

GLOUCESTER CITY COUNCIL MEETING

TUESDAY, March 16, 2010

7:00 P.M.

Kyrouz Auditorium – City Hall

Council Meeting 2010-007

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

Absent: Councilor Robert Whynott

Also present: Jim Duggan, Jeff Towne; Linda L. Lowe; Superintendent Christopher Farmer; Melissa Teixeira-School Committee

City Council Meeting 2010-006 was called to order at 7:00 p.m.

Flag Salute and Moment of Silence

Oral Communications:

Attorney Meredith Fine (office on Middle Street) stated she was representing Bill Hayes who owns 20 percent of Gloucester Landing Associates, LP which is the entity that owns I4-C2. Mr. Hayes is still the designated developer of that parcel and has invested substantial time and resources into that project. She noted in the Council packet a partial correspondence between herself and Mr. Cohen's attorney, Mr. McCucheon. She came tonight to give some background and to make the Council aware that there is a limited partner in the background who is trying to get some answers to questions. Their basic question for Mr. Cohen is to discuss how Mr. Hayes' property interest has been managed. She also had some questions about the mortgage and some title issues. She wanted to assure them that they are working as fast as they possibly can. The Mayor got a bit ahead of them on this. They are working as closely with Mr. Cohen's attorney as they can. He has given them a lot of documents to review which she appreciated. You should also know that we are going to do what they need to do to clarify and protect Mr. Hayes' interest. That was why she was there tonight so that when you start to talk about the project, you know that there is somebody out there who is asking a lot of questions; and hopefully together they can work with Mr. Cohen to develop a "win" in the process.

Susan Erony, 65 Middle St. spoke for herself and several of her neighbors regarding the issue of two pit bulls residing in her neighborhood who have attacked small dogs and children. She expressed her appreciation that the City seems to be taking [the situation] very seriously, and she is very grateful. A group, including several seniors who live at the Central Grammar Apartments, are very concerned about the situation. They wanted to let the Council know that they are worried for their pets and the kids in their neighborhood. Anything that can be done to expedite a solution will be greatly appreciated. She knew that one of the orders that have been issued by the Chief of Police is that if the dogs are loose and causing problems that they will be terminated in some way. Her group hoped it didn't come to that.

James Cooke, 622 Western Avenue, a resident of Magnolia, expressed his concerns about the Magnolia Woods Park and playing fields located there. First he wished to give the Council background and how it relates to the issues he was bringing up that evening and gave a copy of his statement to the Council (on file) as follows:

"In 1988, after decades of mismanagement and violations of state regulations, the Massachusetts D.E.P. ordered the Gloucester Landfill closed. After it closed in 1988, until 1995, the city accepted and allowed many loads of contaminated soil to be brought into the site including sewer sludge. In 1995 because of the concerns of people in the Magnolia area over this contaminated soil and the fact that the city at that time did not have a capping and closure plan, the board of health passed a regulation that required that any soil brought onto the site must be twice as clean as the state standard for playgrounds. This regulation was passed on June 1, 1995. In 1996 Mayor Tobey began the process of capping the landfill. The mayor appointed an advisory committee to determine the future use of the site and to oversee the capping process. I was a member of the committee. After many public hearings, and surveys this committee

