

GLOUCESTER CITY COUNCIL MEETING

Tuesday, August 23, 2016 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

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

Absent: Councilor Lundberg

Also Present: Joanne Senos; Kenny Costa; John Dunn; Larry Durkin; Donna Leete; Eric Smith; Fire Captain Tom LoGrande; Adam Curcuru; EMS Coordinator/Firefighter Sander Schultz; Christopher Sicuranza

The meeting was called to order at 7:01 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. Council President Ciolino dedicated the Moment of Silence to Samuel J. Miceli, who passed away at the age of 103. He noted that Mr. Miceli was involved in the community through the Gloucester Rotary Club and the Cape Ann Chamber of Commerce. He explained that Mr. Miceli and his wife opened a dental practice in in city, and of special note, his wife, Frances, was the first female dentist to practice in Gloucester. He said both Mr. and Mrs. Miceli were pioneers in their profession.

Oral Communications:

Jennifer Gannett, 23 Willow Street, expressed ongoing concern surrounding Stone Pier. As an 18 year resident of Gloucester and a homeowner over the past six years, she noted that she enjoys spending her limited free time at Stone Pier for swimming, kayaking and boating. She indicated in recent weeks she has been asked to remove herself from there on two occasions which she said was for no apparent reason as she wasn’t causing a public disturbance or consuming alcohol in public. She touched upon the actions of the officer involved in the negative. She also indicated her personal property would have been subject to search if she did not vacate Stone Pier, and observed that photographs of her swimming were taken, of her car and her plates were run. She added that she was stopped along with other vehicles at the corner of Concord and Atlantic Roads and asked her destination. She said she observed other vehicles being ticketed, included boaters, and vehicles with parking passes from the Harbormaster. She reviewed her research into city ordinances and posted signs at the landing, she was able to discern any laws she had broken or an explanations why she should be told to vacate the public landing. She also indicated she reviewed “Article VI” which she said states that public landings should also provide for public access for passive recreational activities. She noted Article V, Sec. 2, states all public landings in the city limits are subject to rules and regulations of Article VI, with Sec. 3 referring to prohibited activities and enumerated them. She also observed that in the minutes of the O&A Committee dated June 6, that the Dog Ordinance Ad Hoc Committee made a request to open up Stone Pier for year round off leash dog access and read an excerpt from that set of minutes. She pointed out that while that matter is still under review, she asked the city not waive the ability of Gloucester citizens to use and enjoy Stone Pier and its environs.

Cynthia Camille, 47 Hartz Street, a 50 year resident of the city, added her expression of concern about the rights of city residents to enjoy Stone Pier, noting that as a child she swam and played there. She pointed out that recently people have been asked to leave the area. Acknowledging there have been some issues regarding public drinking, she pointed out it isn’t condoned by those who enjoy the use of the Pier. She indicated through her personal observation that police were searching cars and taking pictures. She expressed her discomfort with these actions. She asked for a compromise for Stone Pier’s use by residents of Gloucester.

Heather Swain, 1008 Heights at Cape Ann, also expressed her concern about use of Stone Pier by city residents as she, too had been enjoying the area of Stone Pier since childhood. She said that now residents aren’t allowed to swim there anymore, that there are now boating restrictions. She indicated it was easier to have children in the waterfront area there because supervision of young children is safer there. She spoke of a car accident that happened around the Pier which she cited as a reason why there is more scrutiny in that area by police. She asked that residents be allowed to enjoy Stone Pier as in the past.

Thomas Kilmer, 8 Cobblestone Lane, a lifelong resident who expressed his frequent enjoyment of the Stone Pier, mentioned he has several water recreational vehicles for use on the water, and was told he would be ticketed if he didn’t go to the Pier with any of them trailered or secured into vehicle racks. He mentioned that he picks up

guests at Stone Pier on his boat due to it being a convenient and easily accessible location by water and land for that purpose. He cited that the guests he was picking up were being ticketed or are being warned of potential ticketing for similar reasons. He asked that the public be allowed to continue to use of Sone Pier as they've done throughout the years.

Eric Coughlin, 23 Willow Street, voiced that Stone Pier is enjoyed by families and that most who use the area are law abiding. He noted he and a companion were sitting in beach chairs and were asked to remove themselves from the Pier. Noting there is not a great deal of water or beach access in that area, he asked that the Pier be accessible for the enjoyment of residents.

