

GLOUCESTER CITY COUNCIL MEETING

Tuesday, July 6, 2010

7:00 p.m.

Kyrouz Auditorium – City Hall

Council Meeting 2010-16

Present: Chair, Councilor Jacqueline Hardy; Councilor Joseph Ciolino; Councilor Bruce Tobey; Councilor Robert Whynott; Councilor Paul McGeary; Councilor Anne Mulcahey; Councilor Steven Curcuru; Councilor Greg Verga

Absent: Councilor Theken

Also Present: Mayor Carolyn Kirk; Linda T. Lowe; Suzanne Egan; Jeff Towne; Kenny Costa; Robert Ryan; Attorney Katherine Henry; Assistant Superintendent Brian Tarr; School Committee Chair, Val Gilman; School Committee Secretary, Melissa Teixeira; School Committee member, Kathy Clancy; Sherree DeLorenzo; Jeremy Goldberg; Faye and Anthony Passanisi

The meeting was called to order at 7:05 p.m.

Flag Salute and Moment of Silence

Councilor Hardy announced that Councilor Theken was not in attendance; that she was away on vacation.

Oral Communications: None.

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

Confirmation of Appointments:

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Mary Rudolph Black to the Planning Board, TTE 02/14/2015.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the City Council voted 8 in favor, 0 opposed to reappoint Mary Rudolph Black to the Planning Board, TTE 02/14/2015.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Marvin Kushner to the Planning Board, TTE 02/14/2015.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the City Council voted 7 in favor, 1 (Curcuru) opposed to reappoint Marvin Kushner to the Planning Board, TTE 02/14/2015.

Consent Agenda:

• **MAYOR'S REPORT**

1. Report from City Auditor re: accounts having expenditures which exceed their appropriations

(Refer B&F)

• **APPROVAL OF MINUTES**

1. City Council Meeting 06/22/2010

2. Special City Council Meeting 06/30/2010

(Approve/File)

3. Standing Committee Meetings: O&A 06/28/10, P&D 06/30/10, B&F 07/01/10 (under separate cover) (Approve/File)
- **COMMUNICATIONS**
 1. COM-032: Letter from Congressman John F. Tierney re: BP/Deepwater Horizon oil spill (Info Only)
 2. COM-033: Letter from Citizen Group "Who Decides?" (Refer O&A)
 3. COM-034: Letter from Sheila Burgess, Director Highway Safety Division re: "Click It or Ticket" (Info Only)
 - **APPLICATIONS/PETITIONS**
 1. Creation of a Gloucester Dog Park Petition, pursuant to Sec. 9-1 "Free Petition" of City Charter (Refer P&D)
 - **ORDERS**
 1. CC2010-045 (Mulcahey) Amend GCO Sec. 2-287 deleting 31 Elm Street, one handicapped parking space (No referral Req'd)
 2. CC2010-047 (Curcuru) Amend GCO Sec. 22-270 "Parking Prohibited at all times" by adding 5 Wells Street to intersection of Beacon Street (Refer O&A & TC)
 3. CC0210-048 (Verga) Amend 22-270.1(Resident Sticker Parking Only re: areas at Lexington Ave/Shore Rd (Refer O&A & TC)

ITEMS TO BE ADDED/REMOVED FROM CONSENT AGENDA:

By unanimous consent the City Council accepted the Consent Agenda as presented.

FOR COUNCIL VOTE:

- 1. CC2010-046 (Tobey/Curcuru) re: [Council Joining] Citizen lawsuit challenging the propriety of the issuance of a charter to the Gloucester Community Arts Charter School**

Councilor Tobey stated thanked Councilor Curcuru for his assistance and co-sponsoring this order, and apologized to the other Councilors, who but for the press of time, were unable to put their names to the order, including Councilors Verga and McGeary. In moving the adoption of CC20120-046, he encouraged a discussion with the Administration and Councilors present for the City; whether or how the City might join in and/or assist the Citizen lawsuit that has been brought challenging the propriety of the issuance of a charter to the Gloucester Community Arts Charter School. He was advised that several of the parent/plaintiffs were in attendance at the meeting as was their legal counsel. With this matter voted upon, he announced his intention for a focused discussion if this motion prevailed.

MOTION: On motion by Councilor Tobey, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed to adopt CC2010-046 (Tobey/Curcuru) re: [Council Joining] Citizen lawsuit challenging the propriety of the issuance of a charter to the Gloucester Community Arts Charter School.

Councilor Tobey noted they have been dealing for a long time as a community, sometimes divided as Councils, as School Committees, with the matter of whether and how a charter school might come to pass in Gloucester. He felt it fair to say no matter what side you are on, it was on a long and tortured path so far. There was a lawsuit filing a week ago yesterday, by a group of 15 parents, challenging the validity of that charter citing a number of concerns that they, as parents, were able to raise. There are other issues that can be raised by a City government that they (the parents) are unable to make. For example, every year there's the cherry sheet, a piece of important paper, a listing from the State reciting the amounts of monies that the State is going to distribute to each community as well as the offsetting expenses charged against those monies. In some communities that's a large 'chunk of change'. In Lawrence, that's upwards of 90% of their operating budget. For Gloucester, the bad news is that local aid is about 16% of our General Fund, a low number. The good news is when you don't receive much State aid, when the kinds of budget cuts as in recent years come through; the City is better able to absorb them to some extent. But when there is a big hit to that aid, it hurts hard. A consequence of the charter school going forward is that by the end of its ramping up period, a City Council, as the appropriating authority, and a Mayor as the drafter and proposer of a budget, is going to have to come forward with a spending program reduced by the \$2.4 million that will have gone to that charter school if it's fully funded if it continues to

stand, by the direct hit from our cherry sheet that is the funding mechanism that the State of Massachusetts has “cynically” established as the means for paying for charter schools. There’s a stake for the City of Gloucester, for the institution of the Mayor, for the institution of the City Council in this legal action going forward; that the parents can assert and needs to be asserted, he contended. He further argued vehemently that it was very important that the City of Gloucester’s government as the leadership group of the corporation known as the City of Gloucester join this litigation; participate aggressively in it; take advantage of the pro bono legal services offered by the highly regarded legal firm of Nixon & Peabody; and push this forward so we can get closure on a charter process that was, he felt, illegal and distorted, and in the eyes of many who may less harshly judge, questionable at best. The Councilor then moved the following, seconded by Councilor McGeary:

MOTION: That the City Council shall join forthwith as Plaintiff in the citizen lawsuit challenging the propriety of the issuance of a charter to the Gloucester Community Arts Charter School (Essex Co. Superior Ct. No. 2010-1378 Dolan et al vs. Chester, et al).

Discussion:

Councilor Curcuru noted the Budget & Finance Committee reviews the City’s budget every year; maybe not today, maybe not tomorrow; but a year from now or two years from now, this will affect City services. There’s no doubt about it. In his eyes the process, and in listening to his fellow school committee members last week and how passionate they are about it, there’s no reason why this Council should not join this lawsuit. He applauded Councilor Tobey and the rest of his fellow Councilors and hoped they would follow through and vote for this.

Councilor Whynott believed the charter was done totally improperly as an ‘unfunded mandate’ believing that was what a charter school essentially was – an unfunded mandate to the City; he would support this.

Councilor Hardy advised that the City Council had asked Ms. Egan to attend this evening’s meeting in the event the Council had questions.

Councilor Ciolino asked Ms. Egan to advise the Council on its best course of action on the matter.

Ms. Egan stated typically that if there is a discussion of strategy or information regarding litigation or potential litigation she would advise entering into Executive Session so as not to put the City into a position of disadvantage with regards to discussing litigation strategy in an open forum; thereby, it would be difficult to act on that litigation strategy. She stated further the position that the City has taken, and when the Administration has been involved in litigation, it is to exhaust all other options first to see if there is a way to resolve the matter without going to litigation; which she has done so far; giving it a “last best shot” to get the matter resolved by looking at all possible avenues. She believed that was still on-going at this point. In terms of the City Council and what would be the options, she was comfortable speaking to the procedural aspects in terms of how the City would join as a plaintiff.

Councilor Ciolino stated they [the Council] have a decision to make this evening about joining the litigation; asking if Ms. Egan was agreeing that it was OK to join in the litigation by the Council.

Ms. Egan suggested that the Administration has been working to find a solution to this without moving towards litigation; meeting with the Department of Education; and her advice was to give it one more shot through that avenue to see if it can be resolved without going to litigation.

Councilor Ciolino stated the Council can vote to join the litigation, and the negotiations would continue.

Ms. Egan stated yes; you can file a lawsuit and continue to negotiate for a settlement. That is a very typical practice that happens often and sometimes brings a settlement forward more quickly.