recommended that the landfill itself be made into soccer fields and that the surrounding woodlands should be preserved in their natural state. This decision was made only after assurances from the engineers that with a proper cap, covered with clean soil, there would be no danger of exposure to contaminants. At that time the board of health set up a testing system to ensure that all soil brought in met the standard set in 1995. This system was strictly followed thought the capping. When the playing fields opened, the people of Gloucester could be assured that all measures had been taken to provide a safe area for their kids to play on. During the capping the City of Gloucester took out loans for over six million dollars to cover the costs of capping the trash and building the soccer fields. A large part of the cost was for clean soil. That is why I am here tonight. It seems to me that having spent millions of dollars to clean up the site it is sheer stupidity to allow it to degrade to the point that a huge amount of money will be needed to fix it again before the first loans are even paid off. On March 6th I went to the park to look at some piles of soil that were being placed in the lower parking area. At that time I observed that this soil was obviously contaminated. It contains glass, metal, wood, bricks and broken pipes. This is obviously not clean, uncontaminated material. This past weekend I again went there and noticed that the heavy rains were washing this contaminated soil out onto the lower playing fields where the youngest kids practice and play. It is also washing onto the roadway and into the surrounding wetlands. There were no erosion controls in place, even though the piles are in the wetland buffer zone. At the upper parking lot I saw a backhoe as well as more of this contaminated soil that is being spread around near where there was a groundwater monitoring well at one time. This is just one, although the most serious of about a half dozen problems that have been building up over the last few years at the park. At this point I have this contaminated soil issue, as well as other concerns that I think the mayor and the city council should address. First and most important: Why is this soil being brought in and stored next to playing fields and the area designated as community gardens? Why were the boulders that were in the parking lot pushed into the main drainage ditch on the north side? Why is some of this soil being used as fill on top near the paved parking lot? Has the soil been tested to meet the standard set out by the Gloucester Board of Health on June 1, 1995, as well as any other state or local laws regarding storage and use of potentially contaminated soils? Didn't anyone realize that placing large steep sided piles of soil next to playing fields and pavement without erosion control would allow the soil to wash out onto both? Does state D.E.P. need to approve work at the site such as was done near the upper parking lot last year, as well as the work there now? Was the local board of health or conservation commission informed about the placement of this soil at this site? Other issues that have been building up over the last few years are these. A drainage pipe connecting the swamp at the entrance, to the pond, collapsed eight years ago obstructing the flow between them. The obstruction has caused the water table to rise in the swamp drowning the trees and causing the water to flow laterally through the trash, picking up contaminants. This is causing the water that is leaving the site to be more polluted than it was after the cap was first installed. I discussed this with the previous administration. Nothing was done. The area covered by the plastic and soil on the slopes is not mowed once a year to prevent trees from growing. State regulation requires that all areas covered by the cap be kept clear of trees. Trees are already growing. Some are fifteen feet tall. Roots, falling trees and branches will eventually pierce the plastic, making it useless. One cutting, with a mower once a year, is a lot cheaper than having to deal with trees once they have taken root. Traffic from unauthorized vehicles is breaking apart the handicap ramp running up the northeast slope and is damaging the playing fields. During games I have seen dozens of cars on the fields, and driving on what is meant to be a handicap ramp. The paved pathways and the fields were never designed to handle more than maintenance traffic. Also parts of the northeast slope have slumped exposing the plastic cover to the sun and elements. There are also drainage problems and holes dug by kids. An illegally dumped fiberglass boat that had sat on the slope next to the parking lot for over a year was apparently cut up and thrown into the woods on the west side. Access to the woodland trails is uncontrolled; allowing large off road vehicles to damage the roads, trails and wetlands. And last. What happened to the two hundred sixty thousand dollars of unspent money from the loans taken for the closure and capping of the landfill? That money was supposed to go toward building the restrooms, which were part of the original plan. I believe some of it has been spent on the testing of the observation wells, which is maintenance, not closure. The money that was borrowed was designated for the closure. That money will run out someday and there will still be no restrooms. Is it legal to spend that money for maintenance and not for part of the closure plan? With the exception of contaminated soil none of these issues would cost the city much money to address. For a few thousand dollars spent on labor and materials the problems could be fixed. This would prevent these things from becoming much more expensive to fix in the future. I first came before the Gloucester City Council in 1974 to complain about the mismanagement of this site. From that time to the present, I have worked with my neighborhood group, and served on three city landfill committees,

as well as served as constable for the park after it opened. I have attended hundreds of council, board, and commission meetings, trying to get the city to run this site in a responsible way. Now, here I am again, after thirty six years, still coming before the council to point out problems that never seem to stop. The City of Gloucester spent over six million dollars cleaning up this site. It would be incredibly foolish to allow this investment to be wasted. We can't afford it. The mayor and the city council need to make sure that this very expensive investment is not lost through neglect and mismanagement. The most important thing of all is that Gloucester's children are not unknowingly exposed to potentially dangerous contaminants on or near their play areas. In the past, under other administrations, I have not had much luck getting answers to issues I have brought up at oral communications. Out of three times, I received a reply only once. The response was a very vague "the administration is looking into this matter." I expect much more from this mayor, and I expect the council to follow up on this."

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

Consent Agenda:

- **MAYOR'S REPORT**
- 1. "Friendly eminent domain taking" of parcel known as I4-C2 and Loan Authorization (Refer P&D & B&F & O&A)
- 2. Memo from Police Chief re: Acceptance of \$2,700 Grant from Southern Essex County Shannon Grant (Refer B&F)
- 3. Special Budgetary Transfer Request from Auditor's Department (Refer B&F)
- 4. Memo from City Auditor re: Accounts having expenditures which exceed their appropriations (Refer B&F)
- 5. Memo from Police Chief re: Traffic Enforcement Grant by Mass. Executive Office of Public Safety and Security (Info Only)
- **ADDENDUM TO THE MAYOR'S REPORT**
- 1. Memorandum from Senior Project Manager re: Federal Land and Water Conservation Fund Grant (Refer B&F)
- 2. Memorandum from Senior Project Manager re: Clean Air & Mobility Grant to Address Gloucester's Summer Traffic Congestion (Refer B&F)
- **APPROVAL OF MINUTES**
- 1. City Council Meeting 03/02/2010 (Approve/File)
- 2. Standing Committee Meetings: P&D 03/10/10, B&F 03/11/10 (under separate cover), O&A 03/15/10 (Approve/File)
- **ORDERS**
- 1. CC2010-011 (Hardy) Order that the City Council Review the current council Rules of Procedure in order to bring them up to date (Refer O&A)
- 2. CC2010-012 (Hardy) Order in accordance with Sec. 2-7(a) of City Charter that the City Council review reappointment of the City Clerk (Refer O&A)
- **APPLICATIONS/PETITIONS**
- 1. SCP2010-003: 5 Reef Knot Way, Section 5.5 Lowlands (Refer P&D)
- **COMMUNICATIONS**
- 1. COM2010-013: Response to Oral Communications DPW Director to David Hodgkins (Info Only)
- 2. COM2010-014: Request from LEAP to hold 3rd Annual Whistleblowers 4K Road Race and 1 mile Fun Run (Refer P&D)
- 3. COM2010-015: Letter from Jessica Wozniak, Executive Director of the Massachusetts Recycling Coalition (Info Only)
- 4. COM2010-016: Response to Oral Communications from Jim Duggan, Chief Administrative Officer (Info Only)

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

Items to be removed from the consent agenda:

Councilor Curcuru asked to pull the minutes from Budget & Finance Committee of 03/11/2010 for correction to the minutes on the Loan Authorization, that language had been omitted.

Councilor Tobey asked to pull Item #1 under the Mayor's Report.

Councilor Curcuru wished to amend only the first two lines of the March 11, 2010 B&F minutes related to the loan authorization motion on page 6 of 8 **by deleting:**

“...up to an additional three million nine hundred thousand dollars (\$3,900,000.00) be appropriated in addition to the previously for the purpose of making improvements to the City’s Water Treatment Plants...”

and substituting the following:

“...That up to three million nine hundred thousand dollars (\$3,900,000.00) be appropriated in addition to the previously appropriated six million dollars (\$6,000,000.00) for the purpose of making improvements in the City’s Water Treatment Plants....” and the motion continues for the balance of the paragraph

MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 8 in favor, 0 opposed to amend the minutes of the Budget & Finance Committee Meeting of March 11, 2010.

Councilor Tobey posed two questions for the Administration:

1. If the City takes I4-C2 by eminent domain, does the payment cap in Chapter 40, Section 14 limit the amount we can pay to be less than the proposed purchase price of one million five hundred thousand dollars (\$1,500,000.00);
2. Will the terms of the State Bond from which the \$800,000.00 grant comes in any way limit our ability to dispose of I4-C2 should we purchase I4-C2 with the proceeds of the Bond.

We need to find out. No lawyer in the building will know the answer. That has to come from the State’s Seaport Bond Council. He asked that the City Council refer these questions to the Administration before these matters are to be taken up in Committee.

Councilor Ciolino believed that this discussion should be had at Budget & Finance and didn’t understand why it had to be done here tonight.

Councilor Tobey felt these were complex legal questions that have to be answered by resources that won’t be at B&F so that research would be done before the Committee meetings. The matter is in three committees, but the Administration deserves a heads up.

Councilor Theken felt the answers should be sought before her Committee meeting of March 22nd.

Councilor Curcuru stated he had no problem to get those answers before the B&F meeting.

Councilor Verga agreed that there is no sense in losing a week.

Councilor Hardy asked if he was asking the City’s legal counsel to seek the answers to these questions or if an outside entity would be necessary to answer these questions.

Councilor Tobey is asking that General Counsel obtain answers to these questions as soon as possible. The 60 day clock started to run in March when Mr. Cohen presented a signed document to the Mayor. We’re halfway through March already. We have to deal with this as a Council by the end of April, so time is of the essence.

Councilor Hardy stated she received inquiries about contamination of the land on the parcel. She asked that a third question be included which asked, “*Does an eminent domain taking preclude any remediation of the property clean up by the previous property owner or would the City be on the hook for any clean up should the land be found to be contaminated.*”

MOTION: On motion by Councilor Tobey, seconded by Councilor Theken, the City Council voted 7 in favor, 1 opposed (Ciolino) to referred the matter of Item #1 questions by the Council to the Administration so that General Counsel can coordinate the effort to obtain these answers.

Councilor Ciolino asked what the Ordinances & Administration Committee’s role would be in this matter.

Councilor Hardy requested that O&A be a part of the process. The matter is something that will be a lasting issue and according to the City Charter which she read from Section 2-9(a) “...the effect of which is of more than temporary significance....”

Councilor McGeary made a point of order that they would have to vote formally to refer the matter of I4-C2 to all three Standing Committees.

By unanimous consent, Item #1 of the Mayor's Report, Friendly eminent domain taking" of parcel known as I4-C2 and Loan Authorization, is referred to all three Standing Committees.

By unanimous consent the City Council accepted the amended Consent Agenda.

For Council Vote:

1. *Motion to Reconsider: The City Council vote of March 2, 2010 re: amending sections 2.2.1, 2.3, 5.5, 5.8, 5.18 and 5.8.2 of the G.Z.O relating to the 43D Priority Development Site and 2009 Harbor Plan Zoning Amendments*

Councilor Hardy explained to the Council at the last meeting they took a vote on a consolidated motion related to zoning ordinances. She filed with the City Clerk's office her intent of the motion to reconsider. Additional information had come to her and felt it was important that the City Council know that in order for the ordinance to be approved it should have its own language with it. It needs additional language over and above what was submitted in the form of a motion at the last City Council meeting. She didn't believe it was in proper form to be approved. Therefore, she is looking to send it back to Committee under RECONSIDERATION so that proper language can be applied to each section, 2.2.1, 2.3, 5.5, 5.8, 5.18 and 5.8.2. The motion does need to be seconded, but the motion is not debatable. Therefore, in accordance with Section 2-11(e) of the City Charter, having cast her vote on the prevailing side, she submitted her notice of intent to file a motion to reconsider the City Council vote taken on March 2, 2010 related to amending the Gloucester Zoning Ordinances, Section 2.2.1, 2.3, 5.5, 5.8 5.18 and 5.8.2 so that the motion can be divided into individual zoning ordinances in appropriate and authorizing language.

MOTION: On motion by Councilor Hardy, seconded by Councilor Theken, the City Council by roll call voted 7 in favor, 1 (Tobey) opposed in accordance with Section 2-11(e) of the City Charter to RECONSIDER the vote taken on March 2, 2010 by the City Council on the acceptance of the Planning Board Report on Proposed Zoning Amendments to Section 2.2.1, 2.3, 5.5, 5.8, 5.18 and 5.8.2 (relating to the 43D Priority Development Site and 2009 Harbor Plan Recommendations) so that the motion can be divided into individual zoning ordinances in appropriate and authorizing language.

Councilor Ciolino felt the matter needed to be referred back to P&D to go over the section language in order to be considered individually before it can be presented to the Council. There is no rush on this matter. Time needs to be taken in order to handle the matter correctly.

Councilor Theken felt this is a better way to handle the situation.

Councilor Tobey disagreed, and didn't believe it was incorrect in the first place, that it was done correctly on the day it was voted. He hoped P&D would not lose sight of the public notice requirement that the majority of the Council did support for the Planning Board's public discussions of site plan reviews and hopes that remains included in the main motions that come back to the Council.

Councilor Hardy stated for the record that the reason that she made the motion was not to effectuate change but to ensure division of the motions.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted by roll call vote unanimously 8 in favor, 0 opposed to refer the matter back to Planning and Development Committee for division.

Councilor Hardy reminded the Council that there was 90 days within to act on this matter.

2. *CC2009-049 (Tobey/Ciolino) Order that City council continue to consider becoming a member of the Essex North Shore Agricultural and Technical School District*

Councilor Verga declared an interest in the matter and recused himself, leaving the dais for the duration of the matter.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuro, the Budget & Finance Committee

voted 2 in favor, 0 opposed, 1 present (Hardy) the to recommend to the City Council that the City become a member of the Essex North Shore Agricultural and Technical School District.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, the to recommend to the City Council that the City become a member of the Essex North Shore Agricultural and Technical School District.

Discussion:

Councilor Curcuru asked for suspension of the City Council rules which was passed by unanimous consent.

Councilor Curcuru congratulated Superintendent Farmer on his new position. He stated at the previous evening's O&A Committee meeting Mr. Farmer spoke regarding the business plan and asked Mr. Farmer to give a synopsis. He felt this was important that he review it for the public so they could better understand while the Council was reconsidering the vote to join the Voke at this time.

Mr. Farmer reviewed the document presented at the previous evening's meeting of the Ordinances and Administration Committee (on file). He summarized the main points for the Council. His advice was that while the programs at GHS provide some wonderful programs, the principal provider will be the regional vocational school district. They will not be able to provide for all students at the regional vocational school should the local program close. He noted that both the regional school and the local program will be marketing their programs. Other large communities have already agreed to join. He suggests that there is some optimism that the economy will turn by 2014. He spoke of the differences financially if we are a member or not. The increase in tuition if not members and providing transportation, largely offsets the joining costs. Students who are in member communities are given priority. There are students who are not necessarily well suited to a general education program and expansion of the local programs would be necessary. There are areas of uncertainties, like the rate of growth of the economy and the City revenues. Peabody students will take up about 250 slots for their students since they are closing their program entirely for vocational education. He reminded the councilors that the number of students enrolled drive the amount of the debt service. The fewer students enrolled the less the debt service. Over a period of time this number oscillates. If Gloucester is in membership and the number of students do rise then there would be an increase in tuition costs. Clearly, it's all about the money. But this is also about the opportunities made available for Gloucester students. There is a clear implication for the community as well. In terms of the school budget this is an investment in the community in the long term, not just short term

Councilor Theken stated there were questions that were asked at O&A last evening to Ms. Teixeira would be attempting to get answers on for this evening's meeting of the Council.

Ms. Teixeira stated that she noted next year enrollment rate was 53 students, 10% less than last year at the O&A meeting and was asked to find out why. She was assured that the interest was still there, they received 49 applications from Gloucester students. The fact that there is a 10% reduction (about 6-8 students) it's not a matter of less freshman but enrollment over the four years. There was a question of if a student leaves the district, is the tuition pro-rated and reimbursed to the City. Superintendent O'Connell when the student leaves the program prior to October 1st is reimbursed that same year. If they leave after the Oct. 1st the city is reimbursed the following year. Sometimes in the past a Gloucester student who leaves may be replaced by another Gloucester student on the waiting list.

Councilor Hardy asked to combine the motions and that they be consolidated.

MOTION: On motion by Councilor Tobey, seconded by Councilor Ciolino, the City Council by roll call voted 7 in favor, 0 opposed, on the consolidated motion for the City to become a member of the Essex North Shore Agricultural and Technical Regional School District.

Councilor Mulcahey thanked Mr. Farmer for his efforts to get the information to the Council and wished him luck.

Councilor Ciolino stated when this matter first started that this is an opportunity for the young women in Gloucester that as Ms. Teixeira stated last evening that students who went on a field trip to the school to see it, were women. This is a great thing done today for the students from Gloucester. He thanked the School Committee for their efforts.

Councilor Theken stated this is just the beginning. She leaves it up to B&F and to the City.

Councilor Curcuru stated that it was always about the money. He finally got to see the business plan, and it is pretty much a wash. It was never about the school. He is looking forward to this.

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

Councilor Hardy noted a couple of changes from the Legal Department that were received by the City Clerk's office at 3:30 p.m. today and that will be the version that will be voted on now.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Theken, the City Council voted by roll call 8 in favor, 0 opposed to adopt the SCP decision for 121 East Main Street, pursuant to Section 2.3.4(8) and Section 5.18 of the Gloucester Zoning Ordinance.

Scheduled Public Hearings:

1. PH2010-005: Extension of SCP of Windover Properties, LLC re: 14 Cliff Avenue

Ms. Lowe stated that a communication had been received by the Council from Attorney Miranda Gooding, representing Windover Properties, LLC (on file) asking that the City Council continue this matter to their meeting of May 11, 2010. Attorney Mark Nestor representing an abutter to 14 Cliff Avenue assented to the continuance on behalf of his client (on file).

Councilor Hardy opened and continued the public hearing until May 11, 2010.

Committee Reports:

Planning and Development Meeting: 03/10/2010

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to have the 2nd Annual Reverend Myron Bullock Road Race to take place on Saturday, October 2, 2010 starting at 10:00 a.m. with the starting line at the intersection of Atlantic and Nautilus Roads continuing on Atlantic Road for approximately 1.5 miles then turning onto Farrington Avenue turning onto Eastern Point Road and make a right turn onto Grapevine Road to the intersection with Atlantic Road, taking a left onto Atlantic Road back to the starting point with the following conditions:

1. An insurance binder for Race Day and will be on file 14 days prior at the City Clerk's Office.

Discussion:

Councilor Ciolino noted this is the same as last year and was a successful event and raised approximately \$3,000.00 distributed to local charities.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted 7 in favor, 0 opposed to have the 2nd Annual Reverend Myron Bullock Road Race to take place on Saturday, October 2, 2010 starting at 10:00 a.m. with the starting line at the intersection of Atlantic and Nautilus Roads continuing on Atlantic Road for approximately 1.5 miles then turning onto Farrington Avenue turning onto Eastern Point Road and make a right turn onto Grapevine Road to the intersection with Atlantic Road, taking a left onto Atlantic Road back to the starting point with the following conditions:

1. An insurance binder for Race Day and will be on file 14 days prior at the City Clerk's Office.

MOTION: On motion by Councilor Whynott, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant a permit to temporarily close Main Street from the open driveway of Bank Gloucester to Washington Street on the following dates between the hours of

3:00 p.m. and 11:00 p.m.: Saturdays, June 19, (rain date of June 20) July 17 (rain date of July 24), August 8, Sunday (1:00 p.m. to 11:00 p.m.); August 21, Saturday; and Friday, September 3 (rain date September 5, 1:00 p.m. to 11:00 p.m.), 2010 with the following conditions:

1. No vendor/merchant set ups on the sidewalk blocking entrance ways to retail or residential units, hydrants, crosswalks or handicap ramps;
2. All vendor/merchant set ups in the street are to allow for no less than a 10 ft. unobstructed, drivable area along the entire route – slightly wider at the curve of Palazola's Sporting Goods to maintain adequate access for emergency vehicles. Failure to provide this 10' unobstructed margin of drivable area may necessitate the removal or relocation of the vendor/merchant at the discretion of either the Fire Department, the Police Department or the Block Party committee;
3. The organizers shall allow the Fire Department drive-through access with the fire engine at the convenience of the Fire Department;
4. Any restaurant/merchant set up of tables and chairs, tents or area enclosures should extend into the street no further than the lines painted on the street for vehicular parking;
5. That all of the side streets – Short, Porter, Center and Hancock Streets be kept open and not blocked by vendors, food establishments, tables, chairs, enclosures, equipment or vehicles, so emergency vehicles may enter and exit Main Street as needed;
6. Vendor/merchants shall be responsible for their own trash removal;
7. Signs indicating the location of comfort stations shall be the responsibility of the Committee;
8. Plumbing Codes and regulations shall be adhered to regarding use of Restaurant bathroom facilities;
9. Special lighting and electrical requirements necessitate approval of the Inspector of Buildings and the Electrical Inspector;
10. The closure of the street at the intersection of Main and Duncan Streets shall be by means of sawhorses or the like, as directed by Lt. Joseph Aiello of the Gloucester Police Department;
11. It is the responsibility of the committee to procure all other Federal, State and local permits and approvals associated with this event;
12. That the committee makes reasonable notification to all residents and merchants along the route that will be affected by the closure;
13. Restaurants or vendors wishing to serve food outside must notify the Board of Health 7 (seven) days in advance for approval;
14. Conditions imposed by the Gloucester Liquor Licensing Board may also apply to the above closure and shall become incorporated herein;
15. All other laws, City ordinances and/or regulations are in full force.

Discussion:

Councilor Ciolino noted that the block party Committee met with the Fire and Police Chiefs to make sure that this happens appropriately this year and it is an event that everyone looks forward to every year.

Councilor Verga noted Chief Dench had concerns about vendors/restaurants 'creeping' into the street. He would meet with the block party committee after the first block party so that they make sure they comply with the rules. He also noted that a block party was added to coincide with a GFAA race.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed to grant a permit to temporarily close Main Street from the open driveway of Bank Gloucester to Washington Street on the following dates between the hours of 3:00 p.m. and 11:00 p.m.: Saturdays, June 19,

(rain date of June 20) July 17 (rain date of July 24), August 8, Sunday (1:00 p.m. to 11:00 p.m.); August 21, Saturday; and Friday, September 3 (rain date September 5, 1:00 p.m. to 11:00 p.m.), 2010 with the following conditions:

1. No vendor/merchant set ups on the sidewalk blocking entrance ways to retail or residential units, hydrants, crosswalks or handicap ramps;
2. All vendor/merchant set ups in the street are to allow for no less than a 10 ft. unobstructed, drivable area along the entire route – slightly wider at the curve of Palazola’s Sporting Goods to maintain adequate access for emergency vehicles. Failure to provide this 10’ unobstructed margin of drivable area may necessitate the removal or relocation of the vendor/merchant at the discretion of either the Fire Department, the Police Department or the Block Party committee;
3. The organizers shall allow the Fire Department drive-through access with the fire engine at the convenience of the Fire Department;
4. Any restaurant/merchant set up of tables and chairs, tents or area enclosures should extend into the street no further than the lines painted on the street for vehicular parking;
5. That all of the side streets – Short, Porter, Center and Hancock Streets be kept open and not blocked by vendors, food establishments, tables, chairs, enclosures, equipment or vehicles, so emergency vehicles may enter and exit Main Street as needed;
6. Vendor/merchants shall be responsible for their own trash removal;
7. Signs indicating the location of comfort stations shall be the responsibility of the Committee;
8. Plumbing Codes and regulations shall be adhered to regarding use of Restaurant bathroom facilities;
9. Special lighting and electrical requirements necessitate approval of the Inspector of Buildings and the Electrical Inspector;
10. The closure of the street at the intersection of Main and Duncan Streets shall be by means of sawhorses or the like, as directed by Lt. Joseph Aiello of the Gloucester Police Department;
11. It is the responsibility of the committee to procure all other Federal, State and local permits and approvals associated with this event;
12. That the committee makes reasonable notification to all residents and merchants along the route that will be affected by the closure;
13. Restaurants or vendors wishing to serve food outside must notify the Board of Health 7 (seven) days in advance for approval;
14. Conditions imposed by the Gloucester Liquor Licensing Board may also apply to the above closure and shall become incorporated herein;
15. All other laws, City ordinances and/or regulations are in full force.

Councilor Ciolino explained that the next four motions were in relation to Gloucester Crossing development by Sam Park. Within the special permits, there was language under Condition #4 that there were the words “substantial” and “insubstantial”. What these motions are related to is what the Planning Director determined on the changes.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to confirm the Planning Director’s determination that the modifications to the parking, circulation and landscaping for Gloucester Crossing [Special Permit Decision adopted 10/16/2007 and effective October 18, 2007], as shown on the plan submitted with the application for the modifications entitled “SP 4.2 site plan Gloucester Crossing” dated December 14, 2009 and shown on the “Landscaping plan L-1 with revisions” dated December 14, 2009 are insubstantial and are approved upon the

condition that engineered stamped plans reflecting only those changes determined to be insubstantial are submitted to the City Clerk.

Discussion:

Councilor Ciolino stated there are not substantial changes here.

Councilor Hardy noted that the original Special Permit Condition #4 allowed the Planning Director to recommend to the City Council whether future changes to the permit were substantial or insubstantial.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Mulcahey, the City Council voted 8 in favor, 0 opposed to confirm the Planning Director's determination that the modifications to the parking, circulation and landscaping for Gloucester Crossing [Special Permit Decision adopted 10/16/2007 and effective October 18, 2007], as shown on the plan submitted with the application for the modifications entitled "SP 4.2 site plan Gloucester Crossing" dated December 14, 2009 and shown on the "Landscaping plan L-1 with revisions" dated December 14, 2009 are insubstantial and are approved upon the condition that engineered stamped plans reflecting only those changes determined to be insubstantial are submitted to the City Clerk.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whycott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to confirm the Planning Director's determination that the modification to Phase II of Building C as shown on the plan entitled "SP 4.2 site plan Gloucester Crossing" [Special Permit Decision adopted 10/16/2007 and effective October 18, 2007], dated December 14, 2009 and as shown on the plan entitled "building elevations of Phase I & II" dated October 2008 and to allow second story use for retail, service and or office use are insubstantial and are approved upon the condition that engineered stamped plans reflecting only those changes determined to be insubstantial are submitted to the City Clerk.

Discussion:

Councilor Ciolino noted these changes would be made this spring in order to have office space on a second floor of Building C. There was a concern that there not be a big cinderblock wall lining Rt. 128. The back of the building will be the entrance to the offices. The P&D Committee thought this was an excellent improvement and agreed that it was insubstantial and that it did not affect height.

Councilor Hardy asked Attorney Harrison, representing Sam Park, developer of Gloucester Crossing, to come forward with a suspending of the rules. She asked regarding the second floor are there any plans to put additional signs on the highway side. They were very careful to not have signage to distract drivers.

Attorney Harrison stated there were no plans on the Rt. 128 side of the building C. The Planning Board refused to allow for signage on Rt. 128 side of the building. The Council is allowed to accept a recommendation so that this can come before them. It is their recommendation that it is insubstantial and that the P&D also found that to be true.

Councilor Hardy noted that the original Special Permit Condition #4 allowed the Planning Director to recommend to the City Council whether future changes to the permit were substantial or insubstantial.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed to confirm the Planning Director's determination that the modification to Phase II of Building C as shown on the plan entitled "SP 4.2 site plan Gloucester Crossing" [Special Permit Decision adopted 10/16/2007 and effective October 18, 2007], dated December 14, 2009 and as shown on the plan entitled "building elevations of Phase I & II" dated October 2008 and to allow second story use for retail, service and or office use are insubstantial and are approved upon the condition that engineered stamped plans reflecting only those changes determined to be insubstantial are submitted to the City Clerk.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whycott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to confirm the Planning Director's

determination that the modification to the storm water management plan as shown on the plan entitled "SP 4.2 site plan Gloucester Crossing" [Special Permit Decision adopted 10/16/2007 and effective October 18, 2007], dated December 14, 2009 is insubstantial and is approved upon the condition that engineered stamped plans reflecting only those changes determined to be insubstantial are submitted to the City Clerk.

Discussion:

Councilor Ciolino stated that when the parking was changed around that this change in the stormwater management became necessary.

Councilor Theken asked if the City Engineer had looked at this.

Attorney Harrison stated that Frank Ventimiglia reviewed the plans and an additional engineering report was submitted by the on-site engineering company.

Councilor Hardy asked if these additional drains were a part of the original plans.

Attorney Harrison noted these were underground storage chambers which then leach out with the regular stormwater plan.

Councilor Hardy noted that the original Special Permit Condition #4 allowed the Planning Director to recommend to the City Council whether future changes to the permit were substantial or insubstantial.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed to confirm the Planning Director's determination that the modification to the storm water management plan as shown on the plan entitled "SP 4.2 site plan Gloucester Crossing" [Special Permit Decision adopted 10/16/2007 and effective October 18, 2007], dated December 14, 2009 is insubstantial and is approved upon the condition that engineered stamped plans reflecting only those changes determined to be insubstantial are submitted to the City Clerk.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to confirm the Planning Director's determination that the modification to the Hotel Building E as shown on the plan entitled "SP 4.2 site plan Gloucester Crossing" [Special Permit Decision adopted 10/16/2007 and effective October 18, 2007], dated December 14, 2009 and "Overlay comparison SP 4.2" dated December 14, 2009 is substantial and requires an amendment to the Gloucester Crossing Hotel special permit.

Discussion:

Councilor Ciolino noted that the underground parking had been removed. If the plan stays with the dog leg they will have to go before the ZBA for variances to build it. The good news is the applicant is going to take out the building permit this year.

Councilor Hardy asked for further clarification.

Councilor Ciolino stated this was for the applicant to go before other Boards to get the variances in order to build the hotel which now has this dog leg. This is voting just to send this to other permit granting authority for relief.

Councilor Hardy noted that the original Special Permit Condition #4 allowed the Planning Director to recommend to the City Council whether future changes to the permit were substantial or insubstantial. This is determined to be substantial. The City Clerk is directed to send a letter to the permit holder to seek relief on the matter from other Boards.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted by roll call vote 8 in favor, 0 opposed to confirm the Planning Director's determination that the modification to the Hotel Building E as shown on the plan entitled "SP 4.2 site plan Gloucester Crossing" [Special Permit Decision adopted 10/16/2007 and effective October 18, 2007], dated December 14, 2009 and "Overlay comparison SP 4.2" dated December 14, 2009 is substantial and requires an amendment to the Gloucester Crossing Hotel special permit.

Budget and Finance Meeting: 03/11/2010

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the approval of SA-2010-05 for the transfer from DEP Assessment Unifund Account #610000.10.450.56820.0000.00.000.00.056 to Unifund Account #610000.10.992.59600.0000.00.000.00.059 to close a deficit fund balance in Fund #291039 for \$1,398.35.

Discussion:

Councilor Curcuru noted that this is an old debt from beyond 2006 and the Administration has been working to find ways to settle it required by the DOR.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 8 in favor, 0 opposed to approval of SA-2010-05 for the transfer from DEP Assessment Unifund Account #610000.10.450.56820.0000.00.000.00.056 to Unifund Account #610000.10.992.59600.0000.00.000.00.059 to close a deficit fund balance in Fund #291039 for \$1,398.35.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer #10-22 of funds from Unifund Account #101000.10.942.56200.0000.00.000.00.059 to Veteran's Services, Medical Unifund Account #101000.10.543.57720.0000.00.000.00.057 in the amount of \$12,358.00.

Discussion:

Councilor Curcuru noted this and the next motion cover veteran's benefits.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 8 in favor, 0 opposed to the transfer #10-22 of funds from Unifund Account #101000.10.942.56200.0000.00.000.00.059 to Veteran's Services, Medical Unifund Account #101000.10.543.57720.0000.00.000.00.057 in the amount of \$12,358.00.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer #10-23 of funds from Treasurer/Collector, Property Insurance-Gen. Liability, Unifund Account #101000.10.145.57420.0000.00.000.00.057 to Veteran's Services – Contractual Services, Unifund Account #101000.10.543.52000.0000.00.000.00.052 in the amount of \$7,642.00.

MOTION: On motion by Councilor Curcuru , seconded by Councilor Theken, the City Council voted 8 in favor, 0 opposed to recommend to the transfer #10-23 of funds from Treasurer/Collector, Property Insurance-Gen. Liability, Unifund Account #101000.10.145.57420.0000.00.000.00.057 to Veteran's Services – Contractual Services, Unifund Account #101000.10.543.52000.0000.00.000.00.052 in the amount of \$7,642.00.

Councilor Curcuru noted that the Loan Authorization spoken of during the discussion on the Consent Agenda will be taken up tomorrow evening at the Special City Council meeting at 6:30 p.m. in the first floor Council Conference Room at City Hall.

Ordinances and Administration Meeting: 03/15/2010

Councilor Theken noted that there were no motions to bring forward from the meeting for Council vote at this time. She noted that they are working on Civil Service and are working on a workshop. She noted they took Councilor

Tobey's input on the matter. They are working to make sure that it is done properly and done to everyone in the community's satisfaction.

Unfinished Business:

None.

Councilor's Requests Other than to the Mayor:

Councilor McGeary called attention to a Spring Craft Fair at March 20th at the O'Maley School which is a benefit, and on Friday March 26 will be an auction for the Arts in support of the East Gloucester School's art program at the Cruiseport.

Councilor Ciolino wished all a Happy St. Patrick's and St. Joseph's Day.

Councilor Mulcahey announced a Ward 2 meeting tomorrow evening at 7:15 and looks forward to seeing her constituents there.

Councilor Theken stated congratulations to the students in the play, Annie. She spoke of Medicare benefits as relates to folks who are laid off. At the Harbor Loop Fitz Henry Lane House, she will be taking a group to the alters on St. Joseph's Day. All are welcome.

Councilor Verga has a Ward 5 meeting scheduled for Tuesday 23rd at GHS lecture hall. This is for folks still in sewer "limbo" from 6:00 p.m. to 9:00 p.m. Also tickets are on sale for battle of the bands for GFAA to rebuild Newell Stadium 9th of April for the young people and 10th of April for grown ups.

Councilor Hardy noted that Councilor Whycott is on vacation and will be back in two weeks and that there is a special City Council meeting at 6:30 p.m. the following evening.

MOTION: It was moved, seconded and voted UNANIMOUSLY to adjourn the City Council Meeting at 8:32 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees