

**GLOUCESTER CITY COUNCIL CALENDER OF BUSINESS
TUESDAY, FEBRUARY 10, 2009 - 7 P.M.
KYROUZ AUDITORIUM, CITY HALL
COUNCIL MEETING #2008-003**

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

Also: Mayor Kirk, Jim Duggan, Mike Hale, Kathy Middleton, Jim McKenna, Antonio and Angela Procaccini, Suzanne Egan, Donna Compton, Jeff Towne, David Bain, Bill Sanborn, Gary Johnstone, Dean Harrison, Rayna Tulysewski, Sandra Dahl-Ronan, Marcia McInnis

Absent: Councilor Sharon George, Jim Caulkett

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

FLAG SALUTE & MOMENT OF SILENCE

ORAL COMMUNICATIONS

COUNCILLOR’S REQUESTS TO THE MAYOR

09-019 (Grow) Request that the Mayor instruct the DPW to immediately begin to remove the snow and ice on sidewalks adjacent to and within a two blocks of our elementary schools. I understand that the ordinances require property owners to clear sidewalks, but the accumulated plow banking and icing has created a significant hazard approaching E. Gloucester Elementary along Davis, Chapel and Highland Streets and these areas need to be cleared.

09-020 (Hardy) Request the Mayor instruct the DPW to add weekly, single stream recycling to the potential deliverables in any new Solid Waste RFP/Contract.

09-021 (Hardy) Request the Mayor instruct the DPW to inquire as to changing the SHAPE of the new purple trash bags to a shape that would lend itself to be taller than it is wide while at the same time allowing equal or more capacity as the current purple bag. Additionally to make inquiry to the vendor to see if the draw string on the current bag can be improved in strength so as to decrease the apparent easy tearing and failure of the bag.

09-022 (Grow) Request that the Administration direct the Alternative Energy committee to investigate and report back on the viability of roof-top wind energy conversion turbines and whether the city should or could pursue a Massachusetts Technology Collaborative grant for purposes of study, purchase and installation of such devices on school and municipal buildings where appropriate.

PRESENTATIONS:

1. DPW Director Mike Hale – Trash Bag Program

Mike Hale, DPW Director provided an update on the trash bag program. Last week was the first full week using bags and we had over 96 compliance and only 400 violations. We have a call line to DPW for questions and complaints and have handed out over 350 recycling bins and have put in an order for another

400, as well as recycling stickers. The volume last week was 95 ton compared to the week previous which was 151. November's average was 140. Tonnage in the first week has decreased significantly. We are still exchanging stickers for bags at DPW and will continue through the first week in June and if the bag malfunctions it can be exchanged. Ultimately, this program will be a success as we avoid tonnage.

Councilor Ciolino stated one of the complaints is size of a 32 gallon trash barrel. The bottom of the bag is 6" from the bottom of the barrel and he feels we need to consider making the bags 6 to 8" taller to fit those barrels better. Another concern is the drawstrings on the bags breaking and the fact that Waste Management is using the regular rubbish trucks for recyclables and to make sure that rubbish truck goes to the recycling plant and not the incinerator. He asked for an update in three months on tonnage for recycling and trash and expense ratios to see what the savings is. **Mr. Hale** stated Waste Management has been experimenting with single stream recycling - it is something we are soliciting. Right now we have dual stream separating out the paper.

Councilor Devlin arrived at the meeting at 7:20 p.m.

Councilor Romeo thanked both he and Kathy on the e-mail responses to questions and asked is there a place that people can go to dump their recyclables. **Mr. Hale** stated as we develop our proposal (going out 3/2) requesting various types of recycling and pricing on recycling containers at the DPW facility. Weekly recycling could be a possibility.

Council Romeo feels the bags needs to be enforced - they are a little thin and the bags do tear.

Councilor Foote supports the bag program and would like to see all the bags go into a barrel.

Councilor Devlin stated in public interest for the seniors of the community who are use to one kitchen bag per week, how can they carry these larger bags to the curb.

Mr. Hale stated the weight of the waste shouldn't have changed. If the program is a success, which we think it will be, we can talk about two size bags. The shape of the bag is a result of having the larger sized bag

Councilor Devlin asked why we didn't go with a biodegradable bag.

Mr. Hale stated the bags are incinerated. These bags are 1.75 milliliter, nearly twice as thick as your average kitchen bag which is .9 milliliter.

Councilor Devlin stated a lot of people didn't know they could use a regular barrel for recycling and asked that be put on the website to make people aware.

Councilor Grow although personally he hasn't had any problems, he has had some complaints about tearing as well.