Councilor Verga believed the olive branch had been extended too many times. He noted he was Chair of the School Committee when this “fiasco” began. He believed it began with a philosophical difference between those who support this charter school and those who opposed it. In October 2008 the School Committee took a vote that while they were not opposed to the concept of charter schools, to the idea and innovation; they were opposed to the funding mechanism; and therefore, could not support this charter

school. They [the charter school proponents] began to move forward. He met with some of their leaders at the end of 2008. At that point they were talking about how they could save money because students who were choosing out to Rockport, for example, would choose to the charter school. He educated the charter school proponents that if a child chooses to Rockport it's \$5,000.00. If they choose to the charter school it's \$10,000.00. He believed that from the beginning the charter board didn't have a firm grasp on what the funding really meant and what it would mean to the City of Gloucester. In November 2008 the School Committee took that vote. They went forward arguing the merits of a charter school and its proposal. Roger Garberg, now a member of the School Committee, as a parent at the time, put together an 18 page document refuting the merits of the charter school. To date it's never been outlined to this Councilor that Mr. Garberg's outline was wrong. It was obvious to him, in his opinion, that the board had a bottom line on a blank piece of paper – they're going to approve this charter school – what do we have to put above to make it happen for the Board of Education. That's what they did every step of the way. He personally met with the Secretary of Education right after the vote. He never lobbied anybody one way or the other on the charter school. The 'infamous' email was released a few days later which said that wasn't entirely true. The Councilor felt when they reach out their hands to compromise, they get their hands slapped. He didn't say they shouldn't stop trying to reach out and compromise. At the very least this law suit needs to go forward with the Council's support. This Board of Education – the CSO, the email, the lack of deliberation about the merits of this charter school – all those alleged facts led them to their decision that a charter should be granted. The City needs to join the suit; we need to fight for what's right. He guaranteed if the tables were turned, and the charter school commission recommended this charter school and the Commissioner said he wasn't supporting it anyway; and a late night email went out saying don't approve any charter schools; the charter school group and their association would have been in court about six months ago. We need to fight this and this organization, a group in Malden who answers to nobody. On three occasions the Governor reached out to this group to ask them to reconsider, and told him basically 'no'. He hoped that the Council gets behind this because it's time join forces and set something right. He was going to vote for this and support it every step of the way.

Councilor McGeary stated he will vote to support this motion and joining the suit. He was doing it because on the merits you had to; to challenge the process and the aid formula as was pointed out that one charter school takes away effectively the annual budget for two public elementary schools. He did have some reluctance because he knew there were honest and good people on both sides who have only at heart the well-being of their children, which he respected on both sides. But in the end, for the good of the City and all the children of the City, and the process which was ignored if not flaunted in the granting of this charter, needs to be enforced having been put in place for a reason and to be honored. For that reason he would be in support of the motion.

Councilor Ciolino stated when the charter school first came up for discussion, he told them then, and is true now, that it's all about the money. Unfortunately, it's also taken an ugly twist where you have parents against parents. There are the 95 or so parents, and the parents who have their children enrolled in the public school system. Each of those parents wants what's best for their child; you couldn't blame them. He gave the analogy of building a house with a crooked foundation. If the foundation is crooked, the house will be crooked to the roof. The charter school started this way. It never seems like it will be straightened out. He will support this tonight, even though he had previously told the Mayor the City should stay out of it. The reason he changed his mind was that we need to join forces; bring the charter school to the table (if they come). We need to be strong. We need to say if this doesn't work out, they have to take the charter school into the system and work with what they have with them. But he believed that after this lawsuit they would be done. He was assured it would not cost the City a dime, staying pro bono even if continued and appealed. Hopefully now if they have a unanimous vote, they'll send a message to the State and the Court and the charter school people that they mean business and that they want to see it settled. For those reasons he would vote for this.

Councilor Tobey acknowledged of the good work of the Council's colleagues in local government in the recent week of dealing with this matter. First, the School Committee, which had a long and comprehensive dialog at their meeting the other evening; which yielded a very realistic, commendable

two-track approach going forward that they'll engage the notion of negotiations (no conditions on the table); and secondly the City should join the litigation. He felt it struck the balance he heard raised that evening as a topic of concern. He commended the School Committee for that. Secondly, he commended the Mayor for her role in this of being the bearer of an offer to a State official one more time, at no small risk. He also noted the part of his political colleagues in Boston. This is an act of legal consequence, our joining a piece of litigation; but it's also reflecting a very acute political dimension. It is important to join this bearing in mind with an August 1st decision at the State level that has to be made by State bureaucrats ultimately answerable to the Patrick Administration. He wanted to put them to the test. If they fail that 'test', have this litigation go forward as part of the background, perhaps a small piece, of the gubernatorial race to be run this fall. He heard the Governor say he was cutting local aid, but not cutting support for education. Look at those Chapter 70 monies (earmarked monies for education). Except they're not earmarked. They go to the General Fund. If he were honest with all of us, he'd acknowledge he wasn't protecting anything. That, the Councilor contended, was the ultimate political backdrop to this but also helped drive his willingness to proceed with this because there was a key political dimension which is holding people accountable for their words and their actions.

Councilor Hardy asked for someone to address the pro bono representation the City would be able to avail itself of; how long the pro bono work would be good for; was there a set time limit; is there a dollar limit; an appeal limit.

Ms. Egan stated there is no limit in it. She signed a letter of representation with Nixon & Peabody that they would represent the City of Gloucester in this matter; and that is until the matter is resolved. There's no point where when the litigation is pending the attorneys can come to them and say they don't want to represent us anymore because this is costing us too much money. It will not cost the City any money for legal fees.

Councilor Hardy stated that at the end of the day the City will not be charged for the pro bono representation if they join this lawsuit.

Ms. Egan responded in terms of their legal fees, no. There may be actual costs. There was discussion as to such costs as the taking of depositions which aren't covered typically in a pro bono agreement. That would be at a cost to the City.

Councilor Hardy then asked what a deposition taking would cost.

Ms. Egan estimated roughly at the time they would be taken if they were recommended, it would cost the City around \$3,000.00 per each person deposed at the most, including the stenographer and transcription. She stated it was a rough estimate and couldn't be held to that number. A cost benefit analysis would be undertaken to make the determination. They don't have an idea of how many people that might entail at this time. However, she felt in all likelihood it would not involve depositions.

Councilor Hardy stated Councilor Ciolino wasn't the only Councilor who had the opportunity to change his mind during this long protracted "process". She read from the summary of the case (on file), "This is an action to enforce the laws and regulations that govern the process for approval of charter schools in the Commonwealth and to prevent the opening of a charter school in Gloucester, Massachusetts, whose charter was awarded despite the determination by the Department of Education's Charter School Office that the school's charter application did not meet the requirements for approval." When the charter was first put forward for discussion and people were lining up to support it and sign up for it, she was in favor of it. She went so far as to send a letter as a City Councilor, as she was then, in support of it. But through a rigorous education she got from many members of the School Department and the School Committee, she came to realize the finances for the charter school were not as originally put forward and explained to her. It took a lot for her to admit she was wrong, which she put in writing. She felt badly that it has been parent against parent; that children have been embroiled in this. That's not what it was about, to her. For the Councilor it came down to the process. It's wrong. She will support the joining of the lawsuit on the City side. They need to fix the process. She encouraged the moving forward in trying to get the folks from the charter school to the table. She noted they'd been invited to come to their budget meetings; and as far as she knew, they hadn't shown. She asked if there was anyone from the charter school in attendance that evening, to which there was no reply from the audience. At the last School Committee

meeting, five City Councilors were concerned enough to go and pay attention to the School Committee: Councilors Verga, Curcuru, Tobey and McGeary and herself. They learned a great deal that evening. She thanked Chair, Valerie Gilman, Assistant Superintendent, Brian Tarr; School Committee Secretary, Melissa Teixeira and Kathy Clancy, School Committee member, for attending the Council meeting to listen to the Council's scope of the matter. They're working together; trying to come to an amicable solution, if there is one. Many of them don't believe that there is, but they would try their best. She wished the School Committee good luck with their invitation [to the charter school organization]. She was in support of the City joining the lawsuit.

MOTION: On motion by Councilor Tobey, seconded by Councilor McGeary, the City Council voted by Roll Call vote 8 in favor, (Hardy, Tobey, Ciolino, Whynott, McGeary, Mulcahey, Curcuru, Verga) 0 opposed, 1 absent (Theken), that the City Council shall join forthwith as Plaintiff in the Citizen lawsuit challenging the propriety of the issuance of a charter to the Gloucester Community Arts Charter School (Essex Co. Superior Ct. No. 2010-1378 Dolan et al vs. Chester, et al).

[The following motion was made out of agenda order and placed here for clarity sake]

Further, the Council voted under City Charter section 2-11(e) to Reconsider said vote as follows:

MOTION: On motion of Councilor McGeary, seconded by Councilor Tobey, the City Council voted by Roll Call vote 0 in favor, 8 opposed for reconsideration of the votes taken for the City Council to join the Citizen lawsuit challenging the propriety of the issuance of a charter to the Gloucester Community Arts Charter School.

RECONSIDERATION FAILED.

A recess was called at 7:36 p.m.

The City Council reconvened at 7:38 p.m.

SCHEDULED PUBLIC HEARINGS:

1. **PH2010-036: Amend GCO 22-287 "Disabled veteran, handicapped parking by deleting Granite Street, #17, one handicapped parking space; deleting Warner Street, #44 one handicapped parking space; and by adding Warner Street #46**

This public hearing was opened.

Those speaking in favor:

Bob Ryan, Traffic Commission Co-Chair stated at the Traffic Commission meeting of June 10th, the requestor came to their meeting to present her need for a handicapped parking space. There was one that existed at #44 Warner Street. The request was to move it one home over to #46 Warner Street which was unanimously approved by the Commission.

June Duchene, #46 Warner Street stated her medical issues, including arthritis, prevent her from walking any long distances. Living alone, wishing to stay independent as long as she can, this handicapped parking space will assist her in doing so.

