciaramitaro/Gemellaro Playground at Fort Square; for the purpose of conducting the St. Peter's Fiesta on the days and dates mentioned above. Further that vendors not be allowed on the right-hand side of Commercial Street nor on the streets and sidewalks from Tally's to the Chamber of Commerce and in addition, that all peddlers, canvassers, solicitors and others who encroach upon or occupy in any way these areas without the express consent of the St. Peter's Fiesta Committee are to be considered trespassers and to be in violation of Gloucester City Ordinances, Chapter 14, Section 14-6; Trespass.

Councilor Ciolino said except for changing the dates, this is exactly what is done each year. All the same parties concerned will be in play again this year. It is something to look forward to on a snowy night.

Councilor Verga said it would be unthinkable not to support this valued tradition.

Councilor Mulcahey would like the area cordoned off for a space for people to walk and cars to drive and would appreciate if it were done so that people can cross. It should be more organized so that large groups are not standing in the streets.

Councilor Ciolino suggested that Councilor Mulcahey schedule a meeting with Mr. Novello, St. Peter's Fiesta Committee chairman and Lt. Joseph Aiello to take care of these issues and believes the St. Peter's Fiesta Committee would be amenable.

Councilor Hardy asked the City Clerk to send a letter Councilor Mulcahey would like to speak with them on this matter. She suggested that the Councilor may wish to attend the Planning and Development meeting next year when this matter is taken up again to express any concerns there at that time.

Councilor Hardy asked about the locations of the comfort stations.

Councilor Ciolino said it will be exactly as same as last year. There were heavy duty comfort stations, not the small port-a-potties. And they had pumping trucks on standby. There were no incidents noted from last year.

MOTION: On motion of Councilor Ciolino, seconded by Councilor Verga, the City Council voted unanimously 9 in favor, 0 opposed to allow the 2010 annual St. Peter's Fiesta commencing on Wednesday evening, June 23 through Sunday, June 27, use and control of St. Peter's Park on Rogers Street, the streets and sidewalks of Rogers Street, from Mansfield Way to the entrance of Commercial Street, Commercial Street up to the Chamber of Commerce Building, and from the intersection of

Main and Washington Streets to St. Peter's Park; and on Friday, June 25, Saturday, June 26, and Sunday, June 27, only, the water side of Stacey Boulevard from the Tavern, to the Fishermen's Memorial (to the extent allowable by law) and the Ciaramitaro/Gemellaro Playground at Fort Square; for the purpose of conducting the St. Peter's Fiesta on the days and dates mentioned above. Further that vendors not be allowed on the right-hand side of Commercial Street nor on the streets and sidewalks from Tally's to the Chamber of Commerce and in addition, that all peddlers, canvassers, solicitors and others who encroach upon or occupy in any way these areas without the express consent of the St. Peter's Fiesta Committee are to be considered trespassers and to be in violation of Gloucester City Ordinances, Chapter 14, Section 14-6; Trespass.

Councilor's Requests Other Than To The Mayor:

Councilor Ciolino said goodnight to the citizens to the citizens of Gloucester and to Gus Foote.

Councilor Mulcahey commended the Mayor for her support of the fishermen and taking their issues to Washington, D.C.

Councilor Theken expressed her deepest sympathy to family of Dylan Hill.

Councilor Curcuru reminded all that on this Thursday night there is a joint meeting of the Budget and Finance and the Ordinances and Administration Committees to take up the discussion on the proposed Regional 911 Dispatch Center at 6:30 p.m. in the Kyrouz auditorium.

ADJOURNMENT:

MOTION: It was moved, seconded and voted UNANIMOUSLY to adjourn the City Council Meeting at 9:35 p.m.

Respectfully submitted,

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