Richard M. Clark, Jr., 4 Duck Pond Road, #213, Beverly, MA, expressed his thanks to Councilor O'Hara and his crew for their clean-up of a section of First Parish Cemetery on a very hot summer day. Their work, he observed, opened up many areas of the cemetery. He observed that since the vegetation was cut back there are no more bottles and cans found littered on the ground. He asked the city for support for the removal of the downed vegetation and for their assistance in coordinating the many interested volunteers for a work day. He thanked Ken Whittaker, Conservation Agent, who walked the cemetery with a group of volunteers to view the wetlands adjacent to First Parish Cemetery. He noted he was invited to meet with the Historical Commission next week, and highlighted the upcoming appointment of a city Cemetery Advisory Committee. He indicated his hope that this Committee and the Commission would find and reach out to others in order to provide advice and materials to maintain the city cemeteries. He advises he had contacted the Grand Army of the Republic (GAR) organization in Lynn to confirm that Clarke Cemetery has the only African American who belonged to the GAR 105 buried there. He said it is about turning historical cemeteries back to places of respect and dignity and hallowed ground those buried there deserve.

Presentations/Commendations: None.

New Appointments

Cemetery Advisory Committee

TTE 02/14/19 Sandy Barry; Patti Amaral; Beverly McKean

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, opposed, to recommend that the City Council appoint Sandy Barry; Patti Amaral and Beverly McKean to the Cemetery Advisory Committee, TTE 02/14/19.

DISCUSSION:

Councilor LeBlanc offered the O&A Committee's endorsement having spoken to all three women. He said it is good to see the Cemetery Advisory Committee finally up and running to bring the issues of city cemeteries forward. He encouraged the new Committee to bring their issues forward for assistance from the Council.

Sandy Barry, 7 Rose Lane, said she's been working in First Parish Burial Ground for about a year and observing many of the situations Richard Clarke has voiced over the past three Council meetings, as well as his wife, but not only that cemetery but at Second Parish and many other city burial grounds. She noted Councilor Cox's advocacy in forming the new committee, and noted that Ms. McKean and Ms. Amaral are looking forward to working on these issues.

Beverly McKean, 577 Washington Street, indicated she's been involved with the First Parish Cemetery over the past four months and expressed her great concern for its current condition and described some of them for the Council. She said that she is honored to be a part of the city cemeteries' revival and preservation.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Lundberg) absent, to appoint Sandy Barry; Patti Amaral and Beverly McKean to the Cemetery Advisory Committee, TTE 02/14/19.

City Hall Restoration Commission

TTE 02/14/19 Richard Luecke

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 Richard Luecke to the City Hall Restoration Commission, TTE 02/14/19.

DISCUSSION:

Richard Luecke, 837 Washington Street, a one-year resident of the city who cited that he wanted to contribute to the city knowing that there was much work to do with the Commission to preserve City Hall, expressed appreciation for his appointment.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, opposed, 1 (Lundberg) absent, to appoint Richard Luecke to the City Hall Restoration Commission, TTE 02/14/19.

Consent Agenda:

- **REAPPOINTMENTS**
 - **MAYOR'S REPORT**
1. Memorandum from General Counsel re: request to pay FY16 invoices with FY17 funds (Refer B&F)
 2. Memorandum from Interim Director of Health Dept. re: acceptance of Tower Foundation Grant for \$125,000 to support Healthy Gloucester Collaborative's program initiatives (Refer B&F)
 3. Memorandum from HR Director re: request to pay FY16 invoices with FY17 funds (Refer B&F)
 4. Correspondence from Grant Writer of Gloucester Community Emergency Response Team (CERT) re: acceptance of a \$3,500 grant from Mass. Emergency Management Agency (MEMA) (Refer B&F)
 5. Supplemental Appropriation Request 2017-SA-1 from the DPW (Refer B&F)
 6. Supplemental Appropriation Request 2017-SA-2 from the DPW (Refer B&F)
 7. Memorandum from Senior Engineering Aide re: proposed Street Naming & Numbering Plan for Golden Lane currently 618R Essex Avenue
 8. Letter of resignation from Marie Demick to the Stage Fort Park Advisory Committee (Info Only)
 9. Follow-up to previous City Council requests for improved services to 19 Harbor Loop, Harbormaster's Office (Info Only)
 10. Follow-up to previous City Council requests re: Proctor Street Parking Lot (Info Only)
 - **COMMUNICATIONS/INVITATIONS**
 - **APPLICATIONS/PETITIONS**
 1. Special Events Application: Request to hold Gran Prix of Gloucester Cyclo-Cross Race on October 15 & 16, 2016 (Refer P&D)
 - **COUNCILORS ORDERS**
 1. CC2016-37 (LeBlanc) Request Traffic Commission conduct a traffic & speed study of Beach Court & make a written recommendation to O&A whether to amend the GCO for safe traffic flow patterns & parking (Refer O&A & TC)
 2. CC2016-038 (Cox) In accordance with Sec. 22-165 request to amend GCO Sec. 22-279 "Thirty-minute parking" by adding Commercial Street for a distance of 27 feet from its southerly intersection with Beach Court (Refer O&A & TC)
 3. CC2016-039 (Cox/Nolan) Amend Beach & Stage Fort Park Regulations, Article III "Miscellaneous" by adding, "No smoking will be permitted on city beaches at any time," and to determine whether a fine shall be imposed (Refer B&F & DPW Director)
 4. CC2016-040 (Gilman) Amend GCO Sec. 10-81 "Scuba and Skin Diving" subsection (a) (Refer O&A)
 5. CC2016-041 (Nolan) Amend GCO Sec. 22-270 "Parking prohibited at all times," and Sec. 22-291 "Tow-away zones" re: 44 Lexington Avenue (Refer O&A & TC)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 1. City Council Meeting: 08/09/16 (Approve/File)
 2. Standing Committee Meetings: B&F 08/18/16 (under separate cover), O&A 08/15/16, P&D 08/17/16 (Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor O'Hara asked to remove Item #1 under Applications/Petition, Special Event Application: Request to hold Gran Prix of Gloucester Cyclo-Cross Race on October 15 & 16, 2016. He expressed his concern not being able to speak with Councilor Lundberg, P&D Chair, pointing out in his opinion the matter needs a public discussion with input from concerned citizens as he is fielding questions and concerns by many residents on the event and the potential impact on Stage Fort Park. He added he would advocate for a Council discussion.