Mr. Hale noted 155 tons the first week of January, 136 tons the second week of January; 150 tons the third week and 103 the fourth week of January. The first week using just purple bags we are down to 95 tons. We currently pay \$87.85 per ton.

Councilor Grow asked for recycling tips.

Kathy Middleton, Solid Waste and Recycling Coordinator noted a lot of residents are putting their trash out by 7 a.m.

Council President Tobey saluted Ms. Middleton for recycling of the highest order.

Ms. Middleton noted waxy containers, Styrofoam containers or plastic bags cannot be recycled.

Council President Tobey feels we will be better off for this program and asked the data be shared with the City Council the second week of each month, comparing this point this year with this point last year.

2. Harbor Plan Review Process Recommendations – Councilor Hardy
Councilor Hardy stated P&D reviewed the dates which we will be reviewing the harbor plan.

On Wednesday, 2/18th P&D will set topics of discussion for the Charrette which is an informal session to discuss the harbor plan. The Charrette is set for Saturday, 2/28 from 9 to 1 here in the auditorium. P&D will review the data from the Charrette at their 3/4th meeting and report back to Council. The target date to get this back to the City Council is 3/10th. She encouraged the City Council and the public to submit any topics they would like discussed during the Charrette.

Council President Tobey saluted Patti Sikes, a Gloucester native who has volunteered to help with this effort. Patti is head of the Architectural program at the Mass. College of Art is working closely with P&D on putting together the structure of the Charrette which will be oriented as a reality check of the vision aspect of where we see are harbor going.

Councilor Ciolino explained the process of a Charrette. We are looking for people interested in the future of the harbor and everyone who comes to the table brings value to the table and looking forward to public input.

CONFIRMATION OF APPOINTMENTS

1. Donna Compton Purchasing Agent TTE
02/14/2010

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council the appointment of Donna Compton to Purchasing Agent for a term to expire 2/14/10.

Discussion. Councilor Ciolino supports the appointment of Donna Compton.

MOTION: On motion of Councilor Foote, seconded by Councilor Grow the City Council voted 8 in favor, 0 opposed the appointment of Donna Compton to Purchasing Agent for a term to expire 2/14/10.

2. Suzanne Egan General Counsel TTE 02/14/2010

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council the appointment of Suzanne Egan to General Counsel for a term to expire 2/14/10.

Discussion. Councilor Foote commended Suzanne on the work being done.

Council President Tobey endorsed that as well.

MOTION: On motion of Councilor Foote, seconded by Councilor Romeo the City Council voted 8 in favor, 0 opposed the appointment of Suzanne Egan to General Counsel for a term to expire 2/14/10.

3. Jeffrey Towne Chief Financial Officer TTE
02/14/2010

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council the appointment of Jeffrey Towne to Chief Financial Officer for a term to expire 2/14/10.

Discussion. Councilor Ciolino feels Mr. Towne brings value to the department.

Councilor Grow appreciates the cooperation exhibited with the Auditor's office and appreciates the help given to B&F in understanding the issues. Councilor Curcuru also commended Mr. Towne for a job well done.

MOTION: On motion of Councilor Foote, seconded by Councilor Grow the City Council voted 8 in favor, 0 opposed the appointment of Jeffrey Towne to Chief Financial Officer for a term to expire 2/14/10.

4. David J. Bain, Jr. Personnel Director TTE 02/14/2010

MOTION: The Ordinances and Administration Committee voted 2 in favor, 0 opposed, 1 present (Tobey) to recommend to the full City Council the appointment of David J. Bain to Personnel Director for a term to expire 2/14/10.

Discussion. Councilor Foote feels Mr. Bain does an excellent job. He is sincere and provides information in a timely manner.

Councilor Ciolino also commended Mr. Bain for a job well done; he is a tremendous asset to the department and the city as both an attorney and a human resource person.

Council President Tobey had direct concerns raised with Mr. Bain at the O&A meeting about focus, communication, the bargaining process, GIC and engagement of the more serious problems in the police department and is confident Mr. Bain has taken those comments to heart and will support the confirmation of his appointment.

Councilor Grow did not attend O&A but would hope that next year there would be more pro-activity from the department and a long term approach.

MOTION: On motion of Councilor Foote, seconded by Councilor Ciolino the City Council voted 8 in favor, 0 opposed the appointment of David J. Bain to Personnel Director for a term to expire 2/14/10.

5. Bill Sanborn Building Inspector TTE
02/14/2010

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council the appointment of Bill Sanborn to Building Inspector for a term to expire 2/14/10.

Discussion. Councilor Hardy complimented Mr. Sanborn for helping her through P&D and at the ZORTF level.

Councilor Ciolino added that Bill does a great job at customer service in a professional way and is a tremendous asset to the city.