Those speaking in opposition: None

Communications: None

Questions: None

This public hearing is closed.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO Sec. 22-287 Disabled veteran, handicapped parking space by DELETING one handicapped parking space at 44 Warner Street and ADDING one handicapped parking space at 46 Warner Street.

Discussion:

Councilor Mulcahey stated they'll be deleting the space at 44 Warner Street, and adding a handicapped parking space at 46 Warner Street.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the City Council voted 8 in favor, 0 opposed to amend GCO Sec. 22-287 Disabled veteran, handicapped parking space by DELETING one handicapped parking space at 44 Warner Street and ADDING one handicapped parking space at 46 Warner Street.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed to amend GCO 22-287 "Disabled veteran, handicapped parking by deleting Granite Street, #17, one handicapped parking space.

2. **PH2010-037:** Amend GCO 22-270.1 "Resident Sticker Parking Only, May 1 to September 15 (Seasonal)" by adding High Street both sides, from its intersection with Washington Street in a southerly direction to the point at which it intersects with Tucker Street
3. **PH2010-038:** Amend GCO 22-291 "Tow Away Zones" by adding High Street both sides from its intersection with Washington Street in a southerly direction to the point at which it intersects with Tucker Street

Councilor Hardy declared PH2010-037 and PH2010-038 to be open simultaneously both having been duly advertised.

Those speaking to the matter:

Robert Ryan, Co-Chair, Traffic Commission, 3 Blake Court stated these ordinances before the Council are to improve the safety and quality of life in the Lanesville area, particularly near Nelson's Pit. The streets include High Street, Tucker Street, Day Avenue, Young Avenue, and High Street Place. The first phase of these traffic ordinances, about a month ago, the Council approved ordinances for Hickory Street et. al. The second phase is about the overflow of illegal parking in the area, public urination in yards, the changing of clothes in people's yards, profanity and noise in the middle of the night. He reiterated all these ordinances are to enhance the safety and quality of life in the area. There was a Ward meeting at the community center in Lanesville, with a large turnout of residents representing the affected streets. The general consensus was rather than prohibit parking on both sides of the streets year 'round, they came up with a compromise to make it May 1st to September 15th for Resident Sticker Parking only, thereby giving relief during the holiday season and further. The whole idea was to address the problems confronting the residents in the area during the warm weather months. People are now moving from Hickory Street and Sayward Avenue down to High Street as well as Tucker Street, Young Avenue and Day Avenue. At the Traffic Commission meeting of June 10th, the Commission unanimously supported the High Street ordinances as presented.

W. Curtis Gething, 35 High Street stated his concern for the reason of just resident sticker parking regardless of seasonality. He felt it was a great step forward, however. He didn't feel some of the reasons listed by Mr. Ryan to make these changes were relevant and didn't feel it was completely thought out about what would happen when they have guests. He noted his mother from Connecticut comes up to

see him year 'round. He was now being told at the first formal public hearing on the matter that residents with beach parking sticker can be on the road to park. He asked then, what about his boat.

Councilor Hardy stated she didn't believe boats were allowed to be parked on City streets.

Mr. Gething continued that right now he had two parking spots with three vehicles. He has a boat in his driveway. He can only park one vehicle and it wouldn't work. In many communities they have guest passes and was unsure why that was not implemented within the ordinance change because he would recommend guest passes for each of the residences. He stated he had an opportunity to speak with Mr. Ryan before the meeting wanting to know who performed the traffic parking studies. Mr. Ryan responded that Gloucester couldn't afford such studies. He asked how much residential parking – how many cars they had in the area contending Mr. Ryan couldn't answer because he never took a look. The purpose is to reduce cars so they'll have more safety. He stated he'd lived in Lanesville for more than 10 years. There has been a big improvement this year. By his own survey, there were cars still parked illegally; and the police weren't there to ticket and tow them under existing ordinances. He expressed his chagrin at having to appear at the public hearing to speak to the matter of guest passes. He would not be satisfied until someone could give him a report of how many cars per house per resident street there are and to tell him how many cars can be allowed for safe passage on the studies that were performed. You're talking about converting two-way streets to one-way streets. It's been done already on High Street years ago. There needs to be guest permitting, and then he would be in full support. He believed it was good to do resident parking because Lanesville is such a nice community; and this will help to appreciate the value even more. He didn't want to see these safety problems. However, why is it happening? Why are these kids getting to the quarries? They have access, and the police aren't going in there; they need to do their job.

Russell Hobbs, 1166 Washington Street stated while he doesn't live on High or Tucker Streets, he lives in the neighborhood. There are a lot of problems with Lanesville parking not just because of the quarries, it's about public safety also; access by emergency services on City roads. These streets are already narrow. He noted there need to be other ways to curb the problem. He understood the right to park in front of your own house. He pointed out it was bad enough that it takes 11 minutes for an ambulance or fire truck to get to Lanesville because their local fire station is closed. They need to find other ways to correct these problems. Having people coming from out of town into these neighborhoods causing problems, they don't deserve people doing the things they're doing on their property. This gentleman spoke of his right to park on the street in front of his house, does have that right. He has a few vehicles. But he is for changing some of the rules in Lanesville. There needs to be a start in addressing these matters. Mr. Ryan has said he wondered why people in Lanesville haven't come forth sooner to correct these parking issues. These rules need to be put in place.

Paul McDermott, 23 High Street agreed with both gentlemen who spoke before him and that the Traffic Commission has been very helpful. He felt it's not been a problem up until fairly recently. Having been away for the 4th, he returned on July 5th to a veritable traffic jam up and down the street. People were backing up, parking on corners. He did find the visitors to the area more polite and cooperative; however, the 5th had tremendous traffic. He did not want to see relatives and family ticketed and noted his mother-in-law's car, parked in front of his house about to be ticketed by an officer who was told it was a Gloucester resident's car visiting them, then did not get a ticket. He thought the guest passes were a good idea, even if there was a fee attached. The school buses come up Young's Avenue and have trouble getting by; and it's worse with fire trucks because of the parking.

Jeffrey Ward, 27 High Street stated his support of the proposed orders. He appreciated the speakers before him. The guest passes should be implemented which was discussed during the Traffic Commission meetings. It does cause an inconvenience for some people. However, that inconvenience was greatly outweighed for this brief period of the year. It was "bedlam" the day before. His driveway was blocked; a neighbor across from them had their driveway blocked by vehicles as well. The previous day there were cars on both sides of High Street. An emergency vehicle couldn't have made it up or down High Street. This was truly a "parade of horrors" going on daily. It's not getting better; it's

getting worse. This ordinance, if passed, is not comprehensive; not a panacea to correct all things that are going on. But it is a good step. He asked each member of the Council to vote on favor of it.

Frank Garrison, 62 High Street felt this was an attempt to deal with an issue of having a quarry where people know they can go swimming. This was dealing with it on the most obvious level which is parking. In discussions with Mr. Ryan, they realized that fact. He encouraged at another time to consider how to deal with the real problem which was a quarry that the City owns, that was accessible; a fact that is very well known. He encouraged the Council to support the neighborhood in finding a solution for this particular part of the problem by voting for these ordinances, but to also look into the quarry issue.

Katy Gething, 35 High Street felt the Council should look at a comprehensive plan to solve the parking issues. She encouraged the idea of guest parking passes.

Rebuttals:

Mr. Ryan took umbrage regarding statements made about him. He had spent time examining the issues first-hand in Lanesville; at least eight hours in the last 30 days, four hours the previous day, in and around High Street and Lanes Cove. He noted he has been in the transportation business for 40 years. There have been public meetings; the Ordinances & Administration Committee of the City Council has met on these issues. The Committee meetings were all properly noticed and posted, published in the paper, put on line, posted on the bulletin board at City Hall. Councilor Hardy and he have had meetings at the Community Center in Lanesville. The Traffic Commission meets once a month, notice of which is also duly published in the Gloucester Daily Times, The Beacon. To make a statement they haven't met on these issues is unfounded. If you were at one of the meetings, they spoke at great length about guest passes. They use them on Harbor Road if there's a wedding. If the residents call the Chief of Police and tell him they're putting a pass in their vehicles' window they waiver it. They all agreed they will work on that aspect of the matter. They're here to solve a major problem in the area. They've never had many ordinances take place there in Lanesville. They're trying to help not hurt the residents in Lanesville.

Mr. Gething stated it was during a conversation earlier before the beginning of the meeting that there wasn't an official study done or a consultant brought in on the matter. Instead it was a reliance on your City talents. He noted his profession as an architect, stating his familiarity with federal transportation rules and knew what it took to change traffic patterns. This was his business. He spends hundreds of hours to study traffic patterns, for new buildings and walkways and felt eight hours was not enough. He contended he spends hundreds of hours on a single project. Further, Mr. Ryan could not answer the question on the number of resident cars and continued to believe Mr. Ryan hadn't done his job. This came down to why you can't provide the residents with guest passes, not call for them. If you knew how many vehicles would be on the road parked, then you'd know what the safety impact would be. He also believed that the issue was people going illegally to a City-owned quarry and it required fencing with better policing.

Communications: None

Questions:

Councilor Verga asked for further information about resident stickers.

Mr. Ryan explained it would be the Gloucester beach resident sticker. They don't have area resident street stickers at this time. This is something they will be looking into for particular areas throughout the City.