Councilor Cox, Vice Chair of the Planning & Development Committee, reminded the Council that the Committee meeting where this matter will be taken up and voted on for permitting will be held on Wednesday, September 7 at 5:30 p.m. and that the public is welcome to attend this public meeting. **Council President Ciolino** added a reminder to the Council the matter doesn't come to the Council, the permitting takes place at the Committee level.

By unanimous consent the Consent Agenda was accepted as presented.

Committee Reports:

Budget & Finance: August 4, 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 under MGL c. 44, §53A accept a Federal Emergency Management Agency (FEMA) a Fiscal Year 2015 Assistance to Firefighters Grant in the amount of \$323,091.00 for the purpose of funding the purchase for the Gloucester Fire Department Self-Contained Breathing Apparatus (SCBA).

DISCUSSION:

Councilor Memhard described for the Council that this grant through FEMA's Assistance to Firefighter's Grant Program which will fund the entire department's replacement of its Self-Contained Breathing Apparatus with attendant appurtenances. Not included in the funding of this grant are the fit test equipment and the maintenance testing equipment. There is a 10% grant match which will be discussed in a separate Council action. This firefighter lifesaving equipment is essential for firefighters to do their job safely and is very timely addition with the department's SCBA equipment now at the end of its life cycle.

Fire Chief Eric Smith explained the Fire Department applied through Captain LoGrande's efforts in February and lauded his in-depth grant writing which enabled the department to obtain this funding from FEMA. This funding was reduced by FEMA from the amount the department applied for, in that FEMA are only willing to fund the purchase of the actual air packs, backpack oxygen bottles and face masks. The department in its grant application put in for tracking (locators) for downed firefighters, which it is felt to be critical for firefighter safety but that was not funded. He indicated that the grant match is 10% but that coming forward will be a request for more than that to cover the purchase of the tracking equipment. Vendors from the state bid list will work with the department to provide this equipment not funded by the grant and the 10% match funds plus a bit extra will cover the tracking equipment. He expressed this is a great opportunity for the city to save money on a critical capital investment.

Fire Captain Tom LoGrande was lauded by **Council President Ciolino** for his grant efforts and expressed the thanks of the Council for helping the city to move forward with this important capital equipment purchase. **Captain LoGrande** indicated that with the department's current equipment is at the end of its useful life, and because of the grant funding the department will now be able to make a timely purchase of state-of-the-art equipment. He noted the strides in technology by saying their current face masks were tested to fail at 200 degrees but that the new standards for face masks are fail at 500 degrees making them that much safer for firefighters to utilize. **Council President Ciolino** asked that the Council be apprised of when the equipment is in possession of the department so that they can view it first hand at Central Station.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Lundberg) absent, under MGL c. 44, §53A to accept a Federal Emergency Management Agency (FEMA) a Fiscal Year 2015 Assistance to Firefighters Grant in the amount of \$323,091.00 for the purpose of funding the purchase for the Gloucester Fire Department Self-Contained Breathing Apparatus (SCBA).

Councilor Memhard then moved that the Council to vote to suspend its Rules of Procedure in order to take up the matter of 2017-SA-3, a Supplemental Appropriation that didn't come through the Council's Consent Agenda which was seconded by **Councilor Orlando**.

On a ROLL CALL vote of 8 in favor, 0 opposed, 1 (Lundberg) absent, the City Council voted to suspend its Rules of Procedure to take up the matter of 2017-SA-3.