MOTION: On motion of Councilor Foote, seconded by Councilor Ciolino the City Council voted 8 in favor, 0 opposed the appointment of Bill Sanborn to Building Inspector for a term to expire 2/14/10.

6. Jim Caulkett Harbormaster TTE 02/14/2012
MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council the appointment of Jim Caulkett to Harbormaster for a term to expire 2/14/12.

Discussion. Councilor Foote finds Jim is efficient, good for the harbor and is glad to reappoint him.

Councilor Ciolino thinks the harbor has never looked better. Jim has been an advocate of getting rid of all the derelict boats and he thanked him for doing that.

Councilor Devlin stated in the brief time he worked with Jim, he is very impressed with how organized and efficient things are run.

MOTION: On motion of Councilor Foote, seconded by Councilor Ciolino the City Council voted 8 in favor, 0 opposed the appointment of Jim Caulkett to Harbormaster for a term to expire 2/14/12.

7. Gary Johnstone Assessor TTE 02/14/2012
MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council the appointment of Gary Johnstone to Assessor for a term to expire 2/14/12.

Discussion. Councilor Grow praised the Assessors and Gary in particular for all the work they do and their willingness to engage the City Council is much appreciated.

Councilor Ciolino acknowledged the Assessor's office gets high marks on customer service as well.

Councilor Romeo thanked everyone for their patience at O&A. The Assessor's job is a difficult position and the work they do is appreciated. Council President Tobey seconded that and stated from a business point of view the Assessor's office is critical because it generates a large percent of our Accounts Receivable – there is a lot of professionalism in what they do.

MOTION: On motion of Councilor Foote, seconded by Councilor Hardy the City Council voted 8 in favor, 0 opposed the appointment of Gary Johnstone to Assessor for a term to expire 2/14/12.

8. Jim Duggan CAO

TTE 02/14/2009

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council the appointment of Jim Duggan to Chief Administrative Officer for a term to expire 2/14/10.

Discussion. Councilor Foote is honored to work with Jim and feels he does excellent job. He is honest and sincere and has no problem recommending his reappointment.

Councilor Devlin stated Jim's door has always been open to him and he is very responsive to constituent concerns.

Councilor Grow had some conflict with this appointment. Personally, he feels Jim is doing his best to fill a difficult role but he does have concerns about that role in terms of its composition in the Charter and its role as the main professional management component of the overall staff. He has concerns about whether or not he is being given the full component of the job. He is still uncertain about that role and whether or not it is being exercised in the best interest of the city. He is concerned about communication issues and hopes there is improvement in the next year in that Jim be given the flexibility and responsibility to act as the executive assistant to the city in the way we expect. Not to overly criticize the Mayor, but asked that Jim be allowed to perform his job responsibilities. He will vote present tonight.

Council President Tobey was a yes vote last year but will vote present tonight. He referred to the Charter discussion in the mid 70's when we went from a city manager to a strong mayor charter. The founders of this charter clearly intended that the position of Administrative Assistant to the Mayor was to be the functional equivalent to the city manager. In his eyes, Jim has been caught in the cross fire. The City Council and the Mayor went through a lengthy and elaborate discussion last year about what the job description was going to look like and why it was going to differ from the Charter because we were going to treat the Community Development Director's differently by shifting responsibilities around. At O&A this year we are given the job description that last year we were told wasn't going to be used and he isn't sure how to measure this. It seems to him this position has to be a strong right arm to any Mayor but can only be as strong as he or she lets you be. He urged the Mayor to use Mr. Duggan and delegate much more extensively. It is critically important that Mr. Duggan understand that will behaving like a traditional Administrative Assistant to the Mayor and he asked that he know the answers and the charter cold and master it.

Councilor Ciolino feels our current Administrative Assistant brings a lot of value to the table and that he is very helpful. We have had one emergency after another that have to be dealt with. The Mayor's office is dynamic and doing more than less and feels Mr. Duggan is very capable. He works well with the Mayor and the City Council and is right on top of the managers, key in these hard times. He urged his fellow City Councilors to vote favorably.

Councilor Hardy stated being a ward councilor it is all about constituent services and Jim has always been there to answer her concerns.

Councilor Curcuru stated everything is a team effort in the Mayor's office and he feels Jim has always been available and feels he is doing a great job.

Council President Tobey read Sec. 3-7 of the Charter the job description for the Administrative Assistant to the Mayor into the record and noted it is high level stuff it is not constituent service. It is the high level stuff he is looking for.

Councilor Romeo stated her concern is how to measure that position by the Charter. Although the Mayor is hands on, she needs to keep Mr. Duggan aware of what is going on. She feels he is doing the job but is not getting the credit for it.

