

GLOUCESTER CITY COUNCIL MEETING
Tuesday, December 7, 2010 – 7:00 p.m.
Kyrouz Auditorium – City Hall
Council Meeting 2010-26

- MINUTES -

Present: Council President, Jacqueline Hardy; Vice President, Sefatia Theken; Councilor Joseph Ciolino; Councilor Steven Curcuru; Councilor Greg Verga; Councilor Robert Whycott; Councilor Bruce Tobey; Councilor Ann Mulcahey; Councilor Paul McGeary

Absent: None.

Also Present: Linda T. Lowe; Jim Duggan; Kenny Costa; Jeff Towne; Kenny Costa; Robert Ryan; Fire Chief Phil Dench; Sarah Garcia

The meeting was called to order at 7:00 p.m.

Flag Salute, and Moment of Silence which was dedicated by the City Council to former Mayor William Rafter.

Oral Communications:

Alicia Terenzi Hyde, 250 Western Avenue lives at the end of Stillington Road, a dead end to the Trustees of the Reservation. She informed the Council that for a number of years they have had a problem which has intensified with partying, throwing trash in the woods. They have noticed “drug activity” there; finding a hypodermic needle in the immediate area. Her dog came down with Hepatitis C and believed the dog contracted the disease because of drug addicts living in the woods. She passed pictures to the Council of what they have to deal with almost on a daily basis (not on file). She related she and her neighbors call the police to report this activity and “get an attitude”. They have asked for a police patrol on Thursday, Fridays and Saturdays and felt police response was not appropriate, either verbally or in action. She told of a recent occasion where she had heard a car very late in the evening; found the “same offender” with their trash. She called the police giving them the license plate and physically blocked them in with her vehicle, making three calls to the police who then arrived. They are asking for a regular patrol on the weekends. They understood it was difficult. She stated she supported the police efforts in the City, understanding the difficulties involved, but also suggested police surveillance cameras for dead end streets.

Jerry Ackerman, 353 Western Avenue endorsed Ms. Terrazi Hyde’s statements noting trash and brush dumping; miscellaneous construction debris along the road recently. He understood the police department issues patrolling the large West Gloucester area with approximately 150 dead end roads. He stated when neighbors call, that should suggest there is trouble and asked that a cruiser do a few unscheduled runs in that area in the course of their “travels around West Gloucester” believing that would help to act as a deterrent.

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

Councilor Mulcahey had a petition from residents of Cleveland Street who were concerned that the street has been unpaved and wished to provide it to the Mayor for response from the Administration. **Councilor Whycott** noted a big rut coming down Mt. Vernon Street. The neighbors are very concerned that once the plows come it will cause havoc and wished to submit it to the Mayor for her attention.

Confirmation of Appointment:

MOTION: On motion by Councilor Verga, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Josh Arnold to the Capital Improvement Advisory Board, TTE 02/14/2013.

Discussion:

Councilor Theken stated that the O&A Committee questioned Mr. Arnold to his professional background and qualifications, desire to serve the community as well as his familiarity with the Open Meeting Laws. He was also asked if he had taken his State Ethics exam, and filed appropriately with the City Clerk's office. She stated they were appreciative of his coming forward to have Mr. Arnold on board.

Councilor Hardy recalled that he served on this Board in a different capacity and thought him to be a good choice.

MOTION: On motion by Councilor Theken, seconded by Councilor Tobey, the City Council voted 9 in favor, 0 opposed to appoint of Josh Arnold to the Capital Improvement Advisory Board, TTE 02/14/2013.

Consent Agenda:

• **MAYOR'S REPORT**

1. Correspondence from Deputy Chief Aiello re: revocation of tank licenses for facility formerly known as Bickford Marine (Refer P&D)
2. Memorandum from Harbormaster re: \$26,000 appropriation from Waterways Enterprise Retained Earnings for purchase of New Harbormaster vehicle (Refer B&F)
3. Memorandum from Harbormaster re: \$20,000 appropriation from Waterways Enterprise Retained Earnings for repairs to the Magnolia Pier Public Landing (Refer P&D)

• **APPROVAL OF MINUTES**

1. City Council Meeting 11/23/10 (Approve /File)
2. Standing Committee Meetings: O&A 11/29/10, (P&D 12/01/10 cancelled), B&F 12/02/10 (under separate cover), Joint B&F And Gloucester School Committee 12/06/10 (under separate cover), P&D 12/06/10 (under separate cover) (Approve/File)

• **APPLICATIONS/PETITIONS**

1. Reapplication for License of Flammable and Combustible Liquids, Flammable Gases and Solids re: 54 Great Republic Drive (Refer P&D)

• **COMMUNICATIONS**

1. Request from YuKanRun Sports, LLC to hold One Mile Road Race on April 9, 2011 (Refer P&D)
2. Correspondence from Peter Perthou re: Traffic Safety Issues (Refer DPW & Senator Bruce Tarr)
3. Letter from Secretary of Elder Affairs to Senator Bruce Tarr, Representative Ann-Margaret Ferrante and Mayor Kirk (Info Only)
4. Public Safety Badge Ceremony December 2, 2010 (Info Only)

• **ORDERS**

1. CC2010-083 (Mulcahey) Amend GCO Sec. 22-287 entitled "Disabled veteran, handicapped parking re: vicinity of 4B Summit Street (Refer TC & O&A)
2. CC2010-084 (Mulcahey/Curcuru) Review traffic flow and directions to alleviate congestion on Washington Street (Refer TC & O&A)

Items to be added/deleted from the Consent Agenda:

Further, by unanimous consent the Consent Agenda was accepted as presented.

Scheduled Public Hearings:

1. PH2010-061: Amend Gloucester Zoning Map and GZO re: **33 & 47 Commercial Street (Birdseye Mixed use Overlay District) (TBC)**

Councilor Hardy opened the public hearing and announced today that she had a conversation with Lisa Mead, the attorney for the applicant, who had discussed this being continued to the January 11, 2011 meeting; however, since the minutes of the December 6, 2010 were not ready for this Council meeting

and would be presented at the January 11th meeting and since the revised proposal was to be sent to the Planning Board, they agreed for the continuance of the public hearing to February 8, 2011.

This matter is continued to February 8, 2011.

2. PH2010-118: SCP2010-016: **New Way Lane #50**, GZO Sec. 5.13 Personal Wireless Service Facilities (PWSF) (Cont'd to 01/25/11)

Councilor Hardy opened the public hearing and announced that the matter was still pending at the P&D level and that Attorney Jacqueline Slaga, representing the applicant, had agreed to a continuance to January 25, 2011.

This matter is continued to January 25, 2011.

3. PH2010-119: Modification of SCP2010-004 granted July 22, 2010 **re: 9-11 Rogers Street – Cape Brewing Company**

This public hearing is opened.

