

GLOUCESTER CITY COUNCIL CALENDER OF BUSINESS

TUESDAY, JANUARY 13, 2009 - 7 P.M.

KYROUZ AUDITORIUM, CITY HALL

COUNCIL MEETING #2008-001

Attendance: Council President, Bruce Tobey, Council Vice President, Sefatia A. Romeo, Councilors Joe Ciolino, Steve Curcuru, John “Gus” Foote, Jason Grow, Jacqueline Hardy

Also: Jim Duggan, Kathy Middleton, Mike Hale

Absent: Councilor Phil Devlin and Sharon George

The meeting is called to order at 7:00 p.m. Agenda items are taken out of order.

FLAG SALUTE & MOMENT OF SILENCE

Council President Tobey provided the following information:

- Due to staffing shortages in the Clerks office the Clerk of Committees will not be attending O&A and B&F meetings but will be providing motion templates and tapes.
- The editor of the Gloucester Daily Times would accept a collaborative column twice monthly reflecting on what the council is and what the council does – vehicle for getting our role out there on the public record.
- On January 26th, at 7 p.m., the School Committee will hold a joint meeting with the City Council at the O’Maley School Library on the following agenda items: report on consolidation effort, Mayor’s overview of 2010 budget, North Shore Voke and Charter Discussion, Rezoning Fuller School, Potential 9© Cuts and Implications, and Use of School Buildings for Voting.

ORAL COMMUNICATIONS

John O’Hara, brother of Jamie O’Hara, Magnolia spoke about the TIF petition signatures requiring the City Council to either rescind its vote or put the matter to a ballot. A final batch of signatures was delivered on 12/29 but they were not accepted because we were told the deadline had passed. The City Council vote becomes final when the Mayor signs a Certificate of Vote. The Mayor signed that certificate on 12/8th, not 12/5th rendering our petition valid. He asked the City Council to pay attention to those who have elected them. We have stood up and have been counted and asked the Council to put the question to the ballot and let the people decide.

COUNCILLOR’S REQUESTS TO THE MAYOR

09-001 (Hardy) Request the Mayor ask Community Development to start looking for alternative locations for a new Firing Range.

09-002 (Hardy) Request the Mayor request the DPW work with the Conservation Commission to perform maintenance as soon as possible on the dirt fire road that bisects the **Poles Hill** property that runs from Riverview to Sunset Hill Road. This road is used by the fire department for emergencies and is also the main access to the property for recreational users. The road is currently impassible due to the overgrowth that needs cutting. As soon as the snow clears it would be a good opportunity to use the Brush Tiger equipment (that has a climate controlled cab) because the leaves are off of the trees and the machine operator can see the rocks and our bird friends aren't nesting in the trees during this cold weather. Further request that the DPW and the Conservation Commission develop a permanent maintenance plan for this area that will include but is not limited to:

1. The clearing and maintenance of the dirt fire road.
2. The clearing and maintenance of the parking areas (in both locations designated as access ways) designated for public parking for this area.
3. Erection and maintenance of the signage that designates this as a public recreation area (in both locations designated as access ways) with any rules and regulations as to use.

09-003 (Devlin) Request that the administration update the City Council on the Lease agreement of the Trail association (Mass. Mudders) for the use of City property to run ATV and off road vehicles through City watershed and property.

09-004 (Grow) RESUBMITTED REQUEST Request that the administration provide an update on the status of the Legion lease.

09-005 (Grow) RESUBMITTED REQUEST Request the Mayor investigate and report back to the council on the feasibility and potential savings of operating non-emergency municipal services on a four-day week.

09-006 (Grow) RESUBMITTED REQUEST In light of continuing and increasing complaints about the state of our parking meters, it is requested that the Mayor revisit the below request and investigate the transition to and use of parking kiosks, including the installation of one at St. Peters Park.

Request that the Mayor investigate and issue a report to the Council on the use of Pay & Display parking kiosks and phasing out of the use of individual parking meters. For reference: <http://www.parkeon.com/>

09-007 (Grow) RESUBMITTED REQUEST Request that the administration implement a plan to update and modernize the City website to achieve greater functionality, usability and increased access to public information.

09-008 (Grow) RESUBMITTED REQUEST Request that the Mayor provide a report on the procedure/protocol for utilizing (ie who has access and how is that access monitored and accounted for) and safeguards in place to prevent unauthorized use of the fueling facility at the DPW yard. Further it is requested that the administration investigate the installation of a video surveillance/monitoring system to prevent any potential misuse of city resources.