Councilor Foote is happy to see that potholes are being filled around the city and asked Jim to work together with the City Council.

MOTION: On motion of Councilor Foote, seconded by Councilor Romeo the City Council voted 6 in favor, 0 opposed, 2 present (Grow, Tobey) the appointment of Jim Duggan to Chief Administrative Officer for a term to expire 2/14/10.

CONSENT AGENDA

ACTION

• ***MAYOR'S REPORT***

1. Update from Mayor re: Eastern Avenue House Explosion
2. RFP for the Good Harbor and Wingersheek Beach Concessions
(Refer B&F)
3. Memo from Chief McKay re: 09 Firefighting Equipment Grant
(Refer B&F)
4. Report City Auditor re: accts with expenditures exceeding appropriation (Refer B&F)
5. Memo Frank Ventimiglia, Acting City Eng, re: Private Way Easement Takings
(Refer O&A & P&D)
6. Memo from CAO Jim Duggan re: RFP 2009 CDBG Program
(Refer B&F)
7. Appointments:
 - a. Affordable Housing Trust - Ruth Pino and Michael Luster (TTE 02/14/2011)
(Refer O&A)
 - b. Board of Health – Janet Doran and Mark Evans (TTE 02/14/2012) (Refer O&A)
 - c. Capital Improvement Advisory Committee – William Kyrouz and Roland Hadley (TTE 02/14/2012) (Refer O&A)
 - d. Committee for the Arts – Judith Hoglander (TTE 02/14/2013) (Refer O&A)
 - e. Conservation Commission – Charles Anderson, Jr. (TTE 02/14/2012) (Refer O&A)
 - f. Council on Aging – Frederick Cowan, Lee Harty and Jay Gustaferro (TTE 02/14/2012) (Refer O&A)
 - g. Downtown Development Commission – Katherine Cuddyer (TTE 02/14/2012)
(Refer O&A)
 - h. Gloucester Housing Authority – Dorothy Martins (TTE 02/14/2014)
(Refer O&A)
 - i. Gloucester Cultural Council – JoeAnn Hart, Sara Stotzer and Saira Austin (TTE 02/14/2011)
(Refer O&A)

- j. Historic District Commission – Ralph Pino(TTE 02/14/2012)
(Refer O&A)
- k. Historical Commission – Robert Wolfe and Thomas O’Keefe (TTE 02/14/2012)**(Refer O&A)**
- l. Mariners Medal Committee – George Nichols (TTE 02/14/2013)
(Refer O&A)
- m. Planting Committee – Janis Bell (TTE 02/14/2012)
(Refer O&A)
- n. Traffic Commission – Robert Ryan (TTE 02/14/2012)
(Refer O&A)
- o. Waterways Board – David Murray (TTE 02/14/2012)
(Refer O&A)
- p. Zoning Board of Appeals – James Movalli and Michael Nimon (Alternate)(TTE 02/14/2012) **(Refer O&A)**
- q. Committee for the Arts – Roger Armstrong (TTE 02/14/2013)
(Refer O&A)
- r. Conservation Commission – Nicole Pitts (TTE 02/14/2012)
(Refer O&A)
- s. Downtown Development Commission – Douglas Cook (TTE 02/14/2011)
(Refer O&A)
(Backup Information to be Provided Under Separate Cover)
- ***ADDENDUM TO THE MAYOR’S REPORT***
 - 1. Special Budgetary Transfers from Auditor’s Department
(Refer B&F)
- ***INFORMATION ONLY***
 - 1. Current Project Schedule for A. Piatt Andrew Bridge from Senator Tarr
(Info Only)
- ***APPROVAL OF MINUTES***
 - 1. City Council Meeting 1/27/09
(Adopt/File)
- ***APPLICATIONS/PETITIONS***
 - 1. PP2009-001 Pole Petition #5458-S on McEachern Place
(Refer P&D)
 - 2. PP2009-002 Pole Petition #7115-S on Gloucester Avenue
(Refer P&D)
 - 3. PP2009-003 Pole Petition #7116-S on Gloucester Avenue
(Refer P&D)
 - 4. PP2009-004 Pole Petition #5454-1/2 on Grove Street
(Refer P&D)
- ***COMMUNICATIONS***
 - 1. COM2009-006 Sale of City Owned Lot on Great Hill Road Assessor’s Map 240, Lot 80
 - 2. COM2009-007 Letter from Brian & Judy St.Cyr re: Trash Bags
- ***ORDERS***
 - 1. CC2009-007(Tobey/Romeo) Amend Sec. 2.3.1 and Sec. 3.2.6 of the GZO**(Refer P&D&PB)**

ITEMS REMOVED FROM CONSENT AGENDA

Councilor Hardy removed Mayors Report #5 and Communication #1 and Order #1.

