

GLOUCESTER CITY COUNCIL MEETING
Tuesday, November 23, 2010 – 7:00 p.m.
Kyrouz Auditorium – City Hall
Council Meeting 2010-25

- MINUTES -

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

Absent: Councilor Mulcahey

Also Present: Linda T. Lowe; Jim Duggan; Kenny Costa; Jeff Towne; Bethann Godinho; Gary Johnstone; Tim Good; Dave Murray; Robert Hastings

The meeting was called to order at 7:02 p.m.

Flag Salute and Moment of Silence.

Councilor Hardy announced Councilor Mulcahey was absent due to illness,

Oral Communications: None.

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

Presentations:

1 of 1: Possible Consolidation of Polling Places by Gloucester City Clerk

Linda T. Lowe, City Clerk reviewed for the Council the possible consolidation of polling places within the City of Gloucester; and that the matter had been part of an on-going discussion in the O&A Committee. Noting a recent news article regarding the subject that may have given the impression this matter was already decided, Ms. Lowe assured that this is not something that is done, but being discussed. She hoped that, if there are changes, they would be made so as to be in place for the coming year's local election allowing ample opportunity for the community to weigh in on any possible consolidation plan as well given the time frame. She clarified that they are not speaking of the 10 voting precincts; rather they are talking about c of polling places. The consolidation of polling places would have no ramifications on the precincts. Those polling places are located within the precincts; it doesn't that there are two precincts within each of the five wards. In addition to consolidating of polling places, there is a re-precincting required by the State. Noting preliminary discussions with Jim Duggan, CAO; and Council President Hardy, that the City did receive some notices based on the 2010 U.S. Census, what is required of municipalities in early spring through the Secretary of State's office, what has to be done is "re-precincting". With the results of the 2010 census, each municipality has to take a look at their precincts and see if the census results show if they might have to change due to population. In order to make intelligent choices she felt both aspects should be viewed at the same time. They have applied to the Secretary of State of MA for free technical assistance on doing any redrawing on those precincts (should they need changing). They also offer seminars which her office would take advantage of. Gloucester has a "huge" geographic area. Indicating the map of the 10 precincts on display for the Council, Ms. Lowe noted some precincts are geographically quite large. You go by voting population not the gross area and pointed out that West Gloucester is not as densely settled as the downtown areas are, and so the West Gloucester precincts are much larger. In the State, they have a law if you are town form of government

you can have one polling place; but a city form of government may not. The fewest polling places the City could ever reduce to is two. However, one other restriction is that if and when polling places are combined, those precincts that the polling places are in have to be adjacent to one another; by her interpretation there must be common boundaries before they can be combined. She gave the example that if people in Precinct 1-1 felt they wanted to move from the East Gloucester School; it couldn't be done by combining with Precinct 4-2 because there are no adjacent lines. The location of those new places and what precincts would be served must be kept in mind. Another example Ms. Lowe gave was that Gloucester High School is in 3-1. She suggested that might be a good downtown area polling place; 3-1 currently goes to the Veteran's Center on Emerson Avenue. The map shows 3-1 is adjacent to 2-2, 3-2, 5-1 and 5-2 as well; and it may be possible to take those five precincts and combine them into a very large, central downtown place that has a lot of parking as some polling places do not. She did not wish to imply that some of these polling places were 'bad' places or inconvenient, but that some of them do not have the best parking and accessibility for getting into particular neighborhoods; and enough space within that particular polling place itself. Sometime school is in session and that can make for a busy, crowded situation at the various elementary schools which can be difficult sometimes for voters, school staff, and alike. She posited if they could find places that are more central and are more open, there will be improved accessibility. Another reason to do this consolidation would be cost efficiencies. They would not be dramatic which she had reviewed from previous years. Election costs differ as to State or local elections. The State reimburses municipalities for some of the election costs; but local elections are 100% on the City. If you take into consideration the maintenance of the voting machines, etc., that can come to \$24,000 per election. "That is not a budget breaker", but she felt it was worth looking at to see if it can be more efficient. Further if there were fewer polling places, they may need less poll workers. They've had as many as 110 for an election. It is \$90-\$100 per day per poll worker. There are problems with some folks not being able to show up on Election Day who have committed to work the polls, and it can be a problem to scramble to fill their spot in order to have adequate coverage. While there is no suggestion that those 10 polling places do not comply with disability accessibility they might be able to provide even better access for handicapped voters by changing venues for polling places; it is mandated by law to meet ADA requirements. She hoped in the next few months there would be public forums to invite public comment. She encouraged comments to the Council or to the City Clerk's office by the public in order to hear their suggestions.

Councilor McGeary expressed concern raised by several of his constituents on the impact this might have for seniors who had to travel greater distances, as in-town has a higher senior population and wondered what the impact might be, noting having a polling place at McPherson Park is very convenient. **Ms. Lowe** didn't think there'd been any studies on distance to polling places; other than McPherson Park whose residents have the ultimate convenience of a polling place in their building. The problem is for other people who live in that precinct have problems with parking because there is essentially none there and can get very crowded. She hoped they could investigate, study and look to CATA (believing other communities did this) where there may be able to put on special buses for Election Day where they would have a schedule that went to various drop-off points and/or a have a dial-a-ride also through CATA for voters in order to assist them to get to the polls conveniently and be returned home.

Councilor McGeary thought one of the issues of voting in the schools, especially in East Gloucester, the time people want to vote is early in the morning during drop off which is very crowded and difficult to access the school. He believed the high school was closed for Election Day as it was in-service day. He wondered if they could work with the School Department to make Election Day a no school day without extending the school year.

Ms. Lowe believed Election Day was a professional day in most schools this year as it had the previous year. She thought even if they didn't consolidate, it would be helpful to the voting public and be better for the children and for the school staff, especially at the smaller elementary schools it gets very crowded to the point of getting of perhaps being a little dangerous with a high voter turnout..

Councilor Verga noted two or three years ago the School Department would try to make Election Day a day off. He thought the difficulty is in knowing if there would be a preliminary locally and having the

local election shortly thereafter that having both those days as professional days for the teachers can be difficult to schedule. For the last three years Election Day “has been off”. The School Department does recognize that it is an issue and is working with it.

Councilor Whynott noted he had looked at this matter a long time ago [in his capacity as City Clerk] and spoke to Robert Ryan, General Manager of CATA, who had expressed a willingness to have buses available to take voters to the polling places. He believed that would give more people chances to get rides to the polls than they have now. He recalled when the City moved the polling place from the American Legion to the Veteran’s Center on Emerson Avenue which wasn’t without objections. After one election those objections went away. He also felt very few citizens walk to the polls anymore. He cautioned that same day [voter] registration is looming. If the State legislature passes it, they will need at least three more people at each polling place and a possible computer hook up to City Hall from each polling place. There is a big concern at the elementary schools, but at the high school not as much. He thought five polling places at the high school was a good idea.