09-010 (Grow) RESUBMITTED REQUEST This request was made during the last session and while a few meetings were held, the idea stalled, therefore I would like to have this reconsidered by the administration:

Request that the administration research, and implement a senior citizen public service tax abatement program.

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE IX. TAXATION

CHAPTER 59. ASSESSMENT OF LOCAL TAXES

PERSONS AND PROPERTY EXEMPT FROM TAXATION

Chapter 59: Section 5K. Property tax liability reduced in exchange for volunteer services; persons over age 60

Section 5K. In any city or town which accepts the provisions of this section,

the board of selectmen of a town or in a municipality having a town council form of government, the town council or the mayor with the approval of the city council in a city may establish a program to allow persons over the age of 60 to volunteer to provide services to such city or town. In exchange for such volunteer services, the city or town shall reduce the real property tax obligations of such person over the age of 60 on his tax bills and any reduction so provided shall be in addition to any exemption or abatement to which any such person is otherwise entitled and no such person shall receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for services provided pursuant to such reduction nor shall the reduction of the real property tax bill exceed \$750 in a given tax year. It shall be the responsibility of the city or town to maintain a record for each taxpayer including, but not limited to, the number of hours of service and the total amount by which the real property tax has been reduced and to provide a copy of such record to the assessor in order that the actual tax bill reflect the reduced rate. A copy of such record shall also be provided to the taxpayer prior to the issuance of the actual tax bill. Such cities and towns shall have the power to create local rules and procedures for implementing this section in any way consistent with the intent of this section.

[Second paragraph effective until February 24, 2005. For text effective February 24, 2005, see below.]

In no instance shall the amount by which a person's property tax liability is reduced in exchange for the provision of services be considered income, wages or employment for the purposes of taxation as provided in chapter 62, for the purposes of withholding taxes as provided in chapter 62B, for the purposes of unemployment insurance as provided in chapter 151, for the purposes of workers' compensation as provided in chapter 152 or any other applicable provisions of the General Laws but such person while providing such services shall be considered a public employee for the purposes of chapter 258.

[Second paragraph as amended by 2005, 6, Sec. 7 effective February 24, 2005. For text effective until February 24, 2005, see above.]

In no instance shall the amount by which a person's property tax liability is reduced in exchange for the provision of services be considered income, wages, or employment for purposes of taxation as provided in chapter 62, for the purposes of withholding taxes as provided in chapter 62B, for the purposes of workers' compensation as provided in chapter 152 or any other applicable provisions of the General Laws, but such person while providing such services shall be considered a public employee for the purposes of chapter 258, but such services shall be deemed employment for the purposes of unemployment insurance as provided in chapter 151A.

09-011 (Grow) RESUBMITTED REQUEST Request that the administration provide the Council with an updated roster of employees, by department, who have or are assigned city owned, take-home vehicles, the justification, whether they are included as part of their compensation package, whether they are available to be used for personal reasons.

09-012 (Grow) RESUBMITTED REQUEST Request that the Mayor articulate and distribute, via the city website and other public postings, a policy on the repair of potholes on public and private ways. In light of the continuing lean budgetary

times, the city needs to clearly explain when and how the process of road repair will take place, or not as the case may be. This policy and the procedure for reporting potholes and other road repair issues should be plainly evident and accessible on the city website.

Additionally, it is requested that the Mayor coordinate with the Ward councilors, to hold a public meeting where the discussion of the acceptance of private ways can be discussed and clarified so that again, a clear policy is in place to explain when, how, why roads are either accepted or not and what the ramifications are in either event.

09-013 (Ciolino, Foote) Request that the DPW Director present to the City Council at the January 13th meeting, a policy for the exchange of old trash stickers for the new bags, including a deadline for exchanges (if any), the locations where exchanges can be made, and what will be the exchange ratio for bags vs. stickers.

09-014 (Tobey, Grow) Request that the Mayor advise the City Council on how the administration will exercise its discretion in the management of police road details in light of the regulations recently adopted by the Commonwealth and the cost savings implications of the approach the administration intends to employ.

PRESENTATION:

1. Recycling Coordinator Kathy Middleton – Trash Bag Program

Kathy Middleton, Recycling Coordinator briefed the council on the new trash bag program. All the stores have ordered bags and 98% have the bags in stock. It is a 36-½ gallon, 1.75 mil purple bag printed with the city seal. There are five bags per packet but certain stores have agreed to sell them as singles. The bag fits in a 32 gallon container. There are 22 stores selling the bags with two others agreeing to sell, Gulf Stop Mobil and the Building Center which have also agreed to sell the \$5 bulky item sticker. The list of stores selling bags is posted on line. She read the names of the stores into the record. The Senior Center will sell bags for \$1.50 for senior citizens 65 and older. The DPW has agreed to exchange stickers for bags at face value. She will be at the Senior Center two days in February to swap out stickers for bags and will be there in March on an as needed basis. People can call 978-281-9790 with any questions about the trash bag or recycling program. She distributed another 75 recycle bins in the last month. She answered some of the most frequently asked questions. Yes, we would like you to put your trash in a barrel. If an item doesn't fit into the bag it requires a bulky item sticker. Your pay as you throw bag really must be tied closed. Everyone in the city who participates in the trash program is required to purchase these bags.

