

FLAG SALUTE & MOMENT OF SILENCE
ORAL COMMUNICATIONS

CONSENT AGENDA

ACTION

- **MAYOR'S REPORT**
- 1. Special Budgetary Transfer Request (#2012-SBT-10) from the Police Department (Refer B&F)
- 2. Special Budgetary Transfer Request (#2012-SBT-11) from the Police Department (Refer B&F)
- 3. Special Budgetary Transfer Request (#2012-SBT-12) from the Police Department (Refer B&F)
- 4. Special Budgetary Transfer Request (#2012-SBT-13) from the Police Department (Refer B&F)
- 5. Special Budgetary Transfer Request (#2012-SBT-14) from the Police Department (Refer B&F)
- 6. Special Budgetary Transfer Request (#2012-SBT-15) from the Department of Public Works (Refer B&F)
- 7. Review and Recommendations for Disposition of Real Property re: Maplewood School (Refer P&D & B&F)
- 8. New Appointment: Conservation Commission John Montoni (TTE 02/14/2013) (Refer O&A)
- **INFORMATION ONLY**
- 1. Department of Housing & Community Development re: 2011-2012 Fuel Assistance (Info Only)
- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
- 1. City Council Meeting 11/15/11 (Approve/File)
- 2. Standing Committee Meetings: B&F 11/17/11, P&D 11/16/11 (Approve/File)

STANDING COMMITTEE REPORTS

ACTION

B&F 11/17/11, P&D 11/16/11

SCHEDULED PUBLIC HEARINGS

1. PH2011-072: SCP2011-009: **Main Street #186**, GZO Sec. 5.13.7.2 (PWSF) Modifications (TBC 12/13/11)
2. PH2011-081: Recommendations of the Community Preservation Committee for **FY12 Applications**
3. PH2011-074: SCP2011-014: **Dory Road #34** GZO Sec. 5.13.7.1 (PWSF) (cont'd from 11/15/11)
4. PH2011-076: Amend GCO Sec. 22-270 "Parking Prohibited at all Times" re: **Green Street** (cont'd from 11/15/11)
5. PH2011-077: Amend GCO Sec. 22-291 "Tow Away Zone" re: **Green Street** (cont'd from 11/15/11)
6. PH2011-078: Amend GCO Sec. 22-269 "Stop Intersections" re: **Raymond Street and Shore Road intersection** (cont'd from 11/15/11)
7. PH2011-079: Amend GCO Sec. 22-269.1 "Yield Intersections" re: **Raymond Street and Shore Road intersection** (cont'd from 11/15/11)
8. PH2011-080: Amend GCO Sec. 1-15 - "**Penalty for violation of certain specified sections of Code**" (cont'd from 11/15/11)
9. PH2011-073: Amend GZO Sec. 1.5.3 pursuant to MGL c40A §5 and Gloucester Zoning Ordinance Sec. 1.22 and 1.11.2(e) and "**Appendix A-Rule 25: Rules of Procedure Special Permit Procedures**" - Part I and II (cont'd from 11/15/11)
10. PH2011-075: Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: **deleting one space Riggs Street #7** (cont'd from 11/15/11)

UNFINISHED BUSINESS

INDIVIDUAL COUNCILLOR'S DISCUSSION INCLUDING REPORTS BY APPOINTED COUNCILLORS TO COMMITTEES

COUNCILLOR'S REQUESTS TO THE MAYOR

ROLL CALL - Councillor Paul McGeary

Linda T. Lowe, City Clerk

Meeting dates are subject to change. Check with City Clerk's Office.
 NEXT REGULAR CITY COUNCIL MEETING, December 13, 2011

Minutes filed in City Clerk's Office of other Boards and Commission from 10/25/11 thru 11/23/11:

Building Committee Lane's Cove Fish Shack 10/17/11, 10/24/11, 10/31/11, City Hall Restoration Committee Phase 2 Design 09/06/11, 09/12/11, 09/19/11, 10/03/11, 10/17/11, 10/24/11, Downtown Development Commission 10/17/11, Fisheries Commission 09/15/11, Water Committee Ad Hoc 10/19/11, Waterways 10/05/11

NOTE: The Council President may rearrange the Order of Business in the interest of public convenience.

The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

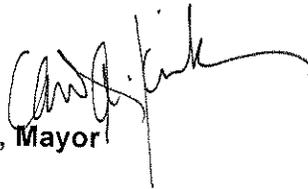
City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@gloucester-ma.gov

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

11 NOV 22 PM 2:12
CITY CLERK
GLOUCESTER, MA

TO: City Council
FROM: Carolyn A. Kirk, Mayor 
DATE: November 16, 2011
RE: Mayor's Report for the November 29, 2011 City Council Meeting

Councilors:

Matters requiring your attention and review are as follows:

Enclosure 1 is a Special Budgetary Transfer Request (**#2012-SBT-10**) from the Police Department. Please refer **#2012-SBT-10** to the **Budget and Finance** subcommittee for review and approval. Chief Lane, or his designee, will be available to answer questions and provide further information as required.

Enclosure 2 is a Special Budgetary Transfer Request (**#2012-SBT-11**) from the Police Department. Please refer **#2012-SBT-11** to the **Budget and Finance** subcommittee for review and approval. Chief Lane, or his designee, will be available to answer questions and provide further information as required.

Enclosure 3 is a Special Budgetary Transfer Request (**#2012-SBT-12**) from the Police Department. Please refer **#2012-SBT-12** to the **Budget and Finance** subcommittee for review and approval. Chief Lane, or his designee, will be available to answer questions and provide further information as required.

Enclosure 4 is a Special Budgetary Transfer Request (**#2012-SBT-13**) from the Police Department. Please refer **#2012-SBT-13** to the **Budget and Finance** subcommittee for review and approval. Chief Lane, or his designee, will be available to answer questions and provide further information as required.

Enclosure 5 is a Special Budgetary Transfer Request (**#2012-SBT-14**) from the Police Department. Please refer **#2012-SBT-14** to the **Budget and Finance** subcommittee for review and approval. Chief Lane, or his designee, will be available to answer questions and provide further information as required.

Enclosure 6 is a Special Budgetary Transfer Request (**#2012-SBT-15**) from the Department of Public Works. Please refer **#2012-SBT-15** to the **Budget and Finance** subcommittee for review and approval. Mike Hale, or his designee, will be available to answer questions and provide further information as required.

Enclosure 7 is a Review and Recommendations for the Disposition of Real Property (Maplewood School). Please refer this matter to the **Budget and Finance** subcommittee for review and approval. Appropriate City staff will be available to answer questions and provide further information as required.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ekirk@gloucester-ma.gov

**CITY OF GLOUCESTER
OFFICE OF THE MAYOR**

Boards, Committees and Commissions:

I am requesting that the City Council approve the following **new** appointment:

- **John Montoni ~ Conservation Commission – term to expire 2/14/2013**

Enclosure 8 contains pertinent information. Mr. Montoni is being appointed to fill the unexpired term of Ms. Helen Farr. *Please refer this matter to the **Ordinance and Administration** subcommittee for review and approval.*

ENCLOSURE 1

ENCLOSURE 2

**City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2012**

INTER-departmental requiring City Council approval - 6 Votes Required
 INTRA-departmental requiring City Council approval - Majority Vote Required

TRANSFER # 2012-SBT- 11 *Auditor's Use Only*

DEPARTMENT REQUESTING TRANSFER: POLICE

DATE: 10/27/2011 BALANCE IN ACCOUNT: \$ 241,183.37 ✓

(FROM) PERSONAL SERVICES ACCOUNT # 101000.10.211.51950.0000.00.000.00.051 ✓
Unifund Account #

(FROM) ORDINARY EXPENSE ACCOUNT # _____
Unifund Account #
POLICE-UNIFORM, CAREER INCENTIVE PAY ✓
Account Description

DETAILED EXPLANATION OF SURPLUS: SUPERIOR CONTRACT INCREASES PUT IN ONE ACCOUNT FOR 2 DEPARTMENTS ✓

(TO) PERSONAL SERVICES ACCOUNT # 101000.10.212.51950.0000.00.000.00.051 ✓
Unifund Account #

(TO) ORDINARY EXPENSE ACCOUNT # _____
Unifund Account #
POLICE- INVESTIGATIONS, CAREER INCENTIVE
Account Description

DETAILED ANALYSIS OF NEED(S): FUNDING NEEDED FOR LT KATHY AULD ASSIGNED TO DETECTIVES DIVISION

TOTAL TRANSFER AMOUNT: \$ 566.00 ✓ NEW BALANCE IN ACCOUNTS AFTER TRANSFER
 FROM ACCOUNT: \$ 240,617.37 ✓
 TO ACCOUNT: \$ 19,930.60 ✓

APPROVALS: *JW*
 DEPT. HEAD: Chief Mike Law DATE: 10/27/11
 ADMINISTRATION: CM J. Fitch DATE: 11/22/11
 BUDGET & FINANCE: _____ DATE: _____
 CITY COUNCIL: _____ DATE: _____

ENCLOSURE 3

**City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2012**

 X INTER-departmental requiring City Council approval - 6 Votes Required
 INTRA-departmental requiring City Council approval - Majority Vote Required

TRANSFER # 2012-SBT- 12 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: POLICE

DATE: 10/27/2011 BALANCE IN ACCOUNT: \$ 60,541.21

(FROM) PERSONAL SERVICES ACCOUNT # 101000.10.211.51100.0000.00.000.00.051 ✓
Unifund Account #

(FROM) ORDINARY EXPENSE ACCOUNT # _____
Unifund Account #

POLICE-UNIFORM, SAL/WAGE-PERM POS ✓
Account Description

DETAILED EXPLANATION OF SURPLUS: SUPERIOR CONTRACT INCREASES PUT IN ONE ACCOUNT FOR 2 DEPARTMENTS ✓

(TO) PERSONAL SERVICES ACCOUNT # 101000.10.212.51100.0000.00.000.00.051 ✓
Unifund Account #

(TO) ORDINARY EXPENSE ACCOUNT # _____
Unifund Account #

POLICE- INVESTIGATIONS, SAL/WAGE PERM POS
Account Description

DETAILED ANALYSIS OF NEED(S): FUNDING NEEDED FOR LT KATHY AULD ASSIGNED TO DETECTIVES DIVISION

TOTAL TRANSFER AMOUNT: \$ 2,263.00 ✓ NEW BALANCE IN ACCOUNTS AFTER TRANSFER
 FROM ACCOUNT: \$ 58,278.21
 TO ACCOUNT: \$ (7,072.46) ✓

APPROVALS: [Signature]
 DEPT. HEAD: [Signature] DATE: 10/27/2011
 ADMINISTRATION: [Signature] DATE: 11/22/11
 BUDGET & FINANCE: _____ DATE: _____
 CITY COUNCIL: _____ DATE: _____

ENCLOSURE 4

ENCLOSURE 5

**City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2012**

INTER-departmental requiring City Council approval - 6 Votes Required
 INTRA-departmental requiring City Council approval - Majority Vote Required

TRANSFER # 2012-SBT- 14 *Auditor's Use Only*

DEPARTMENT REQUESTING TRANSFER: POLICE

DATE: 11/10/2011 BALANCE IN ACCOUNT: \$ 6,937.51 ✓

(FROM) PERSONAL SERVICES ACCOUNT # 101000.10.211.51250.0000.00.000.00.051 ✓
Unifund Account #

(FROM) ORDINARY EXPENSE ACCOUNT # _____
Unifund Account #

POLICE-UNIFORM SAL/WAGE P/T POS
Account Description

DETAILED EXPLANATION OF SURPLUS: AVAILABLE FUNDS

(TO) PERSONAL SERVICES ACCOUNT # 101000.10.210.51100.0000.00.000.00.051
Unifund Account #

(TO) ORDINARY EXPENSE ACCOUNT # _____
Unifund Account #

POLICE-ADMIN, SAL/WAGE PERM POS
Account Description

DETAILED ANALYSIS OF NEED(S): ACCOUNT IN DEFICIT

TOTAL TRANSFER AMOUNT: \$ 1,450.00 ✓ NEW BALANCE IN ACCOUNTS AFTER TRANSFER
 FROM ACCOUNT: \$ 5,487.51 ✓
 TO ACCOUNT: \$ (1,393.19) ✓

APPROVALS: [Signature]
 DEPT. HEAD: Chief Mike Lane DATE: 11-10-11
 ADMINISTRATION: [Signature] DATE: 11/22/11
 BUDGET & FINANCE: _____ DATE: _____
 CITY COUNCIL: _____ DATE: _____

ENCLOSURE 6

RECEIVED

NOV 15 2011

City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2012

Mayor's Office

INTER-departmental requiring City Council approval - 6 Votes Required
 INTRA-departmental requiring City Council approval - Majority Vote Required

TRANSFER # 2012-SBT- 15 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: DPW

DATE: 11/10/2011 BALANCE IN ACCOUNT: \$ 5,904.31

(FROM) PERSONAL SERVICES ACCOUNT # Unifund Account #
(FROM) ORDINARY EXPENSE ACCOUNT # Unifund Account #
101000.10.499.53410.0000.00.000.00.052
Central telephones
Account Description

DETAILED EXPLANATION OF SURPLUS: Number of phone lines reduced

(TO) PERSONAL SERVICES ACCOUNT # Unifund Account #
(TO) ORDINARY EXPENSE ACCOUNT # Unifund Account #
101000.10.421.57200.0000.00.000.00.057
Administration - Out of State Travel
Account Description

DETAILED ANALYSIS OF NEED(S): Funds needed for reimbursement of expenses from attendance of Hurricane Emergency Preparedness seminar by M. Hale and M. Cole

TOTAL TRANSFER AMOUNT: \$ 1,500.00 NEW BALANCE IN ACCOUNTS AFTER TRANSFER
FROM ACCOUNT: \$ 4,404.31
TO ACCOUNT: \$ 1,500.00

APPROVALS: [Signature]
DEPT. HEAD: Michael B. Hale DATE: 11/10/11
ADMINISTRATION: [Signature] DATE: 11/22/11
BUDGET & FINANCE: _____ DATE: _____
CITY COUNCIL: _____ DATE: _____

ENCLOSURE 7

**City of Gloucester
Office of the Mayor**

Review and Recommendations for the Disposition of Real Property

TO THE CITY COUNCIL FOR REVIEW, RESTRICTIONS AND APPROVAL

Overview:

Property Location: **Maplewood School, 120 Maplewood Avenue, Gloucester, MA. RFP Number: 12104**

Property Description: **Former School, Map 39, Lot 4 Lot: 20,000 SF Gross Building Area: 27,420 SF**

Method of Disposition: **Sale Land Area: 20,000 SF; Gross Building Area: 27,420 SF**

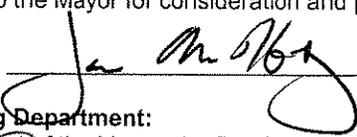
Public Purpose: **Elderly Housing**

Minimum Bid Requested: **\$250,000**

Assessed Value: **\$1,339,800.00**

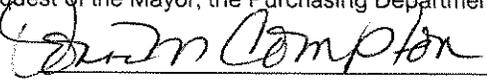
Facilities Director:

At the request of the Mayor, I have reviewed the possible disposition of the above named property. My recommendations have been submitted to the Mayor for consideration and possible inclusion in the RFP.

NAME  Facilities Director DATE 11/22/11

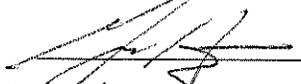
Purchasing Department:

At the request of the Mayor, the Purchasing Department has prepared a Request for Proposals for the disposition of the above property.

NAME  Purchasing Agent DATE 11/22/11

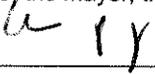
Office of the Assessor:

At the request of the Mayor, I have reviewed the possible disposition of the above named property and submitted the Property Record.

NAME  City Assessor DATE 11/22/11

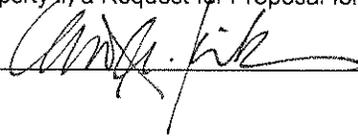
Legal Department:

At the request of the Mayor, the Legal Department has reviewed the attached recommended RFP.

NAME  General Counsel DATE 11/22/11

Office of the Mayor:

As required by the Gloucester Code of Ordinance, I am submitting my recommendation to the City Council for their approval to dispose of the above property in a Request for Proposal format.

NAME  Mayor DATE 11/22/11



City of Gloucester

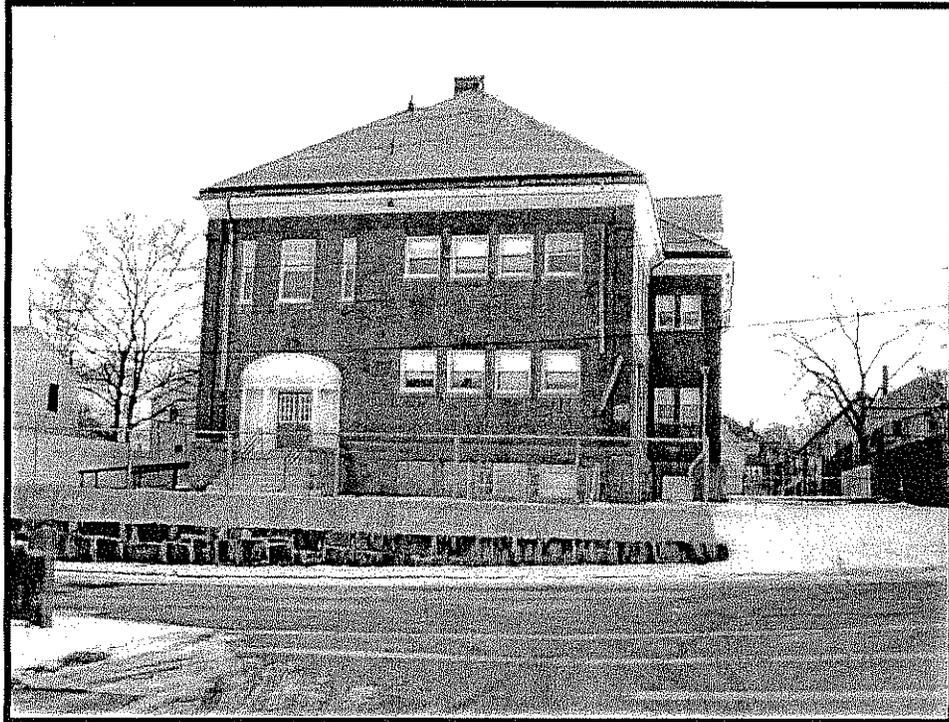
Office of the Purchasing Agent

City Hall, 9 Dale Avenue

Gloucester, MA 01930

Telephone 978 281 9710 Fax 978 281 8763

www.gloucester-ma.gov



Request for Proposals #12104

Disposition by Sale of the Mapewood Avenue School

RFP Available to Proposers:

Date of Property Open House:

RFP Deadline for Submission
and Opening Date:



PART I NEWSPAPER ADVERTISING

To: Cape Ann Beacon
From: Donna Compton, Purchasing Agent
Date:

Please run this ad as small as possible on Friday, _____ and again on Friday, _____

**CITY OF GLOUCESTER
REQUEST FOR PROPOSALS #12104**

The City of Gloucester is seeking proposals for the purchase of City owned land and building located at 120 Maplewood Ave., shown on assessor's map 39, lot 4. The property is listed as 20,000 SF lot area and 27,420 SF gross building area. The Mayor and the City Council have declared this property available for disposition by sale. Sale of the property is subject to the terms and conditions contained in the RFP. The RFP will be available at the Office of the Purchasing Agent. Proposals must be received at the Office of the Purchasing Agent, City Hall, 9 Dale Ave., Gloucester, MA 01930 no later than _____ @ 11 a.m.. An Open House is scheduled on _____ from 11 a.m. to 12 p.m. The City reserves the right to reject any and all proposals, or to accept that which is deemed in the best interest of the City of Gloucester, MA.

**Donna Compton
Purchasing Agent**



**PART II SUMMARY INFORMATION
 REQUEST FOR PROPOSALS**

1. The City of Gloucester will receive sealed proposals for the purchase of the Maplewood Avenue School located at 120 Maplewood Avenue, shown on assessor's map 39, lot 4. at the

Office of the Purchasing Agent
 Attn: Donna Compton, Purchasing Agent
 9 Dale Avenue, Gloucester, MA 01930
2. On-site Open House Inspection will be held **11:00 - 12:00 p.m.**
3. Property descriptions and other pertinent information is available in Exhibit G, City Assessor's Information. All proposals require a bid deposit in the form of a certified check, made payable to the City of Gloucester in an amount of **\$5,000**. All proposals must be sealed and submitted to the Purchasing Director at the address above no later than @ 11:00am at which time the proposals will be publicly opened. *Late proposals will not be accepted for any reason.* All proposals must be complete and in compliance with the submission requirements outlined in the RFP.
4. The Mayor and the City Council have declared this property available for disposition by lease to promote the following public purpose: A non profit organization to **provide an elderly housing facility, consisting of 12 one bedroom units.**
5. The City of Gloucester reserves the right to reject any and all proposals that do not meet the minimum requirements set forth in the RFP. The City of Gloucester has established a minimum bid price of **\$250,000** for the Maplewood Avenue School.

PART III PROPERTY DESCRIPTION

The surplus property is located at 120 Maplewood Ave in Gloucester, MA.
 The building was built in the 1890's of brick exterior/ wood frame construction with a slate roof.