Those speaking in favor:

Jeremy Goldberg, owner of Cape Ann Brewing Company stated he is requesting a modification of a special permit 2010-004 to place a grain silo in front of their location at 9-11 Rogers Street, on the street side of the building; western side. The silo is stainless steel at 23 ft. high.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor Mulcahey asked if was part of the outside [of the building], and how much it would hold.

Mr. Goldberg responded the silo holds 28,000 lbs. of grain and would be a sealed silo, contained and kept clean. Mr. Goldberg confirmed for Councilor Mulcahey that it was part of the 50% supporting use of the waterfront. It is in the on the west side, the supporting use side. He noted the silo must be completely grounded electrically.

Councilor Mulcahey questioned if the State of Massachusetts had no rules or guidelines to go by for silos.

Mr. Goldberg noted Boston's Harpoon Brewery has several silos and assumed that the State had done their due diligence with the necessary regulations.

Councilor Ciolino asked about the appearance and proposed graphics on the silo.

Mr. Goldberg stated once up, they will discuss with the Building Inspector the amount of signage on it; that it would be their logo, the Gloucester Fisherman and make it appropriate as the location is one of major gateways to the City's waterfront.

Councilor Ciolino thought it would be a good place for it.

Mr. Goldberg stated the silo will have a stainless steel matte finish; and the appearance is as important to them as it is to the Council.

Councilor Curcuru asked for a confirmation of the height of 23.8 feet and diameter of 9 feet. He thought they were indicating 13 feet off the wall and also asked how far the walkway from the silo was and how much room until they get to the sidewalk.

Mr. Goldberg believed it was 15 feet off the wall and confirmed the height and diameter. On inquiry from **Councilor Curcuru** he thought it left enough room in the lot for employees to maneuver vehicles. The silo will be on a raised concrete platform.

Councilor Curcuru expressed concerned if a vehicle should strike the silo; and wanted to know if there would be barriers [to protect it].

Mr. Goldberg stated the platform would be out further from the silo and that there would be two wooden pilings in front of it, set apart less than the width of a car. He expressed he understood the Councilor's concern but assured that it was a sturdy, large silo.

Anthony Giacalone, contractor for Mr. Goldberg, noted on the plans it doesn't show it, but there are four pilings driven into the ground to hold the silo and a raised slab. There will be no traffic there; it is away from the building because there is a two foot overhang by the roof. The two wooden pilings will be directly in front of the slab which would protect the silo.

Councilor Theken noted when this was put forward for a Special Council Permit that the silo wasn't in the plan and asked why.

Mr. Goldberg stated the silo became available to them after that permit went through and that it would be integral to their business. It is financially a huge boon to them to store their grain on site.

Councilor Theken wondered if they had thought to put this in the back so as not to be a potential eyesore.

Mr. Goldberg noted there is only certain space they can use because of the 50% use, and that it screens the brewery.

Councilor Theken wanted it to interact with the harbor although she wasn't sure how it would compliment the site. She was pleased to hear there were pilings in front of the silo to protect it.

Mr. Goldberg believed another spot on the site would not be in compliance with the 50% use. He reiterated the silo will be attractive; that this is a marine/industrial area; and this is where brewing is going on. There will be no question what it is; and didn't think it would be untoward and that their logo is a Gloucester Fisherman.

Councilor McGeary asked how the grain is delivered to the brewery and put in the silo.

Mr. Goldberg stated it comes by truck. It is "shot" in by air through the top of the silo.

Councilor McGeary asked that they take precautions to deter rodents.

Mr. Goldberg assured the Councilor that they would.

Councilor Ciolino asked for clarification if the 9 feet was meant as circumference or diameter. He believed they needed clarification for the final motion.

Mr. Giacalone stated it is on a 10 ft. x 10 ft. slab and is a 9 ft. diameter.

Councilor Hardy asked about the height of the pad the silo would be seated on.

Mr. Giacalone responded would be elevated from the existing pavement by 12 inches. The silo will be sitting on top of a concrete poured slab and then the protective wooden pilings will match those installed in front of the building.

Councilor Hardy asked that if it would be enough that a vehicle couldn't hit the silo.

Mr. Giacalone assured that the posts will be 4 ft. above ground and will be narrower in width than a car.

Councilor Hardy asked about the finish of the silo.

Mr. Goldberg stated it will be a matted finish and not "blinding" stainless steel. They will be sure that it will not be shiny.

Councilor Hardy asked if they would hang anything additionally around the property with regard to banners and other similar signage as she did not wish the silo to be used as a billboard.

Mr. Goldberg stated it will all be in good taste with their logo and will be judicious.

This public hearing is closed.

MOTION: On motion by Councilor Whynott, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to the modification of the Cape Ann Viewing Company Special Council Permit SCP2010-004 for 9-11 Rogers Street, Gloucester, MA to operate a restaurant in a Marine Industrial Zone, to permit the applicant to install a 23 foot high 9 foot in circumference grain silo along the Rogers Street side of the building in accordance with the plans dated August 17, 2010 and submitted with the application.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the City Council voted 9 in favor, 0 opposed to amend the main motion to change the word “circumference” to read diameter and change “Viewing” to “Brewing”.

Discussion:

Councilor Ciolino noted the major investment being made at this site and wished Mr. Goldberg luck in his endeavor. He noted there are a lot of silos in Nebraska that are 22 stories high and are not a problem and didn't think there was a safety issue here.

Councilor Hardy asked if there was additional discussion at P&D that the original conditions of the Special Council Permit were continuing and do not go away with the modification.

Councilor Ciolino confirmed that to be the case and Mr. Goldberg assented.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to the modification of the Cape Ann Brewing Company Special Council Permit SCP2010-004 for 9-11 Rogers Street, Gloucester, MA to operate a restaurant in a Marine Industrial Zone, to permit the applicant to install a 23 foot high, 9 foot in diameter grain silo along the Rogers Street side of the building in accordance with the plans dated August 17, 2010 and submitted with the [modification] application [plan].

4. PH2010-120: Modification of Special Council Permit granted December 14, 2004 re: **85-89 Bass Avenue**

This public hearing is open.