Council President Tobey asked for clarification that people are not buying the bags; they are buying the ability to put their trash out for the city to pick it up.

Ms. Middleton concurred and stated it is paying for the service.

Councilor Hardy asked when this goes into effect.

Ms. Middleton replied it officially goes into effect on 1/19 but we have asked the stores to continue to sell stickers until they sell out of them.

Councilor Hardy has residents in her ward that have the old orange stickers which are at face value.

She asked where will folks be able to buy single bags and will the Senior Center be selling single bags.

Ms. Middleton replied the Senior Center will not be selling single bags. Seniors are allowed five bags per month. There are five or six stores that sell single bags.

Councilor Hardy might be able to fit two bags in her barrel.

Ms. Middleton explained it isn't actually the pounds that count; it is what you put into the bag.

Councilor Hardy asked how many individual bags she can leave at the curbside.

Ms. Middleton replied as many as you like but we are hoping you won't leave more than three or four because she would like to see more recycling. She added that the bag company would be willing to sell rolls of bags singly.

Councilor Ciolino thanked Kathy for a superb job putting this together and asked about a time limit on the exchange policy.

Ms. Middleton talked to the Times and Beacon today and bags will go into effect on 1/19th with a two week grace period through the end of January to use trash stickers and you can use a pink \$2 sticker on any bulky item. After the end of January, Waste Management will not pick up any item that doesn't have a new green bulky item sticker or if trash is not inside a purple bag it will not be picked up. The exchange program is through June 2009.

Councilor Ciolino asked them to consider making the exchange program fairer with an equal exchange, one sticker for one bag.

Councilor Grow also thanked Kathy for her hard work and asked if all this information is up on our website.

Ms. Middleton replied the brochure is on the website as well as the list of retail stores selling bags and we would like to get the hotline number on the website as well. If she had an orange \$1 sticker she would use it now before the end of January.

Councilor Romeo recommended getting the recycling bumper stickers.

Councilor Curcuru also thanked Kathy for a great job and asked about bulky stickers.

Ms. Middleton replied we still have the \$25 white goods stickers; in addition we have violation notice.

Councilor Curcuru asked about monitoring.

Ms. Middleton explained beginning February 1st the DPW, Board of Health and Lt. Aiello will be monitoring this.

Councilor Foote asked if you have to cover the barrels.

Ms. Middleton replied no.

CONSENT
AGENDA

- **MAYOR'S REPORT**
 1. Memo from CFO Jeffrey Towne re: mid-year update on FY09 budget status; FY10 budget preparation status and contingency planning for any local aid budget cuts in FY09 **(Refer B&F)**
 2. Memo from Health Director Jack Vondras re: Grant Application **(Refer B&F)**
 3. Memo from CFO Jeffrey Towne re: payment of invoice without PO **(Refer B&F)**
 4. Report from Auditor re: accounts with expenditures exceeding their appropriation **(Refer B&F)**
 5. Appointments:

a. Jim Duggan	Chief Administrative Officer
(TTE 02/14/2010) (Refer O&A)	
b. Donna Compton	Purchasing Agent
(TTE 02/14/2010) (Refer O&A)	
c. Suzanne Egan	General Counsel
(TTE 02/14/2010) (Refer O&A)	

d. Jeffrey Towne Chief Financial Officer
(TTE 02/14/2010) (Refer O&A)

- **APPROVAL OF MINUTES**

1. City Council Meeting: 12/16/08

(Approve/File)

- **APPLICATIONS/PETITIONS**

1. Petition from Fort Property Owners (Results on Petition from Assessors under Separate Cover)

- **ORDERS**

1. CC2009-001 (Hardy) Ordered that GZO, Sec. 3.2.1 be amended by changing min lot area per dwelling

unit

(Refer PB&P&D)

2. CC2009-002 (George&Devlin) Ordered Administration be requested to permanently close Police Dept.

Firing Range in West Gloucester and find other suitable arrangements (Refer O&A)

3. CC2009-003 (Foote) Ordered that the Mayor be requested to investigate feasibility of establishing a Commissioner of Public Safety to oversee Police and Fire Depts. (Refer O&A)

4. CC2009-004 (Foote/Ciolino) Ordered that DPW Director be requested to arrange auction for City surplus property

(FCV 1/27/09)

ITEMS REMOVED FROM THE CONSENT AGENDA

Councilor Hardy removed Mayor's report item #5 appointments.