The property is approximately 20,000 sq ft. The building has 2 stories and a basement with above grade windows. Electricity was added in the 1920's and upgraded as needed since. Windows were replaced in the 1980's. An access ramp was provided for the first floor for a previous tenant. Rest facilities for both sexes are located on the basement level.

The successful purchaser/developer will need to provide architectural and engineering plans and services for the procurement of a building permit.

1. **Description of Property:**
 The property available for disposition is identified as **Maplewood Avenue School, 120 Maplewood Avenue, Gloucester, Massachusetts 01930, Map 39, Lot 4.** For greater detail, please see the assessor's information (Exhibit G).
2. **Conditions of Property**
 The property is available for disposition "**AS-IS**" and the City of Gloucester will not make any improvements or changes to the property as a condition of the sale. Conveyance to the successful Proposer shall be subject to all restrictions and conditions of record, insofar as they may be in-force and applicable to said parcels.
3. **MGL, Chapter 21E**
 The City of Gloucester does not warrant that the land parcel available for disposition is free and clear of any contamination as defined by MGL Chapter 21E. The Successful Proposer will assume all costs and responsibilities for any testing and/or removal of any contamination that may be present on the property, and will hold the City harmless for any costs to clean the property of any contamination. The results from such testing shall not be considered grounds to rescind the agreement.
4. **Permits and Approvals**
 All costs and responsibilities for obtaining construction permit approval, and releases for any easements, covenants, or any other restriction that may be present on the property will be the responsibility of the Successful Proposer.
5. **Massachusetts Historical Commission:** The Maplewood Avenue School is an MHC listed property and as such any new construction projects or renovations to existing buildings that require funding, licenses, or permits from any state or federal governmental agencies must be reviewed by the Massachusetts Historical Commission (MHC) for impacts to historic and archaeological properties. It is the nature of the federal or state agency involvement that triggers MHC review, not listing in the National or State Registers of Historic Places. A listing in either register does not necessarily require review and likewise, lack of listing does not eliminate the need for review. MHC review is conducted in compliance with both federal and state statutes and regulations.

**PART IV MINIMUM CRITERIA/QUALITY REQUIREMENTS
 MINIMUM CRITERIA**

The City of Gloucester will be evaluating all Proposals to qualify them as being responsible and responsive to the requirements of the RFP. All Proposals **must include** the following elements to be considered valid for this property sale:

1. **Description of Proposer and Affiliates** *(Insert information on Exhibit F)*
 A description of the Proposer Buyer whether an individual, Corporation, Partnership, Trust, etc. If the Proposer is a team, include a list of members.
2. **Proposer Contact Information** *(Insert information on Exhibit F)*
 Include the primary contact name, address, phone and fax number. Provide the address, contact name and phone number for each member of the Proposer's team.



3. **Bid Price Sheet** *(Insert information on Exhibit H)*
 The Proposal must clearly state in written word and numerical form the amount of the bid. The City of Gloucester reserves the right to reject any and all bids. The City of Gloucester has established a **minimum bid price of Two Hundred and fifty Thousand Dollars (\$250,000)**.
4. **Deposit** *(Place in sealed envelope with proposal)*
 All Proposers must submit a **\$5,000** certified bank check, made payable to the City. The successful proposer's deposit will be credited toward the sale price; while all other proposers will have their deposit returned upon the issuance of a notice of award.
5. **Evidence of Financial Ability** *(Insert information on Exhibit F)*
 Provide information, as provided in paragraph 6, that will demonstrate to the City that the Proposer has the financial ability to purchase, develop, and financially sustain the property. Such evidence may include Financial Statements of proposer and/or its affiliates, letters of intent from lenders and lender references showing sources of funds for acquisition, construction or site development, permanent financing and any proposed real estate development/environmental cost cap insurance products. The City shall decide if the evidence is sufficient.
6. **Evidence of Proposer Experience** *(Insert information on Exhibit F)*
 The City is establishing a quality requirement that a Proposer must have a minimum of **three years** of housing development experience and have completed a minimum of **three** housing construction or renovation projects of \$200,000 or more .
7. **Disclosure of Beneficial Interest Form** *(Insert information on Exhibit A)*
8. **Tax Compliance and Attestation Form** *(Insert information on Exhibit B)*
9. **Certificate of Non Collusion** *(Insert information on Exhibit C)*
10. **Release Regarding Hazardous Waste** *(Insert information on Exhibit D)*
11. **Project Description:** The Proposer must provide a narrative description of the proposed use of the property. This narrative description is required; so that, the City can determine if the proposed use is in compliance with the terms and conditions of the RFP and other municipal laws and regulations.

PART V SUBMISSION REQUIREMENTS

All proposals must be submitted in a sealed package clearly labeled with the following:

TITLE: "Proposal for Disposition of Maplewood School #12104
 FROM: Name and address of Proposer(s)
 TO: City of Gloucester
 Office of the Purchasing Agent, 9 Dale Avenue, Gloucester, MA 01930
 DUE: @ 11:00am

ALL PROPOSALS MUST CONTAIN THE FOLLOWING:

1. **Exhibit B**, Tax Compliance & Attestation Statement
2. **Exhibit C**, Certificate of Non Collusion
3. **Exhibit D**, Hazardous Material Release
4. **Exhibit F**, Qualification & Proposal Information
5. **Exhibit I**, Price Proposal Sheet
6. **Deposit:** All Proposers must submit a deposit in the form of a certified bank check in the amount of **\$5,000** as part of their proposal. The check should be made out to the City of Gloucester. If the City chooses to sell the property to the successful Proposer, the Proposer's deposit will be nonrefundable and will be applied to the purchase price. A deposit received from a Proposer that was not accepted will be returned to the Proposer within five (5) business days after the City has determined the successful Proposal.

COMPARATIVE EVALUATION CRITERIA

General: The City reserves the right to award the contract to the most advantageous proposal, taking into consideration both technical and fee aspects of the proposals submitted and shall not be required to award to the firm submitting the highest price proposal. Technical proposals will be scored based on the criteria listed below. The Proposers shall be ranked in accordance with the following selection criteria and its associated weight as follows:

<i>Highly Advantageous</i>	<i>Advantageous</i>	<i>Not Advantageous</i>	<i>Not Acceptable</i>
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COMPLETENESS OF PROPOSAL

Rating	COMPLETENESS OF PROPOSAL
Highly Advantageous	All Quality Requirements, Questionnaire, Comparative Criteria and forms submitted complete and as requested in the RFP
Advantageous	All Quality Requirements, Questionnaire, Comparative Criteria and forms submitted complete and as requested in the RFP with minor informalities.
Not Advantageous	Quality Requirements, Questionnaire, Comparative Criteria and forms submitted incomplete and not in the form requested in the RFP



Rating	YEARS OF RELATED EXPERIENCE
Highly Advantageous	Proposers with more than ten years of related experience
Advantageous	Proposers with more than five, but less than ten years of related experience
Not Advantageous	Proposers with more than one but less than five years of related experience
Not Acceptable	Proposers with less than one year of related experience

PART VI CONTRACT TERMS AND CONDITIONS

The following terms and conditions shall apply to the sale of the property described within this RFP:

1. The City's Responsibility:

- a. The City of Gloucester's City Solicitor and CFO shall conduct a review of the Successful Proposer's property tax history. A delinquency, lien, etc. for any fee, charge, preexisting payment agreement with the Treasurer/Collector or tax in the payment of taxes on any property in the City of Gloucester or any other city shall be cause to reject the Proposer's bid. Applicant(s) must also state if they ever had property in which the City of Gloucester foreclosed, and the circumstances leading to the previous foreclosure(s)
- b. Provide the required curb-cut permits within the confines of all City and State Regulations.

2. The Successful Proposer's Responsibility:

- a. The Successful Proposer shall complete a thorough on site inspection before submitting a proposal.
- b. The Successful Proposer agrees to purchase the property "**AS-IS**".
- c. The Successful Proposer agrees to be solely responsible for obtaining any and all permits, approvals, waivers, releases or any other requirements necessary to use or rehabilitate the property.
- d. The Successful Proposer agrees the development of the property shall be in compliance with all applicable Federal, State and Municipal Laws and Regulations.
- e. The Successful Proposer agrees to execute a Purchase and Sales Agreement with the City within **Thirty (30)** days of the Notice of Award. The deposit of the successful proposer will be credited against the bid price.
- f. The Successful Proposer agrees to remit the full bid price minus the **\$5,000** deposit and complete the sales agreement and closing within **Ninety (90)** days from the Notice of Award.
- g. The Successful Proposer understands that If they fail to complete the Purchase and Sales Agreement within **Thirty (30)** days or fails to complete the sales agreement and closing within **Ninety (90)** days, the City shall revoke the notice of award and retain all moneys received as liquid damages.

PART VII MISCELLANEOUS

1. Amendments/Modifications to Proposals

The Proposer may at any time prior to the deadline for submission of the Proposals, amend or modify a Proposal by submitting the amendment/modification to the address specified in Part V of the RFP, in a sealed package and clearly marked with the following information:

TITLE: "RFP 12104, Proposal for Disposition by Sale of Maplewood School"
 FROM: Name and address of Proposer(s)
 TO: City of Gloucester, Office of the Purchasing Agent
 9 Dale Avenue, Gloucester, MA 01930
 DUE: @ 11:00 am

2. Withdrawal of Proposals

Any Proposer may withdraw its Proposal at any time prior to the deadline established in this RFP. The Proposer wishing to withdraw a proposal must provide a written authorization and or acknowledgment that he or she is withdrawing the Proposal and the City of Gloucester is held harmless from any responsibility as a result of the Proposal withdrawal.

3. Rejection of Proposals

The City of Gloucester reserves the right to reject any or all proposals. The City has established a minimum bid price of **\$250,000**.

4. Authorization to Sell

All proposers are hereby notified that property described herein has been declared surplus property by the Gloucester City Council with the authorization to issue a Request for Proposals with conditions.

5. Addendum

Any addendum to the RFP will be sent by mail or fax to those proposers who have registered with the Office of the Purchasing Agent and received a copy of the RFP. The City will not be responsible for notifying anyone who received a copy of the RFP from any other source. If it is not possible to notify all parties who received an RFP prior to the deadline for submission, the City reserves the right to extend the deadline for submission through proper notice.

6. Conditions

Submission of a proposal in response to this RFP constitutes an agreement by Proposer and any and all grantees in any subsequent deed from the City to be bound by and comply with all provisions of the entire RFP, including the following conditions, which shall survive the execution and acceptance of a deed of the subject property.



- a. That the property in question, whether occupied or not shall be in compliance with any and applicable Building, Sanitary and Health Codes by the Successful Proposer.
- b. That upon conveyance, the deed and any other documents or plans relevant to the closing shall be recorded at the Successful Proposer expense in the Registry of Deeds.
- c. That the Successful Proposer shall also pay for any documentary tax stamps, as may be applicable to the sale of this property.
- d. That the Successful Proposer has paid all taxes as may be due in compliance with MGL, Chapter 62, Section 49A as amended. *See copy attached marked as Exhibit B.*
- e. That the Successful Proposer must comply with, execute, and include with the proposal the affidavit of compliance with the provisions of MGL, Chapter 7, Section 40J. *See copy attached marked Exhibit A.*
- f. That a failure by the Successful Proposer of the subject property, to comply with any provision or condition hereof shall, at the option of the City require that the Successful Proposer and any and all grantees shall re-convey the subject property to the City of Gloucester for the same price which Proposer paid for the acquisition thereof. This condition shall be applicable for four (4) years after the closing.
- g. That the Proposer has not relied upon any representations by the City regarding the presence of any hazardous materials on the property, and holds the City harmless from any and all liability for the same. *See copy hereto attached marked Exhibit D.*
- h. That the successful proposer shall reach an agreement with the City regarding the valuation and assessment of the real and tangible personal property and enter into a payment in lieu of taxes agreement with the City.



EXHIBIT A MGL, CH. 7, SEC. 40J, CERTIFICATION REGARDING DISCLOSURE OF BENEFICIAL INTEREST STATEMENT
SUCCESSFUL PROPOSER ONLY

SUCCESSFUL PROPOSER DISCLOSURE OF BENEFICIAL INTEREST IN REAL ESTATE

MGLc 7, S 40J, requires disclosure of all beneficial interests in real property acquired or disposed of by a public agency. The selected bidder's disclosure of beneficial interests must be filed with the Commissioner of the Division of Capital Asset Management (DCAM). No contract to lease or sell property is valid until the buyer or lessee files this form with DCAM. A form for this purpose is attached. An updated disclosure form must be filed within 30 days of any change in beneficial interests during the lease term.

Disclosure of Beneficial Interests in Real Property Transaction

This form contains a disclosure of the names and addressees of all persons with a direct or indirect beneficial interest in the real estate transaction described below. This form must be filed with the Massachusetts Division of Capital Planning and Operations, as required by MGLc 7 Sec. 40J, prior to the conveyance of or execution of a lease for the real property described below. Attach additional sheets if necessary.

1. Public agency involved in this transaction: **City of Gloucester, MA.**
2. Complete legal description of the property: **Maplewood School
120 Maplewood Avenue
Gloucester, MA 01930
Assessor's Map 39, Lot 4
Lease: N/A**
3. Type of transaction: **Sale: Yes**
4. Seller: Lessor: N/A **City of Gloucester, Ma.**
5. Purchaser Lessee: N/A _____
6. Names and addresses of all persons who have or will have a direct or indirect beneficial interest in the real property described above. **Note:** If a corporation has, or will have a direct or indirect beneficial interest in the real property, the names of all stockholders must be listed except that, if the stock of the corporation is listed for sale to the general public, the name of any person holding less than ten percent of the outstanding voting shares need not be disclosed.

Name	Address
------	---------

None of the persons listed in this section is an official elected to public office in the Commonwealth of Massachusetts except as noted below:

Name	Title or Position
------	-------------------

5. This section must be signed by the individual(s) or organization(s) entering into this real property transaction with the public agency named in item #1. If this form is signed on behalf of a corporation, it must be signed by a duly authorized officer of that corporation.

The undersigned acknowledges that any changes or additions to item #4 of this form during the term of any lease or rental will require filing a new disclosure with the Division of Capital Planning and Operations within 30 days following the change or addition.

Signature: _____	Printed name: _____
Title: _____	Date: _____



Exhibit B TAX COMPLIANCE & ATTESTATION STATEMENT

IF A CORPORATION:

State in which incorporated _____
 President _____
 Treasurer _____
 Secretary _____

If a foreign (out of State) corporation - are you registered to do business in Massachusetts? YES ____ NO ____ . If you are selected for this work, you are required under Massachusetts General Law Chapter 38D, to obtain from the Secretary of State, Foreign Corp. Section, State House, Boston, a certificate to the awarding authority prior to award.

IF A PARTNERSHIP (Name All Partners):

Name	Address	City	State/Zip
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

IF AN INDIVIDUAL:

Name	Address	City	State/Zip
_____	_____	_____	_____

IF AN INDIVIDUAL DOING BUSINESS UNDER A FIRM NAME:

Name of Firm	Business Address
_____	_____

Name of Individual	Address	City	State/Zip
_____	_____	_____	_____

ATTESTATION CLAUSE

Pursuant to M.G.L. c 62C sec 49A. I certify under penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required by law.

_____	_____
<i>Social Security No. Or Federal Identification No.</i>	<i>Signature or Individual or Corporate Name</i>
<i>Corporate Officer (If Applicable)</i>	By: _____

EXHIBIT C CERTIFICATE OF NON-COLLUSION

The undersigned certifies under penalty of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity or group of individuals.

Bidder: _____
 Address: _____
 By: _____
 (Signature of person authorized to sign this bid)
 Title: _____
 Telephone: _____

The City reserves the right to reject any and all bids or to accept the bid deemed in the best interest of the City of Gloucester, MA.

EXHIBIT D HAZARDOUS MATERIALS RELEASE ("Hold Harmless" Agreement)

**RELEASE REGARDING HAZARDOUS MATERIALS
 Maplewood Avenue School, 120 Maplewood Avenue, Gloucester, MA 01930**

The City assumes no liability for any release of hazardous materials on the property. The Proposer has not relied upon any representations by the City with respect to hazardous materials, except to the extent disclosed herein.

The Proposer agrees to release and hold harmless the City of Gloucester from any liability arising out of any hazardous materials that may be present on the property.

Proposer _____ Date: _____

EXHIBIT E PURCHASE & SALE AGREEMENT - DOCUMENT WILL BE SUPPLIED TO SUCCESSFUL PROPOSER



EXHIBIT F QUALIFICATION INFORMATION QUESTIONNAIRE

RFP No: 12104 Disposition by Sale of 120 Maplewood Avenue, Gloucester, MA.

Name of Proposer - Firm/Individual:

Address:

Type of Organization

(Proprietorship, Partnership, Corporation, etc.)

Year Established:

FID No.:

Tel.

Name & Title of Principal to contact

Principal contact's Tel. No.

Fax No.

Principal contact's email address

List of Partners

Name & Title

Telephone

Role in Proposal

Key Persons, Specialists and Individuals in your firm to be assigned to this project:

Name & Title

Mass Reg. No.

Discipline/Project Role

Key Persons, Specialists, Individuals in consultant firm to be assigned to this project:

Name & Title

Mass Reg. No.

Discipline/Project Role

Recent Projects Best Illustrating Qualifications for this Project: (additional information may be attached).

Project Name		Location	
Project Cost		Year Comp	
Description			
References:			
Company		Contact & Title	
Telephone		Fax	

Project Name		Location	
Project Cost		Year Comp	
Description			
References:			
Company		Contact & Title	
Telephone		Fax	

Project Name		Location	
Project Cost		Year Comp	
Description			
References:			
Company		Contact & Title	
Telephone		Fax	



Evidence of Financial Ability *(additional information or reports may be attached).*

Evidence of proposed sources of funds and financing clearly demonstrates financial ability to acquire and develop the property. Proposer clearly identifies sources and uses of funds.

Financial Information *(List and attach information)*

Financial statements of proposed Buyer or affiliates. Letters of interest from lenders and lender references indicate level of financing proposed by each source.

Site Development Proposal *(additional information or reports may be attached).*

Proposed development with cost estimates.

Site Development Schedule *(additional information may be attached).*

Proposed/estimated completion schedule for development.



EXHIBIT H

PRICE PROPOSAL SHEET

RFP 12104

All Proposers shall submit bids in strict accordance with the submission requirements listed below. Any Proposer failing to provide all of the following submission requirements will be considered "non-responsive" and their proposal may be rejected without further consideration

PRICE PROPOSAL

Location	Total Bid Price
Maplewood School, 120 Maplewood Avenue - AWARD LINE	

METHOD OF AWARD:

The City of Gloucester will review all proposals submitted for full compliance with the requirements contained in RFP #12104. The City's objective is to award an agreement to the responsive and responsible Proposer who is in full compliance with the requirements of the RFP and who submits the highest bid price. The highest bid must meet or exceed the minimum bid set by the City Council.

The following terms and conditions shall apply to the sale of the property described within this RFP:

3. The City's Responsibility:

- a. The City of Gloucester's City Solicitor and CFO shall conduct a review of the Successful Proposer's property tax history. A delinquency, lien, etc. for any fee, charge, preexisting payment agreement with the Treasurer/Collector or tax in the payment of taxes on any property in the City of Gloucester or any other city shall be cause to reject the Proposer's bid. Applicant(s) must also state if they ever had property in which the City of Gloucester foreclosed, and the circumstances leading to the previous foreclosure(s)
- b. Provide the required curb-cut permits within the confines of all City and State Regulations.

4. The Successful Proposer's Responsibility:

- a. The Successful Proposer shall complete a thorough on site inspection before submitting a proposal.
- b. The Successful Proposer agrees to purchase the property **"AS-IS"**.
- c. The Successful Proposer agrees to be solely responsible for obtaining any and all permits, approvals, waivers, releases or any other requirements necessary to use or rehabilitate the property.
- d. The Successful Proposer agrees the development of the property shall be in compliance with all applicable Federal, State and Municipal Laws and Regulations.
- e. The Successful Proposer agrees to execute a Purchase and Sales Agreement with the City within **Thirty (30)** days of the Notice of Award. The deposit of the successful proposer will be credited against the bid price.
- f. The Successful Proposer agrees to remit the full bid price minus the **\$5,000** deposit and complete the sales agreement and closing within **Ninety (90)** days from the Notice of Award.
- g. The Successful Proposer understands that If they fail to complete the Purchase and Sales Agreement within **Thirty (30)** days or fails to complete the sales agreement and closing within **Ninety (90)** days, the City shall revoke the notice of award and retain all moneys received as liquid damages.

BIDDERS SIGNATURE:

I understand the terms and conditions contained in RFP 99175 and in accordance submit this bid.