Those speaking in favor:

Anthony Giacalone, Star of the Sea Corporation, son-in-law to applicant, representing the applicant, Nino Ciaramitaro, distributed a package to the Council (document received and on file with 6 photographs) stated they are seeking modification of the existing permit for the landscaping plan. He noted his original letter to the Council that the planting of the retaining wall at the back of the property was not working. He believed there was a misunderstanding between himself and Attorney Anthony Bertolino, a representative of neighbors of the property and neighborhood resident. In his letter submitted to the Council he “clearly stated” he wanted to install arborvitae, 7 ft. on center; and the amount of trees would be governed on the linear footage of the berm to be constructed on the Bass Avenue side of the property. They had discussed eight trees. He noted that in Picture #1 he put out 5 gallon buckets to represent the siting of **12 trees**, with a 7 ft. on center “stem-to-stem planting of arborvitae”. The first arborvitae would be planted 7 to 8 feet away from the Aveda sign which they are proposing to move back towards the building's side by 8 feet, so when that tree is full grown, it doesn't cover the whole sign. Picture #2 shows mature arborvitae which he thought had about 12 feet to grow which are now 27 feet tall, and are the Nigra arborvitae they are proposing. Those trees were 8 feet at planting, 6 ft. from center stem-to-stem, and were noted to be much clustered. Professional landscapers advised them to be further apart from 7 ft.; but they are putting them as close as they can “to make everyone happy”. Picture #3 shows the obstacles at the site, showing the existing granite curb. The berm they are proposing to build is 8 ft. interior of the granite curb, called a Cape Cod berm made out of asphalt, to be raised at the sidewalk, also noting the overhanging wires at the curb line. The arborvitae grow directly vertically with a circumference at the base of 12 feet or so at maturity. He noted the trees would be green year round. Picture #6 is a local bank, Rockport National, showing a “pencil” variety of arborvitae which was not the type of arborvitae they would use. He also noted the plan he submitted in the original application of eight trees which he reiterated at the last P&D meeting it was approximately 100 feet. It is about 38 feet from the entrance closest to Good Harbor Beach. Then there is the existing sign they will eliminate with the concrete base remaining there, and then there is another 68 feet beyond that. He related the reason the landscape designer put 8 trees on the plan was because he felt they should be planted 11 feet on center;

that at full growth they end up being 15 feet in diameter. The second page shows a five year growth, and the last page shows the mature growth. He thought they would achieve the goal of screening [the wall].

Councilor Hardy asked as a point of clarification was the applicant now willing to plant 12 trees now.

Mr. Giacalone stated they were and clarified his application stated six to seven feet on center; doing the linear footage that is what it came out to.

Those speaking in opposition:

Attorney Anthony Bertolino, 132 Bass Avenue, representing himself and neighbors in the area of 85-89 Bass Avenue thought Mr. Giacalone's concession of 12 trees put a "different twist" than represented on the plan. He also thought if Mr. Giacalone agrees to put the 12 trees in and trim and care for them as stipulated at a prior P&D Meeting, he'll eliminate the trees growing together and provide a reasonable coverage to the wall which was the sticking point of those people who look out their window and see a cement wall. He believed if the applicant was putting the 12 trees in and will care for them that he found it then to be a reasonable solution.

Jessica Cook, 8 Shapley Road and owner of 5 Atlantic Road asked for clarification for the sign being taken down and what would be put in its place.

Mr. Giacalone stated the concrete base of the "kayak" sign can't be removed but would eliminate the sign and level the posts with the slab and would put one sign 7 ft. towards the property from where the "Avanti" sign is now which will convey the entire tenants' signage.

Ms. Cook wanted to know what material the sign would be.

Mr. Giacalone assured it would not be neon and would be tastefully done; two 6x6 posts with PVC product and use the same Aveda sign and another sign. It would be five feet higher to house all the signs.

Councilor Hardy stated they would put this in as according to the Building Inspector's direction and under the City's lighting ordinance.

Mr. Giacalone reassured there would be no lighting on the sign.

Communications: None.

Questions:

Councilor Ciolino asked whether they were changing 6 to 7 feet on center.

Mr. Giacalone stated he was willing to go 7 feet on center, using Nigra Arborvitae (shown in pictures on file and described on landscaping handout). The application was to go 6 to 7 feet on center.

Councilor Ciolino thought they should amend the plan and was what they were going to go by.

Councilor Hardy noted they would physically amend the landscaping plan and wanted Mr. Ciamartaro to sign it upon passage by the Council, if it should pass.

Councilor Ciolino asked for their planting timetable.

Mr. Giacalone stated they proposed to do this at the end of April. They will not plant now as they would be gambling that the trees would not survive the winter. He would propose they have a deadline that it be finished by the end of April.

Councilor Ciolino asked if they could put in the berm now.

Mr. Giacalone noted the cost would be doubled to do the berm at this time of year. He thought without the plantings in place it would not be helpful.

Councilor Mulcahey noted that there was an entrance on Bass Avenue closest to the building and the exit was closest to the beach. She asked if they would be clearly marked.

Mr. Giacalone stated it is not labeled now and has not been a problem, not seeing where it would be a help.

Councilor Mulcahey wished to see it labeled and now with the trees, it may impede the sight line for the street.

Mr. Giacalone didn't know what kind of signage the Councilor was suggesting expressing his being unsure as to what the effort would accomplish.

Councilor Mulcahey thought it would be appropriate to have signage for the entrance and exit and also thought the trees were a "great idea".

Councilor Curcuru asked about the care and maintenance of the trees and would Mr. Ciarametaro be responsible if they fail.

Mr. Giacalone noted that they do maintain all their properties.

Councilor Hardy noted at the last P&D meeting when the plan for the 8 arborvitae was presented she had asked about an increase in the number of trees.

Mr. Giacalone stated at that time he had, indeed, said he would absolutely not increase the number of trees.

Councilor Hardy wanted assurances for the record in front of the Council that this plan is the one that he is committed to, the 12 trees.

Mr. Giacalone reiterated his assurance of being committed to 12 trees.

Councilor Hardy asked him to sign the plan that shows the 12 trees and species now as well as the other matters discussed in front of the Council during the public hearing. The description of the trees submitted would also be will be made a permanent part of the plan.

This public hearing is closed.

MOTION: On motion by Councilor Whynott, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the approval of the modification of the Special Council Permit issued to Nino Ciaramitaro for 85-89 Bass Avenue, Gloucester, MA on December 14, 2004 to permit the applicant to implement the landscaping plan dated September 21, 2010 and submitted with the application and that the trees depicted on said plan shall be 6 to 7 feet on center; upon notification by the neighborhood that maintenance is not being properly performed that the Building Inspector shall investigate the matter and make a determination.

Discussion:

Councilor Ciolino stated that it was a good compromise to move forward. This has been lingering for a lot of years and asked Mr. Ciaramitaro to have these trees maintained. He fully supported it.

Councilor Theken would support this and understood the concerns. She understood this was a compromise; and if they grow big in five years, they'll find a way to make sure the traffic is OK. She thought the signs would be OK, and that the landscaper would work to maintain the trees and would support this.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga the City Council voted 9 in favor, 0 opposed to amend the main motion to include "12 trees, Nigra Arborvitae".