Councilor Grow removed Mayor's report #7.

MOTION: The consent agenda is adopted by UNANIMOUS consent of the City Council with the noted exceptions.

MOTION: On motion of Councilor Hardy, seconded by Councilor Romeo the City Council voted 8 in favor, 0 opposed to refer Mayor's Report #5, memo from Frank Ventimiglia, Acting City Engineer, regarding Private Way Easement Takings.

Councilor Hardy removed Communication #1. The attorney on this communication has asked for City Council action and she is requesting this be referred to the Legal Department to resolve the city's interest in the land and then back to the Land Disposition Committee so a proper assessment of the value of the land can be made.

MOTION: On motion of Councilor Hardy, seconded by Councilor Ciolino the City Council voted 8 in favor, 0 opposed to refer this matter to Legal to resolve the city's interest in the land and then back to the Land Disposition Committee so that a proper assessment of the value of the land can be made – until then we have no basis upon which to make a recommendation on Atty. Frontiero's request for council action regarding the sale of city owned property on Great Hill Road (Assessors Map 240, Lot 80).

Councilor Grow asked the Administration to make sure we have a current list of Boards and Commissions that have vacancies that need to be filled. The re-constituting Parks and Recreation Commission is critical to the CPA. Councilor Romeo stated it is also important to make sure these committees are complying

MOTION: On motion of Councilor Hardy, seconded by Councilor Grow the City Council voted 8 in favor, 0 opposed to refer the boards, commissions and committee appointments to Ordinances and Administration.

Council President Tobey spoke on Order 1, regarding a hotel in the business park. This isn't about one project; it is to meet the needs of the community and fuel further expansion of the business park and growth of our commercial/industrial structure.

Councilor Grow asked if this is a formal order.

Council President Tobey stated this is initiation of the process.

Councilor Ciolino asked why the EDIC is not pushing this forward since they are in charge of the park.

Council President Tobey stated the EDIC doesn't own the parcel in question. This is privately owned land and the rezoning would be one of the contingencies for the deal to close. He noted through conversations with Alan Hagstrom of EDIC that the developers have met with the EDIC who expressed extreme enthusiasm for this proposal.

Councilor Ciolino feels this is putting the cart before the horse.

Councilor Grow stated this is entirely appropriate for the City Council to put forth a zoning change.

Councilor Hardy thanked the Council for the clarity on this.

Councilor Foote wants to make sure everything is done with public input.

Councilor Grow clarified this is an amendment to the entire business park zoning ordinance.

MOTION: On motion of Councilor Ciolino, seconded by Councilor Hardy the City Council voted 8 in favor, 0 opposed to refer Order CC2009-07 to both Planning Board and Planning and Development.

SCHEDULED PUBLIC

HEARINGS

Public Hearing #1

09-002: Renewal of Permit Pursuant to MGL Ch. 148, Sec. 56 and GCO Sec. 22-153 re: Antonio & Maria Procaccini

The public hearing is opened.

Speaking in favor. James McKenna, Attorney, 63 Middle Street, Antonio and Angela Procaccini open air parking lot on Rockport Road. This is a mixed use neighborhood abutting Long Beach and this parking facility maintains the public aspect of access to Long Beach enabling the public to park and access the beach. This permit is reviewed by the City Council every three years and has been fully vetted by P&D. We have worked with Bill Sanborn, Building Inspector and Barry McKay, Fire Chief to come up with a new parking configuration including a handicap accessible space and increasing capacity to 23 spaces. All of the lot has been redesigned in complete adherence to the design standards in the rules and regulations for off street parking. We have also received approval from Mr. Sanborn and Chief McKay that have become conditions of the permit. He provided a certificate of insurance, bathrooms and signage. The lot is an asset to the city and there has never been a single complaint on record. It is a well managed lot that adds great value to the community.

Speaking in opposition. No one spoke in opposition.

Questions. Councilor Foote asked when the last time this lot received any fill.

Attorney McKenna replied it has been maintained as is for many years.

The public hearing is closed.

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council renewal of a special permit for Antonio and Mary Procaccini open air parking lot at the corner of Long Beach Road and Rockport Road with the conditions and restrictions listed as follows:

1. That this permit shall be valid from April 30, 2009 to May 1, 2010 upon payment of the appropriate fees to the City Clerk.
2. That prior to the issuance of the permit by the City Clerk, the applicant shall pay over to Cape Ann Motor Inn the sum of \$100.00 for the maintenance of the Gloucester portion of Long Beach.
3. That the number of cars allowed to park on the lot at any one time is limited to 23.
4. That the Fire Chief, for safety purposes, may remove space numbered 23 as shown on the approved plot plan.