Signature of proposer or authorized agent

Print or type name of proposer

Title

Name of Business

Business Address

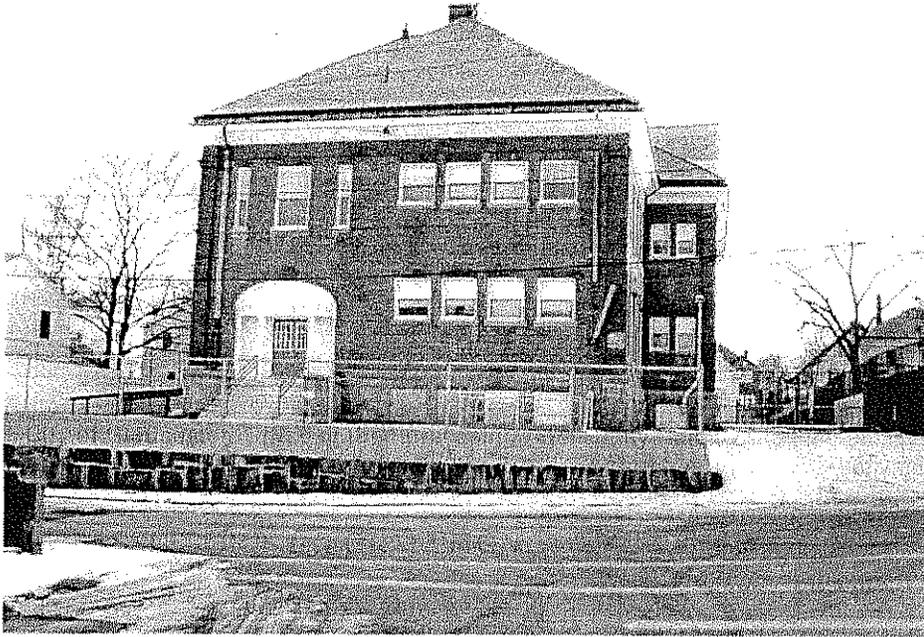
Telephone

Fax



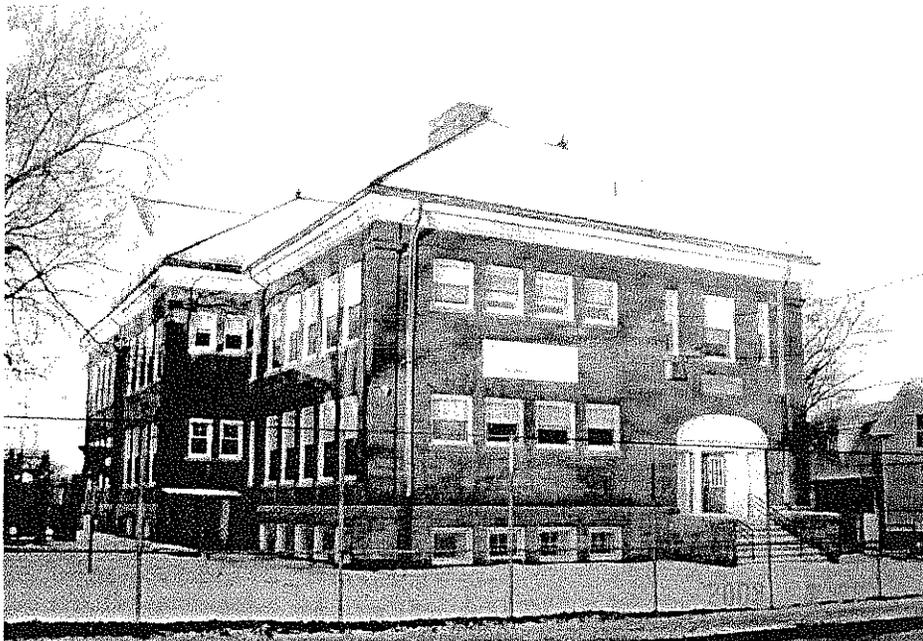
EXHIBIT G

ASSESSOR'S INFORMATION



Acacia Street

View from



View from Maplewood Avenue

CURRENT OWNER
 GLOUCESTER CITY OF
 C/O FULLER SCHOOL
 6 SCHOOL HOUSE RD
 GLOUCESTER, MA 01930 0000
 Additional Owners:

TOPO
UTILITIES
STRT/ROAD
LOCATION

ASSOCIATION
 SUPPLEMENTAL DATA
 Other ID: 0039 0004 001
 SUB-DIV
 PP ACCT
 WARD
 PREC.
 GIS ID: 2530

EXEMPT
EXM LAND
EXEMPT

CURRENT ASSESSMENT
 Code Appraised Value Assessed Value
 9340 1,217,400 1,217,400
 9340 121,400 121,400
 9340 1,000 1,000

108
 GLOUCESTER, MA



RECORD OF OWNERSHIP
 GLOUCESTER CITY OF

BK-VOL/PAGE
SALE DATE 01/01/1892

SALE PRICE 0

PREVIOUS ASSESSMENTS (HISTORY)
 Yr Code Assessed Value Yr Code Assessed Value
 2011 9340 936,500 2010 9340 1,278,000
 2011 9340 1,278,000 2010 9340 1,000,200
 2011 9340 1,000,200 2010 9033 1,000,200

EXEMPTIONS

OTHER ASSESSMENTS

Year	Type	Description	Amount	Code	Description	Number	Amount	Comm Int
Total:								
1,065,300								
1,067,900								
1,074,700								

APPRAISED VALUE SUMMARY
 Appraised Bldg. Value (Card) 1,217,400
 Appraised XF (B) Value (Bldg) 0
 Appraised OB (L) Value (Bldg) 1,000
 Appraised Land Value (Bldg) 121,400
 Special Land Value 0
 Total Appraised Parcel Value 1,339,800
 Valuation Method: C
 Adjustment: 0
 Net Total Appraised Parcel Value 1,339,800

LA-2403 SHED F92
 LA-2668 REMODEL F92
 MAPLEWOOD ELEMENTARY SCHOOL

BUILDING PERMIT RECORD

Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments
1031-877	11/14/2001	RE	Remodel	1,000		0		INTERIOR REPAIR ROOF
9998-784	10/12/2000	CM	Commercial	12,000		0		REPAIR ROOF
8594-392	06/09/1999	CM	Commercial	7,000		0		REPAIR ROOF
6185-485	08/01/1996	RE	Remodel	12,000	08/25/1997	100		RENOV
LA-4278	10/12/1994	CM	Commercial	0		0		SR ASSESSOR

LAND LINE VALUATION SECTION

Date	Type	IS	ID	Cd	Parpose/Resili
11/16/2005			AS	IN	INTERIOR INSPECTOR
8/25/2003			AS	VI	VISIT INSPECTO
8/25/1997			AS	VI	VISIT INSPECTO
8/1/1994			AS	VI	VISIT INSPECTO
1/1/1991			AS	SR	ASSESSOR

B Use #	Code	Description	Zone	D Frontage	Depth	Units	Unit Price	I Factor	S.A.	Disc	C Factor	ST Idx	Adj.	Notes-Adj	Special Pricing	Adj. Unit Price	Land Value
1	9340	MUN EDU IMP	R-5			20,000	SF	6.07	1.00	5	1.00000	1.00	1.00			6.07	121,400

Total Card Land Units: 0.46 AC Parcel Total Land Area: 0.46 AC
 Total Land Value: 121,400

ENCLOSURE 8

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@gloucester-ma.gov

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

November 10, 2011

Mr. John Montoni
4 Woodward Avenue
Gloucester, MA 01930

Dear Mr. Montoni:

Thank you for your interest in serving on the **Conservation Commission**. I have issued you a 90-day temporary appointment to serve on this committee which will enable you to attend and vote at meetings. Please report to the City Clerk's office at your earliest convenience to pick up your appointment card (*copy enclosed*) and be sworn in.

Your appointment will be forwarded to the City Council for their meeting of December 13, 2011 and will be referred out to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

Should you have any questions or if you require any additional information, please do not hesitate to contact my office.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk". The signature is fluid and cursive.

Carolyn A. Kirk
Mayor

cc: Mayor's Report to the City Council
Sarah Garcia, Community Development Director
Rob Gulla, Chair-Conservation Commission

Enclosure
CAK/c

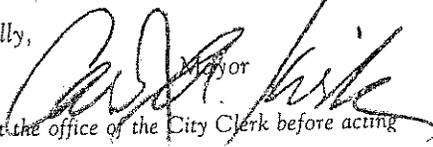
EFFECTIVE NOVEMBER 10, 2011

The City of Gloucester, Massachusetts

Dear John Montoni, 4 Woodward Avenue, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you
to the CONSERVATION COMMISSION of the City of
Gloucester, Massachusetts

This is a 90-day temporary appointment. After City Council
approval, term to expire 2/14/2013. (Filling unexpired term
of Helen C.P. Farr. Respectfully,


Mayor

N.B. You are required to be sworn in at the office of the City Clerk before acting
under this appointment.

Sworn in _____ By: _____

4 Woodward Avenue
Gloucester, MA 01930

November 9, 2011

The Honorable Mayor Kirk
Gloucester City Hall
9 Dale Avenue
Gloucester, MA 01930

Re: Conservation Commission

Dear Mayor Kirk,

Please accept my letter of introduction regarding the available position on the Gloucester Conservation Commission. I look forward to serving on the Commission as it allows me to give back to the Gloucester community, which I so much enjoy and to be involved with one of my life's interests, conservation of the wetlands.

I have always lived within a stones throw of the water, having grownup in the Salem Willows area and for the past twenty years on the Little River area of Gloucester. I have a great appreciation of the value of the waterways. Helping others so that they may also enjoy living in harmony with the natural resources would be rewarding.

The other strong point that I have is the fact that I am a commercial shellfisherman and have daily exposure to the waterways. I have first hand knowledge of many of the areas and would be able to provide a prospective that would be valuable to the Commission.

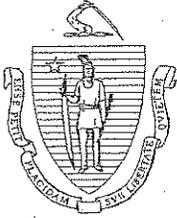
Thank you for your consideration.

Sincerely,


John Montoni

cc:

Sarah Buck Garcia, AICP, Community Development Director
Rob Gulla, Conservation Chair
Lisa Press, Conservation Agent



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Deval L. Patrick, Governor ♦ Timothy P. Murray, Lt. Governor ♦ Gregory Bialecki, Secretary, EOHEd

11 NOV 17 AM 10:36
CITY CLERK
GLOUCESTER, MA

Memorandum

To: Interested Parties
From: Gerald Bell, Manager, Community Services Unit *GBell*
Subject: 2011 – 2012 Fuel Assistance - Cold Relief Brochure
Date: November 9, 2011

Please find enclosed the 2011-2012 Fuel Assistance - Cold Relief brochure released by the Massachusetts Department of Housing and Community Development, Division of Community Services, Community Services Unit.

The Fuel Assistance Cold Relief brochure provides basic information on the three low-income energy programs offered by the Department:

- Low Income Home Energy Assistance Program (LIHEAP) or fuel assistance,
- Weatherization Assistance Program (WAP) and
- Heating Emergency Assistance Retrofit Task Weatherization Assistance Program (HEARTWAP) or the heating system program.

The brochure includes information on eligibility guidelines, the service/delivery network of these energy programs and other information useful to potential clients. This brochure should be used by all as a helpful tool for information and referral purposes.

Please do not hesitate to contact the local agencies directly with questions regarding these programs.

We encourage you to print additional copies of the brochure by accessing the DHCD website <http://www.mass.gov/hed/docs/dhcd/cd/cold/coldrel.pdf>

Thank you for your continued outreach support of the Energy Assistance Programs.



Massachusetts
Department of
Housing & Community
Development
100 Cambridge Street
Suite 300
Boston, MA 02114
www.mass.gov/dhcd

DHCD Heatline
1-800-632-8175

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Gregory Bialecki
Secretary, EOHED



Cold Relief

Energy Assistance Programs

Fuel Assistance
Heating System Repairs
Weatherization

2011 — 2012

Division of Community Services

A Message from the Department of Housing & Community Development

On behalf of Governor Deval L. Patrick and Lt. Governor Timothy P. Murray, the Department of Housing and Community Development (DHCD) is pleased to announce the 34th year of the Low Income Home Energy Assistance Program (LIHEAP).

Funded through the U.S. Department of Health and Human Services (DHHS), LIHEAP assists low-income individuals and families with the cost of heating their homes during the winter season. The Program is managed by the DHCD in conjunction with 22 regional nonprofit and local government organizations.

The maximum income eligibility for LIHEAP will remain at 60% of estimated State Median Income. This year, LIHEAP will provide fuel assistance to low-income households with annual incomes up to \$60,035 for a family of four. Current benefits vary depending on income levels. Last year, DHCD served over 210,000 Massachusetts households through this program and expects more to be served this winter.

This brochure is intended to be a resource for program providers, energy vendors, cities and towns, and community organizations. We hope that you find it an informative tool to access fuel assistance and energy conservation providers. It is also available online at www.mass.gov/dhcd. Should you have any questions, please do not hesitate to contact DHCD's Heat Line at 1-800-632-8175 or your local energy assistance agency, indexed by community, in this brochure.

- Leverett Wing,
Associate Director, Division of Community Services



Fiscal Year 2012

Low Income Home Energy Assistance Program (LIHEAP)

Income Eligibility Chart

Family Size (# of people in the household)	100% of Federal Poverty Level	125% of Federal Poverty Level	150% of Federal Poverty Level	175% of Federal Poverty Level	200% of Federal Poverty Level	60% of Estimated State Median Income
1	\$ 10,890	\$ 13,613	\$ 16,335	\$ 19,058	\$ 21,780	\$ 31,218
2	\$ 14,710	\$ 18,388	\$ 22,065	\$ 25,743	\$ 29,420	\$ 40,824
3	\$ 18,530	\$ 23,163	\$ 27,795	\$ 32,428	\$ 37,060	\$ 50,429
4	\$ 22,350	\$ 27,938	\$ 33,525	\$ 39,113	\$ 44,700	\$ 60,035
5	\$ 26,170	\$ 32,713	\$ 39,255	\$ 45,798	\$ 52,340	\$ 69,641
6	\$ 29,990	\$ 37,488	\$ 44,985	\$ 52,483	\$ 59,980	\$ 79,246
7	\$ 33,810	\$ 42,263	\$ 50,715	\$ 59,168	\$ 67,620	\$ 81,047
8	\$ 37,630	\$ 47,038	\$ 56,445	\$ 65,853	\$ 75,260	\$ 82,848
9	\$ 41,450	\$ 51,813	\$ 62,175	\$ 72,538	\$ 82,900	\$ 84,649
10	\$ 45,270	\$ 56,588	\$ 67,905	\$ 79,223	\$ 86,450	\$ 86,450
11	\$ 49,090	\$ 61,363	\$ 73,635	\$ 85,908	\$ 88,251	\$ 88,251
12	\$ 52,910	\$ 66,138	\$ 79,365	\$ 90,053	\$ 90,053	\$ 90,053

Winter Energy-Saving Tips...

- Caulk and weatherstrip doors and windows that leak air.
- Keep the flue damper tightly closed, when the fireplace is not in use.
- Set your thermostat as low as is comfortable and consider an automatic setback thermostat to save additional money.
- Clean or replace filters on furnaces every other month.
- Make sure that warm air registers, baseboard heaters and radiators are not blocked by furniture, carpeting, or drapes.
- Close your curtains and shades at night; open them during the day.
- Have your oil-fired heating system serviced annually and your gas-fired heating system serviced every three years.
- Contact the energy assistance agency in your community for programs they offer that can keep you warm this winter.

Additional Assistance...

For utility company problems, please call the Department of Public Utilities (DPU) at 1-877-886-5066. For limited income households who are not eligible for fuel assistance, please contact The Good Neighbor Energy Fund operated by your local Salvation Army:

In area codes 617, 508, 781, or 978: 1-800-334-3047

In area code 413: 1-800-262-1320

website: www.magoodneighbor.org

Mass 2-1-1: For non-emergency social service programs, dial 211



1
Action for Boston Community
Development, Inc. (ABCD)
178 Tremont Street
Boston, MA 02111
(617) 357-6012

2
Action, Inc.
47 Washington Street
Gloucester, MA 01930
(978) 281-3900
1-800-696-9276

3
Berkshire Community Action
Council, Inc. (BCAC)
1531 East Street
Pittsfield, MA 02101
(413) 445-5671 - Pittsfield
(413) 663-3014 - North Adams
(413) 528-1947 - Great Barrington
1-866-216-6200 - Toll Free

4
Community Action, Inc. (CAI)
145 Essex Street
Haverhill, MA 01832
(978) 374-7660
(978) 373-1971 - Haverhill

5
City of Cambridge, Department of
Human Services
51 Inman Street
Cambridge, MA 02139
(617) 349-6252

6
Community Action Programs
Inter-City, Inc. (CAPIC)
100 Everett Street, Unit 14
Chelsea, MA 02150
(617) 884-6130

7
Citizens for Citizens (CFC)
250 Griffin Street
Fall River, MA 02724
(508) 679-0041 - Fall River
(508) 823-6346 - Taunton
(508) 676-7397 - Information

8
Community Teamwork, Inc. (CTI)
45 Kirk Street
Lowell, MA 01852
(978) 459-6161 - Lowell
1-877-451-1082 - Toll Free

9
Community Action of the Franklin
Hampshire & North Quabbin
Regions, Inc.
377 Main Street
Greenfield, MA 01301
(413) 774-2310
1-800-370-0940 - Toll Free

10
Greater Lawrence Community
Action Council, Inc. (GLCAC)
305 Essex Street
Lawrence, MA 01840
(978) 681-4950 - Lawrence
(781) 942-6659 - Reading
(978) 664-6011 - North Reading

11
Housing Assistance Corporation
(HAC)
460 West Main Street
Hyannis, MA 02601
(508) 771-5400

13
Lynn Economic Opportunity, Inc.
(LEO)
156 Broad Street
Lynn, MA 01901
(781) 581-7220, ext. 283

14
Menotomy Weatherization
20 Academy Street, Suite 202
Arlington, MA 02476
(781) 316-3436

15
Montachusett Opportunity
Council, Inc. (MOC)
Energy & Environmental Services
66 Day Street
Fitchburg, MA 01420
(978) 342-7025

16a
New England Farm Workers
Council, Inc. (NEFWC)
(City of Springfield, only)
1666 Main Street
Springfield, MA 01103
(413) 272-2209

16b
New England Farm Workers
Council, Inc. (NEFWC)
(North Central Massachusetts only)
473 Main Street, 3rd Floor
Fitchburg, MA 01420
(978) 342-4520

17
North Shore Community Action
Programs, Inc. (NSCAP)
98 Main Street
Peabody, MA 01960
(978) 531-8810
(978) 531-0767, ext. 136

18
People Acting in Community
Endeavors, Inc. (PACE)
166 William Street
New Bedford, MA 02740
(508) 999-9920

19
Quincy Community Action
Programs, Inc. (QCAP)
1509 Hancock Street, 3rd Floor
Quincy, MA 02169
(617) 479-8181, ext. 301

20
Springfield Partners for Community
Action, Inc. (SPCA)
721 State Street
Springfield, MA 01109
(413) 263-6500

21
Self Help, Inc. (SHI)
1362 Main Street
Brockton, MA 02301
(508) 226-4192 - Attleboro
(508) 588-5440 - Brockton
1-800-225-0875 - Toll Free

23
South Middlesex Opportunity
Council, Inc. (SMOC)
300 Howard Street
Framingham, MA 01701
(508) 620-1230 - Framingham
1-800-286-6776 - Toll Free outside
Framingham

24
City of Springfield, Office of
Community Development
1600 East Columbus Avenue
Springfield, MA 01103
(413) 787-6500

25
South Shore Community Action
Council, Inc. (SSCAC)
265 South Meadow Road
Plymouth, MA 02360
(508) 746-6707
(508) 778-0870 - Hyannis (Nov - April)
1-877-383-5243 - Toll Free (for only
those areas where Plymouth is a toll
call)

26
Tri-City Community Action
Programs, Inc. (TRICAP)
110 Pleasant Street, 3rd Floor
Malden, MA 02148
(781) 322-6284

27
Valley Opportunity Council, Inc.
(VOC)
300 High Street
Holyoke, MA 01040
(413) 552-1548

28
Worcester Community Action
Council, Inc. (WCAC)
484 Main Street, 2nd Floor
Worcester, MA 01608
(508) 754-1176, ext. 110 - Worcester
1-800-545-4577 - Toll Free

COMMUNITY LISTINGS

FA—Fuel Assistance

W—Weatherization

H—Heating Services

	FA	W	H
Abington	21	21	21
Acton	23	23	23
Acushnet	18	7	7
Adams	3	3	3
Agawam	27	20	27
Alford	3	3	3
Amesbury	4	2	4
Amherst	9	9	9
Andover	10	10	10
Aquinnah	25	11	11
Arlington	8	14	14
Ashburnham	16b	15	15
Ashby	16b	15	15
Ashfield	9	9	9
Ashland	23	23	23
Athol	16b	15	15
Attleboro	21	21	21
Auburn	28	28	28
Avon	21	21	21
Ayer	16b	15	15
Barnstable	25	11	11
Barre	16b	15	15
Becket	3	3	3
Bedford	8	8	8
Belchertown	9	9	9
Bellingham	23	23	23
Belmont	8	14	14
Berkley	7	7	7
Berlin	16b	15	15
Bernardston	9	9	9
Beverly	17	17	17
Billerica	8	8	8
Blackstone	23	23	23
Blandford	27	20	27
Bolton	16b	15	15
Boston	1	1	1
Bourne	25	11	11
Boxborough	23	23	23
Boxford	4	2	4
Boylston	28	28	28
Braintree	19	19	19
Brewster	25	11	11
Bridgewater	21	21	21
Brimfield	27	20	27
Brockton	21	21	21
Brookfield	28	28	28
Brookline	1	1	1
Buckland	9	9	9
Burlington	8	8	8
Cambridge	5	14	14
Canton	21	21	21
Carlisle	8	8	8
Carver	25	25	25
Charlemont	9	9	9
Charlton	28	28	28
Chatham	25	11	11
Chelmsford	8	8	8
Chelsea	6	6	6
Cheshire	3	3	3
Chester	27	20	27
Chesterfield	9	9	9
Chicopee	27	20	27
Chilmark	25	11	11
Clarksburg	3	3	3
Clinton	16b	15	15
Cohasset	25	25	25
Colrain	9	9	9
Concord	23	23	23
Conway	9	9	9
Cummington	9	9	9