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted **BY ROLL CALL 9 in favor, 0 opposed to approve the modification of the Special Council Permit issued to Nino Ciaramitaro for 85-89 Bass Avenue, Gloucester, MA on December 14, 2004 to permit the applicant to implement the landscaping plan dated September 21, 2010 and submitted with the application and that the trees depicted on said plan, 12 trees, Nigra Arborvitae, shall be 6 to 7 feet on center; upon notification by the neighborhood that maintenance is not being properly performed that the Building Inspector shall investigate the matter and make a determination.**

Councilor Hardy asked that this matter be placed on the P&D agenda for the first meeting in May 2011 for review.

The Council recessed at 8:03 p.m. and reconvened at 8:05 p.m. during which time Nino Ciarametaro signed the landscaping plan as modified in this public hearing.

5. PH2010-103: Amend GCO Sec. 22-287 "Disabled Veteran, handicapped parking" **re: adding Main Street #46**

Councilor Hardy opened and closed this public hearing without Council Action as there was a substitute motion to be made via PH2010-122.

6. PH2010-122: Amend GCO Sec. 22-287 “Disabled Veteran, handicapped parking” **re: adding Main Street #20**

This public hearing is opened.

Those speaking in favor:

Robert Ryan, Traffic Commission Chair stated that this was the substitute order that Councilor Mulcahey had put in for an order for one handicap space on the east end. There are presently five on Main Street. He spoke to businesses and property owners. He went to Mr. Knight who owns the Fisherman’s Outfitters, and he had no problem with a handicapped space being on the street between his entrance and exit to his property, which is at meter #6. It is now resolved and the Commission unanimously recommends it being put at 20 Main Street.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor Ciolino asked if they could go over the procedure on how they approve handicapped parking spaces.

Mr. Ryan stated it is a Council request referred to the Traffic Commission and O&A, and the Commission gives their suggestion; agree or disagree with it; and they recommend or not to O&A. They act on recommendations and look at the situation.

Councilor Ciolino asked in most cases do the applicants come to the Traffic Commission.

Mr. Ryan stated the requestor is asked to come by letter before the Traffic Commission. Only if they come before them will they act on it. They want to verify the disability and that there is a need.

Councilor Ciolino stated on Main Street it is open to everyone [as is every handicap space].

Mr. Ryan emphasized that the Councilors all understand handicapped persons can park in front of a meter with a handicap placard or license [without having to “feed” the meters], but most people don’t understand that; but they are trying to be accommodating.

Councilor Mulcahey requested these which are in her ward and was her right to do so;

Councilor Theken stated when it is a public street was it normal to accommodate handicapped persons on public streets.

Mr. Ryan responded providing handicapped spaces is required by law; and on further inquiry from **Councilor Theken** he noted there were only five handicapped parking spaces on Main Street and about 150 metered parking spaces in and around it. With these two handicapped parking spaces added this evening, it would bring their downtown inventory to seven.

Councilor Theken asked if people noticed that a handicapped space is being abused they can complain.

Mr. Ryan stated that if parking spaces are being abused, be it loading or handicap parking spaces, the Council can repeal it.

Councilor Verga clarified handicapped parking was not a two hour limit due to the new anti-shuffling ordinance.

Mr. Ryan couldn’t imagine ticketing handicapped parking.

Councilor Theken stated they did discuss it, but it is not before them.

Councilor Mulcahey asked if the Traffic Commission could look at the different public parking lots and if there any lots which have insufficient handicap parking, she wished to bring an order to remedy that and asked Mr. Ryan to check on it.

Councilor Curcuru stated a handicapped person can park at any spot.

Mr. Ryan reiterated that most of them know about that but the average person with a handicapped sticker doesn’t know that they can leave a car in any metered pot and not be ticketed which is a City ordinance.

Councilor Curcuru felt they are aware of it. It was time to place a spot in this location.

This public hearing is closed.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administrative Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend the Council Order CC2010-054, GCO Sec. 22-287 (Disabled Veteran, handicapped parking) by ADDING “one (1) handicapped parking space at Main Street #20”.

Discussion:

Councilor Theken stated this was not targeting handicapped parking on a personal basis. This is because she was approached by three people who had problems getting to the Fiesta from far away locations of handicapped spaces. No one has a time limit for handicapped spaces. They have many parents with handicapped children as well. Any handicapped person can park at any meter and can't be ticketed and towed. She wanted it not viewed personally; but to have all people who come to the downtown to enjoy it.

Councilor Ciolino would support this and thought they had learned a few things; when they place a handicapped spot on a commercial street, it is a courtesy to talk to the building owner that a handicapped spot is under consideration in front of their business. He agreed with Councilor Theken that if he heard complaints regarding this spot, he would bring it up for review. It is not for one individual.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend the Council Order CC2010-054, GCO Sec. 22-287 (Disabled Veteran, handicapped parking) by ADDING “one (1) handicapped parking space at Main Street #20”.

6. PH2010-122: Amend GCO Sec. 22-287 “Disabled Veteran, handicapped parking” re: adding Main Street #287

This public hearing is re-opened.

This public hearing is closed.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinance & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING “Main Street #287, one (1) handicapped parking space approximately 20 feet in an easterly direction on the southerly side of Main Street, just before the entrance of the Gorton's satellite lot”.

Discussion:

Councilor Theken stated this was out of courtesy to contact Gorton's, Inc. She felt Mr. Ryan did a tremendous job in doing the leg work for the City. The handicapped parking was needed there and should go forward.

Robert Ryan, Traffic Commission Chair stated upon the suggestion of Councilor Tobey, he had spoken to Dave Webber, Operations Manager of Gorton's, Inc., who had no objection to the creation of the handicapped parking space at the location of #287 Main Street.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING “Main Street #287, one (1) handicapped parking space approximately 20 feet in an easterly direction on the southerly side of Main Street, just before the entrance of the Gorton's satellite lot”.

8. PH2010-123: Amend GCO Sec. 22-287 “Disabled Veteran, handicapped parking” **two (2) spaces**
Re: East Main Street #267

This public hearing is opened.

Those speaking in favor:

Robert Ryan, Traffic Commission Chair stated at their November 4, 2010 meeting the Commission recommended and approved to amend the ordinance for two handicapped parking spaces in front of the Gloucester Stage Company, #267 East Main Street, which was unique, to be utilized during *events* held at the Gloucester Stage Company only, with temporary, portable signage to be kept and maintained by the Stage Company. He noted that precedent has been set to do temporary handicapped spaces in the City previously; pointing out an example of the Baptist Church on Gloucester Avenue, has two spaces during services only. There are 190 seats at the Gloucester Stage Company and that there is no handicapped parking there. Signs were to be made up by the DPW. The Management of the Stage Company will put them out and take them away as necessary during events.

Andrew Burgreen, 267 East Main Street stated they do need to accommodate their handicapped patrons. They put out cones signs which could not be enforced. They are wishing to [legitimize] this.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor Theken remarked that if they put those signs out and someone happened to drive by who was handicapped, they could park there even if they do not go to the event.

Councilor McGeary asked how the signs be deployed.