Councilor Hardy expressed her intention to have separate Ward meetings on the matter noting 4-2 is quite a distance away from the only other place where they would be able to vote which would be 4-1 because they touch one another. She informed the community that City Council will hold a public hearing on the matter; it would not be a quick decision. They will be looking to hear from the public on the subject of polling place consolidation.

Ms. Lowe noted Councilor Whynott has done a great deal of work on polling place consolidation, and on his last point about Election Day Registration (EDR), she commented that EDR would make voting much more hectic and crowded and would be much more work in City Hall to coordinate polling places. It has been suggested they might have to have internet connectivity and laptops at every polling place which she felt was all the more reason to seriously consider whether or not they need to reformulate where their locations for voting are located.

Consent Agenda:

- **MAYOR’S REPORT**
 1. Memorandum from Fire Chief re: acceptance of a donation of a 1977 CF Mac 1250GPM pumper from Town of Lynnfield (Refer B&F)
 3. Memorandum from Operations Manager-DPW re: rules and regulations for a proposed dog park in the City of Gloucester (Refer O&A)
 3. Appointment: Capital Advisory Board TTE 02/14/2013 Josh Arnold (Refer O&A)
- **APPROVAL OF MINUTES**
 1. City Council Meeting 11/09/2010 (Approve/File)
 2. Standing Committee Meetings: O&A 11/15/10; P&D 11/17/10 (under separate cover); B&F 11/10/10, B&F 11/16/10, B&F 11/18/10 (under separate cover) (Approve/File)
- **APPLICATIONS/PETITIONS**
 1. Application for License of Flammable and Combustible Liquids, Flammable Gases and Solids re: 54 Great Republic Drive (Refer P&D)
- **COMMUNICATIONS**
 1. Letter from Mayor Kirk re: Swearing-in Ceremony for Police Department and Fire Department (Info Only)
 2. Downtown Improvement Committee re: FY2010 Funding Expenditure (Info Only)
 3. City’s rights to property located at 61 Commercial Street known as Pavillion Beach – letter from City Solicitor to Atty. L. Mead (Info Only)
 4. Letter from Mayor Kirk to Secretary of Elder Affairs & further local examination of elder care services (Info Only)
 5. City Auditor Review of DPW Director’s one time pay adjustment (Info Only)
 6. Letter from Attorney Adam J. Costa re: Extension of Special Permit under the Permit Extension Act of 2010 re: 201, 205 and 253 Main Street (a.k.a. Main Street Plaza) (Info Only)
- **ORDERS**
 1. CC2010-078(Verga/Whynott) Traffic Commission to investigate need for blind driveway sign at 198 Concord Street (Traffic Commission)
 2. CC2010-079(Verga/Tobey) DPW Director’s update to April 13, 2010 report of the Magnolia Woods (Mayor)
 3. CC2010-080(Curcuru) Amend GCO Sec. 287 “Disabled veteran, handicapped parking” re: vicinity of 197 Washington Street (TC & O&A)
 4. CC2010-081(Verga) Request to purchase Speed Study Equipment (Refer B&F and Police Dept.)
 5. CC2010-082(Verga) Speed limit signs and “Slow Children” sign re: Fuller Street (TC & O&A)

Items to be added/deleted from the Consent Agenda:

Councilor Ciolino wished to add the closing of Main Street on Saturday, December 18, 2010 from 5:30 p.m. to 8:00 p.m.

Councilor Tobey asked to pull Item #3 under Communications.

Councilor Tobey stated that Item #3 letter from the City Solicitor to Attorney Mead, representing the BirdsEye team for the 61 Commercial Street rezoning of property with regard to the issue of who owns Pavilion Beach. He appreciated the good work the City Solicitor had done in writing this letter. He asked, however, that this letter be referred back to the City Solicitor believing it could be cause for concern that this letter issued simultaneously with the City Solicitor issuing a new zoning proposal for the BirdsEye site and was troubled that there may be some sort of connection by way of a “quid pro quo” between the two; such that if the zoning change were enacting that this could be challenged as being “contract zoning”. Not knowing if it was the case or not, he wanted to flag the issue and asked that it be referred back to the City Solicitor for advice and counsel on that issue.

Councilor Ciolino expressed he did not understand of why this was an issue at all; that before P&D was strictly a zoning issue and had nothing to do with the beach nor Chapter 91 issues. He didn’t think they should tie the two separate issues of the beach and what is in front of them at this time.

Councilor McGeary asked can they un-ring the bell as the letter has been sent.

Councilor Tobey stated the “bell has been rung” and posed the question, “is there a link between the two projects that the City Solicitor has worked on and is there a quid pro quo”. He stated he didn’t know the answer and didn’t know if they should be concerned. He wanted to know what the City’s attorney thought about it. He hadn’t studied the issue. He expressed he had a lot of concerns on spot zoning, having spent a lot of his time reading up on the matter; which was separate issue from this one; and wanted to make sure there was not “another potential cloud” and to make sure that it isn’t; if it is that they are aware. He thought the knowledge would be “a good thing”.

Councilor Verga agreed on one hand with Councilor Ciolino that the two aren’t related and at the same time he agreed with Councilor Tobey that it made sense to be prudent, that there was this cloud and why not “try and remove it”; and had no problem to refer it back to General Counsel. He didn’t believe it would hold up anything one way or the other and would help to clarify things for the Council.

MOTION: On motion by Councilor Tobey, seconded by Councilor Theken, the City Council voted 8 in favor, 0 opposed to refer back to General Council re: City’s rights to property located at 61 Commercial Street known as Pavillion Beach – letter from City Solicitor to Attorney Lisa Mead for further consideration and advice and counsel.

Councilor Hardy explained the matter of the Main Street closure for Saturday December 18, 2010 came too late to the Council to make the agenda and asked Councilor Ciolino to explain.

Councilor Ciolino stated that Santa Clause will be coming to Gloucester’s downtown on Saturday, December 18, 2010 from 5:30 p.m. to 8:00 p.m. and to close Main Street from the corner of Manuel Lewis Road to the corner of Pleasant/Duncan Street for a multi-faceted event to take place opposite Brown’s Mall in front of the Lobster Trap Tree, with a lot of festivities for children and adults alike, including a drawing for an \$1,100 shopping spree. He asked his fellow Councilors to approve the road closure. He noted Lt. Aiello of the Police Department has reviewed it and given his approval.

By unanimous consent the City Council allowed for a motion to be made on the matter of the closure of Main Street on Saturday, December 18, 2010.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed to permit the closure of Main Street on Saturday, December 18, 2010 from 5:30 p.m. to 8:00 p.m. from the intersection of Manuel F. Lewis and Main Streets to the intersection of Pleasant and Duncan Streets.

