

GLOUCESTER CITY COUNCIL MEETING

Tuesday, February 9, 2016 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Joseph Ciolino; Vice Chair, Steven LeBlanc, Jr.; Councilor Melissa Cox; Councilor Paul Lundberg; Councilor Valerie Gilman (entered the meeting at 7:01 p.m.); Councilor Scott Memhard; Councilor Sean Nolan; Councilor James O’Hara; Councilor Joseph Orlando, Jr. Also Present: Mayor Sefatia Theken; Linda T. Lowe; Kenny Costa; Jim Destino; Chip Payson; John Dunn; Fire Chief Eric Smith; Sal DiStefano; Jim Hafey; Debbie Laurie

The meeting was called to order at 7:00 p.m. The Council President announced that this meeting is recorded by video and audio in accordance with state Open Meeting Law.

Flag Salute & Moment of Silence.**Oral Communications:**

Ross Burton, 1193 Washington Street, said he and several concerned residents were requesting an independent review, or an “after action review,” on the city’s contribution during the search and recovery effort for Susan Nilsson in December. He said they support the fine men and women who serve the city, policemen, firemen and Harbormaster and Assistant Harbormasters. He pointed out their intent is to only review and improve the city’s future search, rescue and recovery effort related to the recovery of the body of Susan Nilsson. He referred to a previous study was undertaken four times during the Kirk mayoral administration: one on the Lorraine fire; two on Pleasant Street and two independent department audits. He noted that requests for such a study have also been made to Mayor Theken and to Police Chief Leonard Campanello. He highlighted reports in the Gloucester Daily Times articles regarding the Susan Nilsson search and recovery effort (submitted and placed on file). He acknowledged speaking with Councilor O’Hara several times on this matter and residents’ concerns about issues raised by the newspaper articles. He said he asked that Councilor O’Hara lead a Council discussion on this matter on the concerned residents’ behalf noting that such after action studies on such events are regularly undertaken as a way to improve delivery of municipal and private business services ways to seek quality assurance improvements.

Valerie Nelson, 7 Sunset Point Road, said she was also speaking on behalf of Angela Sanfilippo of the Gloucester Fishermen’s Wives Association, and asked that the Council adopt a resolution (draft resolution and copies of letters from the city’s congressional delegation objecting to off-shore drilling submitted and placed on file) to voice the city’s objection to offshore drilling in the Atlantic Ocean. She reminded the Council of past efforts on the city’s part to raise its objections to drilling on the Georges Bank. She advised that the Bureau of Ocean Energy Management would release a plan that may precipitate off-shore drilling in the Atlantic. She said 100 communities along the eastern seaboard, with two million people have signed petitions in opposition to off-shore drilling. She said drilling is a threat to fisheries and habitat and the city’s way of life. She asked that the Council utilize her draft resolution and vote on it to be forwarded to the federal government.

Susanna Altenberger, 66 Atlantic Street, recalled that she spoke about a month ago on the rebuilding of the Annisquam River MBTA railroad bridge and raised concerns for safety and access issues on and off of Cape Ann. She advised that she had forwarded to the Rockport Town Selectmen the same material she submitted to the Council indicating it was also a Rockport issue as well. She said she was advised by Council President Ciolino that there may be a discussion at City Hall in two weeks with the MBTA on Feb. 23 (date of the next regularly scheduled City Council meeting). She said for those residents who have the same concerns as she to have a third means of egress for exiting and entering Cape Ann in emergent situations, to attend that meeting to voice their concerns.

Muffy White, 47 Haskell Street, spoke of inconsistent snow removal by residents and businesses as an issue of public safety. She said the city needs to take a step to encourage all residents, business owners to act responsibly and to have a level of enforcement to keep city streets and sidewalks clear of snow during and after snow events. She pointed out that she is an East Gloucester Elementary School parent who sent a series of emails to other like-minded concerned parents after having received information from Mike Hale, Public Works Director as to how snow is removed in their area. This is about finding a solution and putting out information to ensure that there is better safety post-snow events, she said.

Presentations/Commendations: None.

New Appointments:

Note: With the exception of former Councilor Greg Verga, the residents up for appointment to city boards, committees or commissions were present.

Zoning Board of Appeals H. Sage Walcott-Alternate Member TTE 02/14/18

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council appoint H. Sage Walcott an Alternate Member of the Zoning Board of Appeals, TTE 02/14/18.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed to appoint H. Sage Walcott an Alternate Member of the Zoning Board of Appeals, TTE 02/14/18.

Historical Commission Sandy Barry-Alternate Member TTE 02/14/18

COMMITTEE RECOMMENDATION: On a motion by Councilor Nolan, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council appoint Sandy Barry an Alternate Member of the Historical Commission, TTE 02/14/18.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Gilman, the City Council voted 9 in favor, 0 opposed, to appoint Sandy Barry an Alternate Member of the Historical Commission, TTE 02/14/18.

Council on Aging Greg Verga TTE 02/14/19

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council appoint Greg Verga to the Council on Aging, TTE 02/14/19.

DISCUSSION:

Council President Ciolino acknowledged that the Council knew former Councilor Greg Verga well noting he had been advised by Mr. Verga he was unable to attend this evening's meeting due to a conflicting engagement.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to appoint Greg Verga to the Council on Aging, TTE 02/14/19.

Conservation Commission William Cook TTE 02/14/19

COMMITTEE RECOMMENDATION: On a motion by Councilor Nolan, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council appoint William Cook to the Conservation Commission, TTE 02/14/19.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed to appoint William Cook to the Conservation Commission, TTE 02/14/19.

Consent Agenda:

• **CONFIRMATION OF REAPPOINTMENTS**

Purchasing Agent	Donna Compton	TTE 02/14/17
Community Development Director	Tom Daniel	TTE 02/14/17
Chief Administrative Officer	James Destino	TTE 02/14/17
Chief Financial Officer	John Dunn	TTE 02/14/17

City Engineer	Paul Keane	TTE 02/14/17
General Counsel	Charles "Chip" Payson	TTE 02/14/17
Building Inspector	William Sanborn	TTE 02/14/17
Director of Public Works	Michael Hale	TTE 02/14/18
Assistant Director of Public Works	Mark Cole	TTE 02/14/18
Principal Assessor	Nancy Papows	TTE 02/14/19

• **MAYOR'S REPORT**

- Special Budgetary Transfer Request (#2016-SBT-7) from Police Department (Refer B&F)
- Special Budgetary Transfer Request (#2016-SBT-8) from Police Department (Refer B&F)
- Special Budgetary Transfer Request (#2016-SBT-9) from Police Department (Refer B&F)
- Memorandum from Fire Chief re: request permission to correct payroll error in FY15 with FY16 funds (Refer B&F)
- Memorandum from School Director of Finance & Operations re: request increase in Preschool Revolving fund from \$45,000 to \$75,000 (Refer B&F)
- Memorandum, Grant Application & Checklist from Community Development Director re: Stage Fort Park Beautification Project Land & Water Conservation Fund Grant Application for \$250,000 (Refer B&F)
- Reappointments

Affordable Housing Trust	TTE 02/14/18	George Sibley, Mary John Boylan	
Board of Health	TTE 02/14/19	Joseph Rosa	
Board of Registrars	TTE 02/14/19	Judith Peterson	
City Hall Restoration Commission	TTE 02/14/19	Maggie Rosa, Steven Dexter, David C. Bell, Janis Bell, Mary Rhinelander-McCarl, William Sanborn, Bldg. Insp., James Hafey, Facilities Manager	
Clean Energy Commission	TTE 02/14/18	Tom Kiely, Linda Stout-Saunders, Candace Wheeler	
Conservation Commission	TTE 02/14/19	Ann-Jo Jackson, Helen Shaw-Kwasie	
Council on Aging	TTE 02/14/19	Hank Camille	
Cultural Council	TTE 02/14/19	Karl Pulkkinen, Caroline Haines, Rose Sheehan	
Downtown Development Commission	TTE 02/14/19	Alan DeLorenzo	
Fisheries Commission	TTE 02/14/19	Scott O. Swicker	
Historic District Commission	TTE 02/14/19	Paul Shea	
Open Space & Recreation Committee	TTE 02/14/19	John McElhenny	
Planting Committee	TTE 02/14/19	William Taylor, Bonnie Angus, Susan Kelly	
Shellfish Advisory Commission	TTE 02/14/19	Dan Molloy, Ann-Jo Jackson (Con Com Rep)	
Traffic Commission	TTE 02/14/19	Robert Ryan, Anthony Bertolino, Michael Mulcahey	
Trust Fund Commission	TTE 02/14/19	Michael Sanborn, John Fleming	
Waterways Board	TTE 02/14/19	James Bordinaro (Fishing), Mark Lacey (Recreational)	(Refer O&A)
- New Appointments:

Clean City Commission	TTE 02/14/19	Eric Magers	
Community Preservation Committee	TTE 02/14/19	Ellen Preston	
Council on Aging	TTE 02/14/19	Robert Quinn	
Stage Fort Park Advisory Committee	TTE 02/14/19	William Fonvielle	
Waterways Board	TTE 02/14/19	Phillip Cusumano (Fishing), Robert Alves (Economic Develop.)	(Refer O&A)
- Letter from Kenneth E. Lento, Project Manager/National Grid re: status update on NG Remediation Project at Harbor Loop (Info Only)
 - **COMMUNICATIONS/INVITATIONS**
 - Response to Oral Communication of January 26, 2016 City Council Meeting to Charles Marcous (Info Only)
 - Memorandum from Council President re: Appointment of Council Representatives to Boards, Commissions & Committees (Info Only)
 - Invitation to Council from School Chairperson to tour/walk-through new West Parish Elementary School on 2/11/2016 (Info Only)
 - Notification from Gloucester Contributory Retirement System Board to Council that Board will hold public meeting March 30 to Decide whether or not to grant a COLA and the amount of that increase (Info Only)
 - **APPLICATIONS/PETITIONS**
 - Letter & Special Events Application: Request from Cape Ann YMCA to hold the Backshore 5 mile Road Race 5/6/2016 (Refer P&D)
 - Letter & Special Events Application: Request from Cape Ann YMCA to hold the Cape Ann 25K Road Race 9/5/2016 (Refer P&D)
 - & Special Events Application: Request from Cape Ann YMCA to hold the Run the Goose 7K Road Race 9/5/2016 (Refer P&D)
 - **COUNCILORS ORDERS**
 - CC2016-004(Gilman) Request O&A Committee review whether there should be a "No Parking" sign at the intersection of #5 South Kilby Street and Brierwood Street (Refer O&A & TC)
 - CC2016-005 (LeBlanc/O'Hara) Whether there should be further amendments to the GCO on Dogs, c. 4, Sec. 4-15 to 4-22 and whether or not to form an ad hoc committee to study same (Refer O&A)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 - City Council Meeting: January 26, 2016 (Approve/File)
 - Standing Committee Meetings: B&F 02/04/16 (under separate cover), O&A 02/01/16, P&D 02/03/16 (Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor Orlando asked to remove the reappointment of Paul Keane, City Engineer.

Council President Ciolino removed Item #2 under Communications/Invitations regarding the appointment of Council Representatives to Boards, Commissions and Committees.

Councilor Gilman suggested the removal of Alan DeLorenzo's reappointment to the Downtown Development Commission which **Council President Ciolino** addressed by saying that the matter needs to remain as presented on

the Consent Agenda. He said that although the Mayor has advised the Council through a memo that Mr. DeLorenzo has asked to not be reappointed, a letter of resignation needs to be forwarded to the O&A Committee and they must act on that. The matter, he advised, will return to Council on the next agenda where the Council would vote on his withdrawal of reappointment.

Councilor Orlando said he was voicing his objection to the reappointment of Paul Keane as City Engineer. He recounted his experience as a citizen working with Mr. Keane on a building project, and said that Mr. Keane and the Engineering Department was not consumer friendly. When dealing with related departments, Building and Public Works, he said they listened to the issue at hand and offered solutions to resolve matters, he pointed out. He said his experience was not the same in dealing with Mr. Keane whom he suggested was very qualified as a Professional Engineer, but expressed that his customer service skills lacked in a customer service driven department. He advised he had a meeting on Feb. 4 with Mr. Keane to express his concerns saying that the conversation was pleasant and professional but further expressed he was not completely satisfied with the answers he received. He submitted for the Council's files an email dated 11/13/15 with circled language which he said highlighted Mr. Keane's lack of customer service skills. He said the city needs to be friendly and fair to people looking to build homes and businesses which are important to expand the city's tax base, and was not his experience. He added that it was regretful that he had to bring this matter forward.

Councilor Cox noted that Item #3 under Communications/Invitations regarding the invitation for the Council to the tour of the West Parish School is Feb. 11 at 4:00 p.m.

Councilor Ciolino removed the Council appointments by him to city boards, committees and commissions to highlight the Councilors being appointed (on file) which he briefly reviewed.

By a vote of the Council the Consent Agenda was accepted with 8 in favor, 1 (Orlando) opposed, specifically to Paul Keane's reappointment as City Engineer.

Committee Reports:

Budget & Finance: February 4, 2016

1. *Communication from Superintendent of Schools re: requesting City Council vote on MSBA Statement of Interest-Accelerated Repair Program-Gloucester High School Roof*

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council resolve the following:

Resolved: Having convened in an open meeting on February 9, 2016, prior to the closing date, the City Council of Gloucester, Massachusetts, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority a Statement of Interest Form dated February 10, 2016 for the Gloucester High School, located at 32 Leslie O. Johnson Road, Gloucester, Massachusetts which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future:

MSBA Priority #5 from the list of eight priorities calls for, "Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility." Our specific concern is the replacement, renovation or modernization of Gloucester High School's roof. The roof is twenty (20) years old and is failing. The roof's deficiencies, over time, inhibited the delivery of the district's educational program. This includes, but is not limited to major leaks throughout many portions of the building, from the Field House, to classrooms, computer labs, and the auditorium.

and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of the grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Gloucester to filing an application for funding with the Massachusetts School Building Authority.

DISCUSSION:

Councilor Memhard explained that in order for the School Department to apply to the Massachusetts School Building Authority to be considered to receive reimbursable funds for the replacement/rehabilitation of the Gloucester High School roof which is now in very poor condition as enumerated in the motion, there is a pre-application or "Statement of Interest" known as an SOI process which has a deadline of February 12. The School Committee has already voted their resolution forward and the last step is for the Council to endorse this pre-application so that the MSBA can determine if the School Department should receive such funding. This is similar to actions taken several years ago when the city made its application to the MSBA for the repair and rehabilitation of elementary school roofs. The B&F Committee understood the great need and urgency of this matter and unanimously endorsed the resolution for the application to the MSBA.

Councilor Gilman said that having spent a great deal of time in the high school's Field House, seeing the damage first hand, the Council should support this grant application as she will.

Councilor Orlando said as a former student athlete at Gloucester High School, it is imperative to square away the roof at GHS as soon as possible. The high school's track program is one of the best in the state and that the indoor track must be repaired but the roof needs to be done first, he said.

