

GLOUCESTER CITY COUNCIL MEETING

Tuesday, April 26, 2016 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Joseph Ciolino; Vice Chair, Steven LeBlanc, Jr.; Councilor Paul Lundberg; Councilor Valerie Gilman; Councilor Scott Memhard; Councilor Sean Nolan; Councilor James O’Hara; Councilor Joseph Orlando, Jr.

Absent: Councilor Cox

Also Present: Mayor Sefatia Theken; Linda T. Lowe; Kenny Costa; Jim Destino; Chip Payson; John Dunn;

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. Councilor Cox was absent due her father-in-law’s untimely passing. He said that on behalf of the Council he extended their condolences.

Flag Salute & Moment of Silence. Council President Ciolino dedicated the Moment of Silence to Councilor Cox’s father-in-law.

Oral Communications: None.

Presentations/Commendations: Commendation/Resolution presented by State Sen. Bruce Tarr to Ronnie Roberts

State Senator Bruce Tarr said that he was making a special presentation to Ronnie Roberts, a Gloucester resident whom he said he met on election night in November 2015 who brought his attention to a story, 9/8/15 GDT article on sepsis, a fatal affliction that took the life of his fiancé, Dorice Broughton, at the age of 42. Mr. Roberts has made it his mission to work towards increased awareness of that sepsis can kill people when it goes undetected and untreated. He noted Mr. Roberts has worked since the death of his fiancé with a nationwide “Sepsis Alliance,” to bring attention to this important medical health issue. He then read the State Senate commendation and Resolution in honor of Mr. Roberts’ work. He concluded his remarks by saying that this is a medical issue that is frequently overlooked with tragic consequences, and that understanding the signs to prevent tragedy are very important.

Mr. Roberts asked that the Council read his previously submitted information on sepsis, septic shock and how to prevent further tragedies from happening.

Councilor Lundberg advised Mr. Roberts that besides his role as City Councilor that he sits on the Board of Trustees of the Northeast Hospital Corporation, the parent of Beverly and Addison Gilbert Hospitals, as well as chairs the Quality Committee. He said one of the metrics they use to measure how well they’re doing is the number of sepsis cases that occur because of hospitalization. There is a board meeting next week, and he will ensure that his fellow board members are made aware of his information and Mr. Roberts’ honor.

Councilor Orlando said that this medical issue that has touched an immediate family member and from first-hand experience understood how dangerous septic shock can be. He asked that Mr. Roberts seek his assistance if there is anything that he can do to assist him.

Mayor Sefatia Theken, saying that she will not be able to attend **City Clerk, Linda T. Lowe’s** retirement party this Friday, April 29 at City Hall because she will accompany Police Chief Leonard Campanello to Washington, DC where he will receive a special honor for his development of the Angel Program, presented Ms. Lowe with a special Mayoral citation on the occasion of her retirement from 26 years of municipal service, first as the city’s General Counsel and as City Clerk.

New Appointments: None.

Consent Agenda

- **CONFIRMATION OF REAPPOINTMENTS**
- **MAYOR’S REPORT**

1. Special Budgetary Transfer Request (2016-SBT-18) from Police Department (Refer B&F)
2. Special Budgetary Transfer Request (2016-SBT-19) from Police Department (Refer B&F)
3. Special Budgetary Transfer Request (2016-SBT-20, -21, -22) from Chief Financial Officer (Refer B&F)
4. Memorandum from the Community Development Director re: Program Year 2016 Community Development Block Grant (CDBG) & HOME Funds (Refer B&F)
5. Memorandum from Community Preservation Act Committee re: acceptance of donations from the Gloucester Fishermen Athletic Association (GFAA) & the Gloucester Fund for the Mattos Field Lighting project in the amount of \$66,000 (Refer B&F)

6. Letter from Co-Chair of Gloucester Historical Commission, Grant Application & Checklist from the Historical Commission (MHC) & the Dusky Foundation in the amount of \$30,000 (Refer B&F)
7. Memorandum, Grant Application & Checklist from the Community Development Department re: acceptance of a grant from the Seaport Economic Council for the Gloucester Fresh Seafood Innovation Program in the amount of \$151,000 (Refer B&F)
8. Memorandum from Director of Public Works re: miscellaneous solid waste fee increase (Refer B&F)
 - **COMMUNICATIONS/INVITATIONS**
1. Response to Oral Communications of April 12, 2016 City Council Meeting to Dale Halchak (Info Only)
2. Council President Appointment of Assistant City Clerk to Interim/Acting City Clerk (Refer O&A)
 - **INFORMATION ONLY**
 - **APPLICATIONS/PETITIONS**
 - **COUNCILORS ORDERS**
1. CC2016-020 (Cox) Request O&A determine whether GCO c. 11, Sec. 11-11, "Permit required; fee" be amended by deleting, "The fee for a permit issued shall not exceed \$100.00." (Refer O&A)
2. CC2016-021 (Cox) Amend GCO Sec. 22-280 "Fifteen-minute parking" re: Maplewood Avenue (Refer O&A)
3. CC2016-022 (Nolan) Request whether the O&A and the P&D Committees shall consider wither the Gloucester Zoning Map shall be amended to match Sec. 2.1.1, "Enumeration of Zoning Districts and the definitions contained therein specifically that of the BP (Business Park) (Refer P&D & PB)
4. CC2016-023 (Cox) Amend GCO Sec. 22-274 "Two-hour Parking-Between Certain Hours" re: 201 Main Street (Refer O&A & TC)
5. CC2016-024 (Memhard) Request the Traffic Commission perform a speed study on Beach Road to determine whether to reduce the speed limit & whether City Council should petition MassDOT for approval (Refer O&A & TC)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: April 12, 2016 (Approve/File)
2. Joint City Council/School Committee Meeting: 03/24/16 (Approve/File)
3. Standing Committee Meetings: B&F 04/21/16 (under separate cover), O&A 04/18/16 NO MEETING, P&D 04/20/16 (Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor Lundberg asked to remove Item #3 under Councilor Orders re: To Amend Gloucester Zoning Map to match Sec. 2.1.1 "Enumeration of Zoning Districts" and definition therein specifically that of BP (Business Park). He said that because this proposed Zoning Amendment affects the entire city, notice needs to be waived to all residents because of its impracticality under GZO Sec. 1.11.4(b), and to refer the matter to the Planning & Development Committee and the Planning Board, and that a public hearing date is to be set for June 28, 2016.

Councilor Orlando clarified with **Councilor Lundberg** that this notice is being waived because every resident in the city is affected and would otherwise have to be individually noticed which is impracticable.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Gilman, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to waive the notice to abutters under GZO Sec. 1.11.4(b) because it is impracticable and pursuant to CC2016-022 that the P&D Committee review the proposed ordinance amendment to GZO Sec. 2.1.1 "Enumeration of Zoning Districts" and definition therein specifically that of BP (Business Park) and to refer the matter to the Planning & Development Committee and the Planning Board, with a public hearing date is set for June 28, 2016.

Councilor LeBlanc asked to remove Item #2 under Approval of Minutes, the Joint Meeting of City Council and School Committee: 03/24/16. He asked that the Council accept the amended minutes of the Council on page 1, the fourth to the last line the word, "May" was a typographical error and should have been the word, "March." The amended minutes were forwarded, date and time stamped and received by the Council on April 25. **By unanimous consent of the Council the amended Joint Meeting Minutes of the City Council dated March 24, 2016 minutes were accepted as submitted on Monday, April 25, 2016 to the City Clerk's Office.**

By unanimous consent the Consent Agenda was accepted as amended.

Committee Reports:

Budget & Finance: April 21, 2016

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 approve proposed changes to the DPW Beach & Stage Fort Park Regulations Appendix A, "Parking and Rental Fees Established" pursuant to the beach parking fees for Good Harbor Beach and Wingsersheek Beach to be raised for certain subheadings as noted below to be the new rates and are hereby amended as follows based on the March 27, 2013

and April 23, 2013 regulations which shall be filed permanently in the City Clerk's Office as DPW Regulations as approved by the City Council and pursuant to Sections 7-16 of the City Charter:

“b. GHB/WING

Passenger car, SW, minivan, SUV	
8:00 a.m. to 3:00 p.m.	\$25.00 weekdays \$30.00 weekends, holidays
3:00 p.m. to 5:00 p.m.	\$15.00 weekdays \$20.00 weekends, holidays
Motorcycles	\$ 5.00 each (unchanged)
Van (8+ seats)	\$30.00 weekdays \$30.00 weekends, holidays
Bus (13+ seats)	\$35.00 weekdays \$45.00 weekends, holidays
Bus (26+ seats)	\$40.00 weekdays \$50.00 weekends, holidays
Guest Voucher	\$10.00 discount off the full daily rate (unchanged)”

DISCUSSION:

Councilor Memhard explained that these rate increases were unanimously endorsed by the B&F Committee which strictly pertains to non-resident parking fees at Good Harbor and Wingersheek Beaches as proposed by the DPW Director and supported by the Administration.

Council President Ciolino inquired as to the projected revenue anticipated from these modest non-resident parking fee increases provided fair weather prevails. **Mr. Destino**, CAO, said the non-resident beach parking rates haven't been changed in some time. In 2005 Good Harbor and Wingersheek rates went from \$15 on weekdays and \$25 on weekends and minimally changed again in 2006 and 2008. He said they are asking for a \$5 increase on weekdays and weekends for non-residents only on all classes of vehicles at Good Harbor and Wingersheek Beach. He said the parking rates are comparable with surrounding communities -- Crane's Beach is \$25 weekdays and \$30 on the weekends; Singing Beach is \$25 every day. Beaches on Cape Cod were used in comparison, and when they allowed visitor's parking since most did not -- Chatham was \$60 weekly, to \$125 annually for residents. He said that in comparison, Gloucester was on the low end of summer beach parking fees. Projected revenue is anticipated to be \$360,000 a year, but the Administration is only budgeting \$200,000 for FY17 to be conservative because this fee collection is weather dependent. He added that with the slightly higher non-resident rates a side effect may be that carpooling will be encouraged and that could help with some of the city's summer traffic issues.

Councilor O'Hara said although he is in favor of the increases he asked why the city stops collecting fees at 5:00 p.m. He pointed out that there are many cars that wait until that time to enter the beach parking lots. He said it was his opinion that buses which seat 26+ people should be charged even more since such larger buses take up more space in the beach parking lots. **Mr. Destino** said there are more buses using Wingersheek than at Good Harbor Beach, and that the city wants people to come on buses as that form of transportation helps to alleviate traffic. He advised that the beach parking fees, like all other fees charged by the city are reevaluated annually. Charging for beach parking after 5:00 p.m. is something the Administration could look at in the future, he said. He added that the 3:00 p.m. time frame was something that made sense when developing the last iteration of the beach fee schedule.

Councilor Orlando reiterated these parking fee increases are solely for non-resident parking and do not affect any resident beach parking.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to approve proposed changes to the DPW Beach & Stage Fort Park Regulations Appendix A, "Parking and Rental Fees Established" pursuant to the beach parking fees for Good Harbor Beach and Wingersheek Beach to be raised for certain subheadings as noted below to be the new rates and are hereby amended as follows based on the March 27, 2013 and April 23, 2013 regulations which shall be filed permanently in the City Clerk's Office as DPW Regulations as approved by the City Council and pursuant to Sections 7-16 of the City Charter:

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Bus (13+ seats)	\$35.00 weekdays
	\$45.00 weekends, holidays
Bus (26+ seats)	\$40.00 weekdays
	\$50.00 weekends, holidays
Guest Voucher	\$10.00 discount off the full daily rate (unchanged)”

Councilor Lundberg left the dais.

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 approve Special Budgetary Transfer 2016-SBT-13 in the amount of \$5,000.00 from Account #101000.10.403.54000.0000.00.000.00.054, DPW-Solid Waste Disposal, Supplies, to Account #101000.10.470.51300.0000.00.000.00.051 Public Services-Salary-Wages Overtime for the purpose of funding overtime for the DPW Public Services Division through June 30, 2016.

DISCUSSION: None.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 7 in favor, 0 opposed, 2 (Cox, Lundberg) absent, to approve Special Budgetary Transfer 2016-SBT-13 in the amount of \$5,000.00 from Account #101000.10.403.54000.0000.00.000.00.054, DPW-Solid Waste Disposal, Supplies, to Account #101000.10.470.51300.0000.00.000.00.051 Public Services-Salary-Wages Overtime for the purpose of funding overtime for the DPW Public Services Division through June 30, 2016.

Councilor Lundberg returned to the dais.

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Special Budgetary Transfer 2016-SBT-14 in the amount of \$15,000.00 from Account #101000.10.403.54000.0000.00.000.00.054, DPW-Solid Waste Disposal, Supplies, to Account #101000.10.470.52000.0000.00.000.00.052 DPW-Public Services, Contractual Services, for the purpose of funding various DPW Public Services Division projects and contracts through June 30, 2016.

DISCUSSION:

Councilor Memhard said that 2016-SBT-14 was to transfer money to provide funds for various projects and contracts of the DPW's Public Service division (tree services, Curtis Clark crossing signal control repair etc.) for the remainder of FY16.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to approve Special Budgetary Transfer 2016-SBT-14 in the amount of \$15,000.00 from Account #101000.10.403.54000.0000.00.000.00.054, DPW-Solid Waste Disposal, Supplies, to Account #101000.10.470.52000.0000.00.000.00.052 DPW-Public Services, Contractual Services, for the purpose of funding various DPW Public Services Division projects and contracts through June 30, 2016.

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Special Budgetary Transfer 2016-SBT-15 in the amount of \$10,000.00 from Account #101000.10.403.54000.0000.00.000.00.054, DPW-Solid Waste Disposal, Supplies, to Account

#101000.10.470.54000.0000.00.000.00.052 DPW-Public Services, Supplies, for the purpose of funding the purchase of various supplies for the DPW Public Services Division through June 30, 2016.

DISCUSSION:

Councilor Memhard explained that again, for the same reasons, this transfer is being made to Public Services general supplies, repairs at the beaches for the lifeguard stands, wooden fence repair, infield material for ballfields, concession stand painting) from the same account as the previous two transfers.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to approve Special Budgetary Transfer 2016-SBT-15 in the amount of \$10,000.00 from Account #101000.10.403.54000.0000.00.000.00.054, DPW-Solid Waste Disposal, Supplies, to Account #101000.10.470.54000.0000.00.000.00.052 DPW-Public Services, Supplies, for the purpose of funding the purchase of various supplies for the DPW Public Services Division through June 30, 2016.

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Special Budgetary Transfer 2016-SBT-17 in the amount of \$14,777.87 from Account #101000.10.472.51100.0000.00.000.00.051, DPW-Facilities Maintenance, Salary-Wages Permanent Positions, to Account #101000.10.470.51970.0000.00.000.00.051 DPW-Public Services, Retirement Paybacks, for the purpose of funding a deficit created by a staff member's retirement payout.