By unanimous consent the Consent Agenda was accepted by the City Council as amended.

For Council Vote:

1. Decision to Adopt: SCP2010-010: Middle Street #15, GZO Sec. 2.3.1.7, Sec. 1.10.1, Sec. 3.1.6 And Sec. 3.2.2a

MOTION: On motion by Councilor Theken, seconded by Councilor, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to adopt the SCP2010-010 decision for Middle Street #15 pursuant Sections 2.3.1.7 conversion of a three-family to a four-family, and for a height exception, also Sections 1.10.1, 3.1.6 and 3.2.2a of the Gloucester Zoning Ordinance.

2. Decision to Adopt: SCP2010-009: Holly Street #70, GZO Sec. 2.3.6(4)

MOTION: On motion by Councilor Theken, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to adopt the SCP2010-009 decision for Holly Street #70 pursuant Sections 2.3.6(4) of the Gloucester Zoning Ordinance to operate an art gallery in a residence.

Public Hearings:

1. PH2010-008: SCP2010-001: **79-99 Essex Avenue**, Sec. 2.3.1(12), Sec. 5.7.3 Major Project, Sec. 3.1.6(b) height excess 35 ft., lowlands Sec. 5.50 lot area per two guest special permit 3.2.6

Councilor Hardy opened the public hearing and stated the Council was in receipt of a letter from the applicant's attorney, Ralph Pino, asking that the matter is continued to the City Council's meeting of February 22, 2011. She asked that the City Clerk's office send a letter to Attorney Pino notifying him of the date certain for the continuation of the public hearing.

This matter is continued to the City Council's second regularly scheduled meeting of February 22, 2011.

2. PH2010-115: **Tax Classification** in accordance with M.G.L. Ch. 40 §56 and GCO Sec. 2—26 to Determine the percentage of the local levy to be borne by each class of real and personal property

This public hearing is open.

Those speaking in favor:

Gary Johnstone, Assessor presented to the Council the "Tax Classification Information for Fiscal Year 2011" (on file). The document submitted covered Classification Considerations; some economic and political issues as outlined by the Department of Revenue (DOR). They received final certification of values from the DOR on October 26, 2010 with the new growth approved on November 1st. A residential factor has to be adopted; and the maximum shift allowed by the State is a factor of 1.5 %. He gave some history of the shifting between commercial and residential property tax burden. The residential class now makes up over 89.3% of the total value in the community, leaving a balance of commercial/industrial personal property of 10.7%. The value is down to \$5,288,079,920.00 or approximately 1.73 % from last year which was \$5,381,431,000.00. He noted 89.3% of residential values is down from the previous year's 89.63%, and also that the percentage of commercial valuation has gone up, now at 10.7%, whereas the previous year it was at 10.37%. Last year's factor of one tax rate was at \$10.57. The Council determined a shift of a Tax factor of 1.06% resulting in a change of tax rates to \$10.49 to \$11.20. The levy limit from FY10 plus the Prop 2-1/2 increase plus residential new growth and commercial/industrial and personal property new growth gives them the FY11 levy limit, \$58,859,206.00. Added to that is the Poles Hill debt exclusion of \$139,985.00 and the CSO debt shift of \$1,750,000.00 which indicates a maximum allowable levy of \$60,749,191.00. That number divided by the total value of all parcels in the City indicates an \$11.49 potential tax rate at the factor of 1.0% where

they start from; rounded to \$11.48 so as not to exceed the maximum allowable levy (\$11.49 being the “tipping point” or the maximum allowable levy). Last year the shift factor was 1.06%, and if again adopted would result in a tax rate of \$11.40, and a CIP rate of \$12.18. They do not have parcels classified as Open Space, so Open Space discount is not applicable; and the Mayor has not opted to adopt either the residential or the small commercial exemption.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor Tobey asked in FY10 with a tax classification factor of 1.06% what percentage of the levy was borne by the residential class and what percentage of the levy, the balance, was borne by the commercial/industrial class.

Mr. Johnstone responded residential class carried was 89.63% and commercial/industrial and personal property carried 10.37%.

Councilor Tobey then asked then in FY11 with a tax classification factor of 1.06% what percentage of the levy was borne by the residential class and what percentage of the levy, the balance, was borne by the commercial/industrial class.

Mr. Johnstone corrected that in FY10 residential would be 89.01% and commercial/industrial and personal property would be 10.99%.

Councilor Tobey then asked then in FY11 with a tax classification factor of 1.06% what percentage of the levy was borne by the residential class and what percentage of the levy, the balance, was borne by the commercial/industrial class

Mr. Johnstone stated at 1.06% residential would be 88.66% and commercial/industrial and personal property would be 11.34%.

Councilor Tobey noted he had asked Jeff Towne, CFO as to how revenues from the sewer fund were allocated over the several classes in FY2010 prior to the meeting to be answered at the public hearing.

Jeff Towne, CFO stated he chose July 2009 to June 2010 to show a full fiscal year, commercial/Industrial volume for consumption was a combination of 18.54%. Public property is included in ‘other’. They don’t bill for public property. There is a mixed use of some residential, some commercial which is another 9.58%; and then there is 66.95% which is residential. Public property is just under 5% at 4.92%. He suggested they could look at it as either 18.54% if just commercial/industrial and a piece of the other category. He stated they don’t do it like the other valuations where everything is by class for utilities. There are some that are mixed and go under a category of “other”. There is a portion of the 9.58% that would factor into the equation as well. On a query by **Councilor Theken**, **Mr. Towne** clarified it was 18.54% for commercial/industrial, 9.58% for other; 4.92% for public property and residential is 66.95% which adds up to 100% of the consumption.

Robert Hastings, 197 Main Street, Executive Director Cape Ann Chamber of Commerce stated they would like to see an approach towards parity between residential and commercial/industrial classification over time, they recognize realities of the economy facing all employers and employees, therefore the Chamber of Commerce supports the Budget & Finance Committee’s recommendation of a Tax Classification of 1.06%.

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion of Councilor McGeary, seconded by Councilor Verga, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council a Tax Classification Factor of 1.06 percent.

Discussion:

Councilor Tobey stated for a number of years he has voted consistently for 1.06% because they were

maintaining equilibrium. Year to year there was no new factor introduced into the equation so it was a fairly maintained equilibrium which got them away from some discord in the past. He expressed he had a problem this year is that there is a new factor introduced into the equation. From his reading of minutes from B&F, he didn't see that new factor considered, that of the CSO debt shift. Given the numbers that Mr. Towne gave the Council, there is a disproportionate movement to the residential class of a cost previously borne by the commercial/industrial class. While he didn't know if it was right or wrong, he knew it was not considered, he believed it to be an incomplete consideration, believing it to be another cloud from their "ill-considered" decision to move the CSO debt on to the tax rate hovering over them again and would vote no this evening.