5. That the individual parking spaces shall be delineated and be in accordance with the lot plan approved by the Building Inspector dated 2/4/09 and on file with the City Clerk.
6. That the grass in the parking lot be kept short.
7. That an attendant shall be on duty at all times during hours of operation.
8. That the Fire Chief and Building Inspector approve of the parking plan.
9. That the applicant obtain and keep current, a favorable restroom inspection from the Board of Health.
10. That a minimum of two rubbish containers be placed on the property and that trash be removed from lot on a daily basis.
11. That four shrubs shall be placed and maintained on the property abutting Cliff Road.
12. That the following shall be posted on a temporary sign to be erected by the applicant, the size and location of said sign to be agreed with the Building Inspector:
 - a. Fee for parking
 - b. Number of cars allowed by the permit
 - c. Location of restrooms and hours they are open
 - d. Hours of operation
 - e. Beach regulations
13. That the permit fee is to be paid yearly to the City Clerk and the application is to be reviewed by the City Council every three years unless there is cause to review sooner due to any violations herein.
14. The City of Gloucester shall not be held liable for any claims incurred by the parking lot operation.

MOTION TO AMEND: On motion of Councilor Hardy, seconded by Councilor Ciolino the City Council voted 8 in favor, 0 opposed to add condition 15; that the applicant obtain a certificate of insurance in the aggregate amount of \$1 million, naming the City of Gloucester as additionally insured and that the coverage run for the duration of the yearly permit.

Discussion on the Main Motion: Councilor Hardy stated the applicant has provided all the information requested and supports the renewal.
Councilor Grow is a huge proponent of public access to beaches and stated this is a service to the community by allowing public access to the beaches.
Councilor Foote will support this as well.
Councilor Romeo hasn't heard any complaints and supports the renewal of the permit.

MOTION AS AMENDED: On motion of Councilor Hardy, seconded by Councilor Ciolino the City Council voted by ROLL CALL 8 in favor, 0 opposed renewal of a special permit for Antonio and Mary Procaccini open air parking lot with the conditions and restrictions listed as follows:

1. That this permit shall be valid from April 30, 2009 to May 1, 2010 upon payment of the appropriate fees to the City Clerk.
2. That prior to the issuance of the permit by the City Clerk, the applicant shall pay over to Cape Ann Motor Inn the sum of \$100.00 for the maintenance of the Gloucester portion of Long Beach.
3. That the number of cars allowed to park on the lot at any one time is limited to 23.

4. That the Fire Chief, for safety purposes, may remove space numbered 23 as shown on the approved plot plan.
5. That the individual parking spaces shall be delineated and be in accordance with the lot plan approved by the Building Inspector dated 2/4/09 and on file with the City Clerk.
6. That the grass in the parking lot be kept short.
7. That an attendant shall be on duty at all times during hours of operation.
8. That the Fire Chief and Building Inspector approve of the parking plan.
9. That the applicant obtain and keep current, a favorable restroom inspection from the Board of Health.
10. That a minimum of two rubbish containers be placed on the property and that trash be removed from lot on a daily basis.
11. That four shrubs shall be placed and maintained on the property abutting Cliff Road.
12. That the following shall be posted on a temporary sign to be erected by the applicant, the size and location of said sign to be agreed with the Building Inspector:
 - a. Fee for parking
 - b. Number of cars allowed by the permit
 - c. Location of restrooms and hours they are open
 - d. Hours of operation
 - e. Beach regulations
13. That the permit fee is to be paid yearly to the City Clerk and the application is to be reviewed by the City Council every three years unless there is cause to review sooner due to any violations herein.
14. The City of Gloucester shall not be held liable for any claims incurred by the parking lot operation.
15. That the applicant obtain a certificate of insurance in the aggregate amount of \$1 Million naming the City of Gloucester as additionally insured and that the coverage run for the duration of the yearly permit.

Public Hearing #2

09-003: Amend GCO Sec. 22-274.1 "Two-Hour Parking at all Times" adding 133 Washington St.

The public hearing is opened.

Speaking in favor. No one spoke.

Speaking in opposition. No one spoke.

Questions. 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 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).

MOTION: On motion of Councilor Foote, seconded by Councilor Hardy the City Council voted 8 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).

Public Hearing #3

09-004: Amend GCO Sec. 22-270 “Parking Prohibited at All times” and Sec. 22-291 “Two-Away Zones” by adding Columbia Street.

The public hearing is opened.