Mr. Ryan noted the DPW would do the official handicapped sign. They are on a stand-alone concrete base.

This public hearing is closed.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING “two (2) handicapped parking spaces in front of the Gloucester Stage Company, East Main Street #267, to be utilized during events held at the Gloucester Stage Company only. Temporary, portable signage to be provided by the Department of Public Works to be kept and maintained by the Gloucester Stage Company.

Discussion:

Councilor Theken thanked the efforts of the Traffic Commission and the City Clerk for requiring that signs be official City signs and would support this.

Councilor McGeary would support this. The Stage Company provides a service to the community and thought this was a good idea.

Councilor Hardy stated it served the public good and would support it.

MOTION: On motion by Councilor Theken, seconded by Councilor McGeary, the Ordinances & Administration Committee voted **BY ROLL CALL 9** in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING “two (2) handicapped parking spaces in front of the Gloucester Stage Company, East Main Street #267, to be utilized during events held at the Gloucester Stage Company only. Temporary, portable signage to be provided by the Department of Public Works to be kept and maintained by the Gloucester Stage Company.

9. PH2010-124: Amend GCO Sec. 22-269 “Stop Intersections” by **adding a stop sign at Bass Rocks Road at its intersection with Atlantic Road northerly end**

This public hearing is opened.

Those speaking in favor:

Mr. Ryan stated a description of where stop sign be placed at Bass Rocks Road. He noted in the summer the many streets in the area become one way streets. They would like to see this stop sign put in for safety reasons. Also after speaking with the requestor, the Commission recommended that the City trim the collection of bushes at the intersection to provide better sight lines for oncoming traffic and also clarified the stop sign would be at the northerly end of Bass Rocks Road where it intersects with Atlantic Road.

Anthony Porcello, 4 Bass Rocks Road noted his family has owned the property 26 years. He and his family live there now, and this is a safety issue. Last year a woman lost control of her car and came into their front yard. Rocks in front of their house prevented the car from crashing into their house. It is the fourth time since his family has owned the house that a car has jumped the street into their yard. The speed limit is 25 mph, but many cars come down it at a greater rate of speed than that. He has young children who play in the front yard. They are concerned about safety in that area. There didn't seem to be any traffic control signage or devices on that street; and people go too fast. He appreciated the assistance of Mr. Ryan; and that it was an important issue and would hope for the Council's support.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-269 (Stop Intersections) be Amended by ADDING "a stop sign at Bass Rocks Road and Atlantic Road, northerly end".

Discussion:

Councilor Theken thanked the Commission and that this was necessary for public safety.

Councilor McGeary thanked Mr. Porcello for bringing it to his attention and Mr. Ryan for his work on the matter. It is a needed stop sign.

Councilor Ciolino stated speeding in that immediate area was a constant problem and that a stop sign will slow things down. Anything they can do to make it safer was welcome, and he would support it.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted **BY ROLL CALL 9** in favor, **0** opposed to Amend GCO Sec. 22-269 (Stop Intersections) be Amended by ADDING "a stop sign at Bass Rocks Road and Atlantic Road, northerly end".

10. PH2010-125: Amendments to GCO Chapter 11 entitled "Hawkers and Peddlers and Transient Vendors" **Sec. 11.1 "Definitions"**, **Sec. 11-3(b) "Local license/permit requirement for fixed Vending locations; procedure to obtain**, **Sec. 11-2(c) "Sealed bid procedures"**, **Sec. 11-5 "Fixed Vending site specific locations (6) – subsection (1), Sec. 11-6(2) "Conduct of business"**

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Chapter 11 “Hawkers And Peddlers, and Transient Vendors” as follows:

AMEND Sec. 11-1 “Definitions” by ADDING: ““disabled veteran” shall mean the same as defined in MGL c.31, sec. 1”.

AMEND Sec. 11-3(b) “Local license/permit requirement for fixed vending locations” by ADDING:

- at line 5, “up to” before the words “seven (7)”;
- at 3(b) (1) after the word “license”, “and proof that they are a disabled veteran as defined in sec. 11-1”.

AMEND Sec. 11-3(c) “Sealed Bid Procedures by DELETING: “should there be a duplicate bid and duplicate date and time of submission there will be a rebidding procedure among duplicate bidders within seven (7) days”; and by ADDING: “If there is a tie between two or more vendors on the bid amount, then the bidder/vendor who is a disabled veteran shall be given preference over all other bidders provided they meet all other bid requirements.”

AMEND Sec. 11-5(1) “Fixed vending; site specific locations (6) subsection 1 by ADDING: “After Washington Street: “Ten (10) feet north from its intersection with Poplar Street”.

Discussion: None.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Chapter 11 “Hawkers And Peddlers, and Transient Vendors” as follows:

AMEND Sec. 11-1 “Definitions” by ADDING: “disabled veteran” shall mean the same as defined in MGL c.31, sec. 1”.

AMEND Sec. 11-3(b) “Local license/permit requirement for fixed vending locations” by ADDING:

- at line 5, “up to” before the words “seven (7)”;
- at 3(b) (1) after the word “license”, “and proof that they are a disabled veteran as defined in sec. 11-1”.

AMEND Sec. 11-3(c) “Sealed Bid Procedures by DELETING: “should there be a duplicate bid and duplicate date and time of submission there will be a rebidding procedure among duplicate bidders within seven (7) days”; and by ADDING: “If there is a tie between two or more vendors on the bid amount, then the bidder/vendor who is a disabled veteran shall be given preference over all other bidders provided they meet all other bid requirements.”

AMEND Sec. 11-5(1) “Fixed vending; site specific locations (6) subsection 1 by ADDING: “After Washington Street: “Ten (10) feet north from its intersection with Poplar Street”.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Chapter 11-6, Hawkens And Peddlers, and Transient Vendors Conduct of Business. subsection (2) By ADDING after the second sentence: “All vendors shall operate from carts which are neat and clean and do not leak” the following: “*No vendor shall pitch a tent in addition to their cart or vehicle for the purpose of selling their wares at fixed vendor site.*”

Discussion:

Councilor Theken explained the Committee wanted clarification on what was meant by tents. This is not to be confused with the tents erected at the Waterfront Festival, say. This means if you have a cart, selling, for example, popcorn, and wanted to put a tent under which people could sit to eat your product, that is what it is referring to.

Councilor Ciolino stated he brought this forward due to past complaints of vendors “spreading out”; this was a clarification to prevent vendors from commandeering more space beyond their allotted spot and is the intent.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed Council to Amend GCO Chapter 11-6, Hawkers And Peddlers, and Transient Vendors Conduct of Business. subsection (2) By ADDING after the second sentence: “All vendors shall operate from carts which are neat and clean and do not leak” the following: “No vendor shall pitch a tent in addition to their cart or vehicle for the purpose of selling their wares at fixed vendor site.”