Council President Tobey removed Mayor's report item #1

Councilor Hardy removed City Council minutes dated 12/16.

MOTION: The consent agenda is adopted by UNANIMOUS consent of the City Council with the exception of above.

Councilor Hardy asked if O&A would be receiving job descriptions on the appointments and 90-day appointments on the balance.

Jim Duggan, Administrative Assistant to the Mayor will provide job descriptions for O&A. The appointments are being phased in to ease the burden on the City Council and O&A and provide an opportunity for the Mayor to sit down and talk to each person who is being reappointed.

Councilor Hardy believes according to the Charter there is a deadline.

Council President Tobey stated the Charter requires the reappointments to occur on or before 2/14th but also holds that folks continue to serve up to 180 days or until a successor is appointed.

MOTION: On motion of Councilor Romeo, seconded by Councilor Hardy the City Council voted 7 in favor, 0 opposed to refer Mayoral appointments to O&A.

Councilor Hardy asked to remove her name and Councilor Romeo's from those present at the 12/16 meeting as they were both absent.

MOTION: On motion of Councilor Grow, seconded by Councilor Curcuru the City Council voted 7 in favor, 0 opposed to approve the minutes of 12/16.

Council President Tobey commended the Administration for the prudent steps taken with regards to the pending 9C cuts. The shortfall will require cuts to the tune of \$1.1 billion and need to be cut from the state's budget to balance the fiscal year that ends 6/30th and undoubtedly will have implication on all cities and towns.

MOTION: On motion of Councilor Ciolino, seconded by Councilor Romeo the City Council voted 7 in favor, 0 opposed to refer Mayor's report item #1 to B&F.

Special Mayors Report

Civil Service – 7 enclosures for referral to O&A.

Councilor Grow asked why it has taken so long to get this material to us since there is nothing included in it that is new. The home rule petition is all we asked the state to act on and he is confused by the call for a council resolution supporting a charter commission. He is not sure what is to be done with this.

Council President Tobey explained that the Mayor can initiate a home rule petition and recommend the City Council adopt ordinances but we are not under any obligation to do so. Charter commissions are initiated by 10% of the voters or by a home rule petition to amend the charter. He feels that enclosures 1 through 6 are appropriate for referral, but that enclosure 7 is out of order.

Councilor Ciolino asked which direction the Administration wishes to take.

Mr. Duggan explained that we are reevaluating the previous position of the Administration not accepting taking this out through O&A.

MOTION: On motion of Councilor Grow, seconded by Councilor Foote, the City Council voted 7 in favor, 0 opposed to refer the special Mayor's report dated regarding the Civil Service Proposal enclosures 1 through 6 to Ordinances and Administration.

Council President Tobey ruled that enclosure 7 is out of order.

SCHEDULED PUBLIC HEARINGS

1. 08-049: GZO Sec. 1.5 Proposed Rezoning: The Fort (see attached Communications) (cont from 12/16/08)

The public hearing is opened.

Council President Tobey conducted an inquiry to determine whether what was advertised on 10/3 regarding the proposed Fort rezoning continues to be what is

before the City Council. Gregg Cademartori will present the proposal that is before the City Council at this time. This is only for clarification purposes.