Councilor Hardy asked if Councilor Tobey had an alternate rate he wished to propose and he responded he did not.

Councilor Ciolino stated the business community has always recognized the tax classification factor has been unfair to them how they've been increased as compared to the residential. They all keep saying they want to attract business to Gloucester, but when they have this disparity of charging 6% more to businesses; it is the act of what the figures say, not what they say. At some point there should be parity with no difference between commercial and residential. The commercial sector keeps shrinking and didn't believe they want to turn Gloucester into a 'bedroom community'. They don't want to scare off businesses in hard times. He will support the B&F recommendation and urged his fellow Councilors to do the same.

Councilor Whynott stated they're not putting a disparate amount onto residential, just not as much onto commercial and would support the B&F recommendation.

Councilor McGeary felt Councilor Tobey should be praised for his research and kinds of questions he asks. However, he felt the CSO debt shift is a discussion for another day; and that the 1.06% factor is appropriate and would support it.

Councilor Curcuru expressed his support of the tax classification factor recommendation of 1.06%. The Council should want to grow the economic base, the business base and believed it was obvious it has shrunk over the years.

Councilor Theken thanked Councilor Tobey. She asked why B&F didn't consider the CSO as a factor. If they keep the shift this way she wondered what will happen to the debt factor. It is 1.06%, not 6%. If they keep it at 1.06% she wondered what happens to the sewer debt shift. That would continue as it is.

Mr. Towne responded the Councilor was correct; the CSO debt shift adds to the maximum tax levy. Then the 1.06% divides up which classification of property is going to pay for the maximum levy. So the \$1.75 million doesn't change; that will still be done on the tax levy. It is who bears the cost of that versus the savings for the sewer bills themselves. Commercial users have a higher consumption; therefore, they will receive a greater benefit because of the lower sewer rate.

Councilor Theken stated that was not considered in this factor at all.

Mr. Towne stated that was considered all along with the discussion of the CSO debt shift but for this discussion they did not bring it up.

Councilor Theken asked if they take it away from the debt shift and do the stormwater utility fee, would it interfere with this factor they are discussing this evening.

Mr. Towne asked if the Councilor was asking if they remove debt shift and don't shift it anymore; if they were to do that as a Council, they would end up raising less on the tax levy because they wouldn't be shifting it and then divide a lower maximum levy and raising less in taxes; and shifting it again depending on what they vote for a tax class shift.

Councilor Theken thought that gave them all the more initiative to work on the stormwater utility fee. She noted because the economy is as it is, she will vote for this; and she would continue to work on the stormwater utility fee in order to get it away from residential and made clear if that was still happening next year, she would not vote in favor of a tax classification factor that did not take it into consideration

Councilor Verga stated this is not the time to make the shift greater to hurt businesses and should keep the 1.06% and agreed with Councilor Theken this should be a call to action to keep working on the CSO debt shift and would support the vote this evening.

Councilor Tobey appreciated Councilor Ciolino's remark on the need to maintain a strong business industrial base in this community. He thought it interesting to see how residential values are contracting and business industrial aren't contracting really at all, and showed some areas of growth. They had with the real estate boom a skewing of the perception of how much business and residential they had. He would be more worried if all the commercial properties on the waterfront converted to condos but that wasn't happening. The City seems to be holding a good foothold, and that is where they should be focusing our efforts – keeping those areas industrial.

MOTION: On motion of Councilor Curcuru, seconded by Councilor Verga, the City Council voted by ROLL CALL 7 in favor, 1 (Tobey) opposed a Tax Classification Factor of 1.06 percent.

3. PH2010-116: Amend GCO Chapter 22 entitled "Traffic and Motor Vehicles" **Sec. 22-220 "Deposit To extend parking time beyond maximum legal time" by adding new subsection (c) entitled "Anti-shuffling"**

This public hearing is opened.

Those speaking in favor:

Robert Hastings, 196 Main Street, Executive Director, Cape Ann Chamber of Commerce supported the anti-shuffling ordinance having had great experience with other downtowns. He noted an issue of employers and employees take away from the parking downtown trying to stay close to their offices, in particular like attorneys, realtors, accountants, etc. He believed by initiating an anti-shuffling ordinance, this will make those spaces turn over four or five times a day instead of having one employee taking up that space for a whole day. He believed it makes a downtown more vibrant, helping restaurants, gift shops. People most affected by this ordinance could find long-term parking in the permanent long-term parking lots on either side of Main Street. He encouraged the Council to pass the ordinance, noting it was successfully passed in the previous community he lived in and that "it really worked". It allows the parking officers who know which cars belong to employees and employers who shouldn't be there, with a few tags will be found in long-term parking and commended the Council for bringing it forward.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinance & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-220 (Deposit to Extend Parking time beyond maximum legal time) by ADDING new subsection "Anti-Shuffling":

(c) In order to regulate the practice of shuffling cars from one metered space to the next throughout the workday within the downtown area from Main and Spring Streets to Tally's Corner, the intersection of Main Street and Washington Street, once a meter expires it shall be unlawful to park the car in another metered space within the area all days except Sundays and holidays between the hours of 9:00 a.m. and 6:00 p.m.

Discussion:

Councilor Theken stated this was a difficult and long discussion. She hoped Mr. Towne could answer regarding the ticketing process. She asked if they had the new electronic ticketing equipment.

Mr. Towne stated they've had them since August.

Councilor Theken continued that now parking enforcement can know exactly how long a vehicle has been in one spot with the new scanning equipment. Hopefully now employees that do park on Main

Street will move their cars. It's been a "war" downtown with parking. "Let's bring the smile back to downtown". She hoped the employers and employees would now take advantage of the City's monthly parking passes in the long-term parking. She would support the ordinance.

Councilor Whynott felt this was another step in the right direction to keep traffic on Main Street moving feeling two hours was enough to do one's shopping.

Councilor Ciolino would "wholeheartedly" support this and that he'd been asking for this for a long time. This is geared to the constant abusers; the employers and employees who park on Main Street because of a loophole in the law to stay at a meter all day long. It ties up so much of the parking downtown. This is not geared for those who go to lunch, the hairdresser, to patronize the shops. It is a tool in the box of parking enforcement to encourage people to use the long term parking. The unique features are a two hour limit on Main Street as opposed to Rogers Street where many meters having an 8 hour time limit. This is not targeting customers. It is targeting those that abuse the meters; and parking enforcement knows who they are. It is unfair to the majority who obeys the law and park in long-term parking. He urged his fellow Councilors to vote in favor.

Councilor Tobey noted this is based on his order. He expressed his gratitude to the O&A and in particular to the Chair, for keeping it alive and getting it done. He believed this would help the downtown "scene", and appreciated the good work that got it to the Council.