Committee Reports:**Ordinances & Administration: November 29, 2010**

There were no action items to bring forward from this meeting to the Council. But concerning pending matters, **Councilor Theken** noted the efforts of the Stormwater fee team; and O&A would work after the first of the year on the City Charter.

Budget & Finance Committee: December 2, 2010

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council under MGL Chapter 44, Section 53A to accept a grant from the Seaport Advisory Council in the amount of Five Hundred Thousand Dollars (\$500,000.00).

Discussion:

Sarah Garcia, Community Development Director noted the Councilors’ awareness of the proposed Harbor Walk, from the Visitor’s Center (at 33 Commercial Street) over to Harbor Loop’s Maritime Heritage Center. This is about connecting the pieces the City already has to make it a destination of connecting the area all together; and therefore are asking that this money be accepted from the Seaport Advisory Council (SAC). She informed the Council they had met with a number of designers already. She thought that “while it is a very tricky project [referring to the need for easements from private property owners and moving around public property such as Gus Foote Park], on the site walk with the designers they learned of the problems as well as other issues. There is a 20% match which is “in-kind”. They expect significant participation by not only Community Development but the DPW supervision over this project. “The Mayor set it up so that Community Development oversees the design RFP in collaboration with the DPW. The DPW will be overseeing all the contracts that are issued as a result of the designs.” This was where she believed they would get their 20% match. It is a two year funding, \$250,000.00 in FY11 and another \$250,000.00 in FY12.

Councilor Curcuru asked how much of the total grant is administrative and how much would be actual work, “shovel in the ground”.

Ms. Garcia stated “none of it is administrative”. \$100,000.00 is what they’ve allowed for the designer which includes the design and construction documents; and that is 20% of the total cost, further stating that it was “normal for something as tricky and small as this”. \$400,000.00 is for actual on the ground construction costs. She explained, “The Mayor has been very clear”, she wants on the ground Harbor Walk, not a plan or an idea. Ms. Garcia is already paid through SAC; and they already have the staff in the office as does the DPW.

Councilor Tobey asked when the Council can expect to see a final proposed design as he thought it very appropriate for both the Council, and through them – the community, to see it in a public setting rather than having it “show up” in the newspaper as a project that is underway.

Ms. Garcia agreed. They wrote this into the scope as a part of the designer choice how would they work on in the public process. The Council will see it before they see the final design. She hoped for the engagement of the creative community in the process. She hoped the public meetings they “expect to hold” will take place in late January and early February to include input from the creative community can be heard by the designers. She then named the design review committee which included herself, Carol Gray, Library Director; Rhonda Flume of the Maritime Heritage Center; and Jeff Richon of Gloucester Adventure. If they would like to see it specifically as a presentation to the Council as soon as they have a draft design she would do so.

Councilor Tobey appreciated that but still asked “when will a concept design be presented to the Council”, and what was her projected date.

Ms. Garcia stated until they pick a designer she didn’t have the exact date; her projected date was late March, second week of April 2011.

Councilor Tobey asked they’re looking to build a Harbor Walk of some magnitude. What will the total construction cost be as she now projects it.

Ms. Garcia stated it will be \$400,000.00 because “that is what we have.” They asked the designers how they spend the \$400,000.00 they have – they want to get this “nucleus piece” of the project from the Visitor Center to the Maritime Heritage Center. The walk is to be continuous; and so they have the need for easements; and the review committee is reviewing the proposals to tell them how to do that.

Councilor Tobey stated he would like Ms. Garcia to confirm that no matter what, they will be building the Harbor Walk from the Visitor’s Center to the Maritime Heritage Center for \$400,000.00; and the Council won’t be hearing any requests for more money “to get the job done” after the \$500,000.00 is spent.

Ms. Garcia responded there would not be any requests to the City for more money. She related that she told the designers in their pre-bid meeting that they had asked for \$1.2 million from the SAC and got \$500,000.00. “Without having a construction management firm scope it out, they’re shooting a little bit in the dark”; and thought \$500,000 was light for what they’re trying to do. They will do what they can to see something complete for \$500,000.00. For this walk they will not be coming back to ask the Council for more money.

Councilor Tobey made the point that they don’t know how much they will build for the money; the dollar amount defines the scope of the project; and the Council should look at this as “amorphous” at this point.

Ms. Garcia stated “true”. She added they scoped this out in-house.

Councilor Theken asked her to define “in-kind” as relates to the 20% match.

Ms. Garcia stated it is staff time spent working on a project.

Councilor Theken stated “in-kind” is voluntary. They need 20%. The in-kind Ms. Garcia had been referring to was paid staff through the City and would the SAC accept that as in-kind. She noted usually when they work on grants, when it’s in-kind, it’s voluntary in-kind. She thought by using paid staff it was not really “in-kind”.

Ms. Garcia stated they are people already on the City staff and are already paid; and are not hiring new people to work on this project. She stated the Councilor was right, that these are people on the City payroll.

Councilor Theken thought while they are working on the in-kind for this project, it is taking them away from their regular City jobs. She felt this wasn't really "in kind" they are matching in some way.

Ms. Garcia stated "grants work when they are for things that they want to do anyway." You try not to go get the grants that are for things you didn't want to do in the first place and are taking staff time away from "what you care about". The Harbor Walk was in their Harbor Plan in 2006 and 2009 to the 2010 Economic Development Plan, "a top priority for the City. It was where they wanted to spend their time but they had nothing to spend to do it with." Now they have the resources to do it.

Councilor Ciolino expressed concern that \$100,000.00 was for design with \$400,000.00 for construction which is 25% of \$500,000 for design and believed that to be high.

Ms. Garcia stated that it is 20% of the total usually. The reason they went as high as 20% was because they thought the design was "almost more than the construction needs." It was felt it will take a great deal of design to make it work between all the places it needs to go through and to make it useable and attractive.

Councilor Ciolino noted what they are dealing with is the most expensive kind of construction, waterfront construction. What is Plan B should they go over \$400,000.00.

Ms. Garcia stated they would go back to the SAC for some of the elements they had to leave out. She made note that they had the proposals in but were still confidential until they select someone. She thought they would get something they will be happy with for \$400,000.00.

Councilor McGeary noted that part of the schematic shows the Harbor Walk going through I4-C2 and wondered why not to make this a condition of the RFP for the developer of I4-C2 to build the Harbor Walk.

Ms. Garcia responded that they advised the Harbor Walk designers that I4-C2 was out for its own design process; and whatever they do on I4-C2 they want to be as low cost as possible and didn't wish to invest any significant funds there because they expect it to be completely redeveloped; but didn't want to hold up a complete Harbor Walk waiting for the "final build" on that lot. They expect the designers to approach it there in a very low cost way with just surface materials as paths already exist from the waterfront docks.

Councilor McGeary stated "implicit in that is if a developer comes in with a plan for I4-C2 that would have to reroute or reconstruct the Harbor Walk as long as it carried that vision to continue, there wouldn't be any strong objections to that.

Ms. Garcia responded "none at all", noting that most of the Walk there would be along the existing wharf.

Councilor Theken asked about Visitor's Center and why the Harbor Walk would start from there.

Ms. Garcia stated this would be from 33 Commercial Street. This connects existing facilities where people felt welcome on the waterfront. They are talking about improving along St. Peter's park on City property.

Councilor Theken noted 33 Commercial Street is the Chamber of Commerce, which Ms. Garcia was stating as the "Visitor's Center"; and may not be there always. It could be something else. Are they doing a walk to someone else's property?

Ms. Garcia replied they are only talking about improving along St. Peter's Park; but noted the Visitor's Center had public bathrooms; they are talking of only improving on City property. Pavillion Beach is there and to have the harbor walk go there would not be inappropriate and eventually would like to see a connection to the Boulevard. It is not in the plan now.

Councilor Theken stated as 33 Commercial Street is privately owned property and that she has had concern from people that they are speculating on what may happen in this area; could it not be from St. Peter's Park.

Ms. Garcia stated as they work through the design, they would adjust it to read from Pavillion Beach.

Councilor Hardy asked if there was an administrative overhead budget and was there anything additional in that manner.

Ms. Garcia replied the SAC supports two-thirds of her salary; and consider that the overhead. There is nothing additional built into the grant.

Councilor Tobey stated they “need to respect that this is public money.” If this was “bonded money” that the Council was authorizing through issuing debt, they would want a “concrete sense” of what was being built where. He expressed his being troubled as to how they can be sure they as a Council aren’t creating a “pot of mad money” to be spent “willy nilly” building something “under the umbrella” of Harbor Walk. He wanted certainty and for a way the Council can be “integrated into making a process that insures they know what they’re buying and is consensus that is what they want.” He asked Ms. Garcia if she have any thoughts as to how they can accomplish it.

Ms. Garcia stated “when almost everything good in this City has been thought of before, has been on the drawing table for a long time, and suddenly the moment is right.” When they did the east end of Main Street it was ‘intended’ to be done since 1970/1980, when the Councilor was Mayor (in the 1990’s), she reminded him they really wanted the east end done; and everyone said ‘yes’ and proceeded to find the funding for it. As for the installation of it, she did it as best she could. Then Chamber of Commerce Director, Mike Costello hosted the meetings; they had the downtown merchants there. They went to the Council to get a revised layout of the road; did numerous site visits. Whether they get it perfectly right, she couldn’t claim that. She made note that the Harbor Walk came from the 2006, and 2009 approved Harbor Plan by seven different interest groups, the City Council and the State; and in the Economic Development Plan; and was why she used that as an example of how it existed before.

Councilor Tobey stated she was “helping him.” He knew the east end was a two part process. There was an agreement “conceptually” that it needed a face lift. The second part which was rigorous, “lots of meetings, lots of notice, lots of discussion,” so as everyone knew what was going to be built where. He argued when she cited the 2009, 2010 report that is conceptually the same kind of Phase 1 process. Now what he was looking for was “equal rigor” in Phase 2, like the east end project; that they will have the same degree of rigor and back and forth interaction in the design and execution in a Harbor Walk plan.

Ms. Garcia stated when they come up with a design they will bring it to the Council but also welcomed him to come to the public meetings; and could give the Council a presentation before they move forward on the construction; and make that a part of the design’s contract. She believed it to be the same public rigor; but that it may be different than the east end which was a different approval process. She expressed she would be happy to come back to the Council to give a formal presentation.

Councilor Ciolino referred to the Chamber building and the starting point or continuation of the Harbor Walk. It was his understanding through the Chamber parking lot is Pascucci Court. The street is still on record and suggested to Ms. Garcia she might research that the City already has a right of way there; and find out how they can make that an access to the beach as it would be City property.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Verga, the City Council voted BY ROLL CALL 9 in favor, 0 opposed under MGL Chapter 44, Section 53A to accept a grant from the Seaport Advisory Council in the amount of Five Hundred Thousand Dollars (\$500,000.00) [for the Harbor Walk].

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council under MGL Chapter 44, Sec. 53A-1/2 to accept a donation of a 1977 CF Mack 1250 GPM Pumper from the Town of Lynnfield, said pumper with an anticipated dollar value not to exceed \$5,000.00.

Discussion:

Fire Chief Dench explained that this would fill in for the new pumper that will be received by the City next year, a 1977 Mac Truck as a reserve vehicle. The two reserve vehicles are no longer serviceable. They need something as back up. This vehicle has been gone over by mechanics and believes it serviceable. It would be inspected by MA state vehicle inspector who told him he expected it would pass. It will be pump tested as well. He hoped it would last until the new vehicle was in place about 8 months from now.

Councilor Theken asked what happens to vehicles that are no longer useable.

Chief Dench stated they are traded in. The truck was 'bought' for \$1.00.

Councilor Ciolino asked if it needs repair work, and if so did they have money in their budget.

Chief Dench stated their mechanics went over the truck; and there is minor work to be done; and there is money to do it.

Councilor Theken asked where it would be housed.

Chief Dench stated it would be kept in an outlying station.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed under MGL Chapter 44, Sec. 53A-1/2 to accept a donation of a 1977 CF Mack 1250 GPM Pumper from the Town of Lynnfield, said pumper with an anticipated dollar value not to exceed \$5,000.00.

Councilor Hardy directed the Clerk of Committees to compose a letter of thanks to be sent to the Town of Lynnfield.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to appropriate One Hundred Seventy Seven Thousand Dollars (\$177,000.00) from the General Fund Unreserved Fund Balance also known as "Free Cash" for the purpose of repairs to the High School Boy's Locker Room in the amount of \$27,000.00 and additional repairs of school buildings in the amount of \$150,000.00. The \$177,000.00 will be appropriated to Unifund Account # 101000.10.472.54307.4200.00.200.00.054 to the City's DPW work order account.

Discussion:

Councilor Curcuru noted when the City took over the maintenance of the schools; the maintenance account was "grossly underfunded". The \$27,000 was a request by Superintendent Connelly for the repair of the Boy's Locker Room at the High School.

Councilor McGeary stated they would be using volunteer labor extensively and would use other lockers coming out to replace parts as they could to keep the cost contained.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to appropriate One Hundred Seventy Seven Thousand Dollars (\$177,000.00) from the General Fund Unreserved Fund Balance also known as "Free Cash" for the purpose of repairs to the High School Boy's Locker Room in the amount of \$27,000.00 and additional repairs of school buildings in the amount of \$150,000.00. The \$177,000.00 will be appropriated to Unifund Account # 101000.10.472.54307.4200.00.200.00.054 to the City's DPW work order account.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to appropriate Fifty Thousand Dollars (\$50,000.00) from the General Fund Unreserved Fund Balance also known as "Free Cash" for the purpose of Main Office Contingency. The \$50,000.00 will be appropriated to Unifund Account #101000.21.370.53800.2305.00.270.00.052 – School Department MO Contingency account.