Council President Ciolino said that he would support the roof repairs as he has done in the past for all municipal building roof repairs in order to preserve the buildings' integrity.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to resolve the following:

Resolved: Having convened in an open meeting on February 9, 2016, prior to the closing date, the City Council of Gloucester, Massachusetts, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority a Statement of Interest Form dated February 10, 2016 for the Gloucester High School, located at 32 Leslie O. Johnson Road, Gloucester, Massachusetts which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future:

MSBA Priority #5 from the list of eight priorities calls for, "Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility." Our specific concern is the replacement, renovation or modernization of Gloucester High School's roof. The roof is twenty (20) years old and is failing. The roof's deficiencies, over time, inhibited the delivery of the district's educational program. This includes, but is not limited to major leaks throughout many portions of the building, from the Field House, to classrooms, computer labs, and the auditorium.

and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of the grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Gloucester to filing an application for funding with the Massachusetts School Building Authority.

Councilor Memhard moved for a Reconsideration of the Council's vote on the just passed Resolution for the MSBA Statement of Interest for the replacement and rehabilitation of the Gloucester High School roof which was seconded by **Councilor Orlando**.

Council President Ciolino advised that according to the City Charter, a Motion to Reconsider is used only sparingly. In this instance, with the MSBA deadline is in two days for this application for a Statement of Interest submission, it is appropriate to take this vote now.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 0 in favor, 9 opposed, to reconsider the vote on the Resolution for the MSBA Statement of Interest for the replacement and rehabilitation of the Gloucester High School roof.

MOTION FAILS.**2. Memorandum from Fire Chief re: acceptance of two grants -- FY16 S.A.F.E. for \$4,837 and Senior Safe grant for \$2,917 from Dept. of Fire Services**

Councilor Memhard explained that what follows are two grant acceptances for Fiscal Year 2016 from the Department of Fire Service. The first grant is for \$4,837 to support the Fire Department's SAFE program which educates students on fire safety. This program reaches out to all schools in the city, public and private. The second grant is for \$2,917 which supports the Fire Department's Senior SAFE program. With this grant, the Fire Department works closely with the Senior Center Director and also with city housing units to deliver the Senior S.A.F.E. program. He confirmed there was no match for either grant.

COMMITTEE RECOMMENDATION: On motion by Councilor Ciolino, seconded by Councilor Orlando, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a FY2016 School-based Student Awareness of Fire Education (S.A.F.E.) grant from the Mass. Department of Fire Services in the amount of \$4,837 for the purpose of providing fire and life safety education to school-aged children.

DISCUSSION: None.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted ROLL CALL 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, a FY2016 School-based Student Awareness of Fire Education (S.A.F.E.) grant from the Mass. Department of Fire Services in the amount of \$4,837 for the purpose of providing fire and life safety education to school-aged children.

COMMITTEE RECOMMENDATION: On motion by Councilor Ciolino, seconded by Councilor Orlando, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a FY2016 Senior Awareness of Fire Education (S.A.F.E.) grant from the Mass. Department of Fire Services in the amount of \$2,917 for the purpose of providing fire and life safety education to seniors.

DISCUSSION: None.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, a FY2016 Senior Awareness of Fire Education (S.A.F.E.) grant from the Mass. Department of Fire Services in the amount of \$2,917 for the purpose of providing fire and life safety education to seniors.

3. Memorandum, Grant Application & Checklist from Fire Chief re: FEMA Assistance to Firefighters Grant for \$422,300

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit after the fact the Fire Department's application for a U.S. Homeland Security grant through the Federal Emergency Management Agency for an Assistance to Firefighters Grant (AFG) of \$383,910 for the purpose of replacing the Fire Department's outdated Self-Contained Breathing Apparatus (SCBA) equipment. The city share of this grant if awarded would be a cash match of 10 percent of the equipment cost of \$38,390.

DISCUSSION:

Councilor Memhard said that the Fire Department has applied for a Federal Emergency Management Agency, (FEMA) Assistance to Firefighters Grant. This grant is requesting federal and city funding to replace the department's outdated yet essential firefighter Self Contained Breathing Apparatus (SCBA) which all will have reached end-of-service life in approximately two years, although the equipment is still working well. The age of the equipment puts the department in line to be able to apply for this FEMA grant. The unavoidable capital expense by FY18 is \$422,300. This is an incredible opportunity should the city obtain the grant funding. He noted that the new SCBA equipment will be well above the safety features currently on the department's equipment. The \$38,900

match funding hasn't been identified as of yet but the Committee was assured by CAO, Jim Destino, that the city, should it receive the grant funds, would find the match funds regardless.

Councilor Orlando said the SCBA apparatus are very vital and keep firefighters alive. A cousin's husband died because of breathing in hazardous materials.

Councilor Cox suggested the use of the city's free cash is appropriate to fund any grant match needed in this instance.

Fire Chief Eric Smith, asked by Council President Ciolino for his comments, said his department is nearing the end of life on their SCBA equipment and the grant is timely. The department has two consecutive years to apply for the grant before the SCBA equipment reaches its end of life. Should the grant be awarded, he advised that the city should take the incredible opportunity to save thousands of dollars on this lifesaving equipment. Firefighters by regulation can't fight fires without SCBA breathing apparatus because superheated environments create toxic atmospheres. He pointed out that the equipment the department has is in good condition and rated to ensure that at end of life it will operate at 100 percent even though the equipment is reaching that point. He said Captain Tom LoGrande shepherded this grant application along and is the department's SCBA officer.