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 2017-SA-3 in the amount of \$40,000 from Account #760001-596006, Capital Projects Stabilization Fund, Transfers to Trust Funds to Account #760010-585011, Capital Projects Stabilization Fund, Firefighting Equipment for the purpose of funding the purchase for the Gloucester Fire Department Self-Contained Breathing Apparatus (SCBA).

DISCUSSION:

Councilor Memhard said that the CFO and the City Auditor determined this was the best way to fund the SCBA grant match as this would have been a capital purchase of equipment by the city. The funds will be sequestered within the Fund so that should the full amount not be needed, it will revert back to the Fund overall.

Councilor Orlando said this is a matter close to his family and expressed his appreciation for the support by the Council in order for this lifesaving equipment can be purchased for the Fire Department. He mentioned his first cousin's husband, a Gloucester firefighter, during a major fire ran out of air, continued to fight the fire and breathed in carcinogens and that he ultimately died of cancer because of it. He said this life-saving equipment is so important and encouraged the Council to vote in favor of the Supplemental Appropriation.

Council President Ciolino briefly reviewed that when the city received its certified free cash from FY15 the funds were parsed out to the city's stabilization funds, one of which is the Capital Projects Stabilization Fund. It is that Stabilization Fund which is being utilized to fund the 10% match for the FEMA grant as well as for the cost of the firefighter tracking equipment as is appropriate.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Lundberg) absent, to approve Supplemental Appropriation 2017-SA-3 in the amount of \$40,000 from Account #760001-596006, Capital Projects Stabilization Fund, Transfers to Trust Funds to Account #760010-585011, Capital Projects Stabilization Fund, Firefighting Equipment for the purpose of funding the purchase for the Gloucester Fire Department Self-Contained Breathing Apparatus (SCBA).

Councilor Memhard announced the following three actions by the Council are all related to the city's Fire Department Ambulance Service. Two of those actions are annual occurrences with the third being separate and unique action, he noted.

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 the Gloucester Fire Department Billing and Collection Policy as presented by the EMS Coordinator and approved by the Mayor dated July 28, 2016 and further to approve the proposed fee schedule attached to and incorporated into the policy effective retroactively to July 1, 2016.

DISCUSSION:

Councilor Memhard explained there was an extensive presentation and discussion at Budget & Finance on this matter which found there is no rise in the Fire Department's Ambulance Service rates from FY16 to FY17. The rates are based on an industry formula based in the Medicare reimbursement rates. He added that Sander Schultz, EMS Coordinator for the Fire Department had said that comparables for population and number of ambulance transports from other Fire Department-based ambulance services shows the rates are appropriate for the city. The 2017 rate schedule for the Ambulance Service retroactive to July 1, 2016 was recommended by Mr. Schultz and is in turn recommended by the B&F Committee to the Council.

Sander Schultz, EMS Coordinator and Firefighter, responding to the inquiry of the Council President pointed out that the city is among the top tier in Ambulance Service rates charged. He explained that the rate formula is akin to Medicare +300% and that most of what the city charges are within that range that the city of Lynn and town of Belmont charge. The rates charged by the Fire Department's Ambulance Service are appropriate for a city of this size, he pointed out.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Lundberg) absent, to approve the Gloucester Fire Department Billing and Collection Policy as presented by the EMS Coordinator and approved by the Mayor dated July 28, 2016 and further to approve the proposed fee schedule attached to and incorporated into the policy effective retroactively to July 1, 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 authorize the write-off of \$375,901.74 in uncollectible, outstanding ambulance billing.

DISCUSSION:

Councilor Memhard reviewed that while this does seem like a great deal of money, the B&F Committee discussed this matter at some length, and has been taken up with the same amount of due diligence by the B&F Committee over previous years for similar action. He indicated the city is making progress in the amount of the actual write-off. He outlined that this is an annual write-off of those ambulance transportation bills that have been unable to be collected that are at least 300 days old. The \$375,901.74 to be written off represents a total of 276 accounts. The bills that are uncollectible in general occur when patients can't be located, is indigent, has no insurance, has passed away, or falls below the federal poverty level times two. The \$375,901 is lower than the past several years of previous write-offs.

Councilor Cox advised that \$375,000 can seem like a lot of money but that in FY14 the Ambulance Service write-off was \$401,670 and in FY15 it was \$490,109 and expressed her approbation for the efforts of the Fire Department in bringing the write-off number down over the past few years.

Councilor Orlando asked for clarification on the Ambulance Service's formula of the federal poverty level times two. **Mr. Schultz** responded that the federal poverty guidelines times two would indicate that for a family size of one income would have to be \$23,760, and goes up accordingly for a family of two is \$32,040; for a family of eight income is pegged at \$81,780. He described the federal poverty levels are directly based on the U.S. Department of Housing and Urban Development (HUD) guidelines which is standard practice throughout the industry. The idea is that people who meet these poverty income guidelines would not have collection action taken against them, **Councilor Orlando** summarized and confirmed by **Mr. Schultz**.