Gregg Cademartori, Planning Director provided an overview of the proposal before the council at this time. The initial proposal is to look at the area outside the DPA. There are certain lot size distinctions and the pattern in the current proposal is a mix of uses in an area that is zoned Marine Industrial (MI) and does not allow residential use. The Marine Industrial district has a 40' height restriction and few dimensional requirements and is by right and by special permit. The Planning Board recommendation was to recognize the existing use pattern by keeping MI intact and using an overlay district. Overlays are presently in use and can be applied to a portion of a district or span districts boundaries. We have a watershed protection overlay district, a village development overlay district, a personal wireless service facility overlay district, lowlands special permitting can be considered an overlay and the DPA and Ch. 91 which is a state overlay on local zoning. An overlay would allow new uses only by special permit very specifically designed. The purpose and intent of the ordinance is clear. It is to allow more flexible use of a portion of the MI district without compromising existing working waterfront and visual continuity of the area. It is intended to provide for consideration allowance of new uses in scale or context without displacing or negatively impacting existing uses and all new uses are only allow by a city council special permit. Any MI uses permitted by right or by special permit are still an option for any property owner within the overlay district area. The new uses the Planning Board recommended as special permit uses are: Multi-family use for lots of certain size and location, including existing multifamily use. Mixed use projects with a maximum of 25% residential on upper floors; hotels and hotels with residential up to 10% and business or commercial school. Dimensional requirements for multifamily uses shall follow R-5 requirements; height limit of 35', which may be increased by city council. All setbacks may be reduced by city council with no minimum lot area requirement for existing multifamily. Mixed use projects require a minimum lot area of 20,000 sq. ft. (no minimum lot area required in MI) and a height limit of 40', which may be increased by city council special permit and finally a minimum frontage requirement of 100'. Additionally, all projects must follow applicable standards of Sec. 5.7 major project (hotel use). The Planning Board recommended that in addition to the six special permit criteria in Sec. 1.8.3 the following criteria be considered: That the impact on traffic flow on surrounding roads and intersections do not reduce the levels of service below the current level of service. That utilities and public services are adequate to serve the needs of the proposed use. Any proposed overlay district or mixed use project expands or enhances public access including but not limited to public access to and across Pavilion Beach.

Council President Tobey asked Mr. Cademartori if people went to Community Development on 10/4 to view the plans on file would they be the same plan being presented today.

Mr. Cademartori replied it would be the same plan with different zoning designations.

Councilor Hardy stated this presentation included the recommendation that came out of the Planning Board. She asked if the initial proposal that came out of the planning office is still on the table as well. Are there one or two proposals before the City Council?

Suzanne Egan, General Counsel explained what was originally put before the City Council is still pending. It went to the Planning Board for their review and recommendation. The original proposal and the Planning Board recommendation are both before the council.

Councilor Curcuru asked which proposal was presented and acted upon at P&D Wednesday night.

Mr. Cademartori presented the overlay district as the Planning Board's recommendation; there was no recommendation from P&D.

Councilor Curcuru asked was the original proposal ever presented to P&D.

Mr. Cademartori replied yes, they received that presentation in a joint meeting with Planning Board.

Councilor Foote asked if the hotel is part of this plan.

Mr. Cademartori replied that hotel use would be allowed by special council permit.

Councilor Ciolino asked Ms. Egan if this is before us legally.

Attorney Egan replied yes.

Councilor Grow asked Ms. Egan what would be the most appropriate step by step process to deal with what most of us believe is before us, which is the overlay district. How do we dismiss the original proposal?

Attorney Egan believes what is before the council is the initial zoning amendment and the Planning Board's recommendation. The council would hold a public hearing on those two issues and consider the Planning Board's recommendation and public input; then close the public hearing and deliberate.

Councilor Grow asked would there be a problem deliberating on the original proposal and re-advertising the new proposal with its own public hearing.

Attorney Egan understands the issue really is notice and providing notice of the zoning overlay district before a public hearing is held. If you look at it as a result of what came out of the Planning Board's hearing, you could continue this hearing and advertise to give notice of a public hearing on the specific overlay district.

Councilor Grow asked if we can make the original proposal and the overlay proposal separate entities.

Attorney Egan doesn't believe you can hold the public hearing, close the hearing and vote to reject and then hold another public hearing on the zoning overlay district. Once you close the public hearing, on the zoning amendment before you, then that public hearing is changed and the process is over and the zoning overlay district or whatever proposal for that area has to be reinitiated.

Council President Tobey asked Ms. Egan, given that the Planning Board has recommended an overlay district to this council and given that the Planning Director said the overlay district was not contained in the public notice which referenced plans then on file, what would your advice be if this hearing closed, because the subject matter now before us is not consistent with the public hearing and a vote was taken to re-advertise for a new public hearing with referral to Planning and Development Committee with a date certain set for that next public hearing on that which the Planning Board has referred to us. Would you consider that an allowable process

Attorney Egan replied from reading Ch. 40A, Sec. 5 and from our zoning ordinance and case law she believes that would be outside the process set forth in the zoning act because the zoning act provides that the Planning Board makes a recommendation within a certain number of days; the City Council holds a public hearing, closes it, and votes on that proposal. When you vote on that proposal, that process is then over and the zoning amendment would have to be reinitiated.

Council President Tobey added which would mean referral back to the Planning Board, which would have to hold another public hearing.

Attorney Egan replied yes.

Council President Tobey asked if it troubles her as the attorney who would have to defend our actions that if we proceed we are relying on a notice that refers people to something we would be acting upon that was not in existence at the time of the notification.