	FA	W	H
Dalton	3	3	3
Danvers	17	17	17
Dartmouth	18	7	7
Dedham	21	21	21
Deerfield	9	9	9
Dennis	25	11	11
Dighton	7	7	7
Douglas	28	28	28
Dover	23	23	23
Dracut	8	8	8
Dudley	28	28	28
Dunstable	8	8	8
Duxbury	25	25	25
East Bridgewater	21	21	21
East Brookfield	28	28	28
E. Longmeadow	27	20	27
Eastham	25	11	11
Easthampton	9	9	9
Easton	21	21	21
Edgartown	25	11	11
Egremont	3	3	3
Erving	9	9	9
Essex	2	2	2
Everett	26	26	26
Fairhaven	18	7	7
Fall River	7	7	7
Falmouth	25	11	11
Fitchburg	16b	15	15
Florida	3	3	3
Foxborough	21	21	21
Framingham	23	23	23
Franklin	21	21	21
Freetown	7	7	7
Gardner	16b	15	15
Georgetown	4	2	4
Gill	9	9	9
Gloucester	2	2	2
Goshen	9	9	9
Gosnold	25	11	11
Grafton	23	23	23
Granby	9	9	9
Granville	27	20	27
Gr. Barrington	3	3	3
Greenfield	9	9	9
Groton	8	8	8
Groveland	4	2	4
Hadley	9	9	9
Halifax	25	25	25
Hamilton	2	2	2
Hampden	27	20	27
Hancock	3	3	3
Hanover	25	25	25
Hanson	21	21	21
Hardwick	16b	15	15
Harvard	16b	15	15
Harwich	25	11	11
Hatfield	9	9	9
Haverhill	4	2	4
Hawley	9	9	9
Heath	9	9	9
Hingham	25	25	25
Hinsdale	3	3	3
Holbrook	21	21	21
Holden	28	28	28
Holland	27	20	27
Holliston	23	23	23
Holyoke	27	20	27
Hopedale	23	23	23
Hopkinton	23	23	23
Hubbardston	16b	15	15

	FA	W	H
Hudson	23	23	23
Hull	25	25	25
Huntington	9	9	9
Ipswich	2	2	2
Kingston	25	25	25
Lakeville	7	7	7
Lancaster	16b	15	15
Lanesborough	3	3	3
Lawrence	10	10	10
Lee	3	3	3
Leicester	28	28	28
Lenox	3	3	3
Leominster	16b	15	15
Leverett	9	9	9
Lexington	8	14	14
Leyden	9	9	9
Lincoln	23	23	23
Littleton	23	23	23
Longmeadow	27	20	27
Lowell	8	8	8
Ludlow	27	20	27
Lunenburg	16b	15	15
Lynn	13	13	13
Lynnfield	13	13	13
Malden	26	26	26
Manchester	2	2	2
Mansfield	21	21	21
Marblehead	17	17	17
Marion	18	7	7
Marlborough	23	23	23
Marshfield	25	25	25
Mashpee	25	11	11
Mattapoisett	18	7	7
Maynard	23	23	23
Medfield	23	23	23
Medford	26	26	26
Medway	23	23	23
Melrose	26	26	26
Mendon	23	23	23
Merrimac	4	2	4
Methuen	10	10	10
Middleborough	25	25	25
Middlefield	9	9	9
Middleton	17	17	17
Milford	23	23	23
Millbury	28	28	28
Millis	23	23	23
Millville	23	23	23
Milton	19	19	19
Monroe	9	9	9
Monson	27	20	27
Montague	9	9	9
Monterey	3	3	3
Montgomery	27	20	27
Mt. Washington	3	3	3
Nahant	13	13	13
Nantucket	25	11	11
Natick	23	23	23
Needham	21	21	21
New Ashford	3	3	3
New Bedford	18	7	7
New Braintree	16b	15	15
New Marlborough	3	3	3
New Salem	9	9	9
Newbury	4	2	4
Newburyport	4	2	4
Newton	1	1	1
Norfolk	21	21	21
North Adams	3	3	3
North Andover	10	10	10

COMMUNITY LISTINGS

FA—Fuel Assistance W—Weatherization H—Heating Services

	FA	W	H		FA	W	H
North Attleboro	21	21	21	Springfield	16a	20	24
North Brookfield	28	28	28	Sterling	16b	15	15
North Reading	10	10	10	Stockbridge	3	3	3
Northampton	9	9	9	Stoneham	26	26	26
Northborough	23	23	23	Stoughton	21	21	21
Northbridge	23	23	23	Stow	23	23	23
Northfield	9	9	9	Sturbridge	28	28	28
Norton	21	21	21	Sudbury	23	23	23
Norwell	25	25	25	Sunderland	9	9	9
Norwood	21	21	21	Sutton	28	28	28
Oak Bluffs	25	11	11	Swampscott	13	13	13
Oakham	28	28	28	Swansea	7	7	7
Orange	9	9	9	Taunton	7	7	7
Orleans	25	11	11	Templeton	16b	15	15
Otis	3	3	3	Tewksbury	8	8	8
Oxford	28	28	28	Tisbury	25	11	11
Palmer	27	20	27	Tolland	27	20	27
Paxton	28	28	28	Topsfield	17	17	17
Peabody	17	17	17	Townsend	16b	15	15
Pelham	9	9	9	Truro	25	11	11
Pembroke	25	25	25	Tyngsborough	8	8	8
Pepperell	8	8	8	Tyringham	3	3	3
Peru	3	3	3	Upton	23	23	23
Petersham	16b	15	15	Uxbridge	23	23	23
Phillipston	16b	15	15	Wakefield	13	6	13
Pittsfield	3	3	3	Wales	27	20	27
Plainfield	9	9	9	Walpole	21	21	21
Plainville	21	21	21	Waltham	8	14	14
Plymouth	25	25	25	Ware	9	9	9
Plympton	25	25	25	Wareham	25	11	11
Princeton	16b	15	15	Warren	28	28	28
Provincetown	25	11	11	Warwick	9	9	9
Quincy	19	19	19	Washington	3	3	3
Randolph	21	21	21	Watertown	8	14	14
Raynham	21	21	21	Wayland	23	23	23
Reading	10	10	10	Webster	28	28	28
Rehoboth	7	7	7	Wellesley	23	23	23
Revere	6	6	6	Wellfleet	25	11	11
Richmond	3	3	3	Wendell	9	9	9
Rochester	18	7	7	Wenham	2	2	2
Rockland	21	21	21	W. Boylston	28	28	28
Rockport	2	2	2	W. Bridgewater	21	21	21
Rowe	9	9	9	W. Brookfield	28	28	28
Rowley	4	2	4	W. Newbury	4	2	4
Royalston	16b	15	15	W. Springfield	27	20	27
Russell	27	20	27	W. Stockbridge	3	3	3
Rutland	28	28	28	W. Tisbury	25	11	11
Salem	17	17	17	Westborough	23	23	23
Salisbury	4	2	4	Westfield	27	20	27
Sandisfield	3	3	3	Westford	8	8	8
Sandwich	25	11	11	Westhampton	9	9	9
Saugus	13	13	13	Westminister	16b	15	15
Savoy	3	3	3	Weston	23	23	23
Scituate	25	25	25	Westport	7	7	7
Seekonk	7	7	7	Westwood	21	21	21
Sharon	21	21	21	Weymouth	19	19	19
Sheffield	3	3	3	Whately	9	9	9
Shelburne	9	9	9	Whitman	21	21	21
Sherborn	23	23	23	Wilbraham	27	20	27
Shirley	16b	15	15	Williamsburg	9	9	9
Shrewsbury	23	23	23	Williamstown	3	3	3
Shutesbury	9	9	9	Wilmington	8	8	8
Somerset	7	7	7	Winchendon	16b	15	15
Somerville	5	14	14	Winchester	26	26	26
Southborough	23	23	23	Windsor	3	3	3
Southbridge	28	28	28	Winthrop	6	6	6
South Hadley	9	9	9	Woburn	26	26	26
Southampton	9	9	9	Worcester	28	28	28
Southwick	27	20	27	Worthington	9	9	9
Spencer	28	28	28	Wrentham	21	21	21
				Yarmouth	25	11	11

About our Programs...



The **Low-Income Home Energy Assistance Program (LIHEAP — Fuel Assistance)** provides eligible households with help in paying winter heating bills. The program pays benefits of fixed amounts based on household income and size. An additional benefit may be available to eligible households with a high energy burden. Local administering agencies determine household eligibility based on annualized income and the number of members in the household. The agency then will make payments towards the heating bills to the primary heat source vendor (oil, propane, wood or coal dealer or gas or electric utility). Special provisions are made for those households whose heat is included in their rent and those living in subsidized housing. Households with incomes up to 60% of estimated State Median Income are eligible for the Fuel Assistance Program. Homeowners and renters are both eligible.

The **Weatherization Assistance Program (WAP)** is designed to assist low-income households to reduce their heating bills by providing home energy efficiency services. The program is operational year round. After a household is determined eligible and selected from a prioritized waiting list, the local agency schedules an energy inspection of the home. A Mass. Weatherization Certified Energy Auditor completes an inspection of the home's energy and health and safety concerns and completes a Work Order/Job Write-Up. Local certified and insured weatherization contractors are hired to complete the work at no cost to the occupants. Typical work includes air sealing, attic and/or sidewall insulation, weather stripping, and minor repairs associated with the weatherization work. Heating system work, if needed, is usually done through HEARTWAP, a separate program administered by DHCD. All work receives a thorough Quality Control inspection by the agency's Energy Auditor. To the greatest extent possible, work is coordinated with any utility-funded Energy Efficiency programs that may be available in the area. Households with incomes up to 60% of the estimated state median income are eligible for the Weatherization Assistance Program. Program eligibility is based on household eligibility for the LIHEAP Program. In addition, those households with a member receiving TANF or SSI are categorically eligible. Due to limited funding, priority points are awarded to households with members who are elderly, disabled, children under 7, Native Americans, and households with exceptionally high energy bills. Tenants (with landlord approval) as well as homeowners are eligible for weatherization. Weatherization services vary depending on the specific needs of the home and DOE approved conservation measures. No client contribution is required.

The **Heating Emergency Assistance Retrofit Task Weatherization Assistance Program (HEARTWAP)** is designed to provide heating system repair and replacement services to low-income households. The program is operational year round. During the winter months, the program serves primarily as an emergency intervention service to provide assistance to low-income clients having problems with the operation of their primary heating system. Eligible households call the local administering agencies and notify HEARTWAP staff when they are having a problem. Heating companies, under contract with the local agency, provide services necessary to keep the heating system operating efficiently and safely. Provisions are in place for LIHEAP clients to contact their dealer directly if the emergency occurs during the evening or on weekends. Households with incomes up to 60% of the of estimated State Median Income are eligible for the HEARTWAP. Program eligibility is based on household eligibility for the current year's LIHEAP Program. Tenants are eligible for some services, but are required to first contact their landlord who is legally responsible for the maintenance of the heating system. HEARTWAP services vary dependent on the specific needs of the home. Replacements are done for unsafe, inoperable, and irreparable heating systems.

GLOUCESTER CITY COUNCIL MEETING

Tuesday, November 15, 2011 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

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

Absent: Councilor Mulcahey

Also Present: Linda T. Lowe; Kenny Costa; Jim Duggan; Jeff Towne; Gary Johnstone; Max Schenk; Fire Chief Phil Dench; Mike Hale; Jonathan Pope; Councilors Elect Cox and LeBlanc; Police Chief Michael Lane

The meeting was called to order at 7:01 p.m.

Flag Salute & Moment of Silence.

Council President Hardy announced Councilor Mulcahey was ill and unable to attend this evening's meeting.

Oral Communications: None.

Consent Agenda:

• **MAYOR'S REPORT**

1. Memorandum from Mayor re: establishment of the East Gloucester Cultural District (Refer P&D)
2. Memorandum from Harbormaster re: proposed change to GCO Chapter 10, Sec. 10-51(e) fees (Refer O&A)
3. Review & recommendations for the disposition of real property for the Good Harbor & Wingersheek Beach Concessions (Refer B&F)
4. Communication from Police Chief re: acceptance of grant award in the amount of \$7,133.75 from the US Dept. of Justice FY11 Bulletproof Vest Program (Refer B&F)
5. Memorandum, grant application & checklist from Interim Health Director & Senior Project Manager for "Get Fit Gloucester" Re: grant in the amount of \$25,000 for the Strategic Alliance for Health Mentoring (Refer B&F)
6. Two requests from Director of Information Services to pay invoices for services procured prior to approval of purchase orders (Refer B&F)
7. Grant Application & checklist from Emergency Management Director re: NERAC 2011 Equipment Distribution Project grant In the amount of \$14,140 from the Northeast Homeland Security Regional Advisory Council (Refer B&F)
8. New Appointments: Community Preservation Committee (TTE 02/14/13) Charles Crowley (Refer B&F)
Conservation Commission (TTE 02/14/14) Hugh Prichard

• **COMMUNICATIONS/INVITATIONS**

1. Letter from Executive Director of Massachusetts Motor Transportation Association re: Truck Route (Refer O&A)
2. Letter from Gloucester Historical Commission re: FY11 CPA projects (Refer B&F)
3. Response to Oral Communication of October 11, 2011 City Council Meeting re: ADA Compliance (File)
4. Gloucester Fishermen Athletic Association request for road closure re: Run Gloucester 7 Mile Road Race on 8/19/2012 (Refer P&D)
5. Letter from Kenneth Hanover President/CEO of Northeast Health System re: Community Health Needs Assessment Initiative (File)
6. Letter from Executive Director of PERAC re: Appropriation for FY2013 (Refer B&F)

• **APPLICATIONS/PETITIONS**

1. SCP2011-015: Cleveland Street #33, GZO Sec. 2.3.1(6) Conversion to or new multi-family or apartment dwelling, three dwelling Units (Refer P&D)
2. SCP2011-016: River Road #23, GZO Sec. 5.5.4 (Lowlands) (Refer P&D)
3. SCP2011-017: Atlantic Street #63, GZO Sec. 5.5.4 (Lowlands) (Refer P&D)
4. Renewal of Special Permit pursuant to MGL c. 48, §56 and GCO Sec. 22-153 re: Richard Pratt Outdoor Parking Permit at 2 Beach Avenue (Refer P&D)
5. Renewal of Special Permit pursuant to MGL c. 48, §56 and GCO Sec. 22-153 re: Antonio Procaccini Outdoor Parking Permit At Long Beach Road (Refer P&D)

• **COUNCILORS ORDERS**

1. CC2011-054 (Mulcahey) Amend GCO Sec. 22-287 "Disabled Veteran, handicapped parking" re: across from Central Grammar Apartments' driveway in front of Mason Street #6-8 (Refer TC & O&A)
2. CC2011-055 (Verga/Ciolino) Possible adoption of MGL re: assessment of water betterments and deferral of such Betterments and amend GCO Chapter 23 "Utilities" Article III accordingly (Refer O&A, B&F & Administration)

• **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**

1. City Council Meeting: 10/25/11 (Approve/File)
2. Special City Council Meeting (under separate cover) (Approve/File)
3. Standing Committee Meetings: B&F 11/03/11 (under separate cover), O&A 10/31/11 (no meeting), O&A 11/14/11 (under separate cover)P&D 11/02/11 (Approve/File)

Unanimous Consent Calendar:

1. CC2011-056 (Hardy/Ciolino) That the City Council, together with the Administration, identify a funding source

- To hire local Veterans from the Civil Service Fire Fighters List as soon as possible but no later than the date
The existing list is to expire (Refer Administration & B&F)
2. Addendum to Mayor's Report re: memorandum regarding Health Insurance Reform-Adoption of Legislation (Refer O&A)
 3. Memorandum from Marie Giambanco, Assistant Registrar re: request permission to pay poll workers without
Purchase orders in place (Refer B&F)
 4. Memorandum from Jim Duggan, CAO re: Power Purchase Agreement with Equity Industrial Partners (Refer B&F)

Items to be added/deleted from the Consent Agenda and Unanimous Consent Calendar:

Councilor Ciolino asked to remove Item #3 on the Mayor's Report from the Consent Agenda and stated that when there is disposition of real property it is usually sent to P&D; however, in this instance it was not the case and should go to both P&D and B&F.

The matter was referred to the P&D Committee by unanimous consent as well as to Budget & Finance.

Council President Hardy noted there is a Unanimous Consent Agenda before them as well and asked the Council's approval for it also.

By unanimous consent the Consent Agenda was accepted as amended as well as the Unanimous Consent Calendar.

Committee Reports:

Budget & Finance: November 10, 2011 and November 3, 2011

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council under MGL c. 44, §53A to accept a donation of One Hundred Thousand Dollars (\$100,000) from the Gloucester Fishermen's Athletic Association to be used solely for the purpose of partial payment of engineering services for the plans for the renovation of Newell Stadium. The funds are to be placed in Fund #300078.

DISCUSSION:

Councilor Curcuru explained the Gloucester Fishermen's Athletic Association (GFAA) is absorbing half of the soft costs associated with the Newell Stadium renovation project. They would put forward \$100,000 towards the cost of the design services by Camp, Dresser & McKee (CDM). The total for the design services are \$234,000. The City will do partial borrowing of \$134,000. This will keep them on track for the design phase to take them to the bid phase; and then be ready to go out to bid on the Newell Stadium project in the spring. **Jonathan Pope**, President of the GFAA with the permission of the Council stated he has the check in hand through the generous donations of community members, Gorton's, Sudbay Motors and Rockport National Bank. They continue to fundraise. The Golf Ball drop was a little windy but it was successful. He noted several upcoming fundraising activities for the GFAA. **Councilor Verga** for the record stated his ex officio status to the GFAA has expired and that he intends to vote on this matter.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Mulcahey) absent, that under MGL c. 44, §53A to accept a donation of One Hundred Thousand Dollars (\$100,000) from the Gloucester Fishermen's Athletic Association to be used solely for the purpose of partial payment of engineering services for the plans for the renovation of Newell Stadium. The funds are to be placed in Fund #300078.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to approve the RFP #12069, Disposition of City-owned Land by Lease for Property Located at 6 Stanwood Street, Gloucester, MA as put forward by the Administration with the terms and conditions as presented.

DISCUSSION:

Councilor Curcuru explained the Committee spoke at length with Stanley Stone of the Cape Ann Amateur Radio Association (CAARA) regarding the lease and what was fair to them and the City. The Committee determined that upon consideration of the discussion at P&D and after speaking to Mr. Stone, and Mr. Duggan, that it would recommend the lease be for a term of three years for \$1 per year but that a maintenance agreement be placed in the lease whereby CAARA must spend \$999 per year. That would be overseen by the City's Facilities Manager who would inspect it annually. For those reasons, the B&F Committee supported the RFP for 6 Stanwood Street as amended to reflect those points and as put forward by the Administration. **Council President Hardy** reminded the Council under City Ordinance Sec. 2-3, this requires six votes to pass. They did change the rent from \$1,000 a year to \$1 per year with the understanding that the renter pays \$1,000 towards that maintenance annually. Regarding the year three of the lease for maintenance she asked what antenna the Facilities Director would like to see cleared because without the antenna CAARA would be unable to function. **Mr. Duggan** stated Mr. Hafey clarified it is the antennas that have been stored and not in use on the side of the building. There is no intent that any antenna used for their operations should be touched or to disrupt their service. Any antenna still functioning would not be included. **Councilor Tobey** asked why the City isn't taking this opportunity to see if CARAA could include an option to purchase the property. **Mr. Duggan** responded it was postponed at his request. It gave him an opportunity to speak with the tenants to see if they could move them to another property or did they wish to purchase it. They've been there for 35 years and moving to another location is not in their best interest at this time. They could maintain where they are now and as a conversation builds on a joint public safety building, they then could look for a place for them there. The conversation did include the possible purchase. CAARA has a shrinking membership and with fundraising efforts, it takes up a lot of time for them. They don't have the capacity to take on that kind of debt at this time. **Councilor Ciolino** noted P&D also had a motion on the matter. On the lease, he understood upon first-hand observation today, on the third year option there is a fence they're required to build and asked if there was a right of way at the back of the property; would the fence cause an obstruction of that right of way. **Hank McCarl**, CAARA treasurer stated the situation is something they can work out. It doesn't say what kind of fence and believed it was something they can negotiate. They're pleased with the lease as it stands now and thanked the Council and the Mayor's office. As Mr. Duggan indicated they've spent substantial funds to maintain the building at no cost to the City. They appreciate the opportunity. **Councilor Ciolino** recommended the fence be stricken from the lease as an amendment to the motion. There was no second. **Mr. McCarl** stated that would be fine also. **Council President Hardy** stated if there is something else the Facilities Director wishes to add, something else of equal value then. **Mr. McCarl** stated there is no right of way through the property. The City owns it outright. He assured they can find other things of similar value. **Councilor Ciolino** withdrew his request to amend the motion to strike the fence from the maintenance list for year three of the lease agreement. **Council President Hardy** thanked Mr. McCarl for CAARA's service to the City.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Mulcahey) absent to approve the RFP #12069, Disposition of City-owned Land by Lease for Property Located at 6 Stanwood Street, Gloucester, MA as put forward by the Administration with the terms and conditions as presented.