Councilor Hardy felt she needed to be convinced to vote yes on the ordinance. She wanted to know how they will tell who the employee is or who the shopper is that had lunch an hour previously and moved her car a bit further down Main Street to now shop. To her it is discriminatory. She asked Councilor Tobey how meter enforcement personnel make that decision; and how would it stand up on appeal because she believed she would appeal her ticket.

Councilor Tobey felt the focus is best placed on what they are regulating there - parked vehicles. They're paying less attention to who drove it there for what purpose, and treat all parked vehicles equally. The prime culprits who have made this an issue have been business and commercial people on Main Street. Inevitably there will be folks visiting businesses who may fall under the same pitfall as Councilor Hardy described. They will be equally culpable. Meter enforcement should not folks before they give them a ticket. The fact a vehicle is shuffled is the violation not the reason why.

Councilor Hardy returned to Councilor Ciolino's statement that it was geared towards the employer and employee; and that it has to be fair. She contended it is not fair toward the customer, yet now she was hearing the other side. She stated in other words, there will be no discrimination; a shuffler is a shuffler no matter who owns the car.

Councilor Tobey responded, "Yes".

Councilor Hardy continued there would be no discretion on meter enforcement's part.

Again, **Councilor Tobey** responded, "Yes".

Councilor Hardy concluded don't they already have a violation on the books that says one isn't supposed to continue to put money in the same meter, and wondered why wasn't that working.

Councilor Tobey stated the big improvement is the new hand held device which opens up a whole new world of tracking capacity to know what cars are doing while sitting on Main Street. It wasn't working previously because they weren't marking tires, otherwise identifying folks who were feeding the meters. With these new tracking devices, the City's enforcement people will know when someone has been feeding the meter, just as with these new tracking devices they will know that they shuffled.

Mr. Towne noted parking enforcement see employees come out, move their car up two spots, and put more money in the meter and return to work. Enforcement knows most of the cars on Main Street that do that. He can even tell by the plates knowing how the tickets come in on a regular basis. He explained their parking enforcement officers have the ability to go and mark a vehicle noting its location, say 202 Main Street on their hand-held device and mark the time they were there, and then can come back, confirm this is the same vehicle now at 204 Main Street by looking it up on their hand held device and can see on the machine the vehicle was shuffled. The goal is to make sure that they get the buying public into the shops. The City offers long-term parking passes. Some businesses give them to their employees. There are many ways to figure out the violators. He gave one example of people who live above the

street level in condos. They'll move their car first thing in the morning. They'll know them as well. He supported this and that parking enforcement is well trained and knows the vehicles.

Councilor Hardy wanted to be sure all were treated equally.

Mr. Towne stated parking enforcement will not walk and mark arbitrarily. They will make their best effort to treat everyone equally. They will notice the car has been there more than two hours and mark it and second time if the vehicle is moved to a new spot, they'll probably get a ticket.

Councilor Hardy noted she goes downtown in the morning, then goes home, comes back, and so forth. To her, it is telling her to stay away from Main Street.

Councilor Whynott thought that if this is well advertised, people will know to go to Rogers Street for parking [if their business will take longer]. If you park on the east side to the west side, he didn't think they'd get a ticket.

Councilor Theken stated there is an anti-shuffling law on books that you must move at least 500 feet. They tried and talked and observed; they noted all those who abused the parking on Main Street. She noted for herself who the employees were and that it was a handful that made it a problem. She noted since March O&A has been debating the issue. She thought they would try this. They could bring it back if it didn't work. She felt if it makes this calmer downtown it would be worth it. She wondered what they would do with the tourists who might go to a restaurant and shop; how would they know they have a two hour anti-shuffling ordinance. She wondered how they would deal with that situation.

Councilor Ciolino stated there should be a sticker put on the meters which states there is a shuffling ordinance. It doesn't need to be made more complicated. The majority of the owners of the apartments on Main Street do park in long-term parking. If they choose to park at a short-term meter, they have to suffer the consequences. He believed it wasn't working the way it is now. He felt this is a workable solution.

Councilor Tobey stated there is a comprehensive scheme; that there is lots of 8 hour parking off of Main Street downtown. This is to give the businesses the capacity to have folks flowing through the downtown. He asked Mr. Hastings of the Chamber of Commerce as to how it was handled in another community with regard to the notification to the public and how it was provided.

Mr. Hastings responded they campaigned the businesses and let the public know. As a practical matter he noted the City will likely see a flurry of tickets for the first six months. It will go away and very few tickets will be issued after that. He felt they want to get the people who are scofflaws off of the downtown parking spots.

Councilor Hardy asked did Mr. Hastings think it was detrimental.

Mr. Hastings stated the officers understand the pattern of parking downtown and can tell who is parking with the intention of scofflaw.

Councilor Theken would look at this in September again; for O&A to find out from Mr. Towne how many tickets were issued to out-of-towners. She didn't think that if one has been downtown for two hours they will know the cars. The 'gun' issues the ticket.

Mr. Towne stated clearly, they don't write tickets "off". If someone is at Virgilio's, CVS, Cameron's, they would take that in consideration, if they show some kind of evidence they could take that into consideration as a mitigating factor if someone wished to contest the ticket. They don't write off many tickets in Gloucester unless there is something pertinent to the ordinance. They take pictures to the ticket so they can prove it visually; they'll have some evidence.

Councilor Curcuru noted his many parking tickets and thought he would find one space and stay there.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 7 in favor, 1 (Hardy) opposed to recommend to the City Council to Amend GCO Sec. 22-220 (Deposit to Extend Parking time beyond maximum legal time) by ADDING new subsection "Anti-Shuffling":

(c) In order to regulate the practice of shuffling cars from one metered space to the next throughout the workday within the downtown area from Main and Spring Streets to Tally's Corner, the

intersection of Main Street and Washington Street, once a meter expires it shall be unlawful to park the car in another metered space within the area all days except Sundays and holidays between the hours of 9:00 a.m. and 6:00 p.m.

4. PH2010-117: Amend GCO Chapter 22 entitled "Traffic and Motor Vehicles" **Sec. 22-289 "Main Street Parking Meter Time Limits"**

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications:

Kathy Cuddyer, Chair, Downtown Improvement Committee against removal of parking meters (in Council Packet) as noted by **Councilor Theken**.

Questions:

Councilor Theken stated Ms. Cuddyer's letter which was a report on expenditures with meter funds pointed out that the money from the downtown meters support what the Downtown Improvement Committee (DIC) uses to beautify the downtown area.

Councilor Hardy, having viewed the report and noted that Ms. Cuddyer did not make mention of the proposed ordinance to remove meters either in opposition or in favor of the matter, but was an explanation of monies spent by the DIC on behalf of the Downtown Development Commission (DDC), with photographs, to improve the downtown corridor.