Attorney Egan replied it doesn't trouble her because she has done thorough research on this issue. Everything she has read so far speaks to the fact that within the process of an initiated zoning amendment, the planning board in their considerations will in all likelihood come up with something different. The Planning Board reviews it and gets the public input and their recommendation is a reflection of that public process, so typically there is a change to the zoning amendment at the end of the process that will be voted upon. The courts have said in terms of advertisement that you give notice there will be potential for a zoning change. The notice of public hearing does not have to say specifically what is going to be passed.

Council President Tobey suggested we are down two members and a zoning amendment requires 6 votes to be approved, as well as the substantial confusion as to what will be before us tonight. We do not have the benefit of a P&D recommendation or full membership and he suggested continuing this hearing to the second regular meeting in February (2/24) referring this back to P&D for a meeting with the community in the Fort, with a recommendation coming back to the council and with everyone understanding what is before us.

Councilor Grow doesn't have an objection to that. In addition he would ask that the existing hearing be re-advertised to include the new information consistent with what Ms. Egan has recommended.

Council President Tobey suggested the power point be put on the home page.

Councilor Ciolino doesn't see the point of sending this back to P&D. He agrees it is not fair to vote tonight because two members are not present. His suggestion is to hear the testimony and take a vote at the next meeting.

Council President Tobey stated we are talking about folk's property rights and he feels this is worth a delay to meet with them and come up with a recommendation.

Councilor Hardy stated one of the reasons P&D sent this along without a recommendation was because the neighbors have not been heard at a public hearing level. After the public hearing was closed at Planning Board a couple of members of the Planning Board brought up the issue of the overlay but because the public hearing portion had closed, the public had yet to hear about the overlay district and still haven't had their input. She believes if Legal says we are on sound footing with regards to notice but has a difficult time believing a reasonable person would understand what is actually before us tonight. She will be opening this up at P&D for public input and invites all the councilors to attend. She will be supporting the recommendation to send this back to P&D.

Councilor Foote asked who is to say we will have enough members when it comes to a vote.

Councilors Devlin and George are absent due to illness.

Councilor Romeo will support the recommendation to continue. She is concerned that the petition signed was not what people thought they signed and she wants to hear the people speak; it is important not to rush something so important.

Councilor Curcuru has been speaking to a few people about the petition as well and also support this.

The public hearing is continued to 2/24 with a supplemental public notice providing information to the public.

A two minute recess was called at 7:55 p.m.

The meeting reconvened at 8:00 p.m.

2. 08-057: Amend Sec. 16-1 Grant Applications of the Gloucester Code of Ordinances **(cont from 12/16/08)**

The public hearing is opened.

Speaking in favor. No one spoke in favor.

Speaking in opposition. No one spoke in opposition.

Communications. None.

Questions. None.

The public hearing is closed.

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council that Gloucester Code of Ordinances, Section 16.1 entitled Grant Applications be amended by DELETING Section 16.1 in its entirety and by ADDING the following:

Prior to filing any grant application that requires an in-kind match or multiple year commitment on behalf of the City of Gloucester, such application shall be submitted to the City Council for approval by its Budget and Finance Committee. If the application deadline is prior to the next regularly scheduled City Council meeting; then the applicant may file the application and seek Committee approval at the next regularly scheduled meeting following the deadline.

Discussion. **Councilor Grow** stated the majority of grants applied for are relatively small and/or require no match and it was Budget and Finance's viewpoint that those did not need to go to the full City Council for that delayed acceptance. There was concern about grants that require in-kind match or multiple year commitments that those should go through the two step process and be approved by the City Council.

Councilor Ciolino stated this addresses the deadlines for application submittals and makes the process more efficient.

MOTION: On motion of Councilor Grow, seconded by Councilor Romeo the City Council voted 7 in favor, 0 opposed that Gloucester Code of Ordinances, Section 16.1 entitled Grant Applications be amended by DELETING Section 16.1 in its entirety and by ADDING the following:

Prior to filing any grant application that requires an in-kind match or multiple year commitment on behalf of the City of Gloucester, such application shall be submitted to the City Council for approval by its Budget and Finance Committee. If the application deadline is prior to the next regularly scheduled City Council meeting; then the applicant may file the application and seek Committee approval at the next regularly scheduled meeting following the deadline.

3. 09-001: Council Order 2008-041: Amend GCO by adding Sec. 22-286(c) "Parking allowed for Trailer Trucks and Tour Buses only"

The public hearing is opened.

Speaking in favor. No one spoke in favor.

Speaking in opposition. No one spoke in opposition.

Communications. There were no communications.