[Note: All terms and conditions are on file with these minutes.]

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council under MGL c. 44, 53E-1/2, for the establishment of a Fire Department Training Revolving Fund #293020, for the purpose of providing mass decontamination drill training. The authorized officer of the Fund is the Fire Chief; receipts credited from reimbursements; expenditure \$1,100; the balance is the available balance, and there are no restrictions to the Fund.

DISCUSSION:

Councilor Curcuru expressed that Chief Dench believed he needed to create a revolving training account for Northeast Health Systems which the Committee supported.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Mulcahey) absent, that under MGL c. 44, 53E-1/2, for the establishment of a Fire Department Training Revolving Fund #293020, for the purpose of providing mass decontamination drill training. The authorized officer of the Fund is the Fire Chief; receipts credited from

reimbursements; expenditure \$1,100; the balance is the available balance, and there are no restrictions to the Fund.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru the City Council voted BY ROLL CALL 1 (Whynott) in favor, 7 opposed, 1 (Mulcahey) absent to reconsider the vote for the establishment of a Fire Department Training Revolving Fund.

MOTION TO RECONSIDER FAILS.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to permit the Emergency Management Director to apply for a FEMA passed through MEMA FFY 2009 Emergency Management Performance Grant 'Supplemental' Grant for Administrative Help and Equipment totaling of \$24,767.79.

DISCUSSION:

Councilor Curcuru explained this is a competitive grant. The total amount requested is \$24,767.79. It is for equipment and personnel costs. The match is in kind.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Mulcahey) absent to permit the Emergency Management Director to apply for a FEMA passed through MEMA FFY 2009 Emergency Management Performance Grant 'Supplemental' Grant for Administrative Help and Equipment totaling of \$24,767.79.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2012-SBT-8) \$50,000.00 from Sewer Reserve for Capital Outlay, Unifund Account #600000.10.440.58000.0000.00.000.00.058 to Sewer Parts and Accessories, Unifund Account #600000.10.440.54850.0000.00.000.00.054.

DISCUSSION:

Councilor Curcuru stated this transfer was interdepartmental; that the vector used by the DPW to clean storm drains was in urgent need of major repairs. This equipment is heavily used and necessary.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Mulcahey) absent, to transfer (#2012-SBT-8) \$50,000.00 from Sewer Reserve for Capital Outlay, Unifund Account #600000.10.440.58000.0000.00.000.00.058 to Sewer Parts and Accessories, Unifund Account #600000.10.440.54850.0000.00.000.00.054.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept under MGL c. 44, §53A a grant from the MA Department of Health & Human Services, Substance Abuse & Mental Health Services Administration, Drug Free Communities Grant for \$625,000.

DISCUSSION:

Councilor Curcuru explained this grant is a highly competitive grant, and Gloucester is one of only a few communities to receive it in the State. This federal grant was awarded based on the merits of the work being performed by the Health Department's Healthy Gloucester Collaborative, Joan Whitney Director. It is through her efforts, and that of Max Schenk, Interim Health Director that the City has been able to see this award. This grant money grant will provide continuing funding for substance abuse prevention planning and programming in Gloucester with a focus on youth 18 years and under which includes: 1 full time Coordinator for Program Support much needed to support Ms. Whitney and will be at a net zero cost to the City; Bi-Annual Youth Risk Behavior Surveys; support for local steering committees focused on substance abuse prevention; screening and brief intervention and referral to treatment training; drug disposal initiatives; other substance abuse prevention, education and awareness programming. The grant asked for two substances, alcohol and marijuana. They'll also address

prescription drugs. It is administered over five years, at \$125,000 per year. There is no cash match; it is in-kind one to one. He thanked both Ms. Whitney and Mr. Schenk for their fine work in raising awareness in the community and making in-roads into the problem of alcohol and marijuana abuse among youth 18 years and younger.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Mulcahey) absent, to accept under MGL c. 44, §53A a grant from the MA Department of Health & Human Services, Substance Abuse & Mental Health Services Administration, Drug Free Communities Grant for \$625,000.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council to establish under MGL c. 44, Sec. 53E-1/2 for the establishment of a Lanes Cove Fish Shack Repair Revolving Account #293021 for the purpose of repairs and renovations of the Fish Shack at Lanes Cove. The authorized officer of the Fund is Michael Hale, DPW Director. The fund is credited from donations; expenditure limit is \$100,000; the balance is the available balance, and there are no restrictions to the Fund.

DISCUSSION:

Councilor Curcuru expressed that the Lanes Cove Fish Shack Committee is looking to start fundraising and to create a revolving fund to allow donations to be received in and be taxed deductible for the renovation and rehabilitation of the Lanes Cove Fish Shack. They're looking for \$100,000 which would be put into the Gloucester Fund and then put into the Revolving Fund on an as needed basis.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Mulcahey) absent, to establish under MGL c. 44, Sec. 53E-1/2 for the establishment of a Lanes Cove Fish Shack Repair Revolving Account #293021 for the purpose of repairs and renovations of the Fish Shack at Lanes Cove. The authorized officer of the Fund is Michael Hale, DPW Director. The fund is credited from donations; expenditure limit is \$100,000; the balance is the available balance, and there are no restrictions to the Fund.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the City Council voted BY ROLL CALL 0 in favor, 8 opposed, 1 (Mulcahey) Absent to reconsider the vote for the establishment of a Lanes Cove Fish Shack Repair Revolving Account.

MOTION TO RECONSIDER FAILS.

Budget & Finance: November 15, 2011

Councilor Curcuru stated \$244,250 from the State have been returned in local aid. **Mr. Duggan** confirmed that amount of funds explaining it is the Mayor's recommendation that the \$244,250 be spent by using \$26,270.08 for the second and final payment for the arbitration decision three months ago in the Lamberis arbitration decision, and \$217,979.92 towards reducing the tax rate for FY12 which equates to a credit of 5 cents per thousand dollars. However, in the spirit of cooperation and in conversation with B&F just prior to this meeting, the Administration would like to propose \$67,979.92 be put into the Capital Stabilization Fund and the balance of \$150,000 be put in the Stabilization Fund. That consumes the entire amount including the settlement amount. **Councilor Theken** asked for an explanation for the public as to what the two funds are. She had input that folks wished for the funds to be put to better use instead of the 5 cents per thousand. **Mr. Duggan** stated these accounts are rainy day accounts, or can be used to purchase something. It is the start of building up the Stabilization Fund. This way they won't have to bond for things like police cars, fire trucks. Any appropriation has to go through Budget & Finance to the Council. Transfers can be made from one account to the other. **Councilor Ciolino** asked about the fund balances. **Councilor Curcuru** stated the Stabilization Fund has \$1,951,108.47 and the Capital Project Stabilization Fund has \$109,793. **Councilor Tobey** asked for a situation they imagine the Capital Project Stabilization Fund would be drawn upon. **Mr. Duggan** stated if an opportunity arises to purchase an apparatus, or do a major repair in an emergency that is an area they can utilize funds first before borrowing or touching the larger stabilization fund. **Councilor Tobey** thought the telecommunication system for the Schools doesn't qualify. **Mr. Duggan** stated they applied the savings to getting it done. They are still in the process of building up the Capital Project Stabilization

Fund. They want to be disciplined in putting the money in not to take out funds in year two. **Councilor Tobey** would support this motion and felt this is a jumping off point on the future of the free cash of \$3.2 million which is a substantial achievement and thought the Administration deserved a lot of credit. Similarly during his Mayoral administration, budgeting practices made sure while reasonable amounts of free cash are certified, very large amounts were not. The challenge is also what to do with it; and he understood they are soliciting the department heads for a list. Fire Department communications have been highlighted for instance. They as a Council need to look at their priorities and collaborate with the Administration to do a better job on hitting appropriation marks. **Councilor Whynott** thought funding the Capital Stabilization Fund is an outstanding idea.

DISCUSSION:

Councilor Curcuru thought this was a great idea and hoped it continued to grow. **Councilor Ciolino** also supported the building up of the account. **Councilor McGeary** would also support this. He reflected they have run into unforeseen expenses in the School Department and that free cash could be a possibility. **Council President Hardy** would support this funding also, and thanked the Administration for its support. She noted at the B&F meeting the discussion was not in that direction, but that this is a win:win situation.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the Budget & Finance Committee voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Mulcahey) absent, to appropriate \$67,979.92 (Sixty-Seven Thousand Nine Hundred Seventy Nine Dollars and Ninety-Two Cents) as a supplemental appropriation to the FY2012 Budget for the purpose of transferring funds to the Capital Project Stabilization Fund to be placed in Unifund Account # 850000. The available funds are from a one-time Unrestricted General Government Aid (UGGA) payment from the State.

MOTION: On motion by Councilor McGeary, seconded by Councilor Verga, the City Council voted 0 in favor, 8 opposed, 1 (Mulcahey) absent to reconsider the vote to appropriate \$67,979.92 (Sixty-Seven Thousand Nine Hundred Seventy Nine Dollars and Ninety-Two Cents) as a supplemental appropriation to the FY2012 Budget for the purpose of transferring funds to the Capital Project Stabilization Fund.

MOTION TO RECONSIDER FAILS.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Verga, the Budget & Finance Committee voted BY ROLL CALL 8 in favor, 0 opposed to appropriate \$150,000 (One Hundred and Fifty Thousand Dollars) as a supplemental appropriation to the FY2012 Budget for the purpose of transferring funds to the Stabilization Fund to be placed in Unifund Account # 840000. The available funds are from a one-time Unrestricted General Government Aid (UGGA) payment from the State.

MOTION: On motion by Councilor McGeary, seconded by Councilor Verga, the City Council voted 0 in favor, 8 opposed, 1 (Mulcahey) absent to reconsider the vote to appropriate \$150,000 (One Hundred and Fifty Thousand Dollars) as a supplemental appropriation to the FY2012 Budget for the purpose of transferring funds to the Stabilization Fund.

MOTION TO RECONSIDER FAILS.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to appropriate \$26,270.08 (Twenty-Six Two Hundred and Seventy Dollars and Eight Cents) as a supplemental appropriation to the FY2012 Budget for the purpose of covering the liability associated with the Arbitrator's ruling in the Stephen Lamberis case to be placed in the City Legal Dept, Settlement-Out/Court Account, Unifund Account #101000.10.151.57620.0000.00.000.00.057. The available funds are from a one-time Unrestricted General Government Aid (UGGA) payment from the State.

DISCUSSION:

Mr. Duggan stated this is the second and final payment for the arbitration decision three months ago. This will finalize it all; and there will be no further financial obligation on the part of the City. **Councilor Tobey** asked if this was the total amount of this award to Officer Lamberis. **Mr. Duggan** stated it was actually \$46,270.08. **Councilor**

Tobey asked the component parts. **Mr. Duggan** stated it included regular pay, overtime and expenses. Of those negotiated expenses removed was unemployment compensation. It was credited back to the City. Of the \$45,270.08, **Councilor Tobey** asked what the regular pay was. **Mr. Duggan** stated it was average overtime and other negotiated areas were subtracted off. They treated it as a lump sum. How much was the negotiated amount from the salary components; he couldn't answer. It was lumped all together. **Councilor Tobey** noted there has already been a \$20,000 payment made from which account. **Mr. Duggan** stated that was out of the payroll account through the Police Department. **Mr. Towne**, in response to **Councilor Tobey** concern that the account would then be in a possible deficit position because of an unanticipated expenditure, responded they'd be looking to a funding source to make that whole for FY12 and would be returning to the Council for a transfer to fund that original \$20,000 to make sure the budgeted line item for the Police Department for FY12, which had no funds in it for Officer Lamberis, will now have the money in it that they took out. **Councilor Tobey** reviewed the first part is to seek to replace the \$20,000 asked if there was an added challenge because there is an additional patrolman to be covered for payroll purposes as Officer Lamberis' return was not budgeted. **Mr. Duggan** thought there may be a shortfall and will be addressing this matter with free cash. **Councilor Tobey** asked if the Administration will be sharing the arbitrator's decision with the Council. **Mr. Duggan** stated they would. However, they will not be sharing the negotiated settlement as it is a personnel matter and would confer with the City Solicitor in that regard. **Councilor Ciolino** asked if Officer Lamberis was back to work and when. **Chief Lane** stated as soon as the settlement was announced he came back very shortly thereafter, about a week after the settlement in late July, early August. He is on the midnight watch. **Councilor Tobey** noted the City has had two instances attempting to terminate this officer. The Councilor wanted to know how the administration of the Police Department will work to ensure that this officer will succeed going forward. **Chief Lane** thought they had a strong chance at termination but did not succeed. **Councilor Tobey** restated he wanted to know what they would do to ensure this officer succeeds and not be a future problem. **Chief Lane** felt the officer is where he is best suited in a long-standing situation. They will keep him working effectively as best they can, and is in the best place he can be.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Verga, the City Council voted BY ROLL CALL 7 in favor, 1 (Tobey) opposed, 1 (Mulcahey) absent, to appropriate \$26,270.08 (Twenty-Six Thousand, Two Hundred and Seventy Dollars and Eight Cents) as a supplemental appropriation to the FY2012 Budget for the purpose of covering the liability associated with the Arbitrator's ruling in the Stephen Lamberis case to be placed in the City Legal Dept, Settlement-Out/Court Account, Unifund Account #101000.10.151.57620.0000.00.000.00.057. The available funds are from a one-time Unrestricted General Government Aid (UGGA) payment from the State.

MOTION: On motion by Councilor McGeary, seconded by Councilor Verga, the City Council voted 2 (Theken, Tobey) in favor, 6 opposed, 1 (Mulcahey) absent to reconsider the vote to appropriate \$26,270.08 (Twenty-Six Thousand, Two Hundred and Seventy Dollars and Eight Cents) as a supplemental appropriation to the FY2012 Budget for the purpose of covering the liability associated with the Arbitrator's ruling in the Stephen Lamberis case.

MOTION TO RECONSIDER FAILS.

Ordinances & Administration:

**October 31, 2011 – No meeting.
November 14, 2011**

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee 3 voted in favor, 0 opposed, 0 to recommend to the City Council to AMEND the Gloucester City Home Rule Charter to clarify language contained in Sec. 2-9 Council Standing Committees (a) into three subsections as follows:

(a) Designation of Committees – There shall be three standing committees of the city council:

- (i) A committee on Budget and Finance, to which may be referred by a simple majority vote of the full city council every matter which would involve an expenditure by the city.

- (ii) A committee on Ordinances and Administration, to which may be referred by a simple majority vote of the full city council every matter which in the form of adoption is categorized an “ordinance” or the effect of which is more than temporary significance, all matters the effect of which would be to alter the administrative structure of the city government and which shall have general oversight of the department of the city clerk.
- (iii) A committee on Planning and Development, to which may be referred by a simple majority vote of the full city council all matters which affect land use, planning, zoning and other development of the city.

DISCUSSION:

Linda T. Lowe, City Clerk explained she had distributed materials to the Council as to what was taken up by O&A at their 11/14/11 meeting about this matter. She noted that she had provided the Council with the revised version of the Charter and the version of the Charter before any revisions were made. Everything else reviewed and proposed by the Charter Task Force for amendments to the City Charter was passed at a Special City Council meeting on October 11th. This was the only remaining issue. **Councilor Whynott** noted the simple majority of the “full” City Council was at issue.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 1 in favor, 7 (Hardy, Theken, Tobey, Verga, Whynott, Ciolino, Curcuru) opposed, 1 (Mulcahey) absent, 0 to AMEND the Gloucester City Home Rule Charter to clarify language contained in Sec. 2-9 Council Standing Committees (a) into three subsections as follows:

(a) Designation of Committees – There shall be three standing committees of the city council:

- (i) A committee on Budget and Finance, to which may be referred by a simple majority vote of the full city council every matter which would involve an expenditure by the city.**
- (ii) A committee on Ordinances and Administration, to which may be referred by a simple majority vote of the full city council every matter which in the form of adoption is categorized an “ordinance” or the effect of which is more than temporary significance, all matters the effect of which would be to alter the administrative structure of the city government and which shall have general oversight of the department of the city clerk.**
- (iii) A committee on Planning and Development, to which may be referred by a simple majority vote of the full city council all matters which affect land use, planning, zoning and other development of the city.**

Councilor Tobey stepped away from the dais at 8:14 p.m.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 2 (Mulcahey, Tobey) absent affirming the vote of the amendments to the City Charter as voted by the City Council on October 11, 2011.

Councilor Theken thanked Councilor Mulcahey and Tony Gross for there outstanding work on the Charter Review as well as the rest of the Charter Task Force.

Planning & Development: November 2, 2011

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to approve the RFP #12069, Disposition of City-owned Land by Lease for Property Located at 6 Stanwood Street, Gloucester, MA as put forward by the Administration with the terms and conditions as presented.

DISCUSSION:

Councilor Ciolino stated his Committee was in favor of the proposal as presented by the Administration, but he had expressed in the meeting he wished to see a \$1/year rent and was pleased to see that the B&F Committee had agreed and worked it out so that both the City and CAARA benefited.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted 7 in favor, 0 opposed, 2 (Tobey, Mulcahey) absent to approve the RFP #12069, Disposition of City-owned Land by Lease for Property Located at 6 Stanwood Street, Gloucester, MA as put forward by the Administration with the terms and conditions as presented.

[**Note:** A similar motion was previously passed under the B&F Committee reports by the Council as well. The matter went to both the B&F and the P&D Committees.]

Scheduled Public Hearings:

1. PH2011-072: SCP2011-009: Main Street #186, GZO Sec. 5.13.7.2 (PWSF) Modifications

This public hearing is continued to November 29, 2011.

2. PH2011-073: Amend GZO Sec. 1.5.3 pursuant to MGL c. 40A, §5 and Gloucester Zoning Ordinance Sec. 1.22 and 1.11.2(e) and “Appendix A-Rule 25: Rules of Procedure Special Permit Procedures” Part I & II

This public hearing is opened and continued to November 29, 2011.

3. PH2011-074: SCP2011-014: Dory Road #34, GZO Sec. 5.13.7.1 (PWSF)

This public hearing is opened and continued to November 29, 2011.

4. PH2011-075: Amend GCO Sec. 22-287 “Disabled veteran, handicapped parking” re: deleting one space Riggs Street #7

This public hearing is opened and continued to November 29, 2011.

5. PH2011-076: Amend GCO Sec. 22-270 “Parking Prohibited at all Times” re: Green Street

This public hearing is opened and continued to November 29, 2011.

6. PH2011-077: Amend GCO Sec. 22-291 “Tow Away Zone” re: Green Street

This public hearing is opened and continued to November 29, 2011.

7. PH2011078: Amend GCO Sec. 22-269 “Stop Intersections” re: Raymond Street & Shore Road Intersection

This public hearing is opened and continued to November 29, 2011.

8. PH2011-079: Amend GCO Sec. 22-269.1 “Yield Intersections” re: Raymond Street & Shore Road Intersection

This public hearing is opened and continued to November 29, 2011.

Councilor Tobey returned to the dais at 8:20 p.m.

9. PH2011-080: Amend GCO Sec. 1-15 – “Penalty for violation of certain specified sections of Code”

This public hearing is opened and continued to November 29, 2011.

10. PH2011-081: Loan Authorization in the amount of \$1, 509,000 re: Capital Items for FY2012

This public hearing is opened.