Council President Ciolino asked for an explanation why communities execute write-offs to clear their books to keep them current. **Mr. Costa** said there are times there is bad debt or uncollectable revenues for various reasons. For financial statement reporting purposes the city always wants to ensure the presentation of a clear picture of the city's finances. Write-offs, he added, is a standard accepted common practice for municipalities. He explained this is good housekeeping practices, although painful. The city does have to write off receivables for various reasons and this action is appropriate, he pointed out.

Councilor Memhard asked for clarification that this year's write-off is been better than past fiscal years and how it reflected as a percentage of total billings. **Mr. Costa** stepped away from the podium to make his calculation, returning a few minutes later to respond that with \$5.2 million in FY16 billing for the Ambulance Service, the \$375,901.74 represents a 7% write off.

Council President Ciolino pointed out that sometimes not everything the city does is for remuneration. The city is running an ambulance service, and for some patients who have a need but can't pay their way, this is what taxes can give the community such as this lifesaving service, he noted. He indicated that it is not the job of EMT's and Paramedics to collect money but to save lives citing that this is a city service, the cost of which is a top-notch Fire Department-based Ambulance Service.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Lundberg) to authorize the write-off of \$375,901.74 in uncollectible, outstanding ambulance billing.

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 Gloucester Fire Department to seek a contract term for a six-year cycle for the singular purpose of a contract for the Gloucester Fire Department Ambulance Service billing and collection services.

DISCUSSION:

Councilor Memhard highlighted that the Emergency Medical Coordinator for the Fire Department has recommended that the city use a six-year contract for medical billing for its Ambulance Service which equates to a two year contract with two, two-year renewal options which the B&F Committee reviewed and endorsed. The Committee also has requested that General Counsel review the entire RFP for appropriate legal language, he noted.

Councilor Cox asked if this six year contract was the same as the previous medical billing contract. **Mr. Schulz** said it was not, that previously the contract has been structured as a one-year contract with one-year renewal, making it essentially a three-year contract. He indicated it is a lot of work to execute annual contracts having been involved with about four such contracts during his tenure as EMS Coordinator. He noted that the current medical billing contract will be up in April 2017 and conveyed that he, the Fire Department's Financial Coordinator and the city's Purchasing Agent work together to make the necessary Request for Proposal (RFP) changes and updates, a

process which will start in November. A contract structured over six years is two years with two, two-year renewals which will help to reduce the workload associated with each renewal, he added. He also indicated that there are outs for the city built into the medical billing contract, and the only thing the Council is being asked to act upon at this time is to allow for the change in the duration of the medical billing contract.

Councilor Orlando commented that also discussed at the B&F meeting that the city could lock in essentially today's rate over the duration of a six-year contract adding that it is not usual that rates go down over time. He said this would be a smart strategy which makes good fiscal sense for the city. He suggested if it was possible that the contract for a six-year contract with a one-year terms for renewal which he discussed very briefly with Mr. Schultz.

Councilor Nolan said the two/two/two medical billing contract will benefit by Mr. Schulz not having to shop and negotiate a contract which will leave him time to do other important duties for the Fire Department.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Lundberg) absent, to authorize the Gloucester Fire Department to seek a contract term for a six-year cycle for the singular purpose of a contract for the Gloucester Fire Department Ambulance Service billing and collection services.

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 under MGL c. 44, §53A to accept a donation of \$20,000 from Michael and Renee Minogue for the specific purpose of supporting the City of Gloucester Veteran Services as delineated by the Director of Veterans' Affairs of the City of Gloucester.

DISCUSSION:

Councilor Memhard said that this was a bright light at the Budget & Finance meeting, a generous donation by Michael and Renee Minogue which will allow the city's Director of Veterans' Affairs to use the \$20,000 at his discretion based on his list of prioritized needs for his department which he outlined at the B&F meeting. Much of the funds will be used for the department's outreach efforts to new or previously unidentified veterans that had yet to receive benefit, services and assistance.

Adam Curcuru, Veterans' Agent, recounted that the Mayor's Office made a connection with Mr. Minogue, saying that he and Mr. Minogue connected via email to get together to talk about a non-profit Mr. Minogue runs, MVP Vets which he established to help recently returned veterans to get into the bio-medical field which is the field he specialized in. He asked during that discussion what the city would do with a \$20,000 donation to the city. He indicated he wrote a letter outlining his department's needs – education outreach of the city's youth and general population; continue growth of the veterans and their dependents needs and services; honoring past veterans and infrastructure maintenance for future veterans use. That generous donation came from Mr. Michael & Mrs. Renee Minogue, he added.