Questions. There were no questions.

The public hearing is closed.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council Order CC2008-041, Ordered that Gloucester Code of Ordinances be amended by adding Section 22-286 (c) entitled, "Parking allowed for trailer trucks and tour buses only" of the Gloucester Code of Ordinances be established and that the section of Rogers Street, in the vicinity of Flannagan Square that is currently marked as "Trailer Truck Parking Only", be included in this new section to include both trailer trucks and tour buses.

Discussion. Councilor Ciolino noted that where to put the tour buses for an extended period during the day has been a concern and we looked at the area on Rogers Street from the Electric Company up to Flannagan Square where there are no meters and which is currently for trailer truck parking only. There is no longer the truck traffic we use to have so until we find a better solution we feel this is a good place to park the tour buses. This needs to be put onto our website to let tour operators know where to park their buses at no expense.

MOTION: On motion of Councilor Foote, seconded by Councilor Romeo the City Council voted 7 in favor, 0 opposed Order CC2008-041, Ordered that Gloucester Code of Ordinances be amended by adding Section 22-286 (c) entitled, "Parking allowed for trailer trucks and tour buses only" of the Gloucester Code of Ordinances be established and that the section of Rogers Street, in the vicinity of Flannagan Square that is currently marked as "Trailer Truck Parking Only", be included in this new section to include both trailer trucks and tour buses.

COMMITTEE REPORTS

1. O&A 01/05/09

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council that Gloucester Code of Ordinances, Section 22-274.1 be entitled "Two-Hour Parking at All Times", ADDING: 133 Washington Street from the railroad track side, beginning 20 feet from pole #2984 on the easterly side of Washington Street, in a southerly direction for a distance of 46 feet (approximately 2 spaces); and after the current Azorean lot entrance, and beginning 10 feet from pole #27-1, in a southerly direction, on the easterly side, for a distance of 85 feet (approximately 4 spaces) and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion of Councilor Foote, seconded by Councilor Romeo the City Council voted 7 in favor, 0 opposed that Gloucester Code of Ordinances, Section 22-274.1 be entitled "Two-Hour Parking at All Times", ADDING: 133 Washington Street from the railroad track side, beginning 20 feet from pole #2984 on the easterly side of Washington Street, in a southerly direction for a distance of 46 feet (approximately 2 spaces); and after the current Azorean lot entrance, and beginning 10 feet from pole #27-1, in a southerly direction, on

the easterly side, for a distance of 85 feet (approximately 4 spaces) and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council that Gloucester Code of Ordinances, Section 22-270, entitled "Parking Prohibited at All Times" and Sec. 22-291, entitled "Tow-Away Zones" be amended by ADDING Columbia Street, southerly side, at its intersection with School Street, in a westerly direction for a distance of 195 feet (to pole #3278 which would be to move the existing sign in an easterly direction 25 feet) and southerly side, at its intersection with Church Street, in an easterly direction for a distance of 140 feet (left of the gate to house #7) and northerly side, for its entire length and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion of Councilor Foote, seconded by Councilor Romeo the City Council voted 7 in favor, 0 opposed that Gloucester Code of Ordinances, Section 22-270, entitled "Parking Prohibited at All Times" and Sec. 22-291, entitled "Tow-Away Zones" be amended by ADDING Columbia Street, southerly side, at its intersection with School Street, in a westerly direction for a distance of 195 feet (to pole #3278 which would be to move the existing sign in an easterly direction 25 feet) and southerly side, at its intersection with Church Street, in an easterly direction for a distance of 140 feet (left of the gate to house #7) and northerly side, for its entire length and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council establishing a Community Preservation Committee ordinance as submitted by General Counsel and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion of Councilor Foote, seconded by Councilor Ciolino the City Council voted 7 in favor, 0 opposed establishing a Community Preservation Committee ordinance as submitted by General Counsel and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

2. B&F 01/08/09

MOTION: On motion of Councilor Grow, seconded by Councilor Devlin the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council approval of a grant application to Mass. Seaport Advisory Council in the amount of \$5,000 for removal of a derelict vessel in Gloucester Harbor.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 7 in favor, 0 opposed approval of a grant application to Mass. Seaport Advisory Council in the amount of \$5,000 for removal of a derelict vessel in Gloucester Harbor.

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council acceptance of the FY2009 Community Policing Grant in the amount of \$27,395.42.

Amendment to the main motion: On motion of Councilor Grow, seconded by Councilor Hardy the City Council voted 7 in favor, 0 opposed to add the following language: subject to the condition that any changes to the proposed use of this grant money be reviewed and accepted by the city council in advance of being expended.