Those speaking in favor:

Jeff Towne, CFO explained the following are the requested capital needs of the City Departments for \$1.5 million in the form of a loan authorization for the Fire Department with two items; the DPW with seven items that have multiple items within them; the Police Department; and the IT Department. They met with the CIAB; and as discussed at B&F with several members of the CIAB who came before them, the CIAB members discussed the lack of recommendation coming forward from them due to no five year plan available this year, but which is now under development. They were appreciative of the department heads coming forward to explain the capital item requests to them. The Fire Department requested \$250,000 for a new ambulance and to refurbish a pumper, which came out of discussions with the CIAB. The Chief, working with his vendor had the pumper evaluated. It was found to be possible to refurbish the pumper and get enough useful life from it to make it worthwhile. He reviewed the number of vehicles for the DPW and two roof repairs they've requested. The Police Department is requesting radios. The Fire Department has been converting over to the new frequency with their radios; and the Police Department is in need to do the same. They want to start a parking kiosk program in the City versus meters, and the kiosk purchases are a part of this loan authorization. And IT had \$36,000 pulled from the FY12 operating budget for an upgraded server and software licensing; so they've returned it into the capital loan request.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor Tobey asked about communications for the Fire Department, as documented in 'After Action' reports and an audit, as to what the cost is to remediate the situation. **Chief Dench** stated they need a recording system for voice messages on telephones and the radio transmissions. They are working on that and will bring it forward to come out of free cash. As to portable radios, they're in the process of getting the repeater system up to par because of the topography of Cape Ann. The towers may have to be raised to get better coverage and the vendor is working through those problems. Through the Administration they purchase 10 portable radios per year. The only thing they're going for now is the voice recording system to record all communications and will be through free cash. Responding to an inquiry by **Councilor Tobey**, **Chief Dench** stated the repeater system boosts the radio signal. But by improving that, a city in the western part of the State is interfering with their signal now. They're in the process of trying to get a new frequency which is the best route. **Councilor Tobey** noted the practical problem when firefighters can't communicate with each other in a fire and asked if there will be a capital expenditure to deal with this. **Chief Dench** stated no, he had money in the budget to cover it. They may wind up putting in a repeater in West Gloucester. They're working on it now daily and seem to improve daily. **Councilor Tobey** noted insuring each firefighter has their own portable radios. **Chief Dench** stated there are 72 firefighters in the department. About 42 firefighters have their own assigned radio. When they're on duty, everyone has a radio. It is when there is a multiple alarm situation it becomes a problem. **Councilor Tobey** thought it conceivable that in a major fire there would be a firefighter without a radio. **Chief Dench** stated the radios cost \$2,500 apiece and are by contract, and they have to go with that rate which comes to approximately \$60,000. **Councilor Tobey** asked if that would be on their free cash list. **Chief Dench** stated "no". They have a plan to buy radios regardless. **Councilor Curcuru** asked when they borrow this how many years would it be for. **Mr. Towne** stated they'll go short-term for one year and in total if they borrow the full \$1,509,000 it would be per year on a declining scale around \$250,000 and each item has a different schedule of their useful life. It would likely not be more than \$250,000 and drop to \$150,000 to \$40,000. After year 11 it drops way down. **Councilor Curcuru** asked about the equipment for the DPW and the current status of their vehicles. **Mr. Hale** stated they are getting caught up. They supply the Inspectors, the Assessor's office, the Board of Health and School Department vehicles also. They recycle as many vehicles in the City as they can for fleet vehicles, but there is a need for some new vehicles. Many of them are very old. There wasn't much investment in the early 2000's and things like backhoes now need to be replaced. They will continue to upgrade the vehicles they are responsible for. **Councilor Ciolino** asked about the brush cutting machine noting Mr. Hale had indicated to him that he would look to purchase one that could also be used as a snow blower and asked why it was not a part of this list. **Mr. Hale** responded they traded in their old brush cutter and purchased a new machine delivered at the first of this month. It is at the DPW yard now with the ability to do sidewalks in winter and cut brush the rest of the year. **Councilor Ciolino** expressed he was pleased to see this dual purpose machine had been purchased. **Councilor Verga** agreed with Councilor Tobey; and would like to see within this loan order \$60,000 for the Fire Department radios. He viewed this as a safety issue; and if not added to the loan order he felt strongly it must be from free cash. **Councilor Theken** also felt that safety was tantamount for the Fire Department personnel.

Firefighters would be in jeopardy when they can't communicate with each other; their priority should be to add the radios by amending the motion and should have come forward sooner to the Council. She didn't wish to eliminate anything from the loan order. They need safety for safety personnel. **Chief Dench** stated before the free cash was certified the intent was to get the voice recording system in place. The radios are being looked at for free cash. **Councilor Tobey** asked how much is allocated for the roof repair of the Magnolia Fire Station for this loan order. **Mr. Towne** stated it is \$165,000 for two roofs – Magnolia Fire Station and the DPW roof. **Councilor Theken** reiterated they should add \$60,000 to the loan order. **Councilor Tobey** pointed out that there is going to be some amount of the free cash spent for capital purposes expressing he would rather wait on the Magnolia Fire Station roof than on the firefighter radios. **Mr. Towne** noted the Magnolia station roof is 4,000 sq. ft., about \$50,000. **Councilor Tobey** asked what the Council's capacity to amend a loan authorization is and also asked if the Administration had a point of view to amend this loan order to include the Fire Department portable radios. **Mr. Duggan** responded they have tasked the Facilities Manager to maintain their facilities and would not wish to deviate from that [referencing the roof replacements]; feeling it was pitting one priority over the other. Fire safety is important; and they will prioritize that going forward. If it is the wish of the City Council to amend the loan order to include the radios, he would concur. **Councilor Tobey** appreciated that, thanking Mr. Duggan. The Councilor asked if that requires offsets. **Mr. Duggan** stated they would add to it. **Councilor Tobey** asked if this would create a problem with legal notice. **Mr. Towne** stated they have a description of what is to be purchased in the language of the loan order which **Councilor Curcuru** read. **Mr. Towne** stated they could modify the authorization as long as they advertised for it. **Councilor Curcuru** asked about the roofs. **Mr. Hale** stated they'd want to do the roofs as soon as possible. They'd bid this winter and make the repairs in the spring. **Councilor Curcuru** suggested the roofs be done with free cash; and remove the roofs from the loan order. After conferring with **Mr. Duggan** and **Mr. Towne**, **Mr. Hale** stated they need design money now and do the construction in the spring. Magnolia Station is "teetering". **Councilor Curcuru** contended it could come out of free cash. **Councilor Ciolino** commented the time had come to purchase the portable radios for the Fire Department. The leaky roofs are always put off. More damage is done and felt the City can't put repairs off on public buildings. He would be agreeable to adding the \$60,000 to the loan figure and leaving the rest as is. **Council President Hardy** asked what the life expectancy of the radios is which **Mr. Towne** stated was 10-15 years. It would fit into the bond authorization. **Council President Hardy** agreed they should add onto the loan. **Mr. Towne** suggested they add the \$60,000; they can always choose before borrowing long term to pay for it in free cash, and rescind the loan authorization. **Councilor Tobey** asked for a new total if an amendment was made. **Mr. Towne** stated he would amend the loan order then to \$1,569,000. **This public hearing is closed.**

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the following loan order:

Ordered: That up to \$1,569,000 (One Million Five Hundred and Sixty -Nine Thousand Dollars) be appropriated for the purchase of departmental equipment, the refurbishment of a fire department vehicle, repairs to the roofs at the Magnolia Fire Station and DPW building and for the purchase of a server and software licensing; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow up to \$1,569,000 under G.L. c.44 § 7 (3a), 7 (9), 7 (9a), 7 (28) and 7 (29) or any other enabling legislation; that the Mayor with the approval of the City Council is authorized to take any other action necessary to carry out this project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

DISCUSSION: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor, the City Council voted **BY ROLL CALL 8** in favor, 0 opposed, 1 (Mulcahey) absent, the following loan order:

Ordered: That up to \$1,569,000 (One Million Five Hundred and Sixty-Nine Thousand Dollars) be appropriated for the purchase of departmental equipment, the refurbishment of a fire department vehicle, repairs to the roofs at the Magnolia Fire Station and DPW building and for the purchase of a server and software licensing; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow up to \$1,569,000 under G.L. c.44 § 7 (3a), 7 (9), 7 (9a), 7 (28) and 7 (29) or any other enabling legislation; that the Mayor with the approval of the City Council is authorized to take any other

action necessary to carry out this project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

11. PH2011-082: Designation of 127 Rogers Street (Gorton's Inc.) as an Economic Opportunity Area (EOA)

This public hearing is opened.

Those speaking in favor:

Jim Duggan, CAO explained to the Council that the motion before them is the first step in supporting Gorton's of Gloucester investment in the City. By establishing the site specific EOA designation, they are able to secure a TIF agreement that was negotiated with the TIF Committee made up of himself, Chairman of Budget & Finance, Councilor Curcuru; Gary Johnstone, City Assessor; CFO, Jeff Towne; Kenny Costa, City Auditor; Suzanne Egan, City Solicitor; and Gregg Cademartori, Planning Director. They had two meetings outlining the advantages of this; and stated for the record that the Administration is in complete support of establishing the EOA designation at 127 Rogers Street. **Jeremiah Hoffman**, Director of Engineering at Gorton's on their behalf thanked the Mayor's office and the Council for their consideration of this EOA designation. He made note of the a long partnership with Gloucester dating back to the origin of the company in 1849; and are very proud of their workforce here. He respectfully requested the support of the Council on behalf of Gorton's Inc. for the EOA designation and for the TIF agreement which would enable them to expand their production facility at 127 Rogers Street. He further expressed the appreciation of the support the City has offered Gorton's over the years.

Those speaking in opposition: None.

Communications:

Questions:

Councilor Theken asked for an explanation of the definition of an EOA. **Mr. Duggan** stated the City of Gloucester is an economic target area as a whole which is a designation by the State which potentially could lead to economic development incentives for businesses through the State. They need to do it within an economic target area; site specific economic opportunity areas can be established, like 127 Rogers Street being designated an EOA. As long as there is local support in its establishment, and for a TIF agreement, it opens the door for that business to State tax credits. **Councilor Theken** remarked this is not rezoning which **Mr. Duggan** confirmed it was not.

This public hearing is closed.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to designate 127 Rogers Street as an Economic Opportunity Area (EOA).

DISCUSSION:

Councilor Curcuru explained this was the first phase of three motions. He appreciated being able to continue to work with a "tremendous" company in the City, and was happy they were here. **Councilor Tobey** echoed Councilor Curcuru's observation that they're very glad Gorton's is here. The Councilor believed Gorton's is an example that the TIF program is an enormous benefit to a community looking to maintain growth of its industrial base. It is thanks to a TIF that the research and development facility was built on Main Street, and felt this is an example of the TIF program at its finest. He thanked Councilor Curcuru and the Administration for pulling this together and would support it. **Councilor McGeary** also supported it, feeling it is a modest TIF and a great deal for all. **Councilor Whynott** echoed those sentiments as well; and stated Gorton's is an "anchor" industry for the City. He would support all three motions also.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted **BY ROLL CALL 8 in favor, 0 opposed, 1 (Mulcahey) absent, to designate 127 Rogers Street as an Economic Opportunity Area (EOA).**

12. PH2011-083: TIF Agreement re: Gorton's Inc. 127 Rogers Street

This public hearing is opened.

Those speaking in favor:

Mr. Duggan explained before the Council is another commitment that Gorton's is calling Gloucester home. Gorton's had the opportunity to invest and expand in their Georgia location. Yet they chose to stay here where it is much more expensive to do business. They felt Gloucester is the place to be. They came forward and asked the Administration for support for a TIF agreement on the minimum of five years for a minimal dollar amount of \$18,672. There will be a \$13 million investment by Gorton's: a \$7 million investment in machinery and \$6 million for building modifications. As outlined in the TIF agreement, they will maintain an employee base of 268 employees. There'll be a minimum of 20 new employees added which will equate to jobs in the City. The total benefit is \$18,672 over five years with a tax abatement for Gorton's. That doesn't take into account the increased commercial tax base for the City, which is in the form of new development at \$186,718, not including building permit fees or the like. Therefore, they request the Council's support for the TIF agreement and plan before them. He thanked the TIF Committee, Councilor Curcuru and Gorton's.

Those speaking in opposition: None.

Communications: None.

Questions:

This public hearing is closed.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to approve the 127 Rogers Street Economic Opportunity Area (EOA) Application; the 127 Rogers Street TIF Plan and designation of 127 Rogers Street as a TIF zone, and the Gorton's Inc. Expansion Project Application for submittal to the Massachusetts Economic Assistance Coordinating Council (EACC) pursuant to MGL Chapter 23A Section 3E & 3F.

DISCUSSION:

Councilor Curcuru agreed completely and stated "Gorton's of Gloucester identifies the City". **Councilor Theken** was a "proud" former employee of Gorton's years ago. While Gorton's identifies the City, she felt the City also identifies Gorton's. Expressing she didn't like TIF's per se, this one she would vote for gladly. Gorton's is a top employer in the City who interacts, supports and gives so much to the community. **Councilor Ciolino** noted the word TIF is sometimes not a good word to use. As a Council they have limited tools; but they do have one such tool for economic development, a TIF. Since his tenure on the Council, TIF's have created jobs, removed blight and expressed there is much good created by TIF's. They need to keep jobs in the City. Gorton's supports and employs the community and is a good corporate citizen. The tax benefits they get from the City are small compared from what they'll get from the State. He wholeheartedly supported this as an economic benefit to the City.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted **BY ROLL CALL 8 in favor, 0 opposed, 1 (Mulcahey) absent, to approve the 127 Rogers Street Economic Opportunity Area (EOA) Application; the 127 Rogers Street TIF Plan and designation of 127 Rogers Street as a TIF zone, and the Gorton's Inc. Expansion Project Application for submittal to the Massachusetts Economic Assistance Coordinating Council (EACC) pursuant to MGL Chapter 23A Section 3E & 3F.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to authorize the Mayor to execute the Tax Increment Financing (TIF) Agreement by and between The City of Gloucester and Gorton's Inc. and for the Mayor and/or her staff to take such other actions as are necessary or appropriate to implement the provisions contained within said Tax Increment Financing Agreement.

DISCUSSION: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor , the City Council voted **BY ROLL CALL 8 in favor, 0 opposed, 1 (Mulcahey) absent, to authorize the Mayor to execute the Tax Increment Financing (TIF) Agreement by and between The City of Gloucester and Gorton's Inc. and for the Mayor and/or her staff to take such other actions as are necessary or appropriate to implement the provisions contained within said Tax Increment Financing Agreement.**

13. PH2011-084: SCP2011-013: Dale Avenue #10 (Central Grammar Apartments) Amendment to City Council Special Permit granted May 23, 1974 pursuant to GZO Sec. 1.10.1 and 3.2.2(a)

This public hearing is opened.**Those speaking in favor:**

Mark Sandler, attorney at 28 Dale Avenue and was before the Council in his capacity as President of Gloucester Development Team, Inc., the managing portion of the LLC which is the owner of the Central Grammar Apartments. They're trying to carry out a major renovation of the Central Grammar apartments. The last time they did that was in 1986. The original conversion of the school to residential use was between 1974-76. There were many improvements that the age of the building required to be made. They're moving towards their December 1st target completion date. As part of the renovation they're doing, they proposed an auxiliary generator to power the apartment project in the event of an outage primarily for lighting and the elevator that serves the building. Secondly they've proposed a tool/garden shed to hold equipment used to maintain the building. Both of these proposed structures would be on the Mason Street side of the building which under the zoning ordinance is a "front yard". The building has a "front yard" also on Dale Avenue. It is a non-conforming structure. The special permit to allow the conversion of the school to elderly housing was issued in 1974. They are asking for amendments to permit putting new structures within the front yard of Mason Street. Under the zoning ordinances they were required to seek variances because of the location of the proposed structures on the Mason Street side of the building; and were required to come to the Council to reduce the open space requirement and open space per unit. There are two sections of the zoning ordinance; Sec. 1.10.1 "Jurisdiction of the City Council and Zoning Board of Appeals" and under that is a subparagraph called "City Council" and #3 says Special Permits pursuant to footnote A of Section Sec. 3.2.2(a) authorizing a decrease in the minimum lot area and minimum open space per dwelling unit per multi-family dwellings subject to the requirements and standards set forth therein. The referred to footnote in 3.2.2(a) was also quoted (see City Zoning Ordinances). He noted Kirk Noyes' presence, a member of the Gloucester Development Team. The six criteria under GZO 1.8.3 are in writing as part of their application which they feel they have met. They would appreciate the Council's granting the special permit to complete the project to the benefit of everyone who lives in that building and the community. **Kirk Noyes**, 1 Woodbury Street stated they are proposing two structures on the site. They decrease the open space by a very small reduction, about 1.3%. One of the structures is actually open. There is a generator on the site not hooked up yet. It gets enclosed by a painted galvanized steel trellis with substantial steel columns in a dark blue color. The generator over a period of time would be covered by ivy and the grid is the medium that will hold up the ivy. He held up a galvanized grid portion for the Council to view. They erected a 10 ft. x 10 ft. tool shed with a conical roof structure. It was their fault for its building first before the permit modification. If the tool shed is not approved, there are only eight bolts holding it; and it can be removed if the Council so wishes.

Those speaking in opposition: None.**Communications: None.****Questions:**

Councilor Ciolino noted his concern regarding the grid at P&D, which Mr. Noyes had shown the Council this evening. The Councilor noted the grid would be covered eventually from view by landscaping. **Mr. Noyes** stated the generator is picture framed by grid panels which will be covered by the ivy. The Councilor expressed his appreciation to Mr. Noyes for bringing in the sample. **Mr. Noyes** reiterated the grid would enclose the generator, fencing it in up to a height of six feet and vines would grow over that grid.

This public hearing is closed.**Councilor Curcuru left the meeting at 9:20 p.m.**

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend that the City Council approve the amendment of New Central Grammar Management LLC, City Council Special Permit granted on May 23, 1974 for the construction of a multi-family structure, for 10 Dale Avenue, Assessors Map 14, Lot 29, pursuant to Sec. 1.10.1 and 3.2.2(a) of the Gloucester zoning ordinance to decrease the lot area per dwelling unit as required by Sec. 1.10.1 of the zoning ordinance from 39.3% to 38.8% and to decrease the open space per dwelling unit under Sec. 3.2.2 of the zoning ordinance from 186 square feet to 182 square feet for a total reduction of 1,086 square feet, to place an auxiliary generator covered by wire mesh on the Mason Street yard in the location as depicted on the site plan entitled "Subsurface Drainage Plan" prepared by Mastue Associates, December 14, 2010, and construct a ten foot by ten foot garden/tool shed at the location depicted on the Mastue site plan.

DISCUSSION:

Councilor Ciolino stated that on the basis of the application and the presentation of the applicant the Committee found as required by Sec. 3.2.2(a) that the lesser lot area and open space requested is in keeping with the neighborhood character and structural density as the improvements will allow the building and grounds to be maintained in a more efficient manner and provide for the safety of the residents by providing power to the complex in the event of loss of electricity. The Committee also found that as required by Sec. 1.10.2 this application is in harmony with the general purpose and intent of the zoning ordinance. He also noted the concern with the library redoing their parking area and grounds; they wanted to make sure that what they did with the generator and garden shed was in harmony. They've partnered with the library to make sure it is done appropriately and in harmony with the renovations there as well. He expressed his faith they would keep the ivy growing to act as a screen. He asked his fellow Councilors to vote for it. **Council President Hardy** thanked the Gloucester Development Team for their continuity with Central Grammar. Because of the Team's continuity then and now, the building is "magnificent"; and the community is proud to have the building as elderly housing. She thanked them and looked forward to working with them in the future as a team. Additionally she believed this project is in harmony with the general purpose and intent within Sec. 1.8.3 of the Gloucester Zoning Ordinance A-F does not adversely affect the community and would be in full support of the application.

Councilor Curcuru left the meeting at 9:20 p.m.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 2 (Curcuru, Mulcahey) absent, to approve the amendment of New Central Grammar Management LLC, City Council Special Permit granted on May 23, 1974 for the construction of a multi-family structure, for 10 Dale Avenue, Assessors Map 14, Lot 29, pursuant to Sec. 1.10.1 and 3.2.2(a) of the Gloucester zoning ordinance to decrease the lot area per dwelling unit as required by Sec. 1.10.1 of the zoning ordinance from 39.3% to 38.8% and to decrease the open space per dwelling unit under Sec. 3.2.2 of the zoning ordinance from 186 square feet to 182 square feet for a total reduction of 1,086 square feet, to place an auxiliary generator covered by wire mesh on the Mason Street yard in the location as depicted on the site plan entitled "Subsurface Drainage Plan" prepared by Mastue Associates, December 14, 2010, and construct a ten foot by ten foot garden/tool shed at the location depicted on the Mastue site plan.

14. PH2011-085: SCP2011-012: Pearce Island/Durney's Island GZO Sec. 5.5.4 Lowlands

This public hearing is opened.

Those speaking in favor:

David Williams, applicant residing at 73 Fernald Street, and owner of Durney's Island stated he is before the Council for a Special Council lowlands permit in order to get a c. 91 license. This is for his docks and floats and all else on the property. There is an 18 ft. ramp, a 20 ft. float, to a 16 ft. float to an 8 ft. float and some wooden piers. It is in a tidal creek, at the entrance to Jones Creek's on the Annisquam River. There is a little cottage on the property surrounded by mud flats, rocks and marsh. There was concern expressed at the P&D meeting about getting emergency boats to the island. He had an email from the Harbormaster (submitted and on file) stating there was nothing he has done there that will interfere with any emergency vehicles getting in and around the island next to it. **Councilor Ciolino** expressed it was a concern that was raised at the P&D Committee meeting when they took this matter up. P&D had requested Mr. Williams obtain comments from the Harbormaster on the situation.

Those speaking in opposition:

Richard Larson, 40 Churchill's Lane, Milton, MA, a trustee and owner of Merchant's Island/Pearce's Island stated everything on the adjacent piece of land (Durney's) was done prior to getting approval [for a Special Council Permit] and thought it the wrong way to do the work in any city. The area is very sensitive (environmentally) he contended. Extensive building he felt to be inappropriate in marsh land. His family has worked to keep the property and marsh land intact which seemed to be under attack now in his view. With all the other pollution arriving, it is concerning to him. His attorney had sent a letter stating the Trust's entire objections to the permit (previously on file).