Councilor Verga stated anyone with a resident beach sticker could park there. Furthermore, there was nothing to prevent a resident who had a beach parking sticker to put their card on the road in order to allow their guests to park on their property.

Councilor Hardy stated that Ms. Egan was looking into the guest pass situation. In the meantime, Chief Lane has given certain passes to certain people if they're there for special occasions, a wedding, a road race. Exceptions have been made as long as they know ahead of time.

Councilor Hardy then declared PH2010-037 and PH2010-038 to be closed simultaneously.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO 22-270.1 “Resident Sticker Parking Only, May 1 to September 15 (Seasonal) by adding:

- High Street both sides, from its intersection with Washington Street in a southerly direction to the point at which it intersects with Tucker Street.

Discussion:

Councilor Hardy asked Mr. Ryan as it related to the May 1st to September 15th for the entire length of High Street from its intersection with Tucker Street, if there was an amendment to the motion.

Mr. Ryan advised that there was and that “Washington Street” should be replaced with Hickory Street Hickory Street to Tucker Street; separately, prohibited parking from Washington Street to Hickory Street both sides.

Councilor Hardy explained a little map was distributed to the Councilors earlier in the evening (on file). If you look at Washington Street noting where High Street comes off it, the way the ordinance was proposed out of O&A and the Traffic Commission initially, it was proposed seasonally on that little jot of High Street for its entire length to Tucker Street. The amendment would be to start that prohibited parking from May 1 to September 15th from its intersection with Hickory Street instead of Washington Street. She noted that little section of High Street is so narrow you can’t get a bus up there. Fire engines have to go to Young Avenue to get anywhere up to the school. She further noted that as a City Councilor for this ward, they have been working for quite a while to get this straightened out. There has been a lot of work that has been done with compromises along the way. It’s being done street by street, neighborhood by neighborhood, depending on the issues. The legal department was looking into neighborhood passes for guests. If it works well in Lanesville, she felt sure it will work well elsewhere in the City. This was for the safety of the public that brought these matters forward. It’s important for the neighbors to be able to park somewhere on their own street to get to their own houses. This hopefully will help to do that on a seasonal basis.

Councilor Ciolino noted he lived in Ward 1 where there had to be more no parking signs per capita than anywhere else in the City. Whenever there was a party or a gathering, it was just a matter of calling the police department and logging it in letting them know what cars are going to be in front of a particular house so if there is a problem you always have recourse. It happens all the time. He noted on the Back Shore at the Elks and in front of the Ocean View there are cars parked everywhere. And it’s all no parking. These are one-time events. Remember, this is only seasonal. We don’t know if something will work until we try. He urged giving this a chance. It could be revisited, and that the residents may be surprised at how much it helps; and he would support this.

Note: By friendly amendment the word “Washington” was replaced with “Hickory” in the motion as relates to GCO 22-270.1.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the City Council voted 8 in favor, 0 opposed to amend GCO 22-270.1 “Resident Sticker Parking Only, May 1 to September 15 (Seasonal) by adding:

- High Street both sides, from its intersection with Hickory Street in a southerly direction to the point at which it intersects with Tucker Street.

Note: This motion was brought forward from a Committee level, but was introduced because of the previous motion’s friendly amendment relating to the small piece of High Street unable to be addressed previously.

MOTION: On motion by Councilor Hardy, seconded by Councilor Mulcahey, the City Council voted 8 in favor, 0 opposed to amend GCO Sec. 22-270 “Parking Prohibited at All Times” by adding:

- **High Street at both side from its intersection with Washington Street in a southerly direction to a point at which it intersects with Hickory Street.**

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO 22-291 Tow Away Zones by adding:

- **High Street both sides, from its intersection with Washington Street in a southerly direction to the point at which it intersects with Tucker Street.**

Discussion:

Councilor Hardy explained that if there was a violation of the May 1st to September 15th that the City and the Police Officers would have the ability to tow, and this is what the motion would allow on the entire length of Hickory Street.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the City Council voted 8 in favor, 0 opposed to amend GCO 22-291 Tow Away Zones by adding:

- **High Street both sides, from its intersection with Hickory Street in a southerly direction to the point at which it intersects with Tucker Street.**

Councilor Hardy stated there had been a point of order made by Councilor Verga as to the heat in the room being too uncomfortable to continue in the auditorium. It was suggested the meeting move to the First Floor Council Conference Room to begin at the point where the Council left off.

By unanimous consent, the City Council took a ten minute recess at 8:20 p.m. in order that the Council could move from the Kyrouz Auditorium to the 1st Floor Council Conference Room due to the adverse heat conditions in the auditorium.

The meeting was reconvened at 8:30 p.m.

MOTION: On motion by Councilor Tobey, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed under the City Charter, Section 2-11(b) and (c) to declare for an emergency to exist to make the three High Street motions effective immediately given ongoing threats to the peace, public safety of the people and their property including but not limited to the ability of emergency vehicles to pass freely as well as unsafe congestion.

4. **PH2010-039: Amend GCO 22-270.1 “Resident Sticker Parking Only, May 1 to September 15 (Seasonally)” by adding Tucker Street, western side, from its intersection with Washington Street for its entire length in a southerly direction to the point at which it intersects with High Street**
5. **PH2010-040: Amend GCO 22-270 “No Parking at All Times” by adding on the easterly side of Tucker Street**
6. **PH2010-041: Amend GCO 22-291 “Tow Away Zones” by adding the easterly side of Tucker Street**

7. **PH2010-042: Amend GCO 22-291 “Tow Away Zones” by adding Tucker Street, western side, from its intersection with Washington Street beginning at its intersection with Washington Street for its entire length in a southerly direction to the point at which it intersects with High Street**

Councilor Hardy declared PH2010-039, PH2010-040, PH2010-041, and PH2010-042 to be open simultaneously all having been duly advertised.

Those speaking to the matter:

Robert Ryan, Co-Chair, Traffic Commission stated he supported this for the issues for the safety and quality of life issues previously discussed. He commended Councilor Tobey for making the motion to move the emergency order for these traffic issues as well. At its June 10th meeting the Traffic Commission unanimously supported these orders; again, the second phase of addressing the safety issues in that area.

Communications: None

Questions: None

Councilor Hardy declared PH2010-039, PH2010-040, PH2010-041, and PH2010-042 were closed simultaneously.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO 22-270.1 “Resident Sticker Parking Only, May 1 to September 15 (Seasonal) by adding:

- Tucker Street, western side, from its intersection with Washington Street, beginning at its intersection with Washington Street for its entire length in a southerly direction to the point at which it intersects with High Street.

BY FRIENDLY AMENDMENT, the emergency preamble referenced above in these minutes was incorporated into this and all following traffic motions.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed to amend GCO 22-270.1 “Resident Sticker Parking Only, May 1 to September 15 (Seasonal) by adding:

Tucker Street, western side, from its intersection with Washington Street, beginning at its intersection with Washington Street for its entire length in a southerly direction to the point at which it intersects with High Street and under the City Charter, Section 2-11(b) and (c) to declare for an emergency to exist and be effective immediately given ongoing threats to the peace, public safety of the people and their property including but not limited to the ability of emergency vehicles to pass freely as well as unsafe congestion..

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO 22-270 “No Parking at All Times” on the easterly side of Tucker Street.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed to amend GCO 22-270 “No Parking at All Times” on the easterly side of Tucker Street and under the City Charter, Section 2-11(b) and (c) to declare for an emergency to exist and be effective immediately given ongoing threats to the peace, public safety of the people and their property including but not limited to the ability of emergency vehicles pass freely as well as unsafe congestion.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO 22-291 Tow Away Zones by adding the easterly side of Tucker Street.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed to amend GCO 22-291 Tow Away Zones by adding the easterly side of Tucker Street and under the City Charter, Section 2-11(b) and (c) to declare for an emergency to exist and be effective immediately given ongoing threats to the peace, public safety of the people and their property including but not limited to the ability of emergency vehicles to pass freely as well as unsafe congestion.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO 22-291 Tow Away Zones by adding:

- Tucker Street, western side, from its intersection with Washington Street, beginning at its intersection with Washington Street for its entire length in a southerly direction to the point at which it intersects with High Street.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed to amend GCO 22-291 Tow Away Zones by adding:

Tucker Street, western side, from its intersection with Washington Street, beginning at its intersection with Washington Street for its entire length in a southerly direction to the point at which it intersects with High Street and under the City Charter, Section 2-11(b) and (c) to declare for an emergency to exist and be effective immediately given ongoing threats to the peace, public safety of the people and their property including but not limited to the ability of emergency vehicles to pass freely as well as unsafe congestion.

8. **PH2010-043: Amend GCO Sec. 22-270.1 “Resident Sticker Parking Only, May 1 to September 15 (Seasonal)” by adding Day Avenue both sides beginning at its intersection with High Street for its entire length in a southerly direction**
9. **PH2010-044: Amend GCO Sec. 22-291 Tow Away Zones” by adding Day Avenue, both sides beginning at its intersection with High Street for its entire length in a southerly direction**

Councilor Hardy declared PH2010-043, PH2010-040 and PH2010-044 were opened simultaneously, both having been duly advertised.

Those speaking to the matter:

Robert Ryan, Co-Chair, Traffic Commission stated for the public safety and quality of life, the Traffic Commission at its June 10th meeting supported and recommended the approval of these two orders.