Council President Ciolino said he understood the Administration is committed to finding the match funds should the city receive this grant. **Jim Destino**, CAO, said that if the grant is awarded they will commit the funds for the match likely from free cash which he agreed with Councilor Cox as a good use of it.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to permit after the fact the Fire Department's application for a U.S. Homeland Security grant through the Federal Emergency Management Agency for an Assistance to Firefighters Grant (AFG) of \$383,910 for the purpose of replacing the Fire Department's outdated Self-Contained Breathing Apparatus (SCBA) equipment. The city share of this grant if awarded would be a cash match of 10 percent of the equipment cost of \$38,390.

4. Memorandum from Police Chief re: requesting approval to pay two grievances from previous fiscal years with FY16 funds

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Orlando, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council in accordance with MGL c. 44, §64 approve payment of a prior year(s) salary/wages to two Gloucester Police Department employees in previous fiscal years to be paid with FY16 funds as follows from the current FY2016 Police Department accounts for a total of \$4,914.00 as follows:

Animal Control Officer Jamie Eastman:	\$4,584.00
Animal Control Officer Diane Corliss	<u>\$ 330.00</u>
Total:	\$4,914.00

DISCUSSION:

Councilor Memhard explained that the Police Department is requesting to pay Jamie Eastman and Dianne Corliss, both Animal Control Officers, for Article 9 premium pay for night shifts and weekends under AFSCME A with FY16 funds. Mr. Eastman's payment dates back 14 years and is owed \$4,584. Ms. Corliss' payment dates back one year and is owed \$330. He said there is a funding source in place to make the payments to the two officers and that there was a mechanism in place so this situation doesn't reoccur.

Council President Ciolino asked for reassurances that this payroll situation wouldn't happen again. **Mr. Destino** said that Mr. Eastman had worked for 14 years and didn't realize he was entitled to the night differential which he pointed out was a testament to contractual amendments to amendments. A grievance was filed and the officers are receiving appropriate back pay, he said, and that this action is funded from the Police Department through salary/wage lag money.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, in accordance with MGL c. 44, §64 approve payment of a prior year(s) salary/wages to two Gloucester Police Department employees in previous fiscal years to be paid with FY16 funds as follows from the current FY2016 Police Department accounts for a total of \$4,914.00 as follows:

Animal Control Officer Jamie Eastman:	\$4,584.00
Animal Control Officer Diane Corliss	<u>\$ 330.00</u>

Total: \$4,914.00

5. Memorandum from Personnel Dept. re: permission to pay for goods procured in FY15 with FY16 funds

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Orlando, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council in accordance with MGL c. 44, §64 approve payment of a FY15 invoice from New England Office Supply which is now part of W.B. Mason, Invoice #IN-0281026 dated 9/26/2014 for office furniture for the Personnel Department to be paid with FY16 funds from the current FY2016 Personnel Department accounts for a total of \$763.16.

DISCUSSION:

Councilor Memhard said that this was a modest oversight by the Personnel Department in that a purchase order opened in FY15 was not carried over to FY16 and an invoice went unpaid.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, in accordance with MGL c. 44, §64 approve payment of a FY15 invoice from New England Office Supply which is now part of W.B. Mason, Invoice #IN-0281026 dated 9/26/2014 for office furniture for the Personnel Department to be paid with FY16 funds from the current FY2016 Personnel Department accounts for a total of \$763.16.

6. City Snow & Ice Account

Councilor Memhard advised that the next matter for Council action did not come through the Council's Consent Agenda and as such he called for a suspension of the Council's Rules of Procedure to take up one financial action item related to the city's Snow & Ice account.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to suspend the City Council Rules of Procedure for one financial action item related to the city's Snow & Ice account.

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept the provisions of MGL c. 44, §31D Snow and Ice Removal, Emergency Expenditures not to exceed \$1,000,000. The increase of emergency expenditure authority is \$233,400 added to the current FY2016 DPW Snow and Ice Removal appropriation budget of \$766,600.

DISCUSSION:

Councilor Memhard explained that the City Auditor had received a communication from the DPW this past week that they'd be ordering a supply road salt. Because of the two recent snow storms, and more anticipated over the next few weeks, to be fiscally proactive, it is appropriate to raise the cap of the Snow & Ice budget deficit. This proposed action by the Council is just to increase the spending limit for the Snow & Ice account, and the Council is only granting its permission to do so. He added that this is the recommendation of the City Auditor which the Committee felt is a prudent fiscal measure. He advised that the city's Snow & Ice account is the only municipal account allowed to be in deficit by the Massachusetts Department of Revenue. He reminded the Council that during last winter the Council acted five times to raise the Snow & Ice expenditure which capped out at \$3.5 million due to the unprecedented snowfall.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the Budget & Finance Committee voted by ROLL CALL 9 in favor, 0 opposed, to accept the provisions of MGL c. 44, §31D Snow and Ice Removal, Emergency Expenditures not to exceed \$1,000,000. The increase of emergency expenditure authority is \$233,400 added to the current FY2016 DPW Snow and Ice Removal appropriation budget of \$766,600.

Ordinances & Administration: February 1, 2016

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, recommends that the City Council dedicate and name the baseball/softball field adjacent to Wilson Field on Dr. Osman Babson Road in honor of 40-year member of the Board of Directors of the Gloucester Little League, Harold J. "Bucky" Rogers, II.