DISCUSSION:

Councilor Memhard advised that these funds are being transferred to correct a deficit caused by a retirement of a 40+ year veteran of the DPW.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to approve Special Budgetary Transfer 2016-SBT-17 in the amount of \$14,777.87 from Account #101000.10.472.51100.0000.00.000.00.051, DPW-Facilities Maintenance, Salary-Wages Permanent Positions, to Account #101000.10.470.51970.0000.00.000.00.051 DPW-Public Services, Retirement Paybacks, for the purpose of funding a deficit created by a staff member's retirement payout.

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 approve Supplemental Appropriation 2016-SA-24 in the amount of \$5,000 from Account #294015.10.991.59600.0000.00.000.00.059 Reserved for Appropriation-Highway Force, Transfer Out to General Fund, to Account #101000.10.470.52000.0000.00.000.00.052 DPW-Public Services, Contract Services for the purpose of funding Police Details for the City of Gloucester spring paving projects.

DISCUSSION:

Councilor Memhard said that this is to fund police details for the city's annual spring paving projects with funds in the account from road opening fees. Much of the road detail money has been expended on a larger project and that any time the DPW is in the public way they need police details.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to approve Supplemental Appropriation 2016-SA-24 in the amount of \$5,000 from Account #294015.10.991.59600.0000.00.000.00.059 Reserved for Appropriation-Highway Force, Transfer Out to General Fund, to Account #101000.10.470.52000.0000.00.000.00.052 DPW-Public Services, Contract Services for the purpose of funding Police Details for the City of Gloucester spring paving projects.

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 in accordance with MGL c. 44, §64 approve payment of a prior year(s) salary/wages for School Department employee for a position

increase from .2 FTE to .4 FTE for the 2014-2015 school year encompassing FY14 and FY15 to be paid from current FY16 School Department accounts for a total of \$9,243.80.

DISCUSSION:

Council President Ciolino said this type of situation seemed to him to have happened more frequently in recent months and asked if that these situations can be remedied soon. **Mr. Destino** reminded the Council President he had made a similar statement when only the second occurrence had been taken up by the Council. There were only two other similar situations that occurred in 2016 on the city side, and this is the first time it has happened with the School Department which he said hasn't happened a lot. He said that the Administration is pleased that the new GPS Operations & Finance Director, Tom LaFleur, is doing a thorough job in routing out any problems that are found; he is doing a great job, and the city is lucky to have him in its employ. This is just a clean-up matter, he added.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, in accordance with MGL c. 44, §64 to approve payment of a prior year(s) salary/wages for School Department employee for a position increase from .2 FTE to .4 FTE for the 2014-2015 school year encompassing FY14 and FY15 to be paid from current FY16 School Department accounts for a total of \$9,243.80.

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 approve Supplemental Appropriation 2016-SA-25 in the amount of \$9,000 from Account #700000.10.000.35900.0000.00.000.00.000 Waterways Enterprise Fund, Retained Earnings ("Free Cash") to Account #760000.10.996.49700.0000.00.000.00.040 Waterways Enterprise General Stabilization, Transfer in-from Enterprise Fund for the purpose of reserving funds for unanticipated, emergency and extraordinary type of expenditures.

DISCUSSION:

Councilor Memhard advised that this Supplemental Appropriation is moving funds from the Waterways Enterprise Fund's Retained Earnings, or Free Cash, account to their General Stabilization fund to put in reserve money to be available upon the retirement of the Harbormaster and a staff member whose retirement is anticipated shortly.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to approve Supplemental Appropriation 2016-SA-25 in the amount of \$9,000 from Account #700000.10.000.35900.0000.00.000.00.000 Waterways Enterprise Fund, Retained Earnings ("Free Cash") to Account #760000.10.996.49700.0000.00.000.00.040 Waterways Enterprise General Stabilization, Transfer in-from Enterprise Fund for the purpose of reserving funds for unanticipated, emergency and extraordinary type of expenditures.

Councilor Memhard stated that for the next item of business to come before the Council that under MGL c. 268A he declared that his wife is Martha Oaks, Curator for the Cape Ann Museum, and so he is recusing himself from any deliberation and vote on this matter, and then the Councilor stepped away from the dais.

COMMITTEE RECOMMENDATION: On motion by Councilor Ciolino, seconded by Councilor Orlando, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Memhard) recused, to recommend that the City Council Amend its vote of November 18, 2014 as relates to the CPA funding to the Cape Ann Museum for \$15,000 from its original purpose for a vertical lift for the stage in its auditorium to the installation of an ADA compliant access ramp.

DISCUSSION:

Councilor Orlando explained that the Council is asked to revote the 2014 CPA Award to the Cape Ann Museum because its motion was specific to the funding of \$15,000 for a vertical lift to service the museum's stage

to be ADA compliant. The funding is not changing, just the actual technology. A lift is no longer to be installed but rather an ADA compliant ramp and this is the only reason the matter is before the Council -- to revoke the equipment to be actually installed.

MOTION: On motion by Councilor Orlando, seconded by Councilor Nolan, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 1 (Cox) absent, 1 (Memhard) recused, to Amend its vote of November 18, 2014 as relates to the CPA funding to the Cape Ann Museum for \$15,000 from its original purpose for a vertical lift for the stage in its auditorium to the installation of an ADA compliant access ramp.

Councilor Memhard returned to the dais.