Communications: None

Questions: None.

Councilor Hardy declared PH2010-0343 and PH2010-044 were closed simultaneously.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO 22-270.1 “Resident Sticker Parking Only, May 1 to September 15 (Seasonal) by adding:

- Day Avenue, both sides beginning at its intersection with High Street for its entire length in a southerly direction.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed to amend GCO 22-270.1 “Resident Sticker Parking Only, May 1 to September 15 (Seasonal) by adding:

Day Avenue, both sides beginning at its intersection with High Street for its entire length in a southerly direction and under the City Charter, Section 2-11(b) and (c) to declare for an emergency to exist and be effective immediately given ongoing threats to the peace, public safety of the people and their property including but not limited to the ability of emergency vehicles to pass freely as well as unsafe congestion.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO 22-291 Tow Away Zones by adding:

- Day Avenue, both sides beginning at its intersection with High Street for its entire length in a southerly direction.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed to amend GCO 22-291 Tow Away Zones by adding:

Day Avenue, both sides beginning at its intersection with High Street for its entire length in a southerly direction and under the City Charter, Section 2-11(b) and (c) to declare for an emergency to exist and be effective immediately given ongoing threats to the peace, public safety of the people and their property including but not limited to the ability of emergency vehicles to pass freely as well as unsafe congestion.

10. PH2010-045: Amend GCO Sec. 22-270.1 “Resident Sticker Parking Only, May 1 to September 15 (Seasonal)” by adding, Young Avenue both sides, from its intersection with Washington Street for its entire length in a southerly direction to the point at which it intersects with High Street

11. PH2010-046: Amend GCO Sec. 22-291 “Tow Away Zones” by adding Young Avenue, both sides, from its intersection with Washington Street, beginning at its intersection with Washington Street for its entire length in a southerly direction to the point at which it intersects with High Street

Councilor Hardy declared PH2010-045 and PH2010-046 to be opened simultaneously, both having been duly advertised.

Those speaking to the matter:

Robert Ryan, Co-Chair, Traffic Commission stated Young Avenue is another piece of Phase 2; and at their June 10 meeting, the Traffic Commission recommended passage of the orders as written.

Joan Viator, 6 Young Avenue stated they’re in favor of the parking stickers and thanked Mr. Ryan for taking his time to come and check things out. It was appreciated, and felt he did his job.

Sarah Roderick, 6 Young Avenue was in favor of the stickers. Young Avenue is a short street. The residents have a lot of cars and end up parking on the street mostly during the summer. The parking is tough, and they appreciate what is being done for them.

Communications: None

Questions: None.

Councilor Hardy declared PH2010-044 and PH2010-045, to be closed simultaneously.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuro, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO 22-270.1 "Resident Sticker Parking Only, May 1 to September 15 (Seasonal)" by adding:

- Young Avenue, both sides, from its intersection with Washington Street, beginning at its intersection with Washington Street for its entire length in a southerly direction to the point at which it intersects with High Street.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed to amend GCO 22-270.1 "Resident Sticker Parking Only, May 1 to September 15 (Seasonal)" by adding:

Young Avenue, both sides, from its intersection with Washington Street, beginning at its intersection with Washington Street for its entire length in a southerly direction to the point at which it intersects with High Street and under the City Charter, Section 2-11(b) and (c) to declare for an emergency to exist and be effective immediately given ongoing threats to the peace, public safety of the people and their property including but not limited to the ability of emergency vehicles to pass freely as well as unsafe congestion.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuro, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO 22-291 Tow Away Zones by adding:

- Young Avenue, both sides, from its intersection with Washington Street, beginning at its intersection with Washington Street for its entire length in a southerly direction to the point at which it intersects with High Street.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed to amend GCO 22-291 Tow Away Zones by adding:

Young Avenue, both sides, from its intersection with Washington Street, beginning at its intersection with Washington Street for its entire length in a southerly direction to the point at which it intersects with High Street and under the City Charter, Section 2-11(b) and (c) to declare for an emergency to exist and be effective immediately given ongoing threats to the peace, public safety of the people and their property including but not limited to the ability of emergency vehicles to pass freely as well as unsafe congestion.

12. PH2010-047: Amend GCO Sec. 22-291 "Tow Away Zones" by adding High Street Place, both sides, from its intersection with High Street beginning at its intersection with High Street for its entire length in a southerly direction

13. PH2010-048: Amend GCO 22-270.1 "Resident Sticker Parking Only, May 1 to September 15 (Seasonal)" by adding High Street Place, both sides from its intersection with High Street, beginning at its intersection with High Street for its entire length in a southerly direction

Councilor Hardy declared PH2010-047 and PH2010-048 to be open simultaneously, both having been duly advertised.

Those speaking to the matter:

Robert Ryan, Co-Chair, Traffic Commission stated at their June 10th meeting, the Traffic Commission recommended these ordinances be changed for safety and quality of life in the area. He noted the DPW will also need to be notified that there needs to be a street sign indicating High Street Place.

Communications: None

Questions: None

Councilor Hardy declared PH2010-047 and PH2010-048, to be closed simultaneously.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuro, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO 22-270.1 "Resident Sticker Parking Only, May 1 to September 15 (Seasonal) by adding:

- High Street Place, both sides, from its intersection with High Street, beginning at its intersection with High Street for its entire length in a southerly direction.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed to amend GCO 22-270.1 "Resident Sticker Parking Only, May 1 to September 15 (Seasonal) by adding:

High Street Place, both sides, from its intersection with High Street, beginning at its intersection with High Street for its entire length in a southerly direction and under the City Charter, Section 2-11(b) and (c) to declare for an emergency to exist and be effective immediately given ongoing threats to the peace, public safety of the people and their property including but not limited to the ability of emergency vehicles pass freely as well as unsafe congestion.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuro, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO 22-291 Tow Away Zones by adding:

- High Street Place, both sides, from its intersection with High Street, beginning at its intersection with High Street for its entire length in a southerly direction.

Discussion:

Councilor Verga thanked Mr. Ryan for doing his volunteer job so well, which he didn't think people were lining up to do that particular job.

Councilor Hardy also extended her thanks to Mr. Ryan and the Traffic Commission. How much work they do was astounding. She also thanked Jeffrey Ward and his wife for acting as advocates for the neighborhood, getting notifications out to the neighbors; and was a pleasure working with them. The majority what she's hearing from the neighbors are not just solely that the out-of-towners are parking and taking up the places to go to the pits; but that it was to provide for public safety so they can get the emergency vehicles up there; that they wish to park somewhere near their homes in order to get to their houses. That's why they initiated the Beach Sticker Parking Only. Hopefully it will evolve into something else where everybody won't have to buy a beach sticker. The communication with the Police Department needs to be there and encouraged the neighbors to do so.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed to amend GCO 22-291 Tow Away Zones by adding:

High Street Place, both sides, from its intersection with High Street, beginning at its intersection with High Street for its entire length in a southerly direction and under the City Charter, Section 2-

11(b) and (c) to declare for an emergency to exist and be effective immediately given ongoing threats to the peace, public safety of the people and their property including but not limited to the ability of emergency vehicles pass freely as well as unsafe congestion.

14. PH2010-049: Loan Order 07-05(a) in the amount of \$100,000.00

This public hearing is open having been duly noticed.

Those speaking in favor:

Mr. Towne stated this was a 'housecleaning' item. The ladder truck cost \$900,000.00. The original loan authorization was \$800,000.00. Subsequent to having received in the quotes and bids for the ladder truck, they realized they were short \$100,000.00. In August of 2008, the Council took an appropriation for a truck refurbishment for \$150,000.00, and had taken \$50,000.00 of that and voted it towards fire station improvements. Then, in December 2008, they reprogrammed the other \$100,000.00 of the refurbishment of the fire truck towards the ladder truck. So it was \$800,000.00 from the original loan authorization plus the \$100,000.00 that came from the refurbishment of the fire truck; making \$900,000.00 – enough to purchase the ladder truck. When he went to borrow the \$900,000.00, because the ladder had been purchased last year; and they thought they had the \$900,000.00 but because there was not a public hearing on the reprogramming on the \$150,000.00; a technical glitch with the Bond Counsel said they were not allowed to borrow the \$100,000.00 to add to purchase the ladder truck or the \$150,000.00 for the fire station improvements. They had already put it out to bid; the truck was already constructed. Mr. Towne contacted the Bond Counsel telling them he believed this was a technical glitch – that the intention was there, the City Council held a public meeting (however unadvertised). The Bond Counsel stated the public hearing had to go forward. They're not going to borrow the \$50,000.00. They covered that through appropriations. The only thing to be borrowed was the \$100,000.00 associated with the ladder truck. After this is done, he'll bring a rescinding motion forward through the Mayor for Council for the full \$150,000.00 for the refurbishment so that loan authorization can come off the books.

Those speaking in opposition: None.

Communications: None

Questions:

This public hearing is closed.

MOTION: On motion of Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend the City Council approve the following loan authorization:

That up to an additional \$100,000.00 be appropriated for the purpose of purchasing a ladder truck; that this loan order will be added to Loan Order 07-05(a); and further, that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow up to said additional \$100,000.00 and issue bonds or notes therefore under G.L. c44, Section 7(9) or any other enabling authority.