Discussion:

Councilor Curcuru noted last year in the budget process the School Department put \$100,000 in this account for contract negotiations. This will bring them up to being even.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to appropriate Fifty Thousand Dollars (\$50,000.00) from the General Fund Unreserved Fund Balance also known as “Free Cash” for the purpose of Main Office Contingency. The \$50,000.00 will be appropriated to Unifund Account #101000.21.370.53800.2305.00.270.00.052 – School Department M.O. Contingency account.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to appropriate Sixty Thousand Dollars (\$60,000.00) from the Sewer Enterprise Fund Balance “Retained Earnings” for legal purposes. The \$60,000.00 will be appropriated to Unifund Account #600000.10.440.53140.0000.00.000.00.052 – Sewer Enterprise Fund “Sewer Legal”.

Discussion:

Mr. Duggan explained this money was being budgeted for a legal team of subject experts to help the City in the recent requirement for the secondary treatment. These lawyers are out of Cambridge and would assist them during this public comment period to put arguments together to be presented [to the EPA]. **Councilor Ciolino** asked if this was to build a legal case so that they won't have to build a secondary plant.

Mr. Duggan stated this is to review the permit and the denial [of the waiver]. They need to formulate the reasons thoroughly behind why they are opposed to this at this time. Once the public comment period closes they won't have the opportunity to submit anything in the future. The public comment period closes on January 18, 2011. They had an initial meeting with City Solicitor Egan; DPW Director, Mike Hale; and the attorney who has had success fighting these.

Councilor Tobey asked who the attorney is and asked that information be emailed to the Council.

Mr. Duggan would get that information to them.

Councilor Tobey observed “this is about managing expectations. If the purpose of spending this money is to make sure that the City gets a reasonably framed set of permit conditions of how they are going to go forward to comply with the Clean Water Act and build secondary treatment capacity, it is a good use of the money.” These permits can have all kind of costly requirements and do not “promote environmental enhancement” and knew the Administration was concerned about it which he felt was a good concern. However, he believed if the purpose to spend this money was to think they'll “overturn a broad requirement of federal law” they've managed to avoid since 1984, he thought they were misleading people. One by one across the country secondary treatment in hundreds of waste water treatment plants has been required with only a handful avoiding it. They were lucky being part of that handful but “their luck is up.” He noted his participation in the conversation with EPA officials since his return to City Council that showed the testing approaches they used to assess the water outside the breakwater showed they didn't need secondary; and “they don't buy it.” If they move on they can achieve something good that building secondary gives them something they lost in 1984 when the primary plant opened. When it opened, they shut down value-added seafood processing in the City. Gorton's survived by building its own secondary treatment capacity on the premises, only after they paid “hundreds of thousands of dollars in federal fines”, and is a matter of record. “All the other cutting houses died. They can get that back.” He claimed it one of the most significant economic development opportunities since the Blackburn Industrial Park expansion. He urged the management of expectations and get the best secondary treatment permit they can; to embrace it with Federal and State partners so it is built with significant resources from them; and to look at it as a jobs program restoring a way of life. “Get the best permit” they can but don't make the “Federal government angry by fighting a fight they can't win”, and rather, he exclaimed, make them a partner.

Councilor Hardy asked Mr. Towne if this will going into the sewer enterprise fund and was there a [legal services] line item in that account for the money to be received into.

Mr. Towne answered there is no specific legal account within this sewer enterprise fund; it will be spent out of the enterprise fund because it is coming from the enterprise fund retained earnings account.

Councilor Hardy followed up by asking should they be voting to create that line item also.

Mr. Towne didn't think they needed to and was an accounting function and not a legal parameter.

Because they are appropriating into that fund, "in essence" he believed that was what the Council was doing.

Councilor Hardy asked did they need an RFP for it.

Mr. Towne stated not for legal services.

Councilor Hardy wanted to know if it would be wise to do that in the future to "cover them".

Mr. Towne felt in this instance he thought they would want to look for a subject matter expert that has had success, and that's what they've done.

Councilor Hardy asked if they could fashion an RFP for that, understanding that it was not legally required.

Mr. Towne stated they could fashion one but confirmed it wasn't legally required.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to appropriate Sixty Thousand Dollars (\$60,000.00) from the Sewer Enterprise Fund Balance "Retained Earnings" for legal purposes. The \$60,000.00 will be appropriated to Unifund Account #600000.10.440.53140.0000.00.000.00.052 –Sewer Enterprise Fund "Sewer Legal".

Other Committee Reports:

Councilor Hardy noted the joint meeting of the B&F Committee and the School Committee's B&F subcommittee on December 6, 2010 and the Planning & Development Committee's meeting minutes from December 7, 2010 were incomplete at this time and would be taken up for acceptance and approval by the City Council at their January 11, 2011 meeting.

Councilor's Request Other than to The Mayor:

Councilor Tobey noted with sadness of the passing of former Mayor Rafter who was a good man; a good Mayor who took necessary steps to return the City to financial integrity and would be missed.

Councilor McGeary commended the GHS football team on their 3rd Super Bowl win over Bridgewater-Raynham and that ESPN Boston named Chris Unis and Jordan Shairs to their all star team, with Gilbert Brown being named for honorable mention.

Councilor Ciolino reminded that this Thursday is Men's Night downtown and on Saturday the Middle Street walk. Noting the beauty of the area's architecture, he urged the community to come and enjoy it.

Councilor Mulcahey wished Mayor Kirk a speedy recovery.

Councilor Theken reported the Senior Center would open a full day on December 23rd for seniors. She noted that for those who lost Harvard Health she will assist them. **Councilors Hardy** and **Mulcahey** have volunteered to greet the seniors on December 23rd. She was reassured by Tufts, Medix, that their applications would be processed even on December 31st. They will be active but if they need their meds on the 1st of January, she could not help on that. It is open enrollment in the entire U.S. Within two weeks, she asked seniors please call the company they are enrolled in. She warned seniors of scams. No SHINE councilor or hospital workers come to people's homes. "If it sounds too good, it is." She urged seniors not to give any information over the telephone. She wished everyone a Happy Holiday.

Councilor Hardy welcomed Councilor Mulcahey back to the Council and hoped the Mayor recovers shortly. She let everyone know the next meeting of the Council would be on January 11, 2011.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:42 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS RECEIVED AT MEETING:

- Six Photographs with descriptions of trees to be planted at 85-89 Bass Avenue from Anthony Giacalone on behalf of Nino Ciamartaro to be part of the Special Council Permit Modification File