Discussion. Councilor Grow stated the last time we had a Community Policing grant before us, the shifting in the delivery of what was expected versus what was delivered caused him concern about the trustworthiness of knowing what we are being presented with at one point and what is coming out at the end of the process. **Council President Tobey** will support this amendment – it is all about accountability.

MOTION AS AMENDED: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 7 in favor, 0 opposed acceptance of the FY2009 Community Policing Grant in the amount of \$27,395.42 subject to the condition that any changes to the proposed use of this grant money be reviewed and accepted by the city council in advance of being expended.

MOTION: The Budget and Finance Committee voted in favor, opposed to recommend to the full City Council permission for the Police Department to apply for an Emergency Communications Center Incentive Grant in the amount of \$49,778.

Discussion. Councilor Grow explained this is an application for a grant that is primarily overtime money that will be put in the E911 pool and the grant will be accepted when it comes in.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 7 in favor, 0 opposed permission for the Police Department to apply for an Emergency Communications Center Incentive Grant in the amount of \$49,778.

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council Transfer 09-11 in the amount of \$500 from Mayor, Contingency/Emergency fund to Fire, Lumber and Building Materials.
FIRE DEPARTMENT

Discussion. Councilor Grow explained this is to complete the kitchen floor in the fire house.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 7 in favor, 0 opposed Transfer 09-11 in the amount of \$500 from Mayor, Contingency/Emergency fund to Fire, Lumber and Building Materials. FIRE DEPARTMENT

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council Transfer 09-12 in the amount of \$9,500 from Auditor, Salary/Wage-Permanent Positions to Auditor, Professional Audit Services. AUDITORS

MOTION: On motion of Councilor Grow, seconded by Councilor Romeo the City Council voted 7 in favor, 0 opposed Transfer 09-12 in the amount of \$9,500 from Auditor, Salary/Wage-Permanent Positions to Auditor, Professional Audit Services. AUDITORS

MOTION: On motion of Councilor Grow, seconded by Councilor the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council approval of a transfer of \$50,000 of Gloucester Affordable Housing Trust Funds to the Gloucester Development Team for the Central Grammar Apartments.

Discussion. Councilor Grow stated this money has been set aside as a requirement for developers to either build affordable housing units on or off site or set aside an amount of money equal to the building costs to be used for affordable housing elsewhere. The Affordable Housing Trust was approached by the Gloucester Development Team for a \$50,000 token grant to be used to leverage \$2 million in loans to do renovations to the Central Grammar Apartments. This creates a mechanism to keep that housing affordable for the next 30 years.

Councilor Romeo asked who owns the Central Grammar Apartments.

Councilor Grow believes they are owned and operated by the Gloucester Development Team.

Sarah Buck, Community Development Director replied it is owned by the Gloucester Development Team and managed by Community Builders, Inc. They have been managing these apartments for the past 30 years.

Councilor Romeo asked to make it affordable is it Section 8.

Ms. Buck replied it has some Section 8 vouchers but not 100%. There is a mix of funding streams. The \$2 million mortgage is rent supported but they are attracting another \$5 million in tax credits. This capital investment allows the maintenance costs to remain low.

Councilor Romeo asked for a list of affordable housing units outstanding.

Ms. Buck replied where we have them outstanding is because the project hasn't been built out. It is triggered not until the 11th unit is built.

Councilor Romeo asked if there is a time limit to build these affordable units.

Councilor Hardy replied by means of a special council permit – the time frame is much shorter and it must be before they pull a building permit.

Ms. Buck noted generally you allow a few units to be built to allow for cash flow.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 7 in favor, 0 opposed approval of a transfer of \$50,000 of Gloucester Affordable Housing Trust Funds to the Gloucester Development Team for the Central Grammar Apartments.

3. P&D 01/07/09 **Complete**

COUNCILLOR'S REQUESTS OTHER THAN TO THE MAYOR

Councilor Grow has requested a city wide ward meeting in the next month or so to discuss the issue of private and public streets, the city's and citizen's responsibilities. He has also requested a pothole policy be put on the city website in a prominent location.

Councilor Romeo spoke on behalf of the Orlando and Russo families who asked her to thank the council, the administration and the public for all their support and kindness. She asked people to please send the family a card so Matt Russo's children can know their grandfather and father. Joseph E. Orlando Russo, 151 Washington Street, Gloucester. She is very concerned and sorry about the enormous copays her seniors have to pay for their prescriptions with Prescription Advantage.

It was moved and seconded to adjourn the meeting at 9:10 p.m.

Respectfully submitted,

June Budrow
Clerk of Committees