MOTION: On motion of Councilor Curcuru, seconded by Councilor Verga, the City Council voted by Roll Call 8 in favor 0 opposed to approve the following loan authorization:

That up to an additional \$100,000.00 be appropriated for the purpose of purchasing a ladder truck; that this loan order will be added to Loan Order 07-05(a); and further, that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow up to said additional \$100,000.00 and issue bonds or notes therefore under G.L. c44, Section 7(9) or any other enabling authority.

15. PH2010-050: SCP2010-004 Cape Ann Brewing Company re: 9-11 Rogers Street §2.3.4(8) and (9) for restaurant

This public hearing is open.**Those speaking in favor:**

Attorney Catherine Henry spoke representing the applicant, Jeremy Goldberg, owner of the Cape Ann Brewing Company for a City Council Special Council Permit under Sec. 2.3.4 (8) and (9) allowing them to operate a restaurant and 5.18 MI District. They opened in 2004 at their current location on Commercial Street as just a brewery. In 2008 the City Council granted a special permit allowing them to operate a restaurant at their current location. They now have the opportunity to purchase the Doyon's Building. The brewery will be on the front portion of the building, the Rogers Street side. The brewery will be separated from the restaurant by a glass wall, with harvest style seating like they have in their current location. There will be outdoor seating which has to be constructed, decking, etc. They've been before the DEP, which granted the Chapter 91 waterways license because this is over filled tidelands. Part of the agreement was the big strip of land has no legal access to the water because it is City owned. The lot is 17,000 sq. ft, the building about 4,700 sq. ft. Because less than 50% of the lot size will be for the supporting DEP use, the DEP still granted their licenses; they'll still have to go for a new liquor license from the Gloucester Licensing Board for this location as well as some federal permits. The six pronged test for a Special Council Permit (Zoning Ordinance Sec. 1.8.3): the social, economic and community needs will be served. It is 180 occupancy at full capacity of the restaurant. The residents on Beach Court would like to see the brew pub relocated across St. Peter's Square because of concerns related to parking on residential streets. It will not alter the traffic flow or safety as they are moving from one side of the square to the other. There is adequate parking at St. Peter's Square and 12 on-site parking spaces. All the delivery trucks will be able to load and unload off street. Adequacy of utilities and other services are appropriate for a commercial operation. The neighborhood character and structure is an area of many restaurants and bars and is in keeping with the commercial activities there. Quality of the natural environment will not be changed due to the minimal footprint bump outs for storage, a deck to be built and some of the components of the brewery. There will not be much construction. The potential fiscal impact is taking a vacant building since 2007 and putting it back to work. Because of these reasons, she believed the applicant met the qualifications for a restaurant under the City Council Special Permit parameters.

Patricia Johnstone, 14 Pleasant Street stated Mr. Goldberg has worked hard with the neighborhood and has been a good businessman and neighbor, believing he has put his heart and soul into his business. She likened the atmosphere to a home environment, and that Mr. Goldberg's business had a loyal following. She also felt this business would make the Doyon's building come to life. It would be an asset to be able to be in the restaurant and observe the beer making process. She was supportive of this move to the Doyon's Building and urged the Council to vote for the Special Council Permit.

Those speaking in opposition: None**Communications: None****Questions:**

Councilor Verga asked if they're buying the building, as he believed the applicant was leasing the premises.

Ms. Henry stood corrected from her previous statement, and confirmed the applicant would be leasing it.

Councilor Ciolino asked about rodent control.

Ms. Henry stated all grains [used in the brewing process] will be stored in the building. Restaurant trash will be in a gated storage area with daily commercial pickup. The mash, or the by-product after the beer is made, will be removed by a farmer from Rowley who will be notified they have the by-product available to him. She assured no grains will be stored outside the building.

Councilor Ciolino asked about the pallet storage.

Ms. Henry stated there will be a screened storage area. There is already a fenced in area on the premises. Theirs will be expanded to allow for adequate storage.

Councilor Ciolino then asked about lobster traps on the property and their storage as well as the procedure.

Ms. Henry stated the DEP is requiring them to submit a management plan. They will remove a piece of the fencing that blocks the 'Doyon's' property from the City property and solicit the lobstermen to use that particular area. There will be rules and regulations in place, one of them being to pressure wash their lobster pots.

Councilor Ciolino expressed his concern about odor control.

Ms. Henry stated the dock area in winter is full of lobster traps. The DEP wanted the property to extend in order to have an expanded area to contain the lobster pots. Mostly they're there in the wintertime. There will be an agreement with the lobstermen that they will have to clean them off.

Councilor Ciolino noted that as you come into the downtown, it is one of the first areas you see on the waterfront, and the storage needs to be appropriate and not smell. He then asked if there would be a dumpster and its planned location.

Mr. Goldberg stated it would be on the side, secured and fenced in with a gate in the storage area. They have yet to determine if there will be a dumpster or buckets.

Councilor McGeary asked about public access to the property and if the new proposed structures to the property will frustrate that access.

Ms. Henry responded as part of the DEP plan, the public walkway will continue to have access to the City land. There's also a limited area on the front. There will be public restrooms available with signs out front stating as such, also part of the DEP agreement.

Councilor Curcuru stated they're proposing a restaurant whereas now they bring in food to their current location.

Mr. Goldberg stated they will be cooking food at their new location.

Councilor Curcuru noted they're going to a different neighborhood, and he hoped their approach going there is a bit different than it was on Commercial Street. He was in favor of this, feeling this was a better location for such a business.

Ms. Henry noted there were over 100 people in the last public hearing in opposition, and noted there were none in attendance at this public hearing on the move, a testament that Mr. Goldberg really has tried to work with the neighbors.

Councilor Mulcahey asked about the lease on the lobster pots.

Ms. Henry stated it hasn't been developed yet. The DEP wants a marking plan developed for the piece of the property so they can encourage water dependent uses. Lobster pots, because they're already stored there seems like a natural use. There could be another water dependent use, but they didn't know of another one at this time and has yet to be determined. They will work with the lobstermen and submit a marking plan to the DEP saying how they're going to cultivate some water dependent uses on this section.

Councilor Mulcahey stated they're using the word "lease" and asked what they were referring to specifically.

Mr. Goldberg stated he has the lease for the property. As to the lobstermen agreement, he would like to be able to charge enough to pay for the grounds keeping; but the details are still to be worked out so it is amenable to the parties involved.

Ms. Henry noted they have no say about what happens with the City land. There is a bit of fencing there now which the DEP has asked in cooperation with the City to have it removed, making it all the more accessible to the City docks.

Councilor Hardy asked about the location of the dumpsters and trash barrels. If a truck has to come for trash removal what time would that take place.

Ms. Henry stated at 7 a.m.

Councilor Hardy wanted to know how they were going to get to the dumpster.

Ms. Henry stated the dumpster or containers would be in the paved area, and is accessible.

Councilor Hardy asked the area to be fenced in, camouflaged. She wanted some sort of screening feeling it was one of the biggest offenses in the City [to leave dumpsters/trash exposed]. She would like to add a condition that any trash receptacles be permanently screened in and maintained. Further, that the

bathrooms are public as part of the Chapter 91 license on the premises. She advised Mr. Goldberg to understand their name will be added to the list.

This public hearing is closed.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend the City Council grant the Special Council Permit 2010-004: 9-11 Rogers Street, Map 7, Lot 15, zoning Classification MI, pursuant to Gloucester Zoning Ordinances Sections 1.8.3 and 2.3.4 (8) and (9) for a restaurant with outdoor seating or with takeout constituting more than 20% of total business or both, and Section 5.18, Marine Industrial District, applicant name of Jeremy Goldberg and Michael Goldberg d/b/a Cape Ann Brewing Company and the owner of the property, Doyon Gloucester Realty Trust. Applicants have a lease on the property with owner.

Approval is based on the Plan endorsed by the Planning & Development Committee and prepared by Gateway Consultants for Gary Doyon dated 02/17/2010 revised on 04/27/2010. Approval is based on the following conditions:

1. The restaurant will occupy 2,368 square feet in the center and water-facing portion of the 9-11 Rogers Street building;
2. Outdoor seating is permitted on the deck all as shown on the Plan consisting of 1,220 SF;
3. No all-alcohol license has been or will be requested by applicants or owners;
4. Landscaping shall be as shown on the Plan;
5. Pursuant to the Zoning Ordinance take out food shall not constitute more than 20% of the total business of the restaurant;
6. Parking shall be provided by Municipal parking at St. Peter's Park, and the Municipal parking lot adjacent to the Gloucester House.
7. Applicant/owners shall comply with all applicable state and local statutes and regulations governing the property. Further, that the Planning & Development Committee finds that the applicant/owner Special Council Permit application meets all six requirements of the Gloucester Zoning Ordinance, Section 1.8.3(3).

Discussion:

Councilor Ciolino stated that the Site Plan approval was dated June 1, 2010, and received June 2, 2010; that the Cape Ann Brewing Company has addressed and satisfied the six requirements of the Special Permit: Social, economic and community needs that will be served; traffic flow and safety; adequacy of utilities and other public services; neighborhood character and social structure; qualities of the natural environment; and potential fiscal impact and therefore recommended the Special Council Permit be allowed. He felt it was a good move for the property. It was a benefit of change over of the Harbor Plan to the 50% use. The Seaport area, he was hopeful the DEP would be a little more lenient with the City looking towards development of I4-C2. He has complete faith in the project, but will keep an eye on it as Chair of P&D. He would not hesitate to bring them back if there were violations of these conditions.