DISCUSSION:

Councilor Gilman explained that it was her honor to bring this matter forward for Council attention. Mr. Rogers has been an inspiration to so many young Gloucester athletes and worked tirelessly through the years on behalf of the Gloucester Little League. She asked that the Council to support the field being named in Mr. Rogers' honor.

Council President Ciolino said that Mr. Rogers has made all the ball fields playable and enjoyable for so many children of the city and has given many years of service to the community. It is a well-deserved honor, he said.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, recommends to dedicate and name the baseball/softball field adjacent to Wilson Field on Dr. Osman Babson Road in honor of 40-year member of the Board of Directors of the Gloucester Little League, Harold J. "Bucky" Rogers, II.

Planning & Development: February 3, 2016

Councilor Lundberg said there were no matters for Council action from this meeting for presentation at this time.

Scheduled Public Hearings:

1. PH2016-003: Amend GCO Sec. 21-84 (c) (g) and Section Sec. 21-85 (b)

This public hearing is opened at 7:52 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 7:52 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 0 in favor, 3 opposed, to recommend that the City Council Amend the Code of Ordinances Section 21-84 subsection (c) by DELETING the last sentence, "The engineer's preliminary cost estimate is for guidance of the petitioners only and does not replace the full set of engineering plans required in Sec. 21-85 (g) below."

DISCUSSION:

Councilor Lundberg explained that the P&D Committee is not recommending this amendment and the two subsequent amendments to the Code of Ordinances Sections 21-84 and 21-85 for the repair of private ways. He said he hoped that the Council would not vote in favor of these amendments and that upon rejection of the three motions he would offer to refer the matter of GCO Sections 21-80 through 21-86 related to Repair of Private Ways to General Counsel for a thorough review of the ordinance sections governing the repair of private ways and that General Counsel would make his recommendations to the Council for possible amendments of those sections to ensure that the sections of the ordinance are cohesive and comply with other city ordinances and policies.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 0 in favor, 9 opposed, to Amend the Code of Ordinances Section 21-84 subsection (c) by DELETING the last sentence, "The engineer's preliminary cost estimate is for guidance of the petitioners only and does not replace the full set of engineering plans required in Sec. 21-85 (g) below."

MOTION FAILS.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Cox, the Planning & Development Committee voted 0 in favor, 3 opposed, to recommend that the City Council Amend the Code of Ordinances Section 21-84 subsection (g) as follows:

By DELETING the statement within the first sentence, "...including a set of engineering plans, prepared and signed by a registered engineer in the field."

And ADDING a sentence at the end of subsection (g) as follows: The DPW director may waive this requirement if in his opinion the preliminary estimate of the cost of the project as provided by the city engineer in Section 21-84 (c) is sufficiently detailed for the project to be undertaken.

DISCUSSION: None.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 0 in favor, 9 opposed, to Amend the Code of Ordinances Section 21-84 subsection (g) as follows: By DELETING the statement within the first sentence, "...including a set of engineering plans, prepared and signed by a registered engineer in the field."

And ADDING a sentence at the end of subsection (g) as follows: The DPW director may waive this requirement if in his opinion the preliminary estimate of the cost of the project as provided by the city engineer in Section 21-84 (c) is sufficiently detailed for the project to be undertaken.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 0 in favor, 3 opposed, to recommend that the City Council Amend the Code of Ordinances Section 21-85 subsection (b) by ADDING after the last sentence the following statement: "Abutters may designate a representative to cast the requisite votes on matters required by this Article. Such designation shall be a signed and notarized letter designating such representative by name and address complete with a copy of said abutters identification attached to said letter by all owners of the property if owned jointly, by the trustee of any trust having ownership of the property, by all the partners of a partnership, or by the chief executive of a corporation having ownership of the property on behalf of which votes are being cast. The designation documents must be delivered to the City Clerk no later than 48 hours before the date and time set for the meeting at which votes will be cast.

DISCUSSION: None.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 0 in favor, 9 opposed, to Amend the Code of Ordinances Section 21-85 subsection (b) by ADDING after the last sentence the following statement:

"Abutters may designate a representative to cast the requisite votes on matters required by this Article. Such designation shall be a signed and notarized letter designating such representative by name and address complete with a copy of said abutters identification attached to said letter by all owners of the property if owned jointly, by the trustee of any trust having ownership of the property, by all the partners of a partnership, or by the chief executive of a corporation having ownership of the property on behalf of which votes are being cast. The designation documents must be delivered to the City Clerk no later than 48 hours before the date and time set for the meeting at which votes will be cast.

Councilor Lundberg then moved to have the matter of GCO Sections 21-80 through 21-86 pertaining to the Repair of Private Ways be referred to General Counsel for a holistic review with an eye to recommendations to the Planning & Development Committee for possible amendment to the respective sections of the Code.. **Councilor Cox** seconded the motion.

By a vote of 9 in favor, 0 opposed, the matter of GCO Sections 21-80 through 21-86 pertaining to the Repair of Private Ways is referred to General Counsel for a holistic review with an eye to recommendations to the Planning & Development Committee for possible amendment was approved.