Councilor Gilman asked that the Council send a thank you note to the Minogue's for their donation. **Mr. Curcuru** advised that it was hoped that the Minogue's would be present this evening but were travelling overseas, and indicated there would have been a presentation of a citation from the Council President.

Councilor Cox suggested the Minogue's could be the starters at the Veterans Road Race on September 17 and that the citation could be presented to the Minogue's prior to the race. She said she would coordinate with the race organizers and the Council President. Council President Ciolino offered to coordinate a new citation signed by the entire Council for presentation should the Minogue's be able to attend the Veterans Road Race.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Lundberg) absent, under MGL c. 44, §53A to accept a donation of \$20,000 from Michael and Renee Minogue for the specific purpose of supporting the City of Gloucester Veteran Services as delineated by the Director of Veterans' Affairs of the City of Gloucester.

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 under MGL c. 44, §53A accept a donation from the Light Up Mattos Committee of \$4,000 for the purpose of completing funding for the installation of lights at Mattos Field.

DISCUSSION:

Councilor Memhard said that this donation of \$4,000 which will complete the funding enabling the Light Up Mattos Committee to move forward with the contract for the lights installation at Mattos Field

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Lundberg) absent, under MGL c. 44, §53A accept a donation from the Light Up Mattos Committee of \$4,000 for the purpose of completing funding for the installation of lights at Mattos Field.

Ordinances & Administration: August 15, 2016

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 permit the withdrawal of CC2016-030 Request amendment to GCO Sec. 10-81(a) "Diver's flag" without prejudice.

DISCUSSION:

Councilor Gilman noted input from the Waterways Board was received and that she would resubmit a revised Council Order taking that input into account.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Lundberg) absent, to permit the withdrawal of CC2016-030 Request amendment to GCO Sec. 10-81(a) "Diver's flag" without prejudice.

Planning & Development: August 17, 2016

There were no matters for Council action from this P&D Committee meeting, **Councilor Cox** reported. She noted that the P&D Committee voted to permit the Concert on the Boulevard to take place on Saturday, Sept. 3.

Scheduled Public Hearings:

1. **PH2016-037: Amend GZO Sec. VI "Definitions" re: Open Space & Compost Facility/Composting Operation**

This public hearing is opened at 7:59 p.m.

Council President Ciolino announced this public hearing is continued to September 13, 2016.

This public hearing is continued to September 13, 2016.

2. **PH2016-044: Loan Order 2016-004: Loan Authorization in the amount of \$675,000 to fund repairs to clarifiers at the Wastewater Treatment Plant**

This public hearing is opened at 8:00 p.m.

Those speaking in favor:

Larry Durkin, Environmental Engineer, explained that clarifiers are used to settle out the solids at the Wastewater Treatment Plant which are now corroded due to moisture above the water line. He advised that inspections are not usually conducted for above-the-water line because it is unusual for corrosion to occur in that environment; rather it is below the water that corrosion is usually found on the infrastructure elements. This loan order, he noted, will fund the clarifiers' emergency repair. The plant's capacity is 15 million gallons with two clarifiers, and if a clarifier goes down and there was a tropical storm, hurricane or extended duration rain event, the plant could exceed its capacity if only a single clarifier was functional. It is intended that a bypass pump system will be put in place immediately and that the two clarifiers will be replaced one at a time to ensure safe, on-going operation of the wastewater treatment plant. He pointed out that the plan is to have all this work done by end December. These plans have been submitted and vetted by the Department of Environmental Protection, he advised.

John Dunn, CFO, noted that the \$675,000 is the maximum expected to be expended on this project which is rounded up; and if spent fully, based on a 20 amortization at current interest rates, the first year's full payment would be \$60,000 and decrease from there for the rest of the term of the loan.

Those speaking in opposition: None.

Communications: None.**Councilor Questions:**

Councilor Nolan commented that if Mr. Durkin says it's broken, it is broken.

Councilor LeBlanc clarified with Mr. Durkin this loan authorization is for wastewater treatment only. He noted complaints of odors infiltrating into the adjoining neighborhood, and asked if that issue is related. **Mr. Durkin** said, "No." He said there have been several recent complaints fielded about the smell occurring time to time. Veolia (the contracted plant operators) has given the neighbors their cell numbers asking that the neighbors contact them directly immediately when these incidences occur. There is some odor issues associated with the wind river yard off of Western Avenue. He indicated they will collectively identify and minimize the odors. They are looking to install a weather station in order to have full-time logging of wind direction and velocity, and temperatures so that if there is a reported incident they can go back and trace the source of the issue. He reported they have done their best to eliminate the odors, but with any wastewater treatment plant there will always be some odors, but a lot of it is operational. He explained when they move the sludge out the doors need to be closed but when the sludge gets trucked off, the plant's doors are opened. They recognize the problem and are working towards a solution by getting real time information and are keeping a log and working with the neighborhood, and are if they needed can meet with the neighborhood. He said what they need is real-time information in order to better investigate an odor complaint. He detailed other measures being taken to log activities at the wastewater treatment plant to get a handle on the odor occurrences. **Mr. Durkin** recounted that recently he has been at the plant with both the Building Inspector and the Health Department Commissioners in trying to work to minimize the odor complaints.

Councilor LeBlanc explained that part of Bond Street is in his ward, that in essence his ward is one side of the plant and that Councilor Nolan has the other side. He said they will do what they can to assist Mr. Durkin. **Mr. Durkin** reiterated it is real time information from the neighbors they need.

Councilor O'Hara asked what the clarifier is made of. **Mr. Durkin** explained that the clarifiers are constructed of concrete and have metal components, and it is those metal components that have corroded which he described, noting that the concrete is in good condition, and that the clarifiers rotate. Covers were installed in 2006 when major work was done on the clarifiers, and that there were major below water parts replacement in 2011. With the covers there is more moisture in the environment which accelerated the corrosion, he advised.

This public hearing is closed at 8:07 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 Six Hundred and Seventy Five Thousand Dollars (\$675,000) to pay costs of wastewater treatment plant clarifier #1 and clarifier #2 bypass and repairs, 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 or 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 or gifts that may be available to the City to pay costs of this 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 of the 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:

Council President Ciolino said that the wastewater treatment plant must be maintained because the environmental impact and the resultant fines would be intolerable. He expressed his support of the loan authorization.

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

Ordered: That the City of Gloucester appropriates Six Hundred and Seventy Five Thousand Dollars (\$675,000) to pay costs of wastewater treatment plant clarifier #1 and clarifier #2 bypass and repairs, 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 or 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 or gifts that may be available to the City to pay costs of this 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 of the 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.

John Dunn requested that the Council vote for Reconsideration so that contracts can be signed the following day to move the project forward immediately. The Council voted as follows:

MOTION: On a motion by Councilor Orlando, seconded by Councilor Cox, the City Council voted by ROLL CALL 0 in favor, 8 opposed, 1 (Lundberg) absent, to reconsider the Council vote for a loan authorization for \$675,000 to pay the costs of the replacement of the wastewater treatment plant clarifier #1 and clarifier #2 bypass and repairs.

MOTION FAILS.

3. PH2016-2016-045: Amend GCO c. 4, Sec. 4-22 "Fees & Penalties" by adding a new subsection (c) re: dog stipend

This public hearing is opened at 8:10 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 8:11 p.m.

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 Amend GCO Sec. 4-22 "fees and penalties" by ADDING a new subsection (c) as follows:

"(c) Pursuant to MGL Chapter 140, §147, the City Clerk shall retain \$0.75 for each dog license issued and said money shall be placed in a "Receipts Reserved for Appropriation Fund" to be designated for City Clerk Department expenses only as determined by the City Clerk."

DISCUSSION:

Councilor LeBlanc explained that the O&A Committee agreed it was appropriate that the 75 cents that customarily given directly to the City Clerk for their personal remuneration at their option, is used for the City Clerk's department needs as directed by the City Clerk.

Councilor Orlando asked for clarification on the disposition of the stipend to which **Councilor LeBlanc** noted that a specific Appropriation Fund will be established to set aside the stipend monies for the City Clerk to use for needs of the department, and only for office use.

Council President Ciolino suggested that there may need to consider an increase dog licensing fees which he has been discussing with Councilor Gilman.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Lundberg) absent, to Amend GCO Sec. 4-22 "fees and penalties" by ADDING a new subsection (c) as follows:

“(c) Pursuant to MGL Chapter 140, §147, the City Clerk shall retain \$0.75 for each dog license issued and said money shall be placed in a “Receipts Reserved for Appropriation Fund” to be designated for City Clerk Department expenses only as determined by the City Clerk.”

For Council Vote:

1. Decision to Adopt: SCP2016-001: 31 Mt. Vernon Street, Map 30, Lot 57, GZO Sec. 3.1.6 & 3.2.2 fn (c) Maximum height and Sec. 3.2.2 fn (a) Minimum lot area per dwelling unit

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Lundberg) absent, to adopt the SCP2016-001 Decision for 31 Mt. Vernon Street pursuant to Sections 3.1.6 & 3.2.2 fn(c) and 3.2.2 (a) of the Gloucester Zoning Ordinance.

2. Decision to Adopt: SCP2016-002: 74 Essex Avenue, Map 218, Lot 118, GZO Sec. 2.3.6(1) Parking of Motor Vehicles to service a use permitted in the same district

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Lundberg) absent, to adopt the SCP2016-002 Decision for 31 Mt. Vernon Street pursuant to Section 2.3.6(1) of the Gloucester Zoning Ordinance.

3. Decision to Adopt: SCP2016-003: 19 Pleasant Street, Map 8, Lot 73, GZO Sec. 2.3.6(4) Art Gallery and Sec. 1.8.3

MOTION: On a motion by Councilor Cox, seconded by Councilor Orlando, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Lundberg), to adopt the SCP2016-003 Decision for 19 Pleasant Street pursuant to Section 2.3.6(4) and Sec. 1.8.3 of the Gloucester Zoning Ordinance.

Unfinished Business: None.

Individual Councilor’s Discussion including Reports by Appointed Councilors to Committees:

Update on the Stage Fort Park Advisory Committee and the Magnolia Woods Oversight & Advisory Committee by Council representative, Sean Nolan:

- The Magnolia Woods Oversight and Advisory Committee is moving forward looking at better accessibility with the various groups that use the fields for sports and possible funding. The fields are in good shape.
- The Stage Fort Park Advisory Committee is working on long-term plans in hopes of an anticipated state grant funding. The Cyclo-Cross event is coming up for permitting which is raising some concerns for the park, but that is being worked on. The grant, submitted to the state by city Project Manager, Stephen Winslow, for improvements to Stage Fort Park is under consideration by the grantor but with many recreational areas available in the city it actually moves the city down on the judging scale for the grant award, but the city remains hopeful.

Council President Ciolino asked that Councilor Orlando meet with Dan Smith, Community Development Director to discuss the status of the Tourism Commission.

Councilors’ Requests to the Mayor:

Councilor Gilman expressed she was pleased that the state is now allowing cities and towns to impose a 25 mph speed limit without applying for permission from MassDOT. She noted that her Request to the Mayor regarding the need to replace an aging electronic sign vehicle for the Police Department has moved forward through the Mayor to a partnership with the state. Sen. Tarr has indicated that the city might be able to receive two such signs. She said she was cautiously optimistic.

Councilor O’Hara announced that the Magnolia Library’s annual road race takes place on Saturday, Aug. 27 which benefits the library, a community asset. It is a 5K and children’s fun run with an 8:30 a.m. start time, and a pancake breakfast before the race. He also thanked the public for stepping forward to speak at Council meetings.

Councilor Orlando thanked Councilor O’Hara for his efforts at the First Parish Cemetery/Clarke Family Cemetery recently and for Councilor Nolan with Councilor O’Hara for their recent “street” work in Magnolia. He directed attention to two charitable causes: The Pastor of United Methodist Church’s daughter recently passed away who was married to a close friend of his. He advised her widower is now left to care for two young daughters. The LoGrassa Family Fund has been established to provide assistance through, “gofundme.com” to help directly help a

family in need with a close connection to Gloucester. He announced that August is the month for the Ice Bucket Challenge, and he encouraged buying Cape Pond Ice and take the challenge and challenge friends and spread the awareness of the disease. He recounted that Pete Frates, stricken with ALS, and the initiator of the ice bucket challenge, is his high school baseball teammate. He challenged and encouraged everyone to go to PeteFrates.com to contribute towards helping his friend with their contributions for things that health insurance doesn't cover, to take the challenge and strike out ALS.

Councilor Cox voiced that her thoughts and prayers are with the Mayor and her family as they say goodbye to a loved one. She wished her friend, Jess a happy birthday and Councilor Orlando who will be celebrating his birthday soon. She reminded residents of Ward 2 that she is hosting a ward meeting at the Lester Wass Legion Hall at 6:00 p.m. the following evening. She mentioned the many events in the city on Labor Day weekend including the fireworks. She also announced that the Veteran's Road Race is a 5K race taking place on Sept. 17 starting at Good Harbor Beach and asked Councilors to sign up to participate. She noted that 100 percent of funds raised goes to local veterans. She concluded her remarks by encouraging all registered voters to come out to vote on Thursday, Sept. 8 for the state primary.

Councilor LeBlanc moved to suspend Rules of Procedure, seconded by **Councilor Gilman** in order to be able to vote to once again refer the matter of the open position of City Clerk to the Ordinances & Administration Committee. **By a unanimous vote of the Council the Rules of Procedure were suspended.**

Councilor LeBlanc asked that the Council refer the matter of the open position of the City Clerk to the O&A Committee in order to go into Executive Session to proceed with the hiring process. By another unanimous vote of the Council the matter was referred to the O&A Committee.

Councilor Gilman reminded that on Sunday, Aug. 21 from 11:00 a.m. to 2:00 p.m. the School Department will hold an open house at the new West Parish School. She noted she was chair of the School Committee when the process started to build it.

Council President Ciolino advised that the following day a contingent from the state will visit to Stage Fort Park for the Governor's "Clean Shores" initiative at 10:00 a.m. and on Saturday, Aug. 27 at 5:00 pm. is the annual Fishermen's Memorial service.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:25 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.