Councilor Tobey stated he supported this; it was a good thing. Any destination community has a brew pub experience. It will add to the dynamic and diversification of downtown Gloucester. For so long the focus has been how we keep the town alive in the summer. This kind of endeavor was wonderful for year 'round and will make that happen. He described the experience of sitting in one of the waterfront restaurants being able to observe the activities on the water. and how wonderful that was. Doyon's was a 'hole' [in the waterfront], and they're going to fill it and thanked Mr. Goldberg for that.

Councilor Mulcahey had the same reservations that she had with the Brewery at Commercial Street. She impressed upon Mr. Goldberg that they (the neighborhood) are all watching. They want him to get along with everyone and to see his business build. She wished him luck.

Councilor Whynott thought Mr. Goldberg tried to do all he could but would never have been accepted in that neighborhood and would be supportive of this move and of the permit.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted by Roll Call 8 in favor, 0 opposed to grant the Special Council Permit 2010-004: 9-11 Rogers Street, Map 7, Lot 15, zoning Classification MI, pursuant to Gloucester Zoning Ordinances Sections 1.8.3 and 2.3.4 (8) and (9) for a restaurant with outdoor seating or with takeout constituting more than 20% of total business or both, and Section 5.18, Marine Industrial District, applicant name of Jeremy Goldberg and Michael Goldberg d/b/a Cape Ann Brewing Company and the owner of the property, Doyon Gloucester Realty Trust. Applicants have a lease on the property with owner.

Approval is based on the Plan endorsed by the Planning & Development Committee and prepared by Gateway Consultants for Gary Doyon dated 02/17/2010 revised on 04/27/2010. Approval is based on the following conditions:

1. The restaurant will occupy 2,368 square feet in the center and water-facing portion of the 9-11 Rogers Street building;
 2. Outdoor seating is permitted on the deck all as shown on the Plan consisting of 1,220 SF;
 3. No all-alcohol license has been or will be requested by applicants or owners;
 4. Landscaping shall be as shown on the Plan;
 5. Pursuant to the Zoning Ordinance take out food shall not constitute more than 20% of the total business of the restaurant;
 6. Parking shall be provided by Municipal parking at St. Peter's Park, and the Municipal parking lot adjacent to the Gloucester House.
 7. Applicant/owners shall comply with all applicable state and local statutes and regulations governing the property. Further, that the Planning & Development Committee finds that the applicant/owner Special Council Permit application meets all six requirements of the Gloucester Zoning Ordinance, Section 1.8.3(3).
 8. Dumpster or trash container area to be permanently screened and maintained.
16. **PH2010-051:** SCP 2010-005 Gloucester Marine Terminal, LLC (a/k/a) Cruiseport re: 6 Rowe Square, amendment to existing SCP pursuant to §2.3.4(8) and (9) for restaurant with outdoor seating or with takeout constituting more than 20% of total business or both, and Section 5.18, Marine Industrial District

This public hearing is opened.

Those speaking in favor:

Sherree DeLorenzo, General Manager and Partner, Gloucester Marine Terminal, LLC (a/k/a) Cruiseport and Seaport Grill, residence of One Horton Street, business at 6 Rowe Square, stated the intention of the is proposed construction connecting existing decks with the appearance to be the same as that currently in place. They are requesting an amendment to their Special Council Permit in to provide a better passage between waiting areas and expansion of existing decks (40 ft. x 30 Ft.) – function deck and restaurant deck), which will allow for better, more efficient operation. Materials will match the existing decks. The current uses of these decks will also remain the same. The outdoor furniture would remain the same and Ms. DeLorenzo indicated they are thinking of possibly putting a raw bar out on the restaurant deck. They want to put up lattice work between the restaurant and function areas decks to keep the decks separate. Further, the Conservation Commission has approved the plan and issued a Determination of

Applicability; and, once permitted, the construction will not be lengthy. Also parking on site would continue to meet standards.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor McGeary questioned if the decks just for the use of the restaurant and not the function area and also asked how the lattice work would be situated.

Ms. DeLorenzo stated she could switch it and hoped to open it up and make use of it for the function deck. The lattice work would be on the outside on the doors. It would be on either side depending on what use they were making of the area at the time.

This public hearing is closed.

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 amendment of the Special Council Permit from June 2008: 6 Rowe Square, Map 11, Lot 4 Gloucester Marine Terminal LLC (a.k.a. Cruiseport), zoning Classification MI, pursuant to Gloucester Zoning Ordinances Section 5.18 Marine Industrial District and Section 2.3.4 (9) restaurant with outdoor seating or with takeout constituting more than 20% of total business or both all as shown on Plans dated 03/22/2010 as prepared by Dyer & Brown Associates, Inc. for Gloucester Marine Terminal LLC and endorsed by the Planning & Development Committee. Further, the Planning & Development Committee finds that the application to amend the Special Council Permit meets all the applicable requirements of Section 1.8.3 of the Gloucester Zoning Ordinances. All other terms and conditions previously required remain in effect.

Discussion:

Councilor Ciolino reported that the application was received on May 11, 2010; signed off by the Building Inspector on May 5, 2010; signed off by the Planning Director on May 6, 2010; abutters have been notified; and the proposal meets the Standard as set forth in 1.8.3., which are social, economic and community needs that will be served by the proposed use; traffic flow and safety; adequacy of utilities and other public services; neighborhood character and social structure; qualities of the natural environment; and potential fiscal impact. Ms. DeLorenzo runs a first-class operation and is an asset to the community. It is a beautiful location and recommends this amendment be passed.

Councilor Verga reiterated Councilor Ciolino's sentiments. Everything done so far has been tasteful. He realized there have been some bumps along the way; but from what he has seen, the outside of the premises has been well done and is an asset to the community. He didn't feel there would be much of a disruption aesthetically from what's already there.

Councilor Curcuru wanted to echo what his fellow Councilors had already said and expressed that Ms. DeLorenzo came into the community, fit right in and became a part of it; that she caters to local people, and it is appreciated.

Ms. DeLorenzo added it was the locals who sustained her during the winter months which she appreciated.

Councilor Tobey noted Councilor Verga referenced the 'bumps' and believed the bumps stopped when Ms. DeLorenzo came on board. Her operations now sustains 170 jobs. That's what it's all about. Simultaneously, that waterfront is working, with vessels, support services for the LNG operation, operations that are employing men who used to fish. They're maintaining a maritime way of life; a classic example of a mixed-use facility. "A big thumbs up."

Councilor McGeary added his support. Ms. DeLorenzo is a constituent and a neighbor noting he often goes for walks and that at 7 a.m. the premises is clean and pleasant to view.

Councilor Whynott commended the restaurant and her operation.

Councilor Mulcahey appreciated the restaurant.

Councilor Hardy served on the last two Councils that had something to do with all the permits that came forward on the Cruiseport. When they came through for the last one, to add the new restaurant, at that time when they looked at it, they couldn't understand why the two decks weren't being connected. Connecting the decks makes perfect sense. She felt Ms. DeLorenzo was a 'class act and an asset to the community. She does much for the City. She gave her thanks to Ms. DeLorenzo and her business corporation for all they do for the City of Gloucester.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted by Roll Call 8 in favor, 0 opposed to grant the amendment of the Special Council Permit from June 2008: 6 Rowe Square, Map 11, Lot 4 Gloucester Marine Terminal LLC (a.k.a. Cruiseport), zoning Classification MI, pursuant to Gloucester Zoning Ordinances Section 5.18 Marine Industrial District and Section 2.3.4 (9) restaurant with outdoor seating or with takeout constituting more than 20% of total business or both all as shown on Plans dated 03/22/2010 as prepared by Dyer & Brown Associates, Inc. for Gloucester Marine Terminal LLC and endorsed by the Planning & Development Committee. Further, the Planning & Development Committee finds that the application to amend the Special Council Permit meets all the applicable requirements of Section 1.8.3 of the Gloucester Zoning Ordinances. All other terms and conditions previously required remain in effect.

17. PH2010-052: SCP 2010-008 Faye Passanisi/Anthony Passanisi re: 5-7 Bass Avenue §2.3.1(7) to allow petitioner to maintain continued use of existing 6 unit multi-family dwelling structure

This public hearing is opened.

Those speaking in favor:

Faye Passanisi owner of property of 5-7 Bass Avenue stated they are seeking a Special Council Permit for 5-7 Bass Avenue as a six-unit building they have owned for 7 years. The buyer's attorney discovered there was no legal documentation for the 6-family which it has been permitted by the City, taxed and used as such at least since 1964. They've spent a lot of hard work and time on the property. Noting there was a pending sale; Ms. Passanisi stated this Special Council Permit would allow them to sell the property as a documented 6-unit multi-family dwelling. There was parking for 7 vehicles, private entrances as well as a common entrance for each unit. The landlord is responsible for trash removal; there is a hardwired alarm system, serviced by Dana Alarms Co.; all other necessary permits have been obtained from the City in April of this year. The building is up to code. The property's use as a 6-unit multi-family dwelling pre-dates the City's local zoning. There would be no traffic changes in flow or safety; no impact to utilities or public service; it will not alter the quality of the existing natural environment. The property, which is well-kept; an improvement to the neighborhood. This will also allow continuation of taxes paid on the property. They are simply looking for relief on this matter. Co-owner **Anthony Passanisi** was also present in support.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant Special Council Permit 2010-008: 5-7 Bass Avenue, Map 54, Lot 36, zoning classification R-10 pursuant to Gloucester Zoning Ordinances Section 2.3.1(7) and Sec. 1.8.3 the continued use of existing 6-unit, multi-family dwelling structure as the application demonstrates that all requirements of Sec. 1.8.3(3) are satisfied.