Speaking in favor. Rayna Tulysewski, 5 Columbia Street is concerned about no signage on the corner of School and Columbia Street at pole #3002 for no parking. With a car parked on that corner the trash trucks and ambulances have not being able to make that turn and she asked if signage will be placed on that pole. The next pole #3003 has the same problem – the sign says no parking but there are no arrows, so it is unclear that there is no parking for the whole area. This is a congested area and the way this is written she thinks there is a sign going to be put in front of house #11.

Councilor Foote stated this is about the sixth time we have been on Columbia Street. We had an ordinance and that was accepted by the people living there but when we came back to this again we couldn’t find the ordinance. We met with the people again and had the Traffic Commission also look at this. If possible he would like to meet with the residents down there with the Traffic Commission and to continue the public hearing.

Speaking in opposition. No one spoke.

Questions. There were no questions.

The public hearing is continued to 3/24th.

Public Hearing #4

09-005: Amend GCO by adding Chap. 2, Article V. Division 11. Community Preservation Committee, Sec. 2-514 through Sec. 2-519

The public hearing is opened.

Speaking in favor. Sandra Dahl-Ronan spoke in favor of the proposed ordinance and complimented the Mayor’s office and O&A for pulling this ordinance together.

Speaking in opposition. No one spoke in opposition to the ordinance.

Questions. Councilor Hardy asked how often the committee will be meeting.

Ms. Dahl-Ronan stated the statute says they have to meet at least three times per year.

Councilor Hardy asked if she will be serving on the committee.

Ms. Dahl-Ronan did submit a letter of interest.

Councilor Hardy stated the minutes should be taken and filed with the City Clerk's office.

The public hearing is closed.

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.

Discussion. **Councilor Grow** thanked Sandy Ronan, Maggie Rosa and Claudia for getting the CPA on the ballot and into Gloucester finally. He is hopeful the effect this has on the community will be as positive, as we all expect it to be. He thanked her for fine tuning this ordinance to make sure it complies with the state guidelines. The CPA committee is composed of nine members, five from existing boards or commissions; one from the Conservation Commission, one from the Planning Board, one from the Housing Authority, one from the Parks and Recreation Committee and one from the Historical Commission. The remaining four members are at large seats appointed by the Mayor and confirmed by the Council. He strongly urged people who are interested in serving on this to put their names forward. It is a three year commitment and he hopes people will step forward.

Mr. Duggan stated as chair of the implementation committee for the CPA, he got in touch with the state Community Preservation Coalition and they were very helpful in giving him a to do list. After passing the ordinance he will request each of the five boards to appoint a representative and put forth to the City Council acceptance of four at large members. The CPA committee will convene a meeting with definitive agenda. Their first meeting will be to elect officers, determine meeting frequency and set a schedule and determine who will post meetings, take minutes, etc. At the second meeting the Community Preservation Coalition has volunteered to conduct a workshop open to all.

Councilor Devlin stated in these tough economic times this is another increase in taxes as minimal as it is. He supported all the efforts but wants to make sure this is being done right. It is really important we put this money to good use in this city.

Councilor Hardy asked if this committee is also bound by the open meeting law.

Council President Tobey replied certainly.

Councilor Hardy stated the committee needs to know the rules and regulations around the open meeting law.

Council President Tobey stated this has come a long way. He thanked the tax payers for voting for this and noted there are statutory parameters that determine how the money will be spent.

Councilor Grow stated it is very important for people to understand the commission doesn't have any authority to spend. They only make recommendations to the City Council; there will always be a public process. The City Auditor has asked us to establish a special revenue account and he asked that be referred to B&F for discussion to enable the collection of funds for the next tax year.

Council President Tobey asked the Administration to bring that forward as a request in the next Mayor's report.

Mr. Duggan concurred.

MOTION: On motion of Councilor Foote, seconded by Councilor Grow the City Council voted 8 in favor, 0 opposed to establish a Community Preservation Committee ordinance by amending the Gloucester Code of Ordinances by ADDING Chapter 2, Administration: Article V. Boards and Commissions, Councils and Committees, Division 11. Community Preservation Committee, Section 2-514 through Section 2-519.

COMMITTEE REPORTS

1. B&F 02/05/09

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council acceptance of the Southern Essex County Shannon Grant from the Commonwealth of Massachusetts in the amount of \$10,682.69 with a required match of \$2,670.67. POLICE

Discussion. Councilor Grow stated this grant is dealing with intervention in the schools and noted that the match is all in kind– no actual funds will be directly expended out of budget.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 8 in favor, 0 opposed acceptance of the Southern Essex County Shannon Grant from the Commonwealth of Massachusetts in the amount of \$10,682.69 with a required match of \$2,670.67. POLICE

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council Transfer 09-13 in the amount of \$504.43 from Registrar Salary/Wage Temporary Positions to Registration Contractual Services. REGISTRAR