Councilor Theken responded that at O&A, the DDC told them the money from the meters does not come out of the City budget but comes out of meter fees which if there were no more meters on Main Street would have to come from someplace else. Some of the meter money is used for all the beautification of the downtown; holiday lights, wreaths, the sign at the Rotary, for a total of \$18,900.00 spent at locations on Main Street, St. Peter's Square, Railroad Avenue, Rose Baker Senior Center, American Legion, etc. If the City eliminates parking meters, they don't get that money to do this. She asked Jim Duggan, CAO, if that money would have to come from someplace else.

Mr. Duggan stated she was correct; "it would have to come from someplace else."

Councilor Theken added this is how important meters were, and wanted the Council to understand that this is what the DDC does and where that money comes from and how it pays for the beautification of the downtown business district.

Councilor Hardy confirmed that Chapter 22, Sec. 22-298 has to do with the eliminating of parking meters on Main Street as opposed to two-hour parking limits.

Councilor Theken confirmed that to be the case.

This public hearing is closed.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council Amend GCO Sec. 22-289 Main Street Parking Meter Time Limits "to remove parking meters from the downtown area from Main and Spring Streets to Tally's Corner, the intersection of Main Street and Washington Street".

Discussion:

Councilor Theken reviewed this matter brought forward from Councilor Tobey who wanted to try something different to make the downtown more user friendly. They heard from the downtown organizations at O&A and had in-depth discussions on the matter. Councilor Tobey got all the numbers for the Committee of what monies were generated in a year also. She felt downtown needs the meters for parking control and for the money it generates to beautify not just downtown but for the rest of the community.

Councilor Tobey stated he filed the order and realized it didn't have much of a chance to pass. He filed it to get the Council thinking. He asked that it come out of O&A forwarded to the Council so they could think about why they have parking meters on Main Street; and what are they seeking to accomplish with the resource of two hour parking spaces on Main Street. They talk about wanting to help business; but it seems they've turned it into "an array of arcade machines" for quarters; and then justify keeping them "because we need the money. "We're addicted to the money." The DIC says don't take them away we need the money. If this remains a regulated two-hour parking zone, without meters, they will still realize 40% of the revenue being generated now because that is being collected from tickets. When the line item in the budget attributable to parking meter activity, 60% of it is from the meters, and 40% is from the tickets that would presumably continue to be written. The City Council is trying to grow the business base in Gloucester. The tools are not many; the power to regulate and affect tax by levying fees, which they do when they require "parking meters to exist and be fed." He suggested they can create a friendlier downtown by saying it can be done for free. From the business travel he does he sees many communities where their downtown has meters in the outskirts for long-term parking, and no meters on their main business district street(s). He noted the vibrancy of these communities' business areas. There are a lot of empty stores in downtown Gloucester. He suggested this could be one of the things they could "and need" to consider as a Council they can do what they can to help the downtown grow with new economic growth like with new second floors that don't exist now that could be built up. That new growth generates tax revenue which he suggested could make up the 60% in revenue lost by meter removal. He proposed they do a better job for the downtown with this regulation for parking, "one of the few tools" at the Council's disposal.

Councilor Ciolino stated meters were put in to control parking; to get people to move along as with the shuffling ordinance this evening. The revenues were supposed to reimburse the downtown to rehabilitate it which didn't happen. When they raised the meter fees from 25 cents per hour to 50 cents per hour, at that time Councilor Theken put in the motion that some money should go back to downtown, that's when the \$18,900 came back. When they doubled the parking rates per hour, they thought they would double their revenues. The revenues never doubled; they were less. He believed they needed to keep the meters as parking control; but suggested that they lower the value back down to 25 cents per hour which he felt was "doable". There aren't enough parking spaces, and they need to turn over. He thought they would all like to see a parking garage. He stated they can't remove the meters because they need to turn the parking over. It is the only tool they have to control parking at this present time. He urged the Council to vote against meter removal.

Councilor Verga wondered what the purposes of meters were; was it to raise revenue, and then they should be left in place. If the meters are for turn over of parking to keep businesses downtown, the anti-shuffling ordinance achieves the same goal. "It would send a bold message" for people to come downtown to spend their money." Perhaps the loss of revenue on the meters will be made up sufficiently by increases in business. He stated he was not a member of the Council when they voted for the 100% jump in meter charges; but knew it went over badly. He felt this was a good idea, and would vote for it.

Councilor Whynott would support Councilor Ciolino to vote against the motion. The meters help to pay for the enforcement people. Further, he could also support going back to 25 cents per hour.

Councilor McGeary would vote against the order. He thought it was more of a convenience matter; rather than going downtown many quarters, which is the inconvenience. He noted Councilor Curcuro that day had viewed a demonstration of parking kiosks used in many cities, including Salem that are much more convenient and at which one can use credit cards as well as cash; and was the direction he thought the City should go. The meters or some kind of parking control does necessitate the moving on when time is up.

Councilor Theken didn't think that you could control the shuffling ordinance without the meters. There are museums with meters in front of them. At the Harbor Loop there is the Heritage Center and asked "what about those meters." She felt they have to fight for all the businesses in Gloucester. It is not

fair to the other businesses in the City. Museums and other merchants, Lanesville, Magnolia; she urged focus to other areas as well. She wouldn't support the motion.

Councilor Ciolino didn't want to open up another argument of decreasing meter fees. In the future when they go to a kiosk system, which he believed was a matter of time; that was when they could do that it would be a time to revisit the cost of parking. "Meters should stay because that is parking control."

Councilor Tobey thanked Councilor Verga and all the Council; that what they were just doing was a workshop of how to improve the parking management system in the downtown. There is an opportunity with the kiosk system to "get this right." Councilor Ciolino, he felt, was correct that they were sold a bill of goods when the Council voted to raise the two hour meter fees; and felt the economic concept of diminishing returns was real. He hoped the Council would allow the O&A Committee to continue the conversation, perhaps reconfiguring the meter charges working with the Administration, especially Mr. Towne, before they tie themselves to a kiosk system.

MOTION: On motion by Councilor Theken, seconded by Councilor Tobey, the City Council voted ROLL CALL 2 (Tobey, Verga) in favor, 6 opposed to recommend to Amend GCO Sec. 22-289 Main Street Parking Meter Time Limits "to remove parking meters from the downtown area from Main and Spring Streets to Tally's Corner, the intersection of Main Street and Washington Street".

MOTION FAILS.

Committee Reports:

Ordinances & Administration: November 15, 2010

There were no matters to be brought forward from this meeting for action by the City Council.

Councilor Theken brought forward a lingering motion from the July 26, 2010 meeting of the O&OA Committee and the Rules of Procedures to adopt changes to the Council's Rules of Procedure (on file):

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the adoption of changes to the Gloucester City Council Rules of Procedure as presented.