Discussion:

Councilor Ciolino noting that the property at 5-7 Bass Avenue, owned by the applicants, Fay Passanisi and Anthony Passanisi has been known to be in continued use for at least the past 44 years predating applicable local zoning as a multi-family dwelling. The six (6) requirements of Sec. 1.8.3(e) are satisfied as there are sufficient City services to meet infrastructure requirements; and the property is similar in size and density to other multi-family dwellings in the district; and as it has been in existence for many years, there will be no increased impact to the neighborhood with regards to traffic flow or safety. The natural environment will not be altered because there are no current plans for external changes to the structure. There is a letter on file dated May 19, 2010 from the Inspector of Buildings, William Sanborn that it was his opinion, "that the current use of the building as a six family is valid and a legal use." Therefore, this application meets the requirements for a Special Council Permit, and the Committee can recommend the continued use of the existing 6-unit multi-family dwelling on 5-7 Bass Avenue.

Councilor McGeary noted he walks by the property and that it is well maintained.

Councilor Verga stated as he said at P&D, that the City has been happily collecting these taxes on this six-family for all these years so it's only logical; most of the requirements for new construction are met regardless; and that he had no problem in supporting this.

Councilor Hardy also reiterated her statement at P&D when the matter was considered at Committee level, that she had lived back in the late 1970's in the general vicinity and had attended a Christmas party in the building and could vouch that at that time it was a six-family. She appreciated that the paperwork was being put in order so that the new people would be able to take out the loans they need. The banks likely need this information to be sure they are, in fact, financing a six-family dwelling. She will be supporting this as well.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted by Roll Call 8 in favor, 0 opposed to grant Special Council Permit 2010-008: 5-7 Bass Avenue, Map 54, Lot 36, zoning classification R-10 pursuant to Gloucester Zoning Ordinances Section 2.3.1(7) and Sec. 1.8.3 the continued use of existing 6-unit, multi-family dwelling structure as the application demonstrates that all requirements of Sec. 1.8.3(3) are satisfied.

Councilor Hardy asked for a true copy attestation of the vote or a Certificate of Vote is given to the Applicant.

Committee Reports:**Ordinances & Administration: 6/28/2010**

There were no motions from the O&A Meeting of 6/28/10 to be put forward for Council vote that that time. Many of the pending matters were awaiting their public hearings.

Planning & Development: 06/30/2010

(**Councilor Tobey** stepped away from the podium at 9:43 p.m.)

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 permit Seacoast Nursing and Rehabilitation Center, Inc. to hold the 7th Annual Seacoast Seven Road Race on Saturday, July 17, 2010 starting at 8:00 a.m. and ending by 1:00 p.m. with the race to run from Stage Fort Park onto Hough Avenue, left onto Western Avenue, left onto Hesperus Avenue, right onto Fuller Street,

through the intersection onto Magnolia Avenue, right onto Hough Avenue, ending at the top of the hill by the Gazebo on Hough Avenue with the following conditions:

1. A Certificate of Insurance be on file in the City Clerk's office seven (7) business days prior to the event naming the City of Gloucester the Certificate Holder;
2. A Memorandum of Understanding be on file between Seacoast Nursing and Rehabilitation Center and Lyons Ambulance confirming they will be providing a dedicated ambulance with crew for the duration of the event;
3. A Letter of Understanding between the Seacoast Nursing and Rehabilitation Center and the Department of Public Works indicating permission to use the grounds of Stage Fort Park to be on file 7 business days in advance of the event in the City Clerk's Office;
3. That a Memorandum of Endorsement from Police Department for the race be on file 7 business days in advance of the event in the City Clerk's Office;
4. A written plan of the race route with attendant map indicating times of start and estimated finish be on file 7 business days in advance of the event in the City Clerk's Office.

Discussion:

Councilor Ciolino stated this is another race they've brought in to make it better organized and legal.

MOTION: On motion by Councilor Ciolino seconded by Councilor Verga, the City Council voted 7 in favor, 0 opposed to permit Seacoast Nursing and Rehabilitation Center, Inc. to hold the 7th Annual Seacoast Seven Road Race on Saturday, July 17, 2010 starting at 8:00 a.m. and ending by 1:00 p.m. with the race to run from Stage Fort Park onto Hough Avenue, left onto Western Avenue, left onto Hesperus Avenue, right onto Fuller Street, through the intersection onto Magnolia Avenue, right onto Hough Avenue, ending at the top of the hill by the Gazebo on Hough Avenue with the following conditions:

1. **A Certificate of Insurance be on file in the City Clerk's office seven (7) business days prior to the event naming the City of Gloucester the Certificate Holder;**
2. **A Memorandum of Understanding be on file between Seacoast Nursing and Rehabilitation Center and Lyons Ambulance confirming they will be providing a dedicated ambulance with crew for the duration of the event;**
3. **A Letter of Understanding between the Seacoast Nursing and Rehabilitation Center and the Department of Public Works indicating permission to use the grounds of Stage Fort Park to be on file 7 business days in advance of the event in the City Clerk's Office;**
3. **That a Memorandum of Endorsement from Police Department for the race be on file 7 business days in advance of the event in the City Clerk's Office;**
4. **A written plan of the race route with attendant map indicating times of start and estimated finish be on file 7 business days in advance of the event in the City Clerk's Office.**

Budget & Finance: 07/01/2010

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 to grant permission for the Community Development Department to apply for a Parkland Acquisitions and Renovations for Communities (PARC) grant of \$150,000.00.

Discussion:

Councilor Curcuru stated Community Development Department was seeking permission from the Council to submit a request for \$150,000.00 for a Parkland Acquisitions and Renovations for Communities (PARC) grant in order to fund focused recreational, accessibility and public safety improvements at Burnham's Field. This grant requires a \$150,000.00 match from the City which can be funded over the course of two years with Community Development Block Grant Funds. This may be supplanted by the original grant application made in March, with the approval of this Council, if that one comes through.

(Councilor Tobey returned to the table at 9:48 p.m.)

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed to grant permission for the Community Development Department to apply for a Parkland Acquisitions and Renovations for Communities (PARC) grant of \$150,000.00.

Councilor Curcuru stated that the following motion had a proviso in it to have language inserted to make it appropriate for the establishment of a Port Maintenance and Improvement Fund and now reads as follows:

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 establishment of Fund 880000 named Port Maintenance and Improvement Mitigation Stabilization Fund in accordance with M.G.L. Chapter 40 Section 5B and the 2009 Harbor Plan and Designated Port Area Master Plan for the purpose to receive funds from Chapter 91 mitigation, donations and other sources to be used for dredging or improving waterfront infrastructure critical to the Gloucester DPA and for other purposes consistent with the Gloucester Harbor Plan and DPA Master Plan. Grant funds received and approved by City Council will be established in a separate Special Revenue Grant Fund

Discussion:

Councilor Curcuru stated the Cape Ann Brewery going into the Doyon's Building at St. Peter's Square, not having a water-dependent/industrial use on this site, as part of the compensate to whatever 'harm' they could do to the marine/industrial port, they would make a payment to a Port Maintenance and Improvement Fund in accordance with the 2009 Harbor Plan and DPA Master Plan found in Section 6.2 of that Plan. It's a payment proportional to whatever detriment is added by not having a marine/industrial use. This was set by the DEP, consistent with what they have set across the State and is a part of the Chapter 91 licensing provisions.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed to establish Fund 880000 named Port Maintenance and Improvement Mitigation Stabilization Fund in accordance with M.G.L. Chapter 40 Section 5B and the 2009 Harbor Plan and Designated Port Area Master Plan for the purpose to receive funds from Chapter 91 mitigation, donations and other sources to be used for dredging or improving waterfront infrastructure critical to the Gloucester DPA and for other purposes consistent with the Gloucester Harbor Plan and DPA Master Plan. Grant funds received and approved by City Council will be established in a separate Special Revenue Grant Fund.

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 acceptance of a grant of \$50,130.00 from the Clean Energy Center for the purpose of a feasibility study for the installation of up to a 2MW wind turbine on City-owned land at the Blackburn Industrial Park.

Discussion:

Councilor Curcuru stated this grant will be for a feasibility study expected to take four months where they'll have not only a study of wind resources but also various financing options and payback periods under a planned City ownership structure. It is anticipated the site will be shown to be an ideal location for such a wind turbine. This grant will also have the great possibility of another grant to follow on its heels of \$400,000.00 from the State for the turbine itself, from the Clean Energy Center.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed to accept the grant of \$50,130.00 from the Clean Energy Center for the purpose of a feasibility study for the installation of up to a 2MW wind turbine on City-owned land at the Blackburn Industrial Park.

Councilor's Requests Other Than to the Mayor: None.

It was moved, seconded and voted UNANIMOUSLY to adjourn the meeting at 9:50 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of Committees**