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Special Budgetary Transfer 2016-SBT-16 in the amount of \$370 from Account #101000.10.121.57800.0000.00.000.00.057, Mayor, Contingency/Emergency, to Account #101000.10.563.53500.0000.00.000.01.052 Tourism Commission, Committee for the Arts-Purchased Services, for the purpose of completing payment for a Public Art Policy consultant.

DISCUSSION: None.

MOTION: On motion by Councilor Memhard, seconded by Councilor Gilman, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to approve Special Budgetary Transfer 2016-SBT-16 in the amount of \$370 from Account #101000.10.121.57800.0000.00.000.00.057, Mayor, Contingency/Emergency, to Account #101000.10.563.53500.0000.00.000.01.052 Tourism Commission, Committee for the Arts-Purchased Services, for the purpose of completing payment for a Public Art Policy consultant.

Ordinances & Administration: April 18, 2016 HOLIDAY-NO MEETING

Planning & Development: April 20, 2016

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council authorize the development of a Community Choice Aggregation plan for the City of Gloucester.

DISCUSSION:

Councilor Lundberg said that this comes from the Gloucester Clean Energy Commission, who has been working to encourage energy efficiency and use of renewable energy sources for municipal buildings and facilities as well as for residents and businesses. He said the CEC has been partnering with the Metropolitan Area Planning Council (MAPC) to look at electricity supply purchasing approach called Community Choice Aggregation (CCA). Many communities in Massachusetts have initiated CCAs with great results with costs savings and reducing the communities' carbon footprint. It is involved, he advised, but all the Council is doing now is approving now through Community Development and their partnership with the MAPC can be permitted to proceed to study this and come back to the Council with a full study as to how such a plan could be implemented by the community. This vote now is simply to allow for the development of a CCA plan through the previously stated through Community Development with the guidance of Matt Coogan, Senior Planner, the CEC and MAPC.

Councilor Gilman said although they are only approving the development of a plan to move forward, she said there are significant benefits to a Community Choice Aggregation plan which includes an opportunity to have people opt out of such a program. She added that she was pleased the Council was moving forward to allow the plan to be developed..

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Gilman, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to authorize the development of a Community Choice Aggregation plan for the City of Gloucester.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Cox, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve a License Agreement between the City of Gloucester and the Commonwealth of Massachusetts Department of Transportation for the purpose of the use of a portion of a property located on Map 4, Lot 1 recorded in the Essex County South District Registry of Deeds and shown as “Limits of Licensed Area 493+ or –“ as shown on a plan entitled, “Blynman Canal Tender House Western Avenue (RTE. 127) Gloucester Massachusetts Essex Easement Plan” dated March 22, 2016 prepared by BSC Group and attached to the License Agreement as Exhibit A and also as described in Exhibit B further attached to the License Agreement for a term of 15 years from the execution date of said License Agreement.

DISCUSSION:

Mr. Destino explained the following: The Blynman Bridge Tender House is in disrepair and needs major work to the foundation and has been condemned. The Blynman Bridge has a lot of issues also, and this is the first step in replacing the Blynman Bridge. When MassDOT replaces the Blynman Bridge, they will install a temporary bridge which will be positioned where the old bridge tender house is located and build a new bridge. The reason MassDOT is asking to use and lease the city’s land to do that is because it is the first step in the replacement of the Blynman Bridge. This is a short-term lease of up to 15 years in what is hoped to be a much shorter process to expedite the full replacement of the Blynman Bridge than that number of years. MassDOT had received relief from the Zoning Board of Appeals for setbacks and had gone before the Conservation Commission. The license agreement with the city is the last step of the process with the city noting that earlier in the evening in a special Planning & Development Committee meeting, that Committee had approved the Pole Petition that will bring electricity to the new temporary Blynman Bridge Tender’s House and so they’re ready to go in hopes that this will be done before the summer season. It was noted that the Blynman Bridge is one of it not the most busy drawbridge in the Commonwealth. The bridge tender house will be a single story structure, 10 feet by 24 feet which will hold all the mechanicals as well as personnel to control the bridge.

Council President Ciolino said he knew former Councilor Jackie Hardy would want him to ask about the installation of public restrooms in the new bridge tender’s house when it is completed its permanent location. **Mr. Destino** said that it was hoped originally when the bridge tender’s house was installed there would be public restrooms made available there. He said they don’t want to install public facilities on the temporary side. He said the city will take the proceeds from the lease and look at several other locations that they have in mind, and would talk to the Ward Councilor about it soon. **Council President Ciolino** said he hoped this would be a priority to accommodate all the pedestrian traffic on the Boulevard. **Mr. Destino** said that MassDOT who has understood the need has been a good partner with the city in this matter.

Councilor Orlando discussed briefly with **Mr. Destino** the temporary bridge repairs previously.