Discussion:

Councilor Theken thanked Councilor Hardy who brought the matter forward to O&A and took complete charge of the project herself.

MOTION: On motion by Councilor Theken, seconded by Council President Hardy, the City Council voted 8 in favor, 0 opposed to adopt the City Council Rules of Procedure as amended by the City Council on November 23, 2010 and to become effective as of January 1, 2011.

Planning & Development: November 17, 2010

MOTION: On motion by Councilor Whynott, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit Pursuit Racing, LLC to run a half marathon on May 15, 2011 starting at 9:00 a.m. from the Good Harbor Beach parking lot, turning right on Thatcher Road (Rt. 127A); continue on over the Gloucester City line and return to Gloucester via Thatcher Road; entering left at Good Harbor Beach with the following

CONDITIONS:

- 1) A memorandum from Lt. Joseph Aiello be on file with this approval in the City Clerk's office 14 business days prior to the race delineating the role of the Gloucester Police Department before, during and after the race on file;
- 2) A memorandum from Fire Chief Phil Dench be on file with this approval in the City Clerk's office 14 business days prior to the race delineating the role of the Gloucester Fire Department, during and after the race;
- 3) Signs indicating "Runners in the Road" shall be placed at key locations along the race course for safety purposes. They are to be posted the morning of May 15, 2010 and removed by 2:00 p.m. the same day;
- 4) A Certificate of Insurance naming the City of Gloucester as the Certificate Holder;
- 5) All memorandums of approval shall be obtained by Pursuit Racing LLC and be delivered to the office of the City Clerk 14 days prior to May 15, 2011.

Discussion:

Councilor Ciolino noted that the Fire Chief will come back to P&D for a new set of regulation that he will require and will be added to the Committee's handout for emergency command that is National Incident Management System compliant (under FEMA) for all road races and parades.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the City Council voted 8 in favor, 0 opposed to permit Pursuit Racing, LLC to run a half marathon on May 15, 2011 starting at 9:00 a.m. from the Good Harbor Beach parking lot, turning right on Thatcher Road (Rt. 127A); continue on over the Gloucester City line and return to Gloucester via Thatcher Road; entering left at Good Harbor Beach with the following CONDITIONS:

- 1) **A memorandum from Lt. Joseph Aiello be on file with this approval in the City Clerk's office 14 business days prior to the race delineating the role of the Gloucester Police Department before, during and after the race;**
- 2) **A memorandum from Fire Chief Phil Dench be on file with this approval in the City Clerk's office 14 business days prior to the race delineating the role of the Gloucester Fire Department, during and after the race;**
- 3) **Signs indicating "Runners in the Road" shall be placed at key locations along the race course for safety purposes. They are to be posted the morning of May 15, 2010 and removed by 2:00 p.m. the same day;**
- 4) **A Certificate of Insurance naming the City of Gloucester as the Certificate Holder;**
- 5) **All memorandums of approval shall be obtained by Pursuit Racing LLC and be delivered to the office of the City Clerk 14 days prior to May 15, 2011.**

Councilor Tobey stated the P&D Committee minutes begin with the extensive account of the discussion of the BirdsEye Project Planned Unit Development; and the recently presented set of revisions that appear to represent a new proposal. He noted on page 5 of P&D minutes that, "Mr. Whitten stated that he had seen Attorney Mead's revision and Attorney Egan's revision. He noted they are two very different approaches." He wasn't sure how that revision came from Attorney Egan. He proposed that what is appropriate is that City Councilors have proposed an amendment to the zoning ordinance. Under the zoning enabling act that means the referral to the Planning Board should occur which he then proposed in the form of a motion, seconded by Councilor Theken below:

MOTION: That the City Council refer the four page draft zoning amendment prepared by Attorney Suzanne Egan on behalf of Councilors unknown on the P&D Committee for review by the Planning Board.

Councilor Ciolino stated the “compromise solution” came out of the Planning Board’s recommendation. At P&D’s next meeting, it would be “all tied together”. P&D is utilizing the Planning Board’s recommendation and felt that to send it back to them for their own recommendation did not serve any purpose. He reiterated Attorney Egan crafted the compromise out of the Planning Board’s recommendation.

Councilor Whynott stated when he got the 11 page draft version [from Attorney Lisa Mead on behalf of the applicant] it said Chapter 5.2 Birdseye Mixed Use Overlay District. He objected to the use of “BirdsEye” throughout the document as this could be incorporated into the Zoning Ordinances; and called Linda T. Lowe, City Clerk and Attorney Egan; and that was how the four page document came to them and thought he was responsible for that.

Councilor Ciolino didn’t understand why something that came out of the Planning Board documentation had to go back to the Planning Board. They [P&D] are following the process and thought that if there was other motive to inhibit the process, he didn’t see any reason to do it. He asked for an explanation as to why a document that came out of the Planning Board had to go back to it.

Councilor Tobey responded he intended to look at this proposal in an “unbiased” way and had spent a lot of time doing research, to evaluate various concerns that he believed were very serious which he was concerned P&D was giving “short shrift” to. He felt it should go back to the Planning Board because its Chairman (Rick Noonan) had written to him, “I know the Planning Board have been given the opportunity to review the revised document in a public forum.” He believed it to be a new plan, a new proposal, and a new zoning ordinance. He talked to practitioners in the zoning field; shown them the document, who felt the same as he. This was a big divide in the opinions as to what may be going on legally. “This was too important not to do right.” It was not about inhibiting the process. He contended this was much too important and had “vast implications” not just for that site, but for other neighborhoods in the City where a similar overlay “could be dropped.” He asked the Council to adhere to a conservative reading of the zoning enabling act on what the process is, and refer this back to the Planning Board.

Councilor Curcuru expressed his agreement with Councilor Tobey; but if individuals on the Planning have a problem with this, they should state it at the meeting. It is being taken back up at P&D. Have them make a statement then. If they have some issues and concerns with the document, he wondered why they didn’t make their concerns known at the last P&D meeting. He felt they should go back to P&D, if they have issues and concerns, they should bring them up at P&D’s next meeting, not to “kick it back right away.”

Councilor Tobey responded the zoning enabling act does not say the Planning Board has jurisdiction over a matter if the members go to a City Council Committee and say they say want it back. There is an automatic referral that should be happening. This was done by the lawyer and input by the planner. “This is a government of elected officials, a City Council; and appointed bodies, (i.e.) a Planning Board; not a government of staff.” He believed this was a legislative function that should be closely managed by the legislators not by the staff “feeding” it to them.

Councilor Theken agreed with Councilor Tobey. She saw the video of the meeting being referred to. They had just seen the four-page draft proposal for the first time that day. She believed the four page document does pertain to other neighborhood as well. She noted that it took 25 years to change the waterfront. She also felt another meeting; another month would not be untoward to make sure this was a correct process. She urged the Council to be protective by sending it back to the Planning Board for review and not to rush. She expressed if the Planning Board whom they’ve appointed wish to review it she believed they should have them do so. While she had not attended the P&D meeting being referred to, she did not believe the meeting to be “fair”. She asked for clarification because this was “major”. She urged her fellow Councilors, “Let’s obey the law.”

Councilor Verga thought it was a chance to do it right. He stated he wasn’t pleased with the perception that came out of the last P&D meeting. He wished to see the matter handled in the “right way”. While he expressed that he had “no sense of guilt” but didn’t want to have anyone say they are trying to push

something through. He urged they stop and “hit rewind” to make sure it is done right.

Councilor Ciolino expressed he didn't mind sending it back to the Planning Board but thought it was too early in the process. He thought P&D needed to present a document and wondered what they would be sending to the Planning Board as they don't have anything to send them yet as it is a draft. At P&D's next meeting of December 1st they will work on the draft and then send it back to the Planning Board to see what their recommendation is. To do it midstream, he felt, was premature. “Send it to the Planning Board after P&D has finished with it and we'll hear it after.”

Councilor Tobey stated he was hearing this for the first time that evening and thought that was a good idea as he had believed the four page proposal was final. If they're willing to pull back and revise the four-page document to whatever final form it then is; and then send to the Planning Board he believed, then, they had a consensus.

Councilor Whynott stated they had planned on another meeting of P&D on December 1st, and didn't expect this to come to the City Council before that meeting; and hoped that there would be a document to be sent to the Planning Board and comes back with the two recommendations.

Councilor Curcuru agreed thinking it was a good idea; to bring it back to P&D for reviewing and then sending it to the Planning Board. He thought jumping from P&D right on to the Planning Board, he “had a problem with that.”

Councilor Hardy stated Councilor Ciolino's charge at the last P&D meeting to Attorney Egan and to Attorney Mead was to work it out and come back with a revised draft to P&D; and had he seen a revised draft as a result of that yet.

Councilor Ciolino responded he got a second draft back late that day and had yet to read it.

Councilor Hardy asked when he planned on sharing with the other members of P&D and with the Council.

Councilor Ciolino replied he would be more than glad to finish up the document and then refer it out to the Planning Board for their opinion. He stated he would share the email with his fellow Councilors “tomorrow”. He had received it late in the day and had not had an opportunity to review it.

Councilor Tobey wished the record to reflect that given the commitment from the P&D Chair that this matter will be brought back before us to be referred to the Planning Board and will withdraw the motion.

Councilor Hardy reiterated Councilor Tobey's summation that “there is an understanding on the floor that P&D will come back to the Council and that P&D will end up going back to the Planning Board before it comes to the City Council for a full public hearing.” The maker of the motion had withdrawn the motion on the floor.

Councilor Ciolino stated that there would be a simple motion that evening to send it to the Planning Board would suffice and then it won't be scheduled for City Council until they hear the results of the Planning Board. They would have to wait for whatever the schedule of the Planning Board is and make a recommendation.

MOTION WITHDRAWN.

Budget & Finance: November 18, 2010

No action matters were brought forward from that meeting.

Councilors' Requests Other than to the Mayor:

Councilor Whynott updated the Council that Retired Sgt. Ted Costa is back home and is improving and expressed his congratulations to him.

Councilor Tobey congratulated the two attorneys involved in the recent victory in the courts over the current phase of the challenge of the inter-municipal agreement that relates to the Town of Essex and the City of Gloucester. Linda T. Lowe, City Clerk, former City Solicitor, he felt “crafted a fine document” and was good to see it upheld; and commended current City Solicitor, Attorney Suzanne Egan for her

work in defending it on the most recent motion. He made note of the Board of Elementary and Secondary Education recently met, without noticing they were going to do so, and voted to initiate another high school graduation requirement MCAS for history. He felt this placed more burdens on the kids and system to pass another test with no resources to do it; and another field to teach to a test. www.citizensforpublicschools.org has a petition to the Governor and Secretary of Education Reville asking that this be “undone”. He then thanked the Mayors office; the DPW for their assistance today as he had been asked him to give a tour of City Hall to the 5th grade classes of Veteran’s Memorial, which he had conducted that day. They had a lunch in Kyrouz Auditorium which the Mayor joined. He thanked Ms. Jorgensson, Clerk of Committees and Ms. Lowe for helping to do a mock City Council meeting. He related that the students of Veteran’s Memorial, he noted, are bright, eager to learn, enthusiastic. He expressed it was a wonderful experience for the students, teachers and himself as well. **Councilor McGeary** made note of the Harvest Meals Program Tuesdays and Fridays at St. John’s Church and Trinity Congregational Church providing meals for those hard on their luck in tough times. They’re asking the public to create gift packages for their clients: mostly cookies, candies, fudge, candy canes (no nuts please) and the like and items such as one-size-fits-all gloves; and deliver them to St. John’s Church December 13th and 14th in the morning who will make sure their clients receive them in time for the holidays.

Councilor Ciolino announced on Sunday, November 28th Santa is coming to visit the City. The Santa Claus Parade will step off 3:00 p.m. from the Jodrey State Fish Pier. Santa welcomes anyone who wants to join the parade as long as it is a Christmas theme. The parade will proceed down Main Street ending at Kent Circle. There will be photo opportunities with Santa and see Mrs. Claus; and the tree lighting at Kent Circle will take place at dusk. He looked forward to seeing a large turnout and wished everyone a peaceful and joyous Thanksgiving.

Councilor Theken knew people are panicking about open enrollment, and they are now booking to December 29th every half hour to assist seniors. She asked for understanding; they will get to all seniors with needs and urged seniors not to worry assuring that all applications will be processed. She asked people not to panic, that it was not too late as they have technically until December 31st. She reassured that the seniors on Cape Ann will be taken care of. She also proposed to the Council that one evening after the New Year that all the Council serve dinner at the Open Door Food Pantry to supply the food. She stated the economy is bad; and it doesn’t matter who you are in the City, the Council is there for them.

Councilor Hardy reminded all that at the tree lighting there is a table the Veteran’s Office, mentioning Lucia Pino Amero and the City’s Veteran’s Agent, Jeffrey Williams, set up to make sure that there’s enough Christmas cards for our soldiers wherever they are during the holidays; and thanked Councilor Ciolino for donating all the cards. She asked everyone to please step up to the Veteran’s table and sign the cards that the Veteran’s Office forwards in bulk to U.S. soldiers serving around the world.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:22 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS RECEIVED AT MEETING:

- **City Council – City of Gloucester, Rules of Procedure 2011, effective date: January 1, 2011**