2. PH2016-00 7: An off-cycle recommendation from the Community Preservation Committee to appropriate \$50,000 for the purpose of renovating the Stage Fort Park Visitor's Center Restroom project

This public hearing is opened at 7:58 p.m.

Those speaking in favor:

Deborah Laurie, Senior CPA Project Manager with the Community Development Department said that the Community Preservation Committee (CPC) has received an off-cycle application for funding of \$50,000 to support the State Fort Park Visitor's Center Restroom Renovations Project from the Department of Public Works for better ADA access located in the Center's basement, and to tie the facility into city sewer. She advised that the DPW has made no major renovations to the building in over 50 years except for minor repairs and painting. Due to the fact the bathrooms will open in the spring, the application request came forward off cycle to the CPC. She advised the plans call for new plumbing fixtures to be installed; installation of new stall partitions; new lighting and ceiling tiles; removing old shower stalls and turn them into baby changing stations; install a new rooftop exhaust unit; install new windows in each room that have been boarded up for years. Much of the work will be in-kind on the DPW's part having already demolished the old bathrooms and will be installing new fixtures.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Council President Ciolino asked for a synopsis for the remodeling of the Visitor's Center bathrooms. **Jim Hafey**, Facilities Manager advised that the work has begun with most of the demolition completed. He said the DPW is converting the central part of the Visitor Center's basement, formerly a first-aid area into a new unisex handicapped stall with a separate entrance which has been approved by the Plumbing and Gas Fitting Inspector for the city, Joe Guzzo. He said the DPW will preserve most of the tile work but the rest is essentially brand new.

Council President Ciolino confirmed with **Mr. Hafey** that the facilities will be ready to open on April 24.

This public hearing is closed at 8:02 p.m.

COMMITTEE RECOMMENDATION: On motion by Councilor Memhard, seconded by Councilor Lundberg, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council appropriate \$50,000 (Fifty Thousand Dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee to provide off-cycle funding for the purpose of the City of Gloucester Public Works Department to support renovations at the Stage Fort Park Visitor's Center to include extensive reconstruction of the public restroom facilities to meet ADA requirements. The renovation and reconstruction work will consist of: Installation of new plumbing fixtures; new stall partitions; new lighting and ceiling tiles; remove old shower stalls and create baby changing stations; install new rooftop exhaust unit and install new windows in each room that have been previously boarded up. The Public Works Department also agrees to be responsible for the future cleaning and maintenance of the Stage Fort Park Visitor Center's rooms. The appropriation will be allocated to the Open Space category and funded by up to \$50,000 from Unreserved Fund Balance in Fund #270000. The project will be tracked in the Community Preservation Fund Capital Projects – Open Space Capital Projects Fund #340013.

DISCUSSION:

Councilor Memhard explained that the restrooms at the Stage Fort Park Visitor Center don't meet today's Americans with Disabilities code and need to be completely renovated which been unimproved for a number of years with the exception of repairs. Given the number of visitors to the Center every summer, beachgoers, Dog Park users, and those people who attend the many events that take place every summer at the park; this renovation is important and timely and a service to the community. The Budget & Finance Committee unanimously recommends this CPA funding be approved by the Council.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to appropriate \$50,000 (Fifty Thousand Dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee to provide off-cycle funding for the purpose of the City of Gloucester Public Works Department to support renovations at the Stage Fort Park Visitor's Center to include extensive reconstruction of the public restroom facilities to meet ADA requirements. The renovation and reconstruction work will consist of: Installation of new plumbing fixtures; new stall partitions; new lighting and ceiling tiles; remove old shower stalls and create baby changing stations; install new rooftop exhaust unit and install new windows in each room that have been

previously boarded up. The Public Works Department also agrees to be responsible for the future cleaning and maintenance of the Stage Fort Park Visitor Center's rooms. The appropriation will be allocated to the Open Space category and funded by up to \$50,000 from Unreserved Fund Balance in Fund #270000. The project will be tracked in the Community Preservation Fund Capital Projects – Open Space Capital Projects Fund #340013.

For Council Vote:

1. Request from Council on Aging re: City Council acceptance of Gloucester Council on Aging By-Laws

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept the updated by-laws of the Gloucester Council on Aging received and placed on file in the City Clerk's Office on January 12, 2016.

2. Decision to Adopt: SCP2015-008: 53 Western Avenue, Map 3, Lot 47, GZO Sec. 1.10.1(a)(3), 2.3.1.7 & 3.2.2

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to adopt the SCP2015-008 Decision for 53 Western Avenue pursuant to Sections 1.10.1(a)(3), 2.3.1.7 & 3.2.2 of the Gloucester Zoning Ordinance.

3. Decision to Adopt: SCP2015-009: 53 Bass Avenue, Map 55, Lot 13, GZO Sec. 1.10.1(a)(3), 2.3.1.7 & 3.2.2

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to adopt the SCP2015-009 Decision for 53 Bass Avenue pursuant to Sections 1.10.1(a)(3), 2.3.1.7 & 3.2.2 of the Gloucester Zoning Ordinance.

Unfinished Business: None.

Individual Councilor's Discussion including Reports by Appointed Councilors to Committees: None.