Councilor LeBlanc said that he held a neighborhood meeting with the DPW Director recently because it will affect Perkins Road the most. There was little pushback on the project except for one resident who expressed concern about the bridge tender house window positioning. He advised that the temporary tender house is not intrusive, as was confirmed to that neighbor, and now the project has full neighborhood support to the project.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Gilman, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to approve a License Agreement between the City of Gloucester and the Commonwealth of Massachusetts Department of Transportation for the purpose of the use of a portion of a property located on Map 4, Lot 1 recorded in the Essex County South District Registry of Deeds and shown as “Limits of Licensed Area 493+ or –“ as shown on a plan entitled, “Blynman Canal Tender House Western Avenue (RTE. 127) Gloucester Massachusetts Essex Easement Plan” dated March 22, 2016 prepared by BSC Group and attached to the License Agreement as Exhibit A and also as described in Exhibit B further attached to the License Agreement for a term of 15 years from the execution date of said License Agreement.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve a License Agreement and Supplemental Agreement between the City of Gloucester and InMotion Wireless and the Massachusetts Bay Transit Authority (MBTA) for the purpose of an Access and Utility Easement under, across and over the real property at 291 Main Street, Rockport, Massachusetts as described in said agreement as Exhibit A as

owned by the City of Gloucester, and the Easement Location within the Property as Exhibit B and indicated on a plan entitled, "Utility Plan E1.1" for a consideration of \$1,000 in exchange for said easement.

DISCUSSION:

Councilor Lundberg explained that this in connection with the Massachusetts Bay Transportation Authority's (MBTA) requirement to install positive train control which requires raiiside communications towers on a railway right of way. The one tower that is needed to be built near the Roger Babson Museum on Nugent Stretch the easement will cross a piece of property owned by the city of Gloucester. This is about powering up the communications antenna on the MBTA right of way near the Babson Museum.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Gilman, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to approve a License Agreement and Supplemental Agreement between the City of Gloucester and InMotion Wireless and the Massachusetts Bay Transit Authority (MBTA) for the purpose of an Access and Utility Easement under, across and over the real property at 291 Main Street, Rockport, Massachusetts as described in said agreement as Exhibit A as owned by the City of Gloucester, and the Easement Location within the Property as Exhibit B and indicated on a plan entitled, "Utility Plan E1.1" for a consideration of \$1,000 in exchange for said easement.

Scheduled Public Hearings:

1. **PH2016-008: Amend GZO to correct grammatical error and several critically important sections that were inadvertently omitted to Sec. 5.27 et al entitled, "Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities (TBC 05/10/16)**

Council President Ciolino opened the public hearing at 7:61 p.m. and continued it to May 10, 2016

This public hearing is continued to May 10, 2016.

2. **PH2016-013: Amend GZO re: New Wireless Communications Facilities Ordinance Sec. 5.13 (TBC 05/10/16)**

Council President Ciolino opened the public hearing at 7:52 p.m. and continued it to May 10, 2016

This public hearing is continued to May 10, 2016.

3. **PH2016-014: Loan Order 2016-001: Loan Order authorization in the amount of \$2.2 million for water main rehabilitation on various city streets**

This public hearing is opened at 7:53 p.m.

Those speaking in favor:

Mike Hale, DPW Director, displayed portions of a water main pipe which showed one pipe that was highly tuberculated (tuberculation is a process by which iron and manganese adheres to cast iron pip which deteriorates it and restricts flow as it accumulates) and one which showed a remediated concrete lined pipe at the request of Councilor O'Hara which he explained came from Rocky Neck about two years ago and the other is the newly concrete lined pipe which is anticipated to last at least 50 years. He informed the Council that this \$2.2 million loan authorization is for water work which will take a number of streets in Ward 3 and a street in Ward 5 which is a cleaning and lining project of existing lines. This type of process allows for more work to be done quickly with the least disruption to residents.

He asked for the support of the Council to authorize the loan order.

Those speaking in opposition: None.

Communications: Patti Page, 3 Tidal Way, submitted comments, asking for early public outreach to homeowners for this water main project and expressed concern for lead testing to be done before and after project installation and outreach to residents and businesses.

Councilor Questions:

Councilor Lundberg commented that this is similar to the project done in Magnolia last year. **Mr. Hale** said he had been before the Council last summer for a slightly lower loan order to do the same project for Hesperus

Avenue for 8,000 feet for 10 and 12 inch water mains for a neighborhood that had chronic water discoloration that went on for years. He advised there was a heavily tubculated main which was cleaned and lined. That project started Tuesday after Labor Day and wrapped the project by Halloween. There have been no complaints of discolored water since.

Councilor Orlando noted that Mr. Hale had informed the B&F Committee about the positive water pressure increase on Hesperus Avenue as a result of that project. **Mr. Hale** said that as part of this work they do a fire flow test where they look at the potential for fire flow during an emergency. The water work increased the flow on Hesperus Avenue by 400 percent, going from 800 gallons/minute to 3,200 gallons/minute at 20 psi (pounds per square inch) which is a substantial increase from just cleaning and lining rather than replacement.

Councilor Nolan reported that the area residents are very pleased with the results of better water pressure, water flow and water clarity. The project wasn't intrusive, traffic flowed and added that this is great deal for the city to take care of this issue in such a way.

Councilor Gilman said this will affect Ward 3 and Ward 5 and asked how the DPW would notice the Councilors who would in turn notify neighbors so they are aware of the plans for a project such as this. **Mr. Hale** said most of the notification is done by flyers hand delivered to individual homes. He said they've tried neighborhood meetings, and gave as an example of one of the largest water projects taken on by the city of Gloucester was in the Commonwealth Avenue neighborhood – which included Western and Centennial Avenues and 25,000 feet of water main in a very congested neighborhood. Two ward meetings were held and he advised that in those meetings there was more city staff in the room than residents. He said through their comprehensive flyers, they let residents know where they can find updated information. He noted a five page notice that went out for one of these water main lining projects which fully describes the process for the affected residents and said that the DPW posts an electronic sign prominently in the affected neighborhood as well.

Councilor O'Hara asked a series of questions based on the information put forward by Mr. Hale on the loan authorization. **Mr. Hale's** responses are as follows:

Process to install valves to prevent city-wide water disruption: A Street has to be excavated every three to four hundred feet and dig a pit that can be worked in. At those points are installed either a new fire hydrant or a valve to control the water. For decades the city suffered with no working valves. A main break on Stacy Boulevard would stop all water to the city for 24 hours in the past. If your business is water-dependent the impact is far ranging, such as food service, hospitality, hospitals, nursing homes. Residences can cope, but for those water dependent businesses and facilities, it causes. With valves, they can now isolate the water main breaks. He mentioned several water main breaks that happened in recent years and how those water main breaks could be isolated to prevent a city-wide water outage. They've worked very hard to replace all the different sized valves city wide. When a project brings them into a neighborhood such as this it allows them to place valves and hydrants at the right increments for the fire department.

Testing: Fire flow pressure is tested pre- and post-project completion to judge the success of the project. As water quality, prior to a water project bypass water main which runs along each individual road to feed individual homes. Before the bypass goes live it is chlorinated, water samples are taken after 24 hours to ensure cleanliness before homes are connected to it. After the work is done on lining the pipe, the line is flushed, pressure tested, its chlorinated, then sits for 24 hours, samples are taken, sent to a certified lab and tested for any bacterial contamination; and if the lab shows the line is clear, then they can switch over from the bypass to the main. The cement for lining the mains is free of chemicals -- it is a Portland cement mix, and what is in any cement duct or cement lined water main that is purchased today. These are cement lined cast iron mains.

Councilor O'Hara mentioned that many years ago asbestos was used, and asked if these lined mains were free of asbestos. **Mr. Hale** stated clearly that there was no asbestos.

Councilor Memhard said in light of the concerns in the media about Flint, Michigan and in Boston about lead contamination, he asked Mr. Hale speak to the concerns residents might have particularly about ancillary pipes that residents may have work done on their own homes and what the city can do to allay any concerns. **Mr. Hale** advised that this is complicated issue. There is lead in nearly every municipal drinking water system in the country. Gloucester has replaced a significant number of water mains in the city that would not contain any lead. He said it is not the main that contains lead, but it is generally the service lines that lead from the main to households as well as household plumbing. Plumbing solder and flux contained lead up to 1986 so that any house that was plumbed with traditional copper tubing and solder prior to 1986 likely has leaded solder. That is difficult of the city to manage. They can't access every single home in the city, he pointed out.

Mr. Hale recounted that in 2014 the Safe Drinking Water Act mandated that all plumbing fixtures be lead free. The city got ahead of the federal mandate by about 18 months. In the summer of 2012 the DPW mandated that all

their bids and what they procured through bidding processes was lead free and continues to be. The Water Division uses lead-free products and has since 2012.

Pursuant to the drinking water issues in Flint, Michigan, **Mr. Hale** described that the corrosion that certain chemicals in the treated water will help lead leech from the pipes into the drinking water. The city adds a corrosion inhibitor, orthophosphate in the public water supply. They also use bicarbonate which helps buffer the water to prevent the pH from dropping too low -- if the pH of the water drops below 7, there is a chance of lead leeching, which **Mr. Hale** indicated may have been what happened in Flint, Michigan and Washington, DC which still has a significant amount of lead in their water system, not necessarily in their drinking water being consumed. He said that they add these inhibitors and buffers at the water plant and test in accordance with the Environmental Protection Agency (EPA) and Department of Environmental Protection (DEP) drinking water standard every three years which is the standard that those federal agencies as the city to do. The sampling program, approved by the DEP, look for homes that would best fit homes that would have lead in them, homes built in the 1950s, or in an old neighborhood with old mains. The city's results have always passed, **Mr. Hale** pointed out. There were three detects in 2014, and those households were notified; samples were retested and came back clear. It is difficult to know what happens inside a home and he gave the example that in one home where old 50/50 tin/lead solder had been used for a recent homeowner handyman plumbing fix and upon the old solder removal there was no more lead found.

Mr. Hale said the city replace lead services wherever they find them, as there will be some lead connection on an older main. North Gloucester is virtually free of them, as is West Gloucester and East Gloucester is mostly free; the Commonwealth Avenue neighborhood has had 25,000 feet of water main replaced and is all lead free. He assured that the city virtually replaces services everyday throughout the year. Eight mains were done on Maplewood Avenue just last week, he pointed out. It is a matter of continuing the program of replacement and testing. He mentioned the extensive process the city went through with the EPA and DEP when they changed the treatment at the water plant in 2010. He advised a sample was taken from the lead gooseneck which connects the service to the main and sent it to Cincinnati, OH for testing. The city didn't have the type of lead that was found in the water in Washington, DC. He said city has been proactive, he asserted.

As to the water fountains in the city's schools, they have all nearly been switched out and that project will be completed by the end of this school year.

Councilor Memhard thanked Mr. Hale for his assurances and said that the city residents can rest assured that the DPW does all it can to deliver safe water to its residents and businesses.

Councilor Gilman offered her thanks for the hard work the DPW does in support of city Ward Councilors and for the quick turnaround for issues, and for the see SeeClickFix program available on the city's website.

Councilor Orlando asked for the cost differential on relining mains versus replacing them. **Mr. Hale** said it costs half as much to line the mains rather than replace them, and the lining process is a big timesaver. They will go through this particular project fairly quickly; he said and will advise the Council when the project starts. He assured that this project will move quickly so as to be the least disruptive to the affected residents.

Council President Ciolino said when they finish the laterals and find that one is lead, does the DPW inform the homeowner. **Mr. Hale** said it is the connection to the main that may contain the lead, but there are not too many remaining. Homeowners can check where the water comes into their home and sometimes that fitting is lead -- home testing kits are readily available, he indicated. He said when they test at the valve they can tell it's in bad shape, and they will tell the homeowner.

On another note, **Council President Ciolino** said that Jim Hafey, the DPW Facilities Manager had assured the Council that the restrooms at the Stage Fort Park Visitor Center would be ready to be open for public use by the time of the Pride Stride event, and they were. He asked Mr. Hale to convey his thanks to Mr. Hafey and his dedicated workers. **Mr. Hale** added that not only were the Visitor Center restrooms redone, but the facility was taken off of a septic system and is now connected to the city's sewer system.

Councilor LeBlanc pointed out in response to the communication from Patti Page expressing concerns for the city's water quality, in particular concerns for lead, that Ward 3 over the past three years has had the biggest water line replacement in the history of the city. He said he held several neighborhood meetings about the project, but the meetings had very light attendance. He said that the DPW Director and the city's Environmental Engineer never have any issues with residents coming forward to ask questions. He noted that he had given a five page packet of the DPW -- Engineering Division's Public Notice for the "Water Works Improvements in Governors' Hill Neighborhood between Centennial Avenue and Washington Street," which went to every residence in that neighborhood outlining the project, the project's timeline, providing a website link for project specific information, contact information for the field engineer, what to expect following a water service shutdown and helpful hints to ease the impact of construction. He said this document is thorough, thoughtful and gives the residents lots of

information and contacts via telephone and internet to reach out and have all their concerns and questions addressed. This type of information packet is distributed by the DPW by hand for each project they undertake of this nature.

This public hearing is closed at 8:17 p.m.

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 authorize the following loan order:

Ordered: That the City of Gloucester appropriates Two Million Two Hundred Thousand Dollars (\$2,200,000) to pay costs of water main rehabilitation along but not limited to: Riverside Avenue, Gloucester Avenue, Whittemore Street, Grove Street, Derby Street, Emerson Avenue, Western Avenue, Concord Street, Hayward Place and Sumner Street, such work to include but not be limited to: construction of a temporary water bypass, cleaning and relining approximately twelve thousand (12,000) linear feet of mains, installation of twenty-five (25) new in-line valves and fifteen (15) new fire hydrants, including the payment of all costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Sections 7 and 8, or pursuant to any other enabling authority. The Mayor and any other appropriate official of the City are authorized to apply for, accept and expend any and all grants and gifts that may be available to the city to pay costs of the project.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

DISCUSSION: None.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to authorize the following loan order:

Ordered: That the City of Gloucester appropriates Two Million Two Hundred Thousand Dollars (\$2,200,000) to pay costs of water main rehabilitation along but not limited to: Riverside Avenue, Gloucester Avenue, Whittemore Street, Grove Street, Derby Street, Emerson Avenue, Western Avenue, Concord Street, Hayward Place and Sumner Street, such work to include but not be limited to: construction of a temporary water bypass, cleaning and relining approximately twelve thousand (12,000) linear feet of mains, installation of twenty-five (25) new in-line valves and fifteen (15) new fire hydrants, including the payment of all costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Sections 7 and 8, or pursuant to any other enabling authority. The Mayor and any other appropriate official of the City are authorized to apply for, accept and expend any and all grants and gifts that may be available to the city to pay costs of the project.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

For Council Vote: None.

Unfinished Business: None.

Individual Councilor's Discussion including Reports by Appointed Councilors to Committees: None due to the absence of Councilor Cox who was to update the Council on the activities of the Downtown Development Commission.

Councilors' Requests to the Mayor:

Council President Ciolino noted it was Ms. Lowe's last City Council meeting as City Clerk and extended his and the Council's appreciation to her for her work with them.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:21 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **City of Gloucester DPW-Engineering Division – Public Notice dated March 18, 2013 RE: Water Works Improvements in the Governors’ Hill Neighborhood between Centennial Avenue and Washington Street submitted by Councilor LeBlanc**