Discussion. Councilor Grow explained this is to cover increased costs of the election not accounted for in the budget process.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 8 in favor, 0 opposed Transfer 09-13 in the amount of \$504.43 from Registrar Salary/Wage Temporary Positions to Registration Contractual Services. REGISTRAR

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council Transfer 09-14 in the amount of \$1,490.70 from Registrar Salary/Wage Overtime to Registration Contractual Services. REGISTRAR

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 8 in favor, 0 opposed Transfer 09-14 in the amount of \$1,490.70 from Registrar Salary/Wage Overtime to Registration Contractual Services. REGISTRAR

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council Transfer 09-15 in the amount of \$2,352.46 from City Clerk Salary/Wage Permanent Positions to Registration Contractual Services. REGISTRAR

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 8 in favor, 0 opposed Transfer 09-15 in the amount of \$2,352.46 from City Clerk Salary/Wage Permanent Positions to Registration Contractual Services. REGISTRAR

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council to accept the provisions of Chapter 44, section 31D snow and ice removal, emergency expenditures, not to exceed an additional \$1,100,000.

Discussion. Councilor Grow stated the Snow and Ice account is routinely over expended as long as we budget as much as the prior year. This is acknowledging overspending this account and preauthorizing an increase in expenditure to a total of \$1.1 million. We are roughly \$500,000 over what was budgeted for the year before and anticipate that \$1 million will need to be made up this fiscal year or next.

Council President Tobey explained this is just perfecting our legal ability to over expend the Snow and Ice account.

Councilor Ciolino added just because we increase the amount doesn't mean we are going to spend it.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 8 in favor, 0 opposed to accept the provisions of Chapter 44, section 31D snow and ice removal, emergency expenditures, not to exceed an additional \$1,100,000.

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council acceptance of the Medical Reserve Corp Capacity Building Award in the amount of \$5,000 from the National Association of City/County Health Officers with no match required.

Discussion. Councilor Grow stated this grant provides training of volunteers that respond to emergency situations.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 8 in favor, 0 opposed acceptance of the Medical Reserve Corp Capacity Building Award in the amount of \$5,000 from the National Association of City/County Health Officers with no match required.

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council acceptance of an easement across vacant land owned by the Bass Rocks Golf Club granted to the City of Gloucester for consideration paid in the amount of \$30,000 for the Moorland, Page and Way Road sewer extension project. (language subject to approval by the Legal Department).

Discussion. **Councilor Grow** stated this project was approved last year and other than the water line improvements, the rest of the project will be 100% bettered to the residents.

Councilor Hardy asked for the balance on the easement.

Councilor Grow replied the value of easement is \$30,000; the residents have already paid \$5,000 and the city will be paying the remaining \$25,000.

Councilor Hardy asked when a check will be cut.

Marcia McInnis, City Auditor replied Thursday.

Mr. Duggan explained that Bass Rocks has the revised easement; they are just waiting for the check.

Councilor Ciolino explained the least expensive way to do this sewer project was to go through the golf course. He noted that the golf course wants all construction done before spring.

MOTION: On motion of Councilor Grow, seconded by Councilor Hardy the City Council voted 8 in favor, 0 opposed acceptance of an easement across vacant land owned by the Bass Rocks Golf Club granted to the City of Gloucester for consideration paid in the amount of \$30,000 for the Moorland, Page and Way Road sewer extension project.

2. O&A 02/02/09 – complete.
3. P&D 02/02/09 – meeting continued to 2/10/09 @ 6 p.m. – complete.
4. P&D 02/04/09 (motion for FORT public hearing 2/24)

COUNCILLOR'S REQUESTS OTHER THAN TO THE MAYOR

Councilor Grow stated National Grid will be digging a trench in Eastern Avenue Wednesday and Thursday to lay a section of gas pipe. There is also a meeting tomorrow morning in the Mayor's office to provide an update of National Grid's plan for a gas main replacement project in the area of the explosion. As soon as we have a schedule for that project it will be posted on the city website.

Massachusetts Governor is asking for input on a representative image to be placed on the back side of our quarter and one of the options is the Fishermen's Memorial. He asked that people to go to the website www.mass.gov to vote for the Fishermen's Memorial.

Council President Tobey requested the Clerk to call both newspapers and ask they put that as a public notice on the front page.

Councilor Romeo spoke about credit card theft using cell phone pictures. Due to the weather the meeting was rescheduled for March 12th to talk about what is happening about prescription advantage.

Council President Tobey stated at the beginning of the 3/24 council meeting commendations will be presented to the respondents to the explosion on Eastern Avenue on for the fire department, one for the police department and one for each of the four civilian respondents.

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

Respectfully submitted,

June Budrow
Clerk of Committees