Councilors' Requests to the Mayor:

Councilor Gilman thanked Mark Cole, Assistant Public Works Director and John McCarthy, Assistant Police Chief John McCarthy, and Mayor Theken who represented the city at her first Lanesville Community Center neighborhood meeting which she advised was a collaborative brainstorming session. She said as the newly appointed Council On Aging Council representative that Senior Care is hosting its 42nd Meals on Wheels Valentine Day Breakfast fundraiser from 7:00 a.m. - 9:30 a.m. on Saturday, Feb. 13 at the Gloucester House, and is \$12 per person. She advised that Senior Care delivers 550 meals a day to the city's elderly each year. For more information call Paula Curley at 978-281-1750 for more information.

Councilor O'Hara said as a member of the city's Community Emergency Response Team (CERT) as is Councilor Cox; he is asking that the Administration work to reenergize that program. He said that many great things were accomplished in the earlier life of the group, and that needs to happen once more as the group is an asset to the community. He noted that \$20,000 for Fire Department overtime was transferred at the last City Council meeting, but he advised that the Magnolia Fire Station was closed for 36 hours beginning Saturday, Feb. 6 through Sunday, Feb. 7. He also highlighted that subzero temperatures were expected this coming weekend which is an issue for the city's less fortunate population. He said the Grace Center is opened daytime hours Monday through Thursday to give shelter to these individuals, but that Friday through Sunday there is nowhere for these people to go during the daytime. He asked the city and public to come up with the means and method to help these people during the daytime hours for those three days of the week.

Councilor Cox announced a Relay for Life kick-off event at the bowling alley on Thursday, Feb. 25 from 6:30 p.m. to 8:30 p.m. when all questions will be answered regarding fielding a team or helping out with the upcoming Relay for Life fundraising event. She noted the majority of Councilors last year sat in the event's dunk tank and was looking forward to having this year's Councilors participate as well.

Councilor Orlando requested that the Mayor, through the CAO confirm that the 206 Main Street 40B project is asking the city to waive the various permit fees from the Building Department asked what the total loss of permitting fees to the city would be should such a waiver be granted.

Councilor Nolan extended thanks to the DPW for their work during the two recent storms.

Councilor Memhard seconded Councilor Nolan's thanks to the DPW. He highlighted for the Council and residents that the See Click Fix button on the city's website home page is a wonderful tool for sharing information with the DPW about snowplowing issues, as well as potholes or trash pick-up issues. He gave an example of a constituent's successful recent use of the See Click Fix icon.

Council President Ciolino asked that the Mayor through the Waterways Board provide the Council with the cost to repair of the hoist at the St. Peter's Commercial Marina.

Executive Session re: Fuller School:

Council President Ciolino explained that in order for the City Council to go into executive session, the Council must adhere to Massachusetts General Laws. "As Council President I declare that the February 9, 2016 meeting of the City Council has been duly posted and has been called to order. We are now in open session, and there is a quorum present. Before the Council can vote to go into Executive Session, the purpose of the Executive Session must be stated:

I declare the purpose of the Executive Session is to consider the purchase, exchange, lease or value of real property and, as the Chair, I declare that an open meeting may have a detrimental effect on the negotiating position of the public body. I further declare that it is the intent of the Council to not reconvene back into open session after the Executive Session. Motions to go into Executive Session are by roll call vote and require a majority vote of the Council. Therefore, I will entertain a motion: That the City Council and its staff go into Executive Session. I further declare for the record that the real estate in question is the city parcel known as the Fuller School property.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council BY ROLL CALL voted 9 in favor, 0 opposed to call the City Council, City Council staff to enter into Executive Session in accordance with MGL Chapter 30A, §21(a) (6) to discuss a consideration of the purchase, exchange, lease or value of real property.

Council President Ciolino then said, "I hereby announce that the roll call vote is 9 in favor, 0 opposed. We shall now convene into Executive Session and will not reconvene to continue the City Council meeting but will close the open session of the City Council at the conclusion of the Executive Session."

The City Council recessed its regularly scheduled Feb. 9 meeting at 8:18 p.m.

The Council reconvened into open session upon the conclusion of the Executive Session of the Council, not in Kyrouz Auditorium but in the third floor conference room at City Hall, for the sole purpose of a vote to adjourn the regularly scheduled Feb. 9 City Council meeting.

The City Council reconvened the regularly scheduled Feb. 9 meeting at 9:24 p.m. when a motion was made, seconded and voted unanimously to adjourn the City Council meeting at 9:24 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Under Oral Communications: **Ross Burton**, 1193 Washington Street, submitted Gloucester Daily Times articles and an email to Police Chief Campanello regarding the Susan Nilsson search and recovery effort
- Under Oral Communications: **Valerie Nelson**, 7 Sunset Point Road, language for a draft resolution that the City Council may vote to provide the city's congressional delegation objecting to Atlantic Ocean off-shore drilling, copies of the city's legislative delegation's objections to any Atlantic Ocean off-shore drilling, and a Bloomberg Business article dated Feb. 3, 2016 on Oil Drilling Off East Coast et. al.
- Email response of Paul Keane, City Engineer to an inquiry by John Judd, copied to Joe Orlando, Ryan Marques regarding 1 Breezy Point Way (AKA 141 Wheeler Street) dated 11/13/15 as submitted under the

Consent Agenda reappointment of Mr. Keane to his position as City Engineer submitted by **Councilor Joseph Orlando, Jr.**