Communications:

Linda T. Lowe, City Clerk stated there was an email from Robert M. Larson, II with attached photographs regarding alleged pollution in the Annisquam River; and asked the Council to vote against the Special Council Permit (email dated 11/14/11 on file). There was a letter sent late in the day from Richard Nylen, Esq. via email dated a month ago, sent to P&D (on file). She assumed that when Councilor Ciolino brings his report forward that it was taken into consideration at the time for the P&D deliberations. **Council President Hardy** received an email at

4:44 p.m. today dated the same, with a letter attached dated November 15, 2011. **Ms. Lowe** read from Attorney Nylen's letter of November 15, 2011 written on behalf of the Merchant's Island/Pearce Island Trust in reference to this permit (copy on file). This letter was in opposition to the permit application, and expressing the Trust's concern.

Mr. Williams stated nothing has really been changed. He's asking for the permitting the floats that he has now. He believed he is doing the right thing by coming forward now and going through the proper channels. **Mr. Larson** stated Mr. Williams didn't apply for the permits until forced to do so.

Questions:

Councilor Theken asked for clarification as to who owned the island. **Councilor Ciolino** stated they checked with the Assessor's Office, and the official address is Pearce Island/Durney's Island and is how the City recognizes it. The neighborhood might recognize it as something else, but that is the official name. Mr. Williams owns it. **Ms. Lowe** stated when they received the application it said Pearce Island. A member of Mr. Larson's family noted a different name, Durney's Island. She pulled the Assessor's records for the island which is the subject of the application is a separate adjacent small island. The City a couple of years ago changed the name of that map and lot to Durney's Island. That is what it is officially known as in City records and was advertised correctly. **Councilor Ciolino** asked how long the applicant owned the property. **Mr. Williams** stated he has owned it for approximately five years; and he couldn't apply for a c. 91 license without the Special Permit. The State requires he has a lowlands permit in order to obtain that c. 91 license. The Councilor stated the c. 91 license is the purview of the State, not of the City. The only thing they had in front of them at P&D was the Special Council Permit for Lowlands. **Councilor McGeary** asked if any of the floats were in place when Mr. Williams purchased the property. **Mr. Williams** noted the existing ramp and two floats were already there and he added two. **Councilor Theken** asked if he had put two in without permission from anyone in the City which **Mr. Williams** confirmed he had; however, he has gone before ConCom and has an Order of Conditions. He has made his application for his c. 91 license. **Councilor Theken** asked how many floats he had now. **Mr. Williams** stated there are four floats bolted together. The Councilor asked if Mr. Williams intended to add any more floats which he stated "no" and confirmed this is just to legalize what is there now. **Councilor Theken** commented that the applicant had heard the complaints made by an opponent of the application; and then asked would this be for a commercial lobstering concern. **Mr. Williams** stated it would not; this is for recreational uses only. He has only 10 lobster pots which **Councilor Theken** confirmed was legal for him to do so. **Councilor Hardy** asked if he was aware that he must go through City departments if he wishes to do any further work on the property in the future. **Mr. Williams** confirmed that he did.

This public hearing is closed.

MOTION: On motion by Councilor Whynott, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant a Special Council Permit (SCP2011-012) to David Williams under GZO Sec. 5.5.4 (Lowlands) for the property located at Pearce Island, now known as Durney's Island as shown on Assessors Map 244, Lot 2, be granted for an eight by four foot shed and an eight by 16 foot pier and to maintain docks, all as shown on plans dated May 13, 2011 as prepared by Vernon LeBlanc, Professional Land Surveyor with the following condition:

1. That this property is not to be used for a commercial business.

DISCUSSION:

Councilor Ciolino stated on the basis of the application submitted, and the applicant's presentation, the Committee finds as required by Sec. 5.5.4 that the requirements of MGL c. 131, §40 have been met in that the applicant has obtained an Order of Conditions from the Conservation Commission issued June 10, 2010; and that the removal, filling, dredging or construction will not pose a hazard to health or safety and will be so executed as to conserve shellfish and other wildlife resources of the City. The City boards recommended this in their order of conditions and they rely on that. **Councilor Whynott** would support the application noting if one looks at the Annisquam River, there are many floats and didn't think this float would do more damage. He believed the applicant was trying to rectify his mistake and acting in good faith. **Councilor Verga** understood the opponent's view; but that he agreed with Councilor Whynott that the applicant will in the future come forward to get proper permits. They do listen to their Boards, Committees and Commissions and accept their recommendations; and that also the c. 91 license is not the Council's purview. However, what the Council gives they can take away and can revisit it if necessary. He supported this application. **Council President Hardy** stated this is neither the first nor the last lowlands permit that

has come before the Council after the fact. She urged on behalf of the Council that those who might consider it to come forward appropriately. She would also support this application.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 2 (Curcuru, Mulcahey) to grant a Special Council Permit (SCP2011-012) to David Williams under GZO Sec. 5.5.4 (Lowlands) for the property located at Pearce Island, now known as Durney's Island as shown on Assessors Map 244, Lot 2, be granted for an eight by four foot shed and an eight by 16 foot pier and to maintain docks, all as shown on plans dated May 13, 2011 as prepared by Vernon LeBlanc, Professional Land Surveyor with the following condition:

1. That this property is not to be used for a commercial business.

15. PH2011-071: Ferry Hill Road #21, GZO Sec. 5.5.4 (Lowlands) (Cont'd from 10/25/11)

This public hearing is opened.

Those speaking in favor:

Bob Griffin, PE of Griffin Engineering, Beverly, MA spoke on behalf of Stan Michalak, Jill Michalak **both** of whom were present. They are seeking a Special Council Permit under Sec. 1.8.3 and Sec. 5.5.4 (Lowlands) for the property located at Ferry Street #21, Map 91, Lot 14, and zoned R-10. They would like to install a 10 ft. by 20 ft. float which Mr. Griffin pointed out on the locus map before the Council (on file) in the Annisquam River which would be connected to land by a 30 ft. gangway. An elevation view on the map shows the gangway sloping downward from a fixed platform located just above the 100 year flood plain. Above that are some wooden steps going from that platform down by the water to the yard area at 21 Ferry Hill Road. It is a residential neighborhood; and there are similar structures in the area. Mr. & Mrs. Michalak have made significant improvements to the property since purchasing it one year ago. There is a small house along the river where they plan to stay for some time to come. The application was in front of ConCom; and an Order of Conditions was issued in May and a minor amendment was made in September. They've had meetings with the Harbormaster; and with the Shellfish Warden and have a plan that satisfies any questions that have come up. Mr. & Mrs. Michalak have met with their neighbors about this project and have their support.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council a Special Council (SCP2011-011) Lowlands Permit pursuant to Sec. 5.5.4 of the Gloucester Zoning Ordinances to Stanley and Jill Michalak for the property at Ferry Hill Road #21, (Assessors Map 91, Lot 14), zoned R-10, for the purpose of constructing a 10 foot by 20 foot wooden pier over an existing stone wharf connecting to a 2.5 foot by 30 foot seasonal aluminum ramp and wood float in the Annisquam River in compliance with Sec. 1.8.3 as shown in the application and as shown on Locus Plan by American Land Survey Associates, Inc. of Gloucester, MA dated February 18, 2011; and further, this application is in harmony with the general purpose and intent of the ordinance.

DISCUSSION:

Councilor Ciolino stated that the Committee found that the project complies with the Wetlands Protection Act and is designed in such a way as to pose no risk to the health and safety of wildlife. It is also in compliance with Sec. 1.8.3 as shown by the applicant's representative and by determination of this Committee; and memos from the Shellfish Warden and the Harbormaster to the Conservation Agent of the City are on file with the application. This is a new float and ramp and a good use for the property; and he urged his fellow Councilors to vote for it.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 2 (Curcuru, Mulcahey) to grant a Special Council (SCP2011-011) Lowlands Permit pursuant to §5.5.4 of the Gloucester Zoning Ordinances to Stanley and Jill Michalak for the property at Ferry Hill Road #21, (Assessors Map 91, Lot 14), zoned R-10, for the purpose of constructing a 10 foot by

20 foot wooden pier over an existing stone wharf connecting to a 2.5 foot by 30 foot seasonal aluminum ramp and wood float in the Annisquam River in compliance with §1.8.3 as shown in the application and as shown on Locus Plan by American Land Survey Associates, Inc. of Gloucester, MA dated February 18, 2011; and further, this application is in harmony with the general purpose and intent of the ordinance

For Council Vote:

1. Decision to Adopt: SCP2011-005: Dory Road #11 GZO Sec. 5.22

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 2 (Curcuro, Mulcahey) absent, to adopt the SCP2011-005 decision for Dory Road #11, pursuant to Sec. 5.22 of the Gloucester Zoning Ordinance.

Unfinished Business: None.

Individual Councilor's Discussion including Reports by Appointed Councilors to Committees: None.

Councilors' Requests to the Mayor:

Councilor Whynott congratulated everyone who ran for office in the local elections.

Councilor Theken thanked the voters and reminded open enrollment ends on December 17th. She expressed her thanks and wished everyone a happy Thanksgiving.

Councilor Ciolino expressed his appreciation to the voters and on November 27th the City welcomes Santa with a Christmas parade. Anyone who wishes to participate should show up at 2 p.m. at the State Fish Pier and must have a Christmas theme. This is a parade for children. This year they have the Docksidiers in the parade and the Firemen's band. They've joined forces with the Amvets who are sponsoring the US Marine Corps Toys for Tots. They're asking parade viewers to bring an unwrapped toy with them. They'll have a big pink elephant so everyone will know that's the time to hand the toys in.

Councilor McGeary stated there are two meetings in Ward I tomorrow, one at 5 p.m. at Kyrouz which is the Ocean Alliance for a Brownfields project. And on the same evening at the former Christian Science Church on Rocky Neck there will be a meeting for the creation of a Rocky Neck Cultural Center.

Councilor Tobey thanked the voters of the City.

A motion was made, seconded and voted unanimously to adjourn the meeting at 10:05 p.m.

Respectfully submitted,

**Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Email from Harbormaster to Mr. Williams related to Durney's Island and safety and passage of emergency vessels**

CITY COUNCIL STANDING COMMITTEE

Budget & Finance Committee

Thursday, November 17, 2011 – 6:00 p.m.

1st Fl. Council Committee Rm. – City Hall

-MINUTES-

Present: Vice Chair, Councilor Paul McGeary; Councilor Jacqueline Hardy; Councilor Joseph Ciolino (Alternate); Councilor Greg Verga (second Alternate)

Absent: Councilor Curcuru

Also Present: Councilor Verga; Kenny Costa; Jim Duggan; Jeff Towne; Tom Markham; Dr. Trubisz; Dr. Safier; Marie Giambanco; Deborah Laurie; Deputy Chief Miles Schlichte; John Madama; J.J. Bell; Gregg Cademartori

The meeting was called to order at 6:00 p.m. Items were taken out of order. Councilor Verga sat in for Councilor McGeary until his arrival at 6:37 p.m. and continued to act as a member of the Committee as an alternate for the rest of the meeting. Councilor Ciolino left at the arrival of Councilor McGeary.

1. Continued Business:

- A) Memorandum from CFO-Gloucester Public Schools requesting permission to pay an “extraordinary reimbursement” to School Department employee for classroom supplies and materials purchased outside of required procurement procedures (Cont’d from 08/18/11)

Tom Markham, CFO School Department requested the Council’s permission to pay reimbursement to Mr. Madama for the purchase of materials and supplies from April and May of 2011 outside the required procurement procedures. He noted the memo on file with the Committee along with the back up receipts for the purchases Mr. Madama made as well as reimbursement forms. Mr. Madama and his supervisor Dr. Trubisz, Assistant Superintendent of Schools, were well aware at that time they were in violation of the procurement procedures. However, they are seeking appropriately the Council’s permission to pay this reimbursement for legitimate needs despite having procured supplies and materials inappropriately. **Dr. Safier**, Superintendent of Schools expressed they do have conversations about procedures with staff; and felt there was a clear understanding of how these measures are to be followed. **Dr. Trubisz** stated in talking with Mr. Madama, Mr. Markham and she that they are aware of the procedures and must use purchase orders. She believed under the circumstances that it was an emergency situation. Mr. Madama is an educator who serves K-12 and preplanning is difficult. But they are clear on the process and have learned that lesson. **Mr. Madama** explained he cut it too close to the robotics show and was caught short at the last minute. **Mr. Costa** stated they received the reimbursement request in August and that’s when they contacted Mr. Markham. Mr. Madama paid sales tax unfortunately which they can’t reimburse him for, expressing it is another incentive to utilize proper procedure. **Councilor Ciolino** stated this has happened before. He wanted to know how it would be stopped moving forward; and what plan was in place to accommodate these kinds of situations. **Dr. Trubisz** stated they learned they must purchase plenty of batteries up front but that the robots were so old they were draining the batteries too fast. Now Mr. Madama is aware of that and has to plan much further in advance. However, she felt that there are emergency situations that arise. **Mr. Madama** stated they are looking to have an open P.O. with a local vendor so that they do not have to go through this again. **Councilor Ciolino** reiterated they must do preplanning so that this doesn’t happen again. **Mr. Markham** added when they opened the FY12 budget, they informed the principals and budget managers of the procurement procedures are. They can turn a P.O. around in less than a day if need be. They advised staff to come to the business office. He reiterated to the Committee his opinion that this is not a true emergency. This is a last minute important need, for which there is a difference. **Councilor Hardy** asked if this really was a lesson learned. **Mr. Markham** felt it was as well as for the school district. This state law is not something new. They have to bring a lot of people around to follow that which is in place. **Councilor Hardy** noted **Mr. Madama** has gone through this before. He has been reimbursed before but not before the Council. **Councilor Ciolino** remembered that the robotics group came before the Council for a similar situation. **Councilor Verga** cautioned that the Councilors will know if the lesson is not learned as they’ll all be on the Council another two years. **Mr. Costa** confirmed that the sales taxes were removed from the final reimbursement amount. **Councilor Hardy** asked about the food charged. **Mr. Markham** stated that was not unusual. The funding and the entire program, including the lunch are funded by the Gloucester Education Foundation through the Revolving Fund. **Councilor Hardy** asked why there was such a long period of time to get

to Budget & Finance. **Mr. Costa** stated as soon as they found out about it they shared that with Mr. Markham. Mr. Markham brought it to the School Committee in June and sent it to the Mayor's office. They did have an appointment before this subcommittee in July. Mr. Madama and Dr. Trubisz were not there at that time. **Councilor Hardy** asked what Mr. Madama learned from this. **Mr. Madama** stated he must plan well ahead and to be sure there is an open P.O. and plan for such situations.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to pay \$819.64 (Eight hundred nineteen dollars and sixty four cents) to John Madama, for an extraordinary reimbursement for classroom supplies and materials purchased outside of required procurement procedures of MGL Chapter 30B of the Uniform Procurement Act.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council, in accordance with MGL Chapter 44, Sec. 64, to pay \$819.64 (Eight hundred nineteen dollars and sixty four cents) to John Madama, for an extraordinary reimbursement for classroom supplies and materials. The extraordinary expenses were incurred in the prior fiscal year by the School Department to be paid with funds from the current FY2012 Gloucester Education Foundation Revolving Fund #285030.

- B) CC2011-035 (Hardy) City of Gloucester through its Budget & Finance Committee work with Community Development Department & DPW to find a way to fund and construct permanent, four season, comfort Stations (bathrooms along Stacy Boulevard and the Harbor Walk (Cont'd from 08/18/11)

This matter is continued to January 19, 2012.

- C) Recommendations from the Community Preservation Committee (Cont'd from 11/3/11)

Project #2 - White Ellery House (1710) Window Restoration

J.J. Bell, Co-Chair of the Community Preservation Committee recused himself, as he is a member of the Board, from any discussion on this matter, of which there was no discussion on the matter by the Committee.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to appropriate up to \$25,000 (Twenty five thousand dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee, for the purpose of the Cape Ann Museum leaded glass window replacement at the 1710 Ellery House in Gloucester, Massachusetts in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275004.

Project #3 - Save the Adventure

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to appropriate up to \$25,000 (Twenty Five thousand dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee, for the purpose of allowing the Gloucester Schooner Adventure which is a Historical Schooner/vessel berthed in Gloucester, Massachusetts, to purchase and installation of five (5) spars in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275005.

Project #4 - Phyllis A. Mast and Hull Restoration

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to appropriate up to \$20,000 (Twenty thousand dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee, for the purpose of The Phyllis A. Marine Association to restore the Phyllis A. which is a Historical vessel berthed in Gloucester, Massachusetts, use of funds towards the hull and mast restoration in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275006.

Project #5 - WPA Murals Restoration Project

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to appropriate up to \$15,000 (Fifteen thousand dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee for the purpose of the Gloucester Committee for the Arts (GCA) to restore WPA murals in the first floor common areas of City Hall, 9 Dale Avenue, Gloucester, Massachusetts in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275007.

Project #6 - Magnolia Historical Society Archival Preservation

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to appropriate up to \$10,000 (Ten thousand dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee for the purpose of the Magnolia Historical Society (MHS) digitization of their archives in order to preserve an historic resource and to be used to purchase an “all-in-one” printer/scanner. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275008.

Project #7 - Sargent House Museum Fence Replacement Project

Councilor Ciolino stated that his wife was a former Director of the Sargent House Museum; and he is a former Board member but it will not affect his vote.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to appropriate up to \$15,000 (Fifteen thousand dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee for the purpose of the Sargent House Museum (SHM) restoration of their Main Street fence in Gloucester, Massachusetts in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275009.

Project #8 - Sawyer Free Library Landscaping Project

Councilor Ciolino stated his wife is a Vice President of the Board of the Library and that he is a member of the Incorporators of the Library and will not affect his vote.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to appropriate up to \$75,000 (Seventy five thousand dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee for the purpose of the Sawyer Free Library (SFL) Gloucester, Massachusetts, ADA code compliant accessibility improvements on the exterior of the library complex, which includes the 1764 Saunders House. The appropriation will be allocated to the Historic Preservation category and funded by up to \$56,000 from Historic Preservation Reserves in Fund #270300, and funded by

up to \$19,000 from the Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275010.

Project #1 - Sheedy Park Roof Replacement

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to appropriate up to \$86,453 (Eighty six thousand four hundred fifty three dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee for the purpose of the Gloucester Housing Authority's Sheedy Building roof replacement in order to preserve community housing. The appropriation will be allocated to the Community Housing category and funded by up to \$56,000 from Community Housing Reserves in Fund #270200, and funded by up to \$30,453 from the Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Community Housing Projects Fund #272003.

Project #9 - Little River Stream Habitat and Restoration Project

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to appropriate up to \$15,000 (Fifteen thousand dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee for the purpose of City of Gloucester Community Development Department toward legal work and conservation easement in connection with the protection of the wildlife habitat for the Little River in West Gloucester, Massachusetts. The appropriation will be allocated to the Open Space category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Open Space Projects Fund #271001.

Project #10 - Tompson Street Reservation Gateway

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to appropriate up to \$120,000 (One hundred twenty thousand dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee for the purpose of the Essex County Greenbelt Association (ECGA) purchase of the 6.75 acres Tompson Street Gateway site in West Gloucester, Massachusetts upon the condition that the ECGA conveys a conservation restriction to the City of Gloucester or its designee. The appropriation will be allocated to the Open Space category and funded by up to \$56,000 from Open Space Reserves in Fund #270100, and funded by up to \$64,000 from the Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Open Space Projects Fund #271002.

- D) Memorandum from CAO re: request transfer of funds for communication equipment and supplies at the Emergency Operations Center (Cont'd from 11/03/11)

Mr. Duggan placed this request before the Committee outlining the value in getting the minimum in operations for the EOC. He was fortunate enough to visit several locations, the most recent to Chelsea and spoke to their Emergency Management Director (EMD) accompanied by Councilor Hardy. That is the Emergency Operations Center (EOC) they should want to emulate. He thought the operation was impressive as was the equipment. He saw the value the EMD brought to the community. The Gloucester EOC, from Hurricane Irene when it was up and running they were forced to have satellite locations, like the DPW because there are no operating phones there. They were using cell phones. It would be important for the EOC to have the hardware there. They want to make sure there are sufficient funds to pay the monthly bill. Another thing he observed were people at the EOC during emergency situations, during Hurricane Irene as an example, they were using their own money for food. He felt there should be an open purchase order or one available so if they are there long hours that people don't use their own funds. The \$600 for supplies would help provide the EOC with the material necessary to operate one step closer to a well run operations center. He felt there is still a way to go, however, even with these improvements. Deputy Chief Schlichte in his role as Emergency Management Director has been reaching out to other communities to understand their operations; working with MEMA and FEMA to find equipment that will compliment this request this evening. **Councilor Hardy** noted a transfer for \$2,280, one for \$2,520 for telephone hardware and a \$600

transfer for telephone service and didn't see it broken down for food; and asked if this is for the installation and purchase of the telephones. **Deputy Chief Schlichte** stated one transfer is for the monthly fee to Comcast and the other is the hardware lease for the telephones. They did this in consultation with the IT Department and ceded to their expertise. **Councilor Verga** stated there were some back up there, and there is emergency power back up. He did ask for confirmation of this, however. The **Deputy Chief** stated Comcast ran an entire new line in the last six months, and Comcast absorbed that cost. That was decided after Mike Wells and Grant Harris had several meetings on how best to bring information in and out of that facility with them. The two IT Directors made the decision that the best way to go was with Comcast expressing he didn't know the technical reasons why. **Councilor Verga** felt that in normal situations is the best way to go; but would appreciate confirmation on that question as to whether it was the best way to go under emergency conditions. The **Deputy Chief** stated that Comcast generally doesn't lose power from the telephone pole to the school. When Comcast loses their feeds, they lose the entire City. The best they can hope for that the cables leaving the grid to the schools are protected. The back ups when the Comcast phones are down are them going back to cell phones; and there isn't another way around that. They are tied into the School's internet provider. There is no bill for internet service to the EOC. **Councilor Hardy** expressed her lack of confidence in Comcast as she has had many constituents' in her Ward have issues when power is lost by that service provider. She asked if there was a chance they could get an AT&T back up line, for instance. The **Deputy Chief** expressed his would support for that. **Councilor McGeary** recalled asking the same question, and Grant Harris had an answer for it (noted to be from a conversation during the October 6th B&F meeting discussion on the need to purchase a new telecommunications system for the School Department.). The **Deputy Chief** would check into the matter for the Councilors. He advised also that there is a grant coming forward for back up radio communications at the EOC.

MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2012-SBT-5) \$2,880.00 from Special Reserve, Contractual Services, Unifund Account #101000.10.900.52000.0000.00.000.00.052 to Civil Defense, Telephone Service, Unifund Account #101000.10.291.53410.0000.00.000.00.052.

MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2012-SBT-6) \$2,520.00 from Special Reserve, Contractual Services, Unifund Account #101000.10.900.52000.0000.00.000.00.052 to Civil Defense, Telephone Hardware, Unifund Account #101000.10.291.52707.0000.00.000.00.052.

Councilor Hardy had questioned how food could be included in supplies; but after having heard how the School Department can do it, she would support this transfer. **Councilor Verga** expressed his agreement as well.

MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2012-SBT-7) \$600.00 from Special Reserve, Contractual Services, Unifund Account #101000.10.900.52000.0000.00.000.00.052 to Civil Defense, Supplies, Unifund Account #101000.10.291.54000.0000.00.000.00.054.

2. *CC2011-056 (Hardy/Ciolino) City Council with Administration identify funding source to hire a local veteran from the Civil Service Fire Fighters List*

This matter is continued to December 8, 2011.

3. *Memorandum from Marie Giambanco, Assistant Registrar re: request permission to pay poll workers Without purchase orders in place*

Linda T. Lowe, City Clerk stated there was some confusion during the preparation for the election involved as to opening P.O.'s before a request for payment, which in this case P.O.'s were submitted after the fact. They tried to create an improvement by not paying poll workers out of payroll employee accounts which was done previously. They switched it out to an independent contractor basis, whereby each poll worker now receives a 1099 form. In this way, the City is not liable for unemployment compensation liability, especially when someone is only working one day a year for the City. This was the first time the Assistant Registrar was working with the process, and Ms. Giambanco is attempting to clear this up in order to pay people promptly and by following up on the Auditor's advice on the best way to get that done. **Ms. Giambanco** submitted two memos; one regarding poll workers and

one regarding temporary polling locations (on file). She informed the Committee they obtained W-9's from each of the poll workers; and submit them to Purchasing. P.O.'s should have been done for that process which she didn't realize was her responsibility to do prior to the election. That was why this problem occurred. Ms. Lowe added that an SBT transfer form was completed and submitted prior to the meeting at the advice of the City Auditor, so that poll workers would be paid as well as for the Presidential primary scheduled for March 2012. **Councilor Hardy** asked about the temporary polling locations. **Ms. Giambanco** explained they pay for three temporary polling places through usage fees (two at \$50, one at \$100); and these P.O.'s were also submitted to Purchasing after the election. She generates the invoices for the temporary polling places and the poll workers and admitted she didn't think she had to submit the P.O.'s prior to the date of the election. **Ms. Lowe** assured that Ms. Giambanco had been following prior practices of former Assistant Registrars but now knows to follow current City practices to comply with State procurement laws. **Mr. Costa** was satisfied and wants to be sure the appropriate procurement process is followed under MGL c. 30B. Now the funding is there and the process is in place for the next election. **Ms. Giambanco** assured the process is now in place for the March primary and that the funds were in the proper accounts for FY12. This was not a question of the funds not being there. **Mr. Costa** explained further that in the past it was a "quick invoice" process in place. However, that is not the process utilized by the City now. He commented that for the next election there is a P.O. already in place covering the March primary. **Councilor Ciolino** commented last year they took funds out of the wrong account; now poll workers get a flat rate and must take their own taxes out. **Mr. Costa** explained his department issues the 1099 forms for the poll workers. **Councilor Hardy** thought that it was a total of \$400 for the temporary polling places. **Ms. Giambanco** and **Ms. Lowe** confirmed in fact it was \$200 for this just past local election and would be another \$200 for the presidential primary.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (2012-SBT-9) \$16,600 from Registrar's, Sal/Wage Tem Pos, Unifund Account #10100.10.51200.0000.00.000.00.051 to Registrar's, Contractual Services, Unifund Account #101000.10.163.52000.0000.00.000.00.052 for payment to Poll Workers who work as independent contractors during municipal, state and national elections and primaries during FY12.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council in accordance with MGL Chapter 30B to pay \$7,500 without a purchase order being in place to pay poll workers who worked the November 8, 2011 Municipal Election as independent contractors; said payment to be made from Registrar's Contractual Services Account # 101000.10.163.52000.0000.00.000.00.052.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council in accordance with MGL Chapter 30B authorization to pay \$200.00 without a purchase order being in place to pay for temporary rental of polling locations utilized during the November 8, 2011 municipal election; said payment to be made from the Registrar's Facilities Account #101000.10.163.52700.0000.00.000.00.052.

4. *Memo from City Auditor regarding accounts having expenditures which exceed their authorization And Auditor's Report*

Mr. Costa reviewed his documentation with the Committee which was on file prior to the meeting.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:07 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Revised Memorandum from Marie Giambanco, Assistant Registrar re: Poll Workers Pay dated November 17, 2011**

- **Memorandum from Marie Giambanco, Assistant Registrar re: Paying of Polling Locations without Proper Purchase Order in Place dated November 17, 2011**

CITY COUNCIL STANDING COMMITTEE
Planning & Development Committee
Wednesday, November 16, 2011 – 6:00 p.m.
1st Fl. Council Conference Room – City Hall
-MINUTES-

Present: Chair, Councilor Joseph Ciolino; Vice Chair, Councilor Robert Whynott; Councilor Jacqueline Hardy (Alternate)

Absent: Councilor Verga

Also Present: Councilor Elect Melissa Cox; Chief Dench; Mark Cole

The meeting was called to order at 6:00 p.m.

1. *Continued Business*

A) SCP2011-009: Main Street #186, GZO §1.8.3 and §5.13.7.2 (Cont'd from 11/02/11)

Councilor Ciolino stated that the Committee had their site visit on Thursday, November 10th accompanied by the Building Inspector and the Fire Inspector. As a result there were issues found with regard to signage, access and safety (on file). Memorandums have been submitted to the Committee from the Fire Inspector and the Building Inspector. **Attorney Pare** acknowledged he is in receipt of the memo from the Building Inspector, Bill Sanborn clarifying some of the issues for the applicant, and has been in touch with him to come up with a plan for the roof access; to address the stairs; the lighting. He felt the big issue is the stairs, and they'll work with his office to get the stairs addressed agreeing they are a "bit rickety". They have started discussions with the landlord because there are issues regarding who is responsible for certain aspects of access to their antennas on the roof. They'll work with the City to get through these issues. As soon as they get them clarified with the landlord they'll come up with a plan. **Councilor Ciolino** stated because some of the items from the last Special Council Permit were not completed. He felt they should wait until the items on the action plan were completed and viewed by the Building Inspector and reported back to the Committee that it is done before moving the permit forward to the Council. He felt this application was ready to move forward at this time until the repairs are done. **Attorney Pare** stated he had reviewed the previous special permit. The only condition from the last permit was a railing (on the stairway), a wooden railing needing to be upgraded. To keep things moving if their plans they will submit are acceptable to the Building Inspector, which will be a part of the building permit process, he asked that they be able to move the application forward to prevent a delay of days or even weeks. This is a technology they want to launch as soon as possible. He suggested letting them work with the Building Inspector; and that he deals with that when he issues the building permit rather than going through the hearing process, appeal period, etc. which would delay them. If it takes them two weeks to get their plans in sync with Mr. Sanborn; they have the special permit timeframe; time to do the repairs which could take some time; and they have issues with the landlord. He understood if they have to do their antenna install, they will have to move the landlord quickly to fix these outstanding issues. He also acknowledged if they're going to install they're going to have to move them or the landlord quickly to an agreement. If it becomes an issue, and they don't install those are issues that remain outstanding with respect to the building. They understand these things need to be done. Having all the repairs done will delay them for months. They will submit plans they will commit to do. The building permit is a part of the process. He felt that is more than a condition but less than a long delay. The repairs being asked of the applicant is improving a building they don't own. **Councilor Ciolino** expressed his opinion someone has to improve it which **Attorney Pare** expressed he understood. **Councilor Whynott** agreed with Councilor Ciolino feeling some of the items on the list have to be done right away. **Councilor Hardy** offered a compromise as she could see why the applicant wouldn't be willing to go ahead and spend more money until they get the permit. But she felt it was fair for the applicant to expect that this body would at least want to see approved plans that the Building Inspector for them to progress and for them to come back and get the approval to go to the City Council. Then they have the Building Inspector's plans which he'll have signed off on that the work is going to be done. Then the only way they can get their building permit is to actually go ahead and fulfill their plans as submitted to the Building Inspector in order to get their building permit. Before they get their occupancy permit "to turn the switch on", the Building Inspector must inspect the property, and approve it. **Attorney Pare** thought doing substantive work to a third party's building is a difficult thing for them unless they know it is part of their process. He had no issue with what the Councilor offered. **Councilor Ciolino** asked the applicant come back in two weeks to provide the plans. **Attorney Pare** stated they would be providing those plans

within a few days to the Building Inspector. **Councilor Whynott** thought there should be target dates for when some of these items on the action plan need to be done. **Councilor Ciolino** noted the antennas have to be moved up 90" from the roof. That can't be done until the new antennas are installed which would be after the fact. **Attorney Pare** stated they could be installed but not operational because it is done in two steps. They would move them up; but before switching on the new antennas. There is a time between installation and going active. That can be controlled by the Building Inspector. They have no problem working through a City department because they can get in on their timeframe. The difficulty is that they're doing things to a building they don't own. Unless they know they are going to "flip the switch on" they may or may not have an interest in doing those things. They're not directly related to the antennas. If they never install, it is not worth their putting in a new stairway. He thought they would reach an agreement and was not suggesting that there is any problem. They talked to the landlord today; the building owner's daughter, and have begun that discussion. **Councilor Hardy** thought this was a good compromise. They go to the Building Inspector who will sign off on the plans. The plans would come to P&D; they're guaranteed that whatever is done is up to code or as close to code as it can get; and then they would have the assurance that the Building Inspector would be a part of the process. **Councilor Ciolino** reviewed the Building Inspector's memo and read as follows: *1. That all antennas (including existing) are raised to a minimum of 90" above the roof level; to which Attorney Pare* stated they could accomplish moving the antennas up 90" and the old antennas would be moved as part of their installation; they'll be moved up when the LD antennas are installed. He recounted for the Committee from the site visit that there are two antennas on one face, and only one that will need to be moved up and the LD antenna would be placed next to it. *2. That adequate lighting should be installed in stairway from elevator level to roof access; Attorney Pare* expressed they have no issue with the lighting. The only problem was "adequate" as he wasn't sure they could use something up to code and asked for a definition of "adequate" they can do it. If Mr. Sanborn has a standard, they will comply with it. *3. That emergency lighting and exist signs be installed in same area; Chief Dench* suggested emergency lighting would be appropriate and what is needed. There was temporary lighting during construction; but there is electricity in there; and this kind of installation would not be expensive. *4. That the chimney be repointed and that a structural engineer verifies that the chimney will support the weight and wind load of all antennas placed on it; Attorney Pare* confirmed that was not a problem. *5. That an engineer or architect design a plan to show improvements to the two sets of stairs leading to the roof access, including the actual access, that conform to the 2009 international existing building code; Attorney Pare* stated they've had discussions with Mr. Sanborn and his understanding is that it is not a problem. **Councilor Ciolino** clarified for him that the access door can only be gotten through by crawling which needs correction. The access door needs to be able to accommodate a firefighter in full turn-out gear. **Attorney Pare** acknowledged if that was the meaning he understood that. *6. That signage is placed on doorway leading to roof and on chimney, warning that cell antennas are present. Attorney Pare* noted there was a sign on the opposite side of the door that simply needs to be placed on the other side of the door. **Councilor Whynott** thought that it was one thing to say they're going to make the remediation; but if the permit is granted and six months later some things remain undone they need a 'sunset clause' whereby the Committee has a look back to see if all the work has been done. **Councilor Hardy** stated the Council grants the permit; and before they can power it up, the Building Inspector is mandated to do an inspection to make sure the plans under the building permit are met; that the work is done. The power can't be turned on for the new antennas until that time. If the work is not done, then the Building Inspector takes action. **Attorney Pare** clarified that they agree the work will be done by the time the switch is turned on. The Committee agreed this was reasonable. **Councilor Ciolino** summed up they would come back in two weeks with the action plan, the engineer/architect's plan and then they'll be in a position to move the matter forward. **Councilor Ciolino** and **Attorney Pare** agreed they are satisfied with the Radio Frequency Report submitted by Dr. Haes, a consultant for the City.

This matter is continued to December 6, 2011.

- B) Cape Ann Chamber of Commerce request to hold one-day blues festival at Stage Fort Park on August 11, 2011 (Cont'd from 11/02/11)

Catherine Schlichte, Esq., representing the Chamber of Commerce interest in the Blues Festival completed the Special Events Permit application and submitted it to the Committee at this time (on file). She reviewed that in the last two weeks they have met with Chief Dench, Max Schenk, Mike Hale and Lt. Aiello and acknowledged because they are going through this process way ahead of the date, it is a bit awkward. They don't have their vendors; they don't have their stage set up yet, various other permitting authorities have not been applied to yet. They've had the proposal and location examined by these affected City department heads, however. They will have an all

departments meeting closer to the event for more of the fine details. There is a letter in the submitted packet that they will be getting a Certificate of Insurance for \$2 million in coverage. They have submitted an endorsement from the Interim Health Director (on file) to the Committee. They had a discussion with Lt. Aiello regarding emergency access. He had no objection to the closing of Hough Avenue so long there are two people on each sawhorse blocking road access to be able to remove them quickly for emergency vehicles. Handicapped parking will be down by the Cupboard. **Bob Hastings** stated they will have a golf cart available also. The road will be closed off to Western Avenue from the Visitor's Center. **Councilor Ciolino** stated there would have to be signage indicating the road closures. Lt. Aiello, **Attorney Schlichte** stated, told them there should also be signage on Essex Avenue alerting drivers to the upcoming road closure. She acknowledged traffic management will be a more lengthy conversation. They anticipate less people there than the Waterfront Festival. **Mark Cole**, DPW Assistant Director stated his department is fine with this. They'll probably ask for help with parking and will put on several extra people for the day. They can use the Little League field for overflow parking. They may close the park for the day and use the orchard also for parking. They have no issues whatsoever. They will work with the organizers on it. They do have the same restrictions as the Waterfront Festival. **Mr. Hastings** explained the stage will be located by the volleyball courts facing Western Avenue; the patrons will be seated between the volleyball courts and Western Avenue. Cressy's Beach will be open to the public but they will have personnel on the beach as well. It was suggested they hire extra individuals to manage cars. **Mr. Cole** stated they'll also put on extra people on as well. **Attorney Schlichte** noted Tolman Avenue is also another access in for emergency vehicles. **Councilor Hardy** asked if there would be restricted parking on Tolman Avenue for that day to make sure of clear access. **Chief Dench** noted they would use Hough Avenue. One of the issues he's always had, illegal parking is always a problem there (there is no street parking allowed). He felt there must be adequate staff and didn't think the police couldn't handle all of it. The event coordinators need enough staff; that staff who are easily identified; that they have to have a list of who they are on file for his department and the Police Department with their cell phone numbers they'll be using on the day of the event. He suggested distinctive T-Shirts so it is obvious who they are. Otherwise he felt this was a great event and was supportive of it also. **Chief Dench** expressed his department can handle any medical emergencies not being based at the park; or the event organizers can hire a detail for just that event. With this being the first year, and they're not expecting it to be that large, they would just respond with the ambulance like they always do. As it grows, that may become a requirement to hire an on-site ambulance. Responding to a question from **Councilor Hardy**, **Mr. Cole** stated they would charge the usual rate of \$15 for parking (the usual weekend rate). **Mr. Hastings** stated he had no problem with the \$15 charge. They will note that fact on their event tickets that parking is \$15 and a separate charge. It was noted the event is from 11 a.m. to 7 p.m. With regard to the noise issues that may arise. **Mr. Hastings** would talk with the neighbors and offer them tickets to the event. **Councilor Hardy** thought that there had to be one person on the contact list who is to field noise complaints. **Mr. Hastings** also noted there is no rain date. He explained the tickets are presold on the internet 10 days in advance at a discount. Councilor Hardy asked about comfort stations which Mr. Hastings explained will be behind the Cupboard. They will seek all the proper approvals. **Councilor Hardy** recalled a problem with the Fiesta and their comfort station facilities being overwhelmed, and a solution was to make sure there was a pump out truck available for the port-a-potties. **Mr. Cole** suggested the organizers call a particular company so that they could have someone come halfway through the day for that purpose to prevent potential issues. **Councilor Hardy** asked how the blues festival would affect the new dog park. **Mr. Hastings** stated they'll still have access. He is on the Board of Directors and would insure that access. **Councilor Hardy** also expressed concern with the traffic coming off the Boulevard onto Hough Avenue. The Committee and Mr. Hastings discussed how the signage would be posted and how they could allow for turnaround for non-concert goers. **Councilor Hardy** asked if the Visitors Center was aware of the upcoming event and asked the organizers to get in touch with the volunteers who run it. **Mr. Cole** noted they would have the bathrooms at the Visitor's Center open all day until 8 p.m. **Councilor Hardy** asked about Parisi Field and its repair after the fact. **Mr. Hastings** stated they would be fencing off that area. They would guarantee to bring in a landscaping crew if they have to make sure the field is left as they found it. They will have big name acts and their buses that will be parked behind the stage; and if there is damage to the field, he assured they will fix it. **Councilor Hardy** asked what they would leave behind to the good of the City. **Councilor Ciolino** asked if they could look at the Visitor's Center. It was suggested that they talk to Mr. Cole about a short list of items they could consider. Councilor Hardy asked what they were considering about a first aid station. **Chief Dench** had also suggested in his meeting with the organizers his department could provide two paramedics on site with an ambulance as a paid detail. Councilor Ciolino agreed with the idea they have a first aid station. **Councilor Elect Melissa Cox** noted the Red Cross is able to set up first aid stations and all they ask is a donation to them. They staff the first aid station with folks who are certified in first aid and CPR to provide the basics. There was a discussion as to how they would keep vehicles from parking on Hough Avenue at all, and which **Mr. Cole** pointed out the no parking on either side of the

road is posted. There is a beach supervisor can write tickets also; and there will be one on duty, as well as police officers who will be there to handle such a situation.

MOTION: On motion by Councilor Whynott, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant a permit to Gloucester Blues Festival LLC for the purpose of holding a one day blues festival at Stage Fort Park on Saturday, August 11, 2012 with the following conditions:

1. Road Closure:

Hough Avenue will be closed with appropriate signage directing the general public as well as concert goers as to the road closure, its duration and alternates to parking for concert goers and general public in order to maintain the park and beach access not being used for the concert event. A detailed traffic and parking plan and police detail information must be signed off by the Police Chief and on file with the Office of the City Clerk and the DPW Director no later than July 20, 2012, close of business.

2. Refuse and Comfort Stations:

All refuse and recycling generated due to this event is to be cleaned up and removed at the expense of the organizer. Portable toilets are to be provided by the organizer at their expense, placed the morning of the event and removed by 12:00 PM, August 12, 2011 with appropriate maintenance during the event.

3. Emergency Services:

A first aid station, with appropriate signage making it highly visible to concert goers must be in place in an easily accessible location within the concert area from the start to the end of the event with certified personnel with appropriate first aid equipment and supplies.

4. Staffing:

All event staff is to have cell phones and be easily identified by the public with t-shirts that are distinct or the like. A list of all event staff and their cell phone numbers are to be submitted to the DPW, Police Department and Fire Department.

5. Noise:

There is to be an event staff member whose sole responsibility is to field any complaints related to noise and to be the point person with authority to control volume to alleviate the situation on the day of the event. That person's name and cell phone number is to be on file with the Police Department in order to facilitate cooperation.

6. Overall Event Approvals:

Written event approvals signed by the Police Chief and Fire Chief or their respective designees must be on file by July 20, 2012 approving the overall event separate from any other permits or plan approvals. A Certificate of Insurance with the City of Gloucester named as the certificate holder must be on file in the Office of the City Clerk by the close of business, July 20, 2012. Day of event contact information, including name and telephone numbers for the organizer must also be on file with the DPW Department, the Fire Department, the Police Department and the City Clerk's office. Further, while this City Council approval is needed, the applicant still is required to obtain any necessary approvals from the Licensing Board and the Licensing Commