

## GLOUCESTER CITY COUNCIL MEETING

Tuesday, June 8, 2010

7:00 p.m.

Kyrouz Auditorium – City Hall

City Council Meeting 2010-013

**Present:** Council President, Jacqueline Hardy; Council Vice President, Sefatia Theken; Councilor Steven Curcuru, Councilor Joseph Ciolino; Councilor Bruce Tobey; Councilor Greg Verga; Councilor Robert Whynott

**Absent:** Councilor McGeary; Councilor Mulcahey

**Also Present:** Linda T. Lowe; Jim Duggan; Jeff Towne; Nancy Papows; Bob Ryan; Dr. Richard J. Sagall

### City Council Meeting 2010-013 was called to order at 7:00 p.m.

**Councilor Hardy** noted that Councilor Mulcahey became ill just prior this meeting (having been in attendance a special O&A meeting earlier) and could not attend the City Council meeting and that Councilor McGeary was unavoidably detained and also was not in attendance.

### Flag Salute and Moment of Silence

#### Oral Communications:

**Pat Murphy**, 262 Washington Street addressed the Council with Dr. Cynthia Bjorlie standing at the podium in support. Ms. Murphy, a 33 year resident of Gloucester, owner of a nursing practice business also in Gloucester for 30 years and a nursing specialist and noted she was before the Council as a concerned citizen and mother spoke about the addition of chloramine to the water supply as of July 1<sup>st</sup>. She noted there is more and more scientific evidence of the harmful, irritating effects of chloramine. Much has been said through the City; in the brochure that was distributed through Mass DEP, and EPA that it's safe except if you are on dialysis, you can't use it in your dialysis water. If you are a fish, you'll die. If it spills into vulnerable wetlands the life forms there are in jeopardy. There are many documented fish kills. Right next to the West Gloucester water treatment plant, there is a much protected area for saving the Alewives. If there is a spill there, if a pipe breaks, they're gone. There's an area in California that it's felt there's been a preserved population of frogs that were endangered that have been wiped out. Chloramine is a combination of chlorine and ammonia. Most grew up knowing you don't combine the two chemicals. You never inhale the vapors. They are irritating to the mucus membranes, the sinuses, the lungs. There are studies that show people who work in and around swimming pools have documented lung damage from this. Chloramine has been studied a lot less than chlorine. It is very difficult to get rid of. That's one reason the state has mandated that Gloucester use it. It stays around longer so it will get further distributed throughout the City and supposedly helps to decrease the coliform counts. It's known to be actually less effective than chlorine as far as the coliform which was the issue the City had last year. You can't very easily filter it out of the water; it gets in the air via water vapor and is inhaled in a hot shower. Any form of chloraminated water that is heated is very dangerous; it is the most toxic. It's in the vapors that come from your dishwasher. There have been studies that showed it caused cancer in rats; affected reproduction in laboratory animals. Seven states are taking this to court – Vermont, Pennsylvania, and California, to name three. Twenty states are now reporting acute health effects from chloraminated water. Germany and France have outlawed the use of chloramine for cleaning water. Canada has declared this an environmental toxin. She's met with the Mayor, Mr. Hale, and Mr. Durkin. Dr. Bjorlie and she met with the Chair of the Board of Health, Joseph Rosa. They have pointed out Gloucester has no input that this is State mandated; and that there is no choice. It's not easy to fight the state. There are many people who are concerned in the City. This is the beginning of addressing this

officially. They need the Council's help to go to the State about this. She asked for the Council's guidance as their representatives. They're not sure about what the next step should be. To try to filter this out of the water is generally thought to be ineffective. It takes a whole-house water filtration system with a lot of carbon. The iron that's in the Gloucester water clogs these whole-house water filtration systems, so you need another pre-filter. There was an EPA study done that was never published fully back in the '80's to test the effects of chloramines on the skin. It didn't affect the laboratory mice's skin - it killed them. It was never published but just released. A scientist that was "pretty much fired" by the EPA has been bringing this out. Another study is being released that it leaches the lead in the pipes into the water, as found in Washington, DC. A study is being released in the medical journals now that extremely high levels of lead have been reported since they added chloramine to the public water supply in Washington, DC. It causes corrosion in pipes. It causes pinhole leaks in copper pipes in homes, eating away at rubber gaskets and causing lots of leaks in residences. In Massachusetts it was found that there was an increase in deaths from influenza and pneumonia in the State in communities that used chloramines in the water. This was a new study. She asked the Council to listen to this information with an open mind. She felt it was frightening and that people don't know the other side of the story. Dr. Bjorlie and she want to do whatever they can do to prevent this. Pennsylvania has gotten this delayed a year at a time for two years so far. She wished to see the introduction of chloramines to the Gloucester water supply delayed. She thanked the Council, hoped they'd take this very seriously, and delivered packets of information to the Council (on file).

**Councilor Hardy** asked Dr. Bjorlie and Ms. Murphy to come back to the City Council to speak more on the matter and to contact the City Clerk in order to schedule a presentation on this particular matter.

**Edwin Collard**, 4 Lynnwood Avenue noted a problem of underage drinking in the woods in his area and in other areas across the City. He was asked by his neighbors to speak to the issue because of the lack of police response to the issue. Numerous calls have been made over the past few weeks because the parties that are taking place have grown. Last weekend he believed there were 150 kids up there in the woods. They are leaving trash behind for the City's watershed [is a problem] for many environmental reasons, and was plain ugly. He noted the common response when phone calls are made to the police was, 'what did you expect us to do; they're already in the woods'. He spoke of the police vehicles capable of traversing the wooded areas which they felt could be utilized in this situation. He could make it to their location in 10 minutes by foot. He and his neighbors want some action to stop this. There has been vandalism in the area, noting a flag stolen from one of his neighbor's home; another's shed was broken into. They have stopped these teenagers driving up there, civilly, explaining they were young once, and asked for civility from them. There are only five houses on the street. They're all parents and are looking at the bigger issue of the health of their kids. He will be going to the Board of Health and a few different agencies to see what they can do to address the issue from that level as well. There are grants for delinquency programs. They do exist. They want a police presence and for the community to be proactive with regard to the health of the children. He noted an instance of a young lady who was extremely intoxicated, and the police drove her home. He felt they should not but should, instead, be brought to the police station and have the parents pick them up in order to have some sort of impact. There are no repercussions. They have scanner radios; they have cell phones. Adults have to use their heads and plan raids at these different spots where they know this is going on, on a regular basis. There will be a show on Cape Ann TV, Channel 12 at 6:30 p.m., and at 10 p.m. on Friday, June 10<sup>th</sup> and Saturday, June 11<sup>th</sup> night sponsored by the Healthy Gloucester Collaborative entitled ""Underage Drinking - What Adults Need to Know". He invited everyone to take a walk with him at 10 p.m. on a Saturday evening. The ones who are viewing this show are the ones who are likely already taking care of their kids. He felt this needed to go to the Police Chief. He was available to any effort that the community wishes to make to help prevent underage drinking; it is a community issue.

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

**Presentations:****1 of 1: NeedyMeds Drug Discount Program**

**Dr. Richard J. Sagall**, president of NeedyMeds, a non-profit located in Gloucester and a Gloucester resident presented an update to the City Council on the status of Gloucester's NeedyMeds program, and its successes. Documentation was provided to the Council (on file). They established a free drug discount card for the community, established in conjunction with the Gloucester Fund. This started in October 2009 and has handed out about 4,000 cards. There are many distribution points listed in the documentation. He also noted Councilor Theken's help in getting many cards distributed. In total the card was presented 1,732 times in six months at pharmacies to have a prescription filled with an aggregate savings totaling \$36,346.81 over those six months in a state where everyone is supposed to have medical insurance. The savings have steadily gone up each month the card has been available. Sometimes the card didn't present a savings, and sometimes even if there was savings the medicines were not affordable to some of the card presenters. The savings range was from zero to 90% off the cash price of prescription drugs. He felt this was considerable with an average savings of \$27.72 per prescription. 1,311 times people actually saved with the card on prescriptions. The conversion rate of 76% shows if you take number of savers divided by the number of times presented. This is a little bit higher than the national average, which is about 70% of the time. He is pleased with the continued growth and seeing the card used in twelve states and 30 cities and 39 different pharmacies. They'd like to get more people using it. Anybody can use the card. There is no age, income, insurance or residency status restriction. He had spoken to a health insurance salesman in North Carolina who told him he uses the card all the time, many times giving him a better deal than his own health insurance. NeedyMeds can be reached on line at: [needymeds.org](http://needymeds.org), telephone: 978-281-6666 or by mail at P.O. Box 219, Gloucester, MA, 01930.

**Councilor Theken** thanked Dr. Sagall and former Council Chair, Councilor Tobey and noted how very helpful this program was. They've given these cards to out-of-state college students. The law mandates that you have insurance in Massachusetts; but if you're a college student you have to take the one through your college. She understood that was not good coverage. So parents have been sending the NeedyMeds card out. It has been working very well. It's not just here, noting the card can be sent anywhere to anyone in the United States, and they can use the card and get a discount. It works. When you are a senior, this is the card you need for when you reach the "donut hole".

**Councilor Whynott** asked if this could be used as an either/or with health insurance. It's not a combination.

**Dr. Sagall** responded that it can't be used to lower a co-payment. You can use the drug discount card or your insurance. Many people who have insurance use this card if their drug is not covered; if they have a high deductible or a low cap. But then there are times where it gives a better discount than your co-payment. He strongly urged people to ask the pharmacist to check what the card price is.

**Councilor Ciolino** stated like Councilor Theken, he, too, had sent many cards out of state with so many people down and out to places like Detroit, MI. They barely have insurance, some none. He explained that they should just give the card to their pharmacist, and input that number. These folks met with success using the discount card. It is a wonderful program in these difficult times, not only in Massachusetts but outside our state as well. He hoped the program will grow.

**Councilor Hardy** noted she has passed out a few of these cards and has had the opportunity to use it. She handed the druggist her insurance card and asked him to try the NeedyMeds card also, asking what it would cost with that card. She did save money, and it was cheaper on this particular occasion than she would have paid with her insurance. Another time it didn't work because it depends on the particular medication. She related that in her attempt to pass the NeedyMeds card to the druggist, they waved it away saying her insurance covered it. But she insisted on seeing what the price would be and got a much better price. She urged people to be insistent that the druggist should try that card first.

**Dr. Sagall** stated it can be used for over the counter drugs; for medical supplies written like a prescription and pet prescription drugs via a pharmacy. He gave the example of a pet's doxycycline that went from 88

cents per pill to 28 cents per pill. He noted NeedyMeds' partnership with the Gloucester Fund; and that each time the card is used and the savings occurs, a small portion of money is put aside. He had with him the first check for the first six months for \$327.75 handing it over to Barry Pett who received the check from Dr. Sagall on behalf of the Gloucester Fund. The only restrictions on the use of the money are that it be used for something health related in the City.

**Mr. Pett** stated the Gloucester Fund, for 10 years, has been partnering with people to raise money for worthy causes in the community. They've raised almost \$1 million of which they've contributed 100% of that money to those the causes. He couldn't imagine a better partner than NeedyMeds. That first check, and hopefully many more will go to Jack Vondras, Health Department Director and his wonderful department to continue a win/win situation for the City. He congratulated and thanked Dr. Sagall.

**Councilor Hardy**, on behalf of the Gloucester City Council, thanked the Gloucester Fund and for partnering with such a great organization and also to Dr. Sagall.

### **Consent Agenda:**

#### • **MAYOR'S REPORT**

1. Memo from Police Chief re: Department of Homeland Security Grant (Refer B&F)
2. Two Special Budgetary Transfers (#10-35 and #10-36) (Refer B&F)
3. Special Budgetary Transfer Requests to cover the Snow/Ice Deficit (#10-37, #10-38, #10-39, #10-40, #10-41 #10-42, #10-43, #10-44, #10-45, #10-46, #10-47, #10-48, #10-49, #10-50, #10-51) (Refer B&F)
4. Request from ad hoc Newell Stadium Bathroom Committee re: remaining monies from the MassElectric Mitigation Fund (Refer B&F)
5. Memo from City Auditor regarding accounts having expenditures which exceed their authorizations (Refer B&F)
6. Appointment: Alisa de Gaspé Beaubien Tourism Commission (TTE 02/14/2013) (Refer O&A)
7. Memo from Police Chief re: Fishtown Horribles Parade 2010 application (Refer P&D)

#### • **APPROVAL OF MINUTES**

1. City Council Meeting 05/25/10 (Approve/File)
2. Standing Committee Meetings: B&F (Exec. Session) 03/25/2010, P&D 06/02/10, B&F 06/03/10 (under separate cover) (Approve/File)

#### • **APPLICATIONS/PETITIONS**

1. SCP2010-006: 474 Washington Street, Sec. 5.5.4 Lowlands (Refer P&D)
2. SCP2010-007: 168 Eastern Avenue, Sec. 2.2 and Sec. 5.19 (Refer P&D)

#### • **COMMUNICATIONS**

1. COM2010-025: Memo from CAO Jim Duggan re: request to amend City Ordinance Sec. 22-288 (Refer O&A & P&D)
2. COM2010-026: Request from 1907 LLC and Pavilion Mercato LLC re: BirdsEye Mixed Use Overlay District ("BMOD") Zoning Amendment Proposal (Rezoning #2010-003) (Refer PB & P&D)
3. COM2010-027: Sullivan & Rogers-Independent Auditors' Report (Reports on File in City Clerk's Office) (Refer B&F)

(Consent Agenda Continued)

4. COM2010-028: Request from the Fishtown Horribles Parade Committee re: permit for July 3, 2010 Parade (Refer P&D)

#### • **INVITATION**

1. Cape Ann Amateur Radio Association re: Outdoor public demonstration and emergency communication drill (Info Only)

#### • **ORDERS**

1. CC2010-036 (Tobey) Regarding (a) rescinding for the FY12 budget cycle the CSO debt shift enacted on May 25, 2010 and (b) instituting a stormwater fee system pursuant to the ordinance enacted in September 2009 (Refer O&A & B&F)
2. CC2010-037 (Tobey) Board of Health presentation to City Council and community re: development in Board's administration of the Title V septic system regulations (CCM 7/20/10)
3. CC2010-038 (Curcuro) Amend Sec. 22-287 of the GCO re: deleting 17 Granite Street, one handicapped space (No referral required)
4. CC2010-039 (Curcuro) Traffic Commission review traffic flow re: 32 Grove Street and Madison Court (Refer TC)
5. CC2010-040 (Whynott/McGeary/Verga) Amend GCO Capt. 11 re: "special events only" for Stage Fort Park vendor site (Refer O&A)

### **Items to be added/removed from the Consent Agenda**

**Councilor Ciolino** wished to remove under Approval of Minutes, #2, the Planning & Development minutes of June 2, 2010 for amendment.

**Councilor Hardy** asked to address Communication #1 Memo from CAO Jim Duggan re: request to amend City Ordinance Sec. 22-288 and to add a Special Council Permit application which came in late to the City Clerk's office for 5-7 Bass Avenue for a referral to Planning & Development.

**Councilor Ciolino** asked the Council for unanimous consent to add the words at the end of the motion, "AND FURTHER TO ADVERTISE FOR PUBLIC HEARING for the motion on the matter of SCP2010-004: Cape Ann Brewing Company re: 9-11 Rogers Street §2.3.4(8) and (9) for Restaurant on page 4 of the June 2, 2010 minutes at the end of the motion. In addition, he asked that the Council, by unanimous consent, on the matter of SCP2010-005: Gloucester Marine Terminal, LLC re: Amendment to existing SCP pursuant to §2.3.4 (8) or (9) and Section 1.8.3(e) to amend the motion to include Section 2.3.4(8) **and (9)** and Section 1.8.3(e) as well as to add at the end of the motion, "AND FURTHER TO ADVERTISE FOR PUBLIC HEARING" .

**Councilor Hardy** explained that when the Council accepts the Consent Agenda by unanimous consent, they will be accepting these amendments to these motions as stated by Councilor Ciolino, as well. Related to Communications #1, CAO, Jim Duggan had requested that an amendment to a City Ordinance be put through the City Council. He is now requesting that request be withdrawn.

**Councilor Tobey** clarified they are speaking about the Administration's proposal that the I4-C2 parcel be used on a temporary basis for overflow parking on special occasions and the notion of the original communication was that that site be added to the local ordinance governing off street parking areas as well as the open air parking lot.

**Mr. Duggan** noted it was further expressed that it was for a temporary basis just looking for permission for overflow parking. It wasn't until later that it was expressed that perhaps it should be added as a permanent structure to the ordinance. After further thought, he didn't want to give the impression that it would be a parking lot forever.

**Councilor Tobey** appreciated Mr. Duggan's comments. The Councilor stated it seemed to him that Good Harbor Beach, Stage Fort Park, Wingaersheek Beach all have comparable seasonal parking uses. Neither of the approaches just spoken of have been used to make those legal or appropriate. Instead the means they use under the Charter is Sec. 7-16, Director of Public Works, whereby under the rules and regulations submitted for all the City's public facilities, every year, is submitted by the DPW Director through the office of the Mayor to the Council for review and approval. That's where the fees get captured and where the fees have to be put forward to be approved. He wondered if the Administration is of a mind under Sec. 7-16a to put forward for the immediate future the fee structure that's been spoken of but would need to go through a public approval process so they can have this done in time.

**Mr. Duggan** agreed for the fees.

**Councilor Tobey** it would be appropriate to refer to O&A for review and discussion for a fee structure which he asked to be referred out to the O&A Committee.

**Councilor Ciolino** noted every day there were more and more cars parked there; and there is a need to create some organization there.

**Councilor Hardy** noted that with the approval of the Consent Agenda the Council will be approving the referral to O&A for a fee structure that will come to them through the Mayor's Office and the DPW.

**Mr. Duggan** believed they wanted the fee structure to mirror the fee structure at Stage Fort Park.

**Councilor Tobey** responded it would have to come from the DPW Director and assumed it was happening that way. Secondly, this temporary parking lot would be used for special occasions. Other than that use, the Councilor asked if it was the intention of the Administration if there was any other parking in that area that it would be for the required use of the lobster marina.

**Mr. Duggan** noted the designated parking for the lobstermen will remain intact. This is just on the DPW Director's orders when parking can be there for the overflow of special events on a temporary basis.

**Councilor Hardy** clarified that what O&A will be looking for the fee schedule, the specific dates you would propose to use the facility and the recommendations of the DPW Director as to the fees. She also

noted the late submission of an application for a Special Council Permit for 5-7 Bass Avenue to have the property formally designated as a 6-family structure and it's continued use as such to be placed on the Consent Agenda; and once voted, it will be referred out to Planning & Development. Additionally, the Administration had submitted just before the meeting an additional batch of Special Budgetary Transfers that need to be referred to Budget & Finance. Noting that it was getting towards the end of the current fiscal year, the Councilor requested with the permission of the Council that any other special budgetary transfers that come to the Council as of this meeting in the meantime be presented directly to the B&F Committee instead of being referred out by the City Council because of the urgency of matters at the close of the fiscal year which typically happen at this time each year. They'd be acted upon by the Council once reviewed by B&F.

**Councilor Tobey** wondered if the City Clerk thought it would be an acceptable procedure under the City Charter. He understood between now and the end of the fiscal year that any more for the rest of the fiscal year they would go directly to B&F and not be referred out by the Council first. He thought under the City Charter it would need to come to the City Council first. He wondered if the Council could do a blanket referral to the B&F Committee for any transfers that came forward from the Administration until the end of the current fiscal year.

**Councilor Hardy** stated that was, in fact, what she was asking for from the Council.

**Councilor Whynott** believed in the Charter it also says that the Council could delegate any of their responsibilities directly to the Standing Committees and felt it could work.

**Councilor Tobey** made note that the City Clerk agreed that this was an allowable procedure.

**Ms. Lowe** noted Councilor Whynott's suggestion is correct that under the Charter, §2-9(d), that the Council could use that discretion in this particular situation.

**MOTION: On motion by Councilor Hardy, seconded by Councilor Tobey, the City Council voted 7 in favor, 0 opposed to allow for all Special Budgetary Transfer requests with regard to FY11 to bypass the Consent Agenda and be made directly to the Budget & Finance Standing Committee of the City Council from June 8, 2010 to June 30, 2010.**

*[Note: The following discussion took place at the end of the B&F Committee Report, but due to the matter of a referral, this matter is taken up here in the minutes.]*

**Councilor Hardy** noted the City Clerk had received some information regarding voting machines and asked her to discuss it briefly this evening to see if it needed referral to a Committee this evening.

**Ms. Lowe** stated City Clerk's office brought to the attention of B&F during budget talks about purchasing new voting machines which they feel they'll be able to do within this fiscal year. There is a State law, M.G.L. Chapter 54, Sec. 34 that requires whenever a municipality is going to change their voting machines they must have a vote of the City Council authorizing them to do so. There needs to be a vote of the Council 120 days in advance of the new equipment being introduced to a community in order to vote in an election. She would like to start the process to refer it to the proper committee to be voted on in a timely fashion by July 6, 2010.

**Councilor Theken** noted that there were too many issues in front of O&A at this time and asked that this be referred to B&F.

**Councilor Whynott** believed that if a ballot was to change it had to be approved by the Secretary of State of the Commonwealth which Ms. Lowe believed was handled under that same statute.

**The City Council referred out the following matters under unanimous consent:**

- **Request by CAO Jim Duggan regarding a fee structure and recommendations of the DPW Director for temporary parking on the Parcel known as I4-C2 under City Charter Sec. 7-16(a) to be referred to the Ordinances & Administration Committee;**

- SCP2010-008 re: 5-7 Bass Avenue, Sec. 2.3.1(7) to allow Petitioner to maintain continued use of existing 6-unit multi-family dwelling structure, Map 54, Lot 36 to Planning & Development Committee;
- Special Budgetary Transfer Request 10-SA-12, 10-SA-13, 10-SA-14, 10-SA-15, 10-SA-16, 10-SA-17, 10-SA-18, 10-SA-19;
- Request by the City Clerk for a vote by the City Council under M.G.L. Chapter 54, Sec. 34 for a purchase of and change in voting machines for the City of Gloucester to the Budget & Finance Committee.

The City Council voted by unanimous consent to accept the Consent Agenda as revised and amended.

**Scheduled Public Hearings:**

1. PH2010-031: Amend GCO Appendix C, the "Personnel Ordinance", Article 4 "Classification and Compensation Plans" re: reclassification of Principal Assessor from M8 to M9

This public hearing is opened.

Those speaking in favor:

**Jim Duggan**, CAO stated as the Administration started recently reviewing positions throughout the City in order to present to the Council potential recommendations of upgrades where it is appropriate. He looked at area communities that are the same population as Gloucester showing the pay in similar situations for the position of Principal Assessor. He had previously submitted that financial information to the Council. He endorsed the reclassification of the Principal Assessor's pay grade from M8 to M9.

Those speaking in opposition: None.

Communications: None.

Questions:

**Councilor Theken** asked why this increase; has the job description changed; has the Principal Assessor's role increased or changed. People are concerned that we have a hiring and wage freeze and how we will be handling the rest of the City [employees].

**Mr. Duggan** stated it is the Administration's intention to review every position and move forward as they can, financially. Trying not to make this a personal but make it about the position, the responsibilities of the position have increased tremendously. The Principal Assessor was instrumental in the successful conversion to Unifund for the real and personal property tax billing; involved in the successful conversion of special assessments in Unifund in annual apportionments to real estate tax bills; significantly improved timing of certification of values by the DOR; successful implementation of the CPA Act billing and exemption process which was no easy feat; overseeing the completion and submission of a tax rate recap despite vacancies of the Chief Financial Officer prior to the current CFO, and the City Auditor in past years; strong involvement with the finance team which meets weekly to continue to provide information for bond rating agencies, etc.; meeting all deadlines imposed by the DOR despite increased workload and decrease in staffing which has required considerable additional work hours.

**Councilor Theken** noted that job position has worked very hard with the Committee regarding Stormwater and will continue to do so. She has witnessed the hard work put into that particular position.

**Councilor Tobey** noted he was inclined to view this matter favorably.

**Councilor Whyntott** stated he was 50/50 on these increases that have gone before this one. While he voted no for the increase in pay grade for the Auditor's position because he didn't feel it was warranted at the time, this position is covering a lot more than it ever did; that this was the most underrated position in

the entire City. Most of the money to run the City comes from this department. It has become a much more professional position as time has gone on. They have done a great job and had to support this one.

**This public hearing is closed.**

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council the reclassification of the Principal Assessor position from a Grade M8 to Grade M9.

**Discussion:**

**Councilor Theken** felt the person filling the position currently was doing a wonderful job.

**MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted by Roll Call 7 in favor, 0 opposed to amend GCO Appendix C, the "Personnel Ordinance", Article 4 "Classification and Compensation Plans: for the reclassification of the Principal Assessor position from a Grade M8 to Grade M9.**

2. **PH2010-032: Amend GCO Sec. 1-15 sub paragraph entitled "Chapter 9 (Trash, Recycling and Litter) and section 9-8 (littering prohibited)" by adding: Enforcing Persons: Recycling Coordinator**

**This public hearing is opened.**

**Those speaking in favor:**

**Mr. Duggan** noted this change in the ordinance gives versatility to the position to allow the Recycling Coordinator to go out and issue violations when they are seen. Right now the recycling coordinator doesn't have that ability and has expressed a number of times that given this versatility you will see a lot of people change their habits. It was felt this would help with enforcement.

**Those speaking in opposition: None.**

**Communications: None**

**Questions:**

**Councilor Theken** asked that with the ability to give out tickets would this include violators of the "pooper scooper law". She was asked to address this issue as more and more pet owners didn't appear to be picking up after their dogs. The person who called her stated she did clean up after her dog, but is tired of those who don't.

**Mr. Duggan** believed this wasn't the purview of the Recycling Coordinator.

**Councilor Ciolino** asked about the fines and if there was an established fee structure.

**Ms. Lowe** confirmed there was a fee structure for those violations.

**Mr. Duggan** didn't know for sure and didn't have that information.

**Councilor Hardy** also confirmed it was established by Ordinance but didn't have the actual one available on the fee structure.

**This public hearing is closed.**

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken the Ordinances & Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council to amend Sec. 1-15, sub paragraph entitled Chapter 9 (Trash, Recycling and Litter) section 9-8 (littering prohibited):



Enforcing persons: Police officers, board of health members or their agents AND RECYCLING COORDINATOR.

**Discussion:**

**Councilor Theken** noted that the ordinances need to be enforced. They didn't know that the recycling coordinator didn't have the ability to do this, and felt that this was needed. The Board of Health agents have this ability. She looked forward to seeing some tickets being given for the violations throughout the City not because it will generate money but because we need to recycle appropriately.

**Councilor Ciolino** felt this is long overdue and will support this. At the Sargent House Museum there had been a large bag of abandoned trash, and he called the City's Recycling Coordinator. She put on gloves and went through the trash looking for names to find who did the dumping. Now a ticket will be had. We all see the violations. Now the Recycling Coordinator can see if she can find out who did this and issue a ticket.

**Councilor Whynott** gave an example of his son working on the Watershed Committee having him follow behind trash trucks to give sticker tickets when there was illegally packaged trash. Even though those tickets didn't have money involved, the trash collectors stated the compliance went up greatly, just knowing that someone was taking note. This was something long overdue.

**Councilor Verga** agreed and that our trash disposal has been so controversial for so many years, it's great to have something like this in place to punish those who don't play by the rules because those that do follow the rules feel like they're swimming against the tide. He thought it was a great idea and will support it.

**Councilor Hardy** stated she also will be supporting this. She had a conversation with Rose LoPiccolo, the Recycling Coordinator. She assured the Councilor she had a camera, and it will travel. It will prove the violations; and a copy of the photo will be attached to the violation. If there is an appeal, it will be forwarded to the court. Hopefully people will understand that the City means business; and hopefully won't have to issue a lot of these violations. If you're doing something wrong, you're going to have to pay for it because our City can no longer afford to continue picking up other people's trash.

**MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted by Roll Call 7 in favor, 0 opposed to amend Gloucester Code of Ordinances Sec. 1-15, sub paragraph entitled "Chapter 9 (Trash, Recycling and Litter) section 9-8 (littering prohibited): Enforcing persons: Police officers, board of health members or their agents" by adding "AND RECYCLING COORDINATOR".**

**3. PH2010-033: Amend GCO Sec. 22-269 "Stop Intersections" by adding intersection of Smith Street and Maplewood Avenue**

**This public hearing is opened.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Questions:**

**Councilor Whynott** thought at one time there was a stop sign at this location.

**Ms. Lowe**, as directed by Councilor Theken, researched the matter, and they found nothing in the books.

**This public hearing is closed.**

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO Sec. 22-269 "Stop Intersections" by ADDING intersection of Smith Street and Maplewood Avenue as a STOP intersection.

**Discussion:**

**Councilor Theken** noted they all thought a stop sign was there, but it proved not to be the case. It was recommended by the Traffic Commission to place the sign.

**Councilor Whynott** stated that people travel too fast on Maplewood Avenue, and it was necessary.

**MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted by Roll Call 7 in favor, 0 opposed to amend GCO Sec. 22-269 "Stop Intersections" by ADDING intersection of Smith Street and Maplewood Avenue as a STOP intersection.**

**4. PH2010-034: Amend GCO Sec. 22-269 "Stop Intersections" by adding intersection of Shepherd Street and Maplewood Avenue**

**This public hearing is opened.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Questions: None.**

**This public hearing is closed.**

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO Sec. 22-269 "Stop Intersections" by ADDING intersection of Shepherd Street and Maplewood Avenue as a STOP intersection.

**Discussion:**

**Councilor Theken** noted this was the same situation as with the prior public hearing to correct the situation.

**MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted by Roll Call 7 in favor, 0 opposed to amend GCO Sec. 22-269 "Stop Intersections" by ADDING intersection of Shepherd Street and Maplewood Avenue as a STOP intersection.**

**Committee Reports:**

P&D Committee: 06/02/2010

**Councilor Ciolino** for the record declared he lived at 28 High Popples Road; that the following motion affects 76 High Popples Road. He had no connection with any part of this matter about to be covered, nor did he know personally the people who own the property, nor with the builder and would therefore be voting on the matter.

**MOTION:** On motion by Councilor Whynott, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend the City Council grant permission to National Grid for the construction of a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named; and, further give permission to excavate the public highways and to run and maintain underground electric conduits, together with sustaining and protecting fixtures as it may find necessary for the transmission of electricity. Said underground conduits to be located substantially in accordance with the plan filed herewith marked National Grid UG-WR#8410911 03/20/10 for the purpose of the installation of 2-3" pvc conduits from an existing pole #5233 to house #76 High Popples Road with the following conditions:

1. Street paving shall be in accordance with DPW standard as outlined herewith:
  - a) DPW to be notified 72 hours in advance of the proposed work;
  - b) All proposed lines and /or conduits are placed so as to cause minimum conflict with other underground services and mains;
  - c) The excavated trench shall be patched flush with the surrounding asphalt using 2-inches hot mix asphalt binder, and 2-inches hot mix asphalt top, totaling 4-inches;
  - d) Install 2-inch hot mix asphalt top course pavement with emulsion sprayed on prepared surfaces, including all joints.
2. 18-month bond to be purchased for the construction duration.
3. No water shall be pumped from underground structures or conduits onto public streets and ways.

**Discussion:**

**Councilor Ciolino** stated this is a new house construction and that the wires will be underground. There are now many safeguards when the streets are opened up now.

**Councilor Hardy** wondered why this particular petition coming back to the full Council. Usually when National Grid comes in and asks to open the road, it was at the discretion of Planning & Development.

**Councilor Ciolino** responded there was no particular specific reason but explained the wires were coming from a pole to be placed underground so National Grid has to come across the street.

**Councilor Hardy** stated since it is presented to the full City Council, they will debate it and asked what area it would be done and if National Grid gave any indication of how long the road would be open for.

**Councilor Ciolino** noted 76 High Popples Road was off of Atlantic Road and that the roadway is very narrow and believed the work would be done in one day not interfering with any other work that may be taking place.

**MOTION:** On motion by Councilor Ciolino, seconded by Councilor Theken, the City Council voted 7 in favor, 0 opposed to grant permission to National Grid for the construction of a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named; and, further give permission to excavate the public highways and to run and maintain underground electric conduits, together with sustaining and protecting fixtures as it may find necessary for the transmission of electricity. Said underground conduits to be located substantially in accordance with the plan filed herewith marked National Grid UG-WR#8410911 03/20/10 for the purpose of the installation of 2-3" pvc conduits from an existing pole #5233 to house #76 High Popples Road with the following conditions:

1. Street paving shall be in accordance with DPW standard as outlined herewith:
  - a) DPW to be notified 72 hours in advance of the proposed work;
  - b) All proposed lines and /or conduits are placed so as to cause minimum conflict with other underground services and mains;
  - c) The excavated trench shall be patched flush with the surrounding asphalt using 2-inches hot

- mix asphalt binder, and 2-inches hot mix asphalt top, totaling 4-inches;**
- d) Install 2-inch hot mix asphalt top course pavement with emulsion sprayed on prepared surfaces, including all joints.**
- 2. 18-month bond to be purchased for the construction duration.**
- 3. No water shall be pumped from underground structures or conduits onto public streets and ways.**

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend the City Council grant the change of venue of the Cape Ann Farmer's Market from June 24, 2010 to October 7, 2010 (Thursdays) from 1:00 p.m. to 8:00 p.m. from the Gloucester Heritage Center location at Harbor Loop to the City-owned parcel known as I4-C2 on 65 Rogers Street for the 2010 dates as stated. All other terms and conditions of the initial permit remain in effect. Any insurance certificates must be amended to reflect the change in location to City-owned property and to specifically list the City as owner of the location.

**Discussion:**

**Councilor Ciolino** noted this is a better fit for the Cape Ann Farmer's Market (CAFM). The vendors will be able to have their trucks there with them making it more workable for them. It's a great temporary use for I4-C2, recommending his fellow Councilors vote in favor of it.

**Councilor Hardy** asked about a comfort station.

**Councilor Ciolino** responded that it will be there until October and only opened for the Farmer's Market during their operational hours and that it would be handicapped accessible. The Farmer's Market is the key holder for the facility and is absorbing the cost of it.

**Councilor Hardy** asked about electricity to the site.

**Councilor Ciolino** noted the Harbormaster has agreed to let the market use the electricity on the wharf there. CAFM usually is done by the time it gets dark. He believed besides the existing street lights there was no other source of lighting.

**Councilor Hardy** asked about the fishermen access to the property to tend to their pots and boats and that they would be provided with the same privileges they have experienced in the past and how would CAFM being there affect them.

**Councilor Ciolino** stated CAFM will be more on the grassy area and that the Administration would put up signage and assured they will have access.

**Councilor Hardy** noted that Mr. Duggan was indicating it to be the case.

**Councilor Theken** asked about the Fiesta parking and if they were using it as a temporary lot for the first night, that Wednesday of Fiesta or are they just planning on using the lot for just the weekend as this was coming before O&A now.

**Councilor Ciolino** noted that every Thursday I4-C2 is dedicated to the Farmer's Market. The Wednesday of Fiesta there would be no parking before the Farmer's market to prevent the earth being churned up as well as no Fiesta parking that Thursday either since the lot is neither hot-topped nor graveled. Fiesta parking would be that Friday, Saturday and Sunday and again on July 3<sup>rd</sup>.

**Councilor Theken** thought the Farmer's Market was a wonderful use. Some of the fishermen were excited they could sell their lobsters there. The Gloucester Fishermen's Wives Associations will be down there. Parking bothered her, as she joked previously, she didn't want to spend \$1.5 million to mow the lawn. She knew that the community worked hard to restore that property and made it look appealing. She didn't want the temporary parking lot to diminish that. She wanted to know what would be done to preserve the green area now that it has been cleaned up and made appealing and who would maintain the property. She expressed concern regarding possible contamination of the soil as well and wondered if all these questions had been addressed.

**Mr. Duggan** stated most of these concerns have been addressed. Parking will be weather dependent. It will be the call of the DPW Director whether parking will be permitted for any of the days of Fiesta or for

any other special events in the near future. A parking plan was submitted to P&D to be sensitive to making sure there was still green space and to account for the necessary number of handicapped spaces. If there is rain the night before a special event, then it would be the call of the DPW Director. If he determines there's no parking, then there's no parking. The care of the lot is with the DPW Director as well. In terms of the monitoring of the parking during those times, they will be working it out with the parking personnel through the DPW.

**Councilor Theken** noted she was not targeting the Fiesta parking but for all parking for all special occasions.

**Councilor Tobey** asked if the Conservation Commission (ConCom) or their agent was consulted on the matter.

**Mr. Duggan** noted the Community Development Director, whom ConCom falls under, found the parking plan acceptable.

**Councilor Tobey** had concerns of oil pollution getting into the harbor. He noted the parking areas like St. Peter's plaza parking lot and at the Gloucester House restaurant there are oil/gas separators or other capturing devices in place to make sure that if a tank ruptures the stuff doesn't go straight into the harbor. Had there been any review or conversation about that kind of consideration and if not, could that occur.

**Mr. Duggan** stated there has been conversation, but not to that extent. They will absolutely address that with the Community Development Director immediately and bring it to ConCom.

**Councilor Tobey** respected the role of the Community Development Director, but that this was statutory with ConCom which would act through its agent; and urged Mr. Duggan not to exclude that particular staff member who's going to have the expertise, as well as the statutory role to be played in this matter.

**Councilor Hardy** noted as related to the parking plan, previously P&D has had the Building Inspector sign off on parking plans, open air parking lots, etc., on location and number of handicapped parking spaces. She wanted to be sure the Building Inspector has also signed off and approved the plan.

**Mr. Duggan** assured that would be the case.

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Theken, the City Council voted 7 in favor, 0 opposed to grant the change of venue of the Cape Ann Farmer's Market from June 24, 2010 to October 7, 2010 (Thursdays) from 1:00 p.m. to 8:00 p.m. from the Gloucester Heritage Center location at Harbor Loop to the City-owned parcel known as I4-C2 on 65 Rogers Street for the 2010 dates as stated. All other terms and conditions of the initial permit remain in effect. Any insurance certificates must be amended to reflect the change in location to City-owned property and to specifically list the City as owner of the location.**

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend the City Council approve the use of the City-owned parcel known as I4-C2 at 65 Rogers Street as a temporary/short term off street public parking lot during the St. Peter's Fiesta on Friday, June 25; Saturday, June 26; Sunday, June 27, 2010; and July 3, 2010 during the hours of 9:00 a.m. to 6:00 p.m. on each of the aforementioned dates.

Approval of this temporary/short term use is based on a Plan submitted by the Department of Public Works dated June 2, 2010 drawn by Doug Cook, member of the DDC; and endorsed by the Planning & Development Committee and/or City Council. Further, said approval does not constitute creation of a City-owned off street parking area under Gloucester Code of Ordinances, Section 22-190-22-198. The plan must be approved by DPW Director and City Departments.

#### **Discussion:**

**Councilor Ciolino** noted they added the DPW Director to this motion. When they said City Departments, it included the Building Inspector. The plan by Doug Cook showed 67 parking spaces, which would give 3 handicapped spaces. The Committee received a preliminary layout of it, not yet

approved by the Building Inspector. It will be in the works and be correct with handicapped parking and placement of the spaces, so that when vehicles enter and exit it is safe and correct.

**Councilor Theken** wondered if they could add a friendly amendment to specify that special departments, Building Inspector, Community Development Director and the Conservation Commission.

Councilor Hardy noted the special departments as specified by Councilor Theken had been accepted and that the discussion was now on the amendments.

**Councilor Verga** commented he supported the original motion and wished to support this amended version. It was important to reiterate what Councilor Ciolino said that there is no intention to make this a permanent parking space. He didn't vote to spend \$1.5 million for a parking lot; but it was important that the City try and maximize their investment in the meantime until the permanent solution comes up and try to alleviate some of the traffic stress in that area during these peak events.

**Councilor Hardy** noted that earlier that the DPW Director had to get back to them with a fee schedule; and that with 7-16 of the City Charter, will there be fees charged for this.

**Councilor Ciolino** noted that will be treated like Stage Fort Park. Gloucester residents with a beach parking sticker will park for free; anybody else will park for \$10.00.

**Councilor Tobey** stated that has already been referred to O&A and the Administration needs to backfill the information with the communication from the DPW Director pursuant to the Charter.

**Mr. Duggan** asked about the Conservation Commission now mentioned in the motion but not the Conservation Agent. If it was the Conservation Commission did it mean it goes through a whole review process?

**Councilor Theken** then clarified that she meant for it to read Conservation Commission Agent, which

**Mr. Duggan** then asked that it be the Conservation Commission Agent instead of Conservation Commission to which the Council allowed for that adjustment to be made in the text of the motion by way of further friendly amendment.

**MOTION: On motion by Councilor Ciolino seconded by Councilor Verga, the City Council voted 7 in favor, 0 opposed to approve the use of the City-owned parcel known as I4-C2 at 65 Rogers Street as a temporary/short term off street public parking lot during the St. Peter's Fiesta on Friday, June 25; Saturday, June 26; Sunday, June 27, 2010; and July 3, 2010 during the hours of 9:00 a.m. to 6:00 p.m. on each of the aforementioned dates. Approval of this temporary/short term use is based on a Plan submitted by the Department of Public Works dated June 2, 2010 drawn by Doug Cook, member of the DDC; and endorsed by the Planning & Development Committee and/or City Council. Further, said approval does not constitute creation of a City-owned off street parking area under Gloucester Code of Ordinances, Section 22-190-22-198. The plan must be approved by DPW Director and City Departments including the Building Inspector, Community Development Director and the Conservation Commission Agent.**

**Councilor Ciolino** noted there were representatives of National Grid present this evening and asked that they be allowed to address the next issue directly to the Council for clarity and would appreciate hearing their presentation after he makes the motion from P&D.

**MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend the City Council, under Code of Ordinances Section 2-3, approve the Site Access Agreement between the City of Gloucester and the Massachusetts Electric Company d/b/a National Grid for the parcels located at Harbor Loop shown as Lots 12, 14 and 25, Map #9 and commonly known as Solomon Jacob's Park and Fitz Henry Lane Park all as shown on Plans included with the agreement prepared for National Grid by GZA EcoEnvironmental, Inc., Engineers and Scientists dated March 2010, for the purposes of environmental sampling under the Massachusetts Contingency Plan (310CMR 40.0) of the property as described in the agreement presented.**

**Discussion:**

**Councilor Ciolino** asked for the National Grid representatives to step forward with the permission of the Chair.

**Kenneth Lento, Project Manager for Site Investigation and Remediation for National Grid and Attorney Bradford Maxell with Ropes & Gray, representing National Grid** who stated that this is a clarification only. P&D approved a plan that was attached to an access agreement. The access agreement didn't reference one of the locations that were shown on the plan. The clarification is only to present a proper version of the access agreement.

**Councilor Hardy** asked Councilor Ciolino if he knew when the initial approval came through; if this was a clarification to fix an omission when the original one was approved.

**Councilor Ciolino** stated that P&D first heard this at their 6/2/10 meeting and was when they first heard it; and asked that the clarification presented that evening be put into the record of the amended document.

**The Council was given the amended Site Access Agreement document by Mr. Maxwell. It was confirmed that this matter needed to come before the full City Council and not remain at the Standing Committee level.**

**Councilor Ciolino** noted that with the Harbormaster's wharf contamination, National Grid and the EPA who is involved need to determine the extent of the contamination on Harbor Loop which includes the park, the Fitz Henry Lane House, could possibly include the Americold property, the 1907 LLC property across Rogers Street from there, and also Star Fish. What they are giving them now is permission to do the sampling so they can brainstorm and come back to the Council and the EPA with how they're going to solve the contamination problem. This is just the first phase. They've done it once before. They were given permission to drill some holes, and now they need to extend the 'circle'. A very important thing was the park dangerous? It is not. The contamination is 50 ft. below ground. There used to be a gas plant down there; and that's what created most of the contamination. The full Council should be aware of it; it is very important to all the businesses down there to clear this up. After all is said and done, then they can rebuild the harbormaster's wharf. Until then not much is going to be done.

**Councilor Tobey**, upon quick review of the document just presented didn't find an indemnification provision in it. MEC doesn't indemnify the City should this activity give rise to any new concerns or issues.

**Mr. Maxwell** confirmed that the amended access agreement, which he claimed was the same form that was signed previously, didn't contain an indemnification provision.

**Councilor Tobey** stated he didn't mean that but that if any issues arise as a result of this activity – the installation of this well, the operation of this well.

**Mr. Maxwell** noting he didn't have a copy in front of him that this was the exact same form just adapted for a different scope of work.

**Councilor Tobey** stated that may have been true but the other form may have been deficient and asked why wouldn't the City want to be indemnified with respect to the work to be done. Wouldn't it be something that you would want for your client if it was the City of Gloucester?

**Mr. Maxwell** felt it was something that could be entertained. It wouldn't be out of line.

**Councilor Tobey** followed up asking when they wanted to conduct this activity.

**Mr. Lento** stated that they have a deadline of July 2010 to submit their reports.

Councilor Tobey noted the Council would be meeting the following Tuesday evening for a Special City Council Meeting and wondered if this would be enough time for the language to be prepared over the course of a week or would that slow them down intolerably.

**Mr. Lento** responded they're delayed now, and a week's wait would not be out of the question.

**Mr. Maxwell** stated they could have the language prepared for their special City Council Meeting in one week.

**Councilor Whynott** believed that although they found contaminants 50 ft. down all over the place, there was no contamination in the water.

**Mr. Lento** stated there were no contamination levels that would pose a risk in the surface water. However, there were several low levels detected in the water. It was in the sediment that it was more extensive and had done extensive work in the harbor to eliminate that.

**Councilor Ciolino** asked if it was true that the EPA has it designated that National Grid is responsible because they own the land and because of all the pollution. They are the responsible party.

**Mr. Lento** stated under the Massachusetts contingency plan, National Grid has assumed liability and responsibility for cleaning up waste associated with the former manufactory gas plant. This is under the State DEP. The federal government has had some reports submitted to them as well.

**Councilor Ciolino** noted the City is in the clear. It is National Grid's responsibility for the clean up.

**Mr. Lento** agreed.

**Councilor Ciolino** also noted they're not looking for anything other than to do their investigation via their test borings.

**Mr. Lento** stated that was also correct. It was solely to do their investigation to delineate the contamination on the land. They are evaluating all options in the harbor at that moment.

**Councilor Ciolino** hated to see it held up and hoped that as Councilor Tobey suggested they could take the matter up at next week's Special City Council Meeting.

**Mr. Lento** stated another week won't matter, although they would like to do their work.

**Councilor Theken** asked when they are doing the work, is the City's Health Department being notified and having an agent there.

**Mr. Lento** stated regulations state they would be notified at various stages during the work. As an owner of the property, all data is sent to the City within 30 days of their receipt of it.

**Councilor Theken** wanted to know if there was an imminent hazard was found it would be noticed immediately.

**Mr. Lento** stated there is a provision for dealing with imminent hazards. They do not have one here. But if that was the case, yes.

**Councilor Hardy** stated this was an amendment to change what had been previously agreed to because you're looking for other locations to test. Were there any previous conditions that the City placed on the previous approval, like when you had to start by or when you had to finish.

**Mr. Lento** didn't believe there was a time commitment other than the license was for one year.

Councilor Hardy believed that the same question was asked the last time it came before the Council because this was such a vital hub to a lot of activity and to businesses. They did at one time have the Farmer's Market there. There's the Heritage Center, the Coast Guard Station. There are still many important conditions that were previously agreed to and be attached to this agreement. She asked that the Clerk of Committees and the City Clerk's office to look into any previous conditions so that they may be attached to this agreement. She stated this vote would be put off to June 15, 2010.

**Councilor Tobey** asked that this be put at the top of the agenda.

*This matter was continued to the Special City Council Meeting at 6 p.m. on Tuesday, June 15, 2010.*

Budget & Finance Committee: 06/03/2010

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend the City Council to accept the amount of \$12,969.00 from LandStrategies, LLC in reimbursement to the City of Gloucester as pertaining to work performed through the MORE Jobs Grant.

**Discussion:**

**Councilor Curcuru** stated it was a reimbursement at the end of this particular program to the City with reimbursement from LandStrategies, LLC.

**Councilor Theken** asked for an explanation of the MORE Jobs Grant.



**Mr. Duggan** noted this grant was to help offset the infrastructure costs to the City and that the applicant received for the construction to help out Gloucester Crossing. This was an account set up for reimbursements. The funding time had stopped but services had to be paid for. That is what the \$12,969.00 is from. When the City could not get reimbursed for it, the City held the developer responsible for the payment because the City had already spent it. There is nothing owed and nothing further will be received.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Verga, the City Council voted 7 in favor, 0 opposed, to accept the amount of \$12,969.00 from LandStrategies, LLC in reimbursement to the City of Gloucester as pertaining to work performed through the MORE Jobs Grant.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend the City Council approve Transfer (10-SA-33) in the amount of \$786.89:

FROM: Mayor, Contingency/Emergency, Unifund Account #101000.10.121.57800.0000.00.000.00.057

TO: Mayor, Sal/Wage-Temp position, Unifund Account #101000.10.121.51200.0000.00.000.00.051.

**Discussion:**

**Councilor Curcuru** noted this was to pay an employee during an incident command in February and March storms.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 7 in favor, 0 opposed to approve Transfer (10-SA-33) in the amount of \$786.89:**

**FROM: Mayor, Contingency/Emergency, Unifund Account #101000.10.121.57800.0000.00.000.00.057**

**TO: Mayor, Sal/Wage-Temp position, Unifund Account #101000.10.121.51200.0000.00.000.00.051.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend the City Council approve the following Transfer (10-SA-34) in the amount of \$2,999.70:

FROM: Tourism: Purchased Serv., PR Unifund Account 101000.10.563.53500.0000.00.000.00.052

TO: Tourism: Sal/Wage-Temp Pos., Unifund Account #1201000.10.563.51200.0000.00.000.00.051.

**Discussion:**

**Councilor Curcuru** noted this was to pay for the newly funded volunteer coordinator for the Visitor Center position.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Verga, the City Council voted 7 in favor, 0 opposed to approve the following Transfer (10-SA-34) in the amount of \$2,999.70:**

**FROM: Tourism: Purchased Serv., PR Unifund Account  
101000.10.563.53500.0000.00.000.00.052**

**TO: Tourism: Sal/Wage-Temp Pos., Unifund Account  
#1201000.10.563.51200.0000.00.000.00.051.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend the City Council accept the grant of \$15,000.00 from the Fidelity Charitable Gift from the Roger Owen Davis Fund designated to the City of Gloucester Archives Department.

**Discussion:**

**Councilor Curcuru** stated this was gift from the Roger Owen Davis Fund designated to the City's Archives Department to go in their general account to be used for the most appropriate items which may include restoration of documents from water damage, etc.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 7 in favor, 0 opposed, to accept the grant of \$15,000.00 from the Fidelity Charitable Gift from the Roger Owen Davis Fund designated to the City of Gloucester Archives Department.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend the City Council accept the grant of \$16,000.00 from the Massachusetts Coastal Zone Management (CZM), and the US Fish and Wildlife Service (USFWS) for the CZM-USFWS Mill Pond Tide Gate Project.

**Discussion:**

**Councilor Curcuru** noted this is to finally receive the money for the Mill Pond Tide Gate.  
**Councilor Theken** asked if this was a matching grant.  
**Councilor Curcuru** said this was to replace the gate.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 7 in favor, 0 opposed to accept the grant of \$16,000.00 from the Massachusetts Coastal Zone Management (CZM), and the US Fish and Wildlife Service (USFWS) for the CZM-USFWS Mill Pond Tide Gate Project.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend the City Council authorize the City Auditor to set up an account for the purpose of receiving expected funds from the Harbor Plan Coordinator Grant/Seaport Advisory Council – FY11.

**Discussion:**

**Councilor Curcuru** stated this was to create an account for Community Development acceptance of a second year of a grant funding for Get Fit Gloucester in the amount of \$60,000.00.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 7 in favor, 0 opposed to authorize the City Auditor to set up an account for the purpose of receiving expected funds from the Harbor Plan Coordinator Grant/ Seaport Advisory Council – FY11.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend the City Council accept the grant of \$60,000.00, for a second-year grant funding, from Health Resources in Action and the Massachusetts Department of Public Health for Mass in Motion: Municipal Wellness and Leadership Planning Grant (locally known as Get Fit Gloucester).

**Discussion:**

**Councilor Curcuru** stated this was for a leadership grant for \$60,000.00.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 7 in favor, 0 opposed to accept the grant of \$60,000.00, for a second-year grant funding, from Health Resources in Action and the Massachusetts Department of Public Health for Mass in Motion: Municipal Wellness and Leadership Planning Grant (locally known as Get Fit Gloucester).**

**Councilor Hardy** asked if Councilor Tobey wished to discuss a matter related to the B&F Committee Report.

**Councilor Tobey** noted that the May 20<sup>th</sup> meeting of B&F he made the following request that the Auditor who works for the Council work with the Administration to analyze the use of the Fire Department's use of this grant to provide answers to the following two questions:

1. When a Mayor negotiates a contract with a union, the Council MUST pass, under State law, on it by appropriating the additional funds to make it operative – the previous Council was denied that opportunity vis-à-vis the current fire contract because the Administration said the existing appropriation would cover it and no new funds were needed. Did the grant provide additional funds to cover the contract (thereby establishing that more money WAS in fact required for the contract)? If so, that would mean the previous Council was denied its right to review the contract.

2. In any event, after reviewing the terms of the grant and the ways it has been spent, were there any discrepancies that need to be corrected?

He asked the Clerk of Committees for the grant agreement and the spread sheet from the Auditor's office. Was this still a work in progress; and will the auditor come back to give more information to the Council.

**Councilor Curcuru** stated he was not at the meeting. They had the Chief there. The Auditor did not speak at the meeting. There was a spread sheet handed out by the Assistant City Auditor. There was no clarity to what Councilor Tobey asked. He suggested to put this back on the B&F agenda when Councilor Tobey can join them.

**Councilor Tobey** felt that was exactly what he was looking for. It sounded like some foundation work was done. There seemed to be a need to have the Auditor to take on more analyses to answer the two questions he asked again, to see if the previous Council should have taken on the review of the contract and were there any problems with the uses of the money under the grant. We don't want to be under any clouds if there are going to be more of these grant opportunities in the future. He asked that B&F have

further discussions with the Auditor and the Assistant Auditor, both to be present so they can get this on the record once and for all as they see it.

**Councilor Curcuru** asked that Councilor Tobey please attend their next meeting.

Special O&A Meeting: 06/08/2010

There were no matters to be brought forward for Council action.

**Councilor's Requests other than to the Mayor:**

**Councilor Tobey** noted today the Board of Directors (of which he was a member) of the Massachusetts Municipal Association met with the Lt. Governor and the administration's senior staff. There is an emerging issue that could blow a huge hole in the State budget for FY11. Our State, as did 29 other states, have proposed budgets that assume that the federal government would appropriate 6 months of federal Medicare assistance percentage funding. It appears it's not going to happen. The Congress seems deadlocked. Why should we care? Because it's \$600 million. If there's a \$600 million hole punched in the State's budget, it is inevitable that local aid will take a further hit. The Lt. Governor, and many others, urged that they all communicate directly and strongly with their new Senator, Senator Brown who is not committed yet to voting for this. The consequences will be real and immediate to the State. Look at the State of Pennsylvania. The only way that state can fix it is to eliminate 20,000 jobs. The implications are huge. This is a recession-continuing matter - this is a recovery killing matter. For States and local governments to be losing more jobs because of federal inaction at the same time the federal government is trying through the stimulus package is trying to encourage recovery, is inappropriate. He asked the Council to join him in urging the Mayor and instructing the Clerk to affixing their signatures to a letter to Senator Brown urging his affirmative vote. Senator Kerry is already on board.

**Councilor Hardy** asked Councilor Tobey to compose such a letter and the City Clerk will affix the Councilor's signatures to it and see that it is sent.

**Councilor Theken** noted the card that Dr. Sagall spoke of that the information is available in these minutes. She congratulated Ruth Pino for her recent recognition winning the Cape Ann Chamber of Commerce's annual small business award, as the only woman amongst a group of three. She congratulated Trinity Church for their successful health fair. The Councilor noted she volunteered at the Visitor Center for a 9 a.m. to 12 noon shift and was surprised at how many people came to it. She urged the community to volunteer their time. We don't all have to suffer if we all give our time to these worthy causes. She noted also the beauty of I4-C2 and thanked those that volunteered there as well.

**It was moved, seconded and voted UNANIMOUSLY to adjourn the meeting at 8:56 p.m.**

**Respectfully submitted,**

**Dana C. Jorgenson  
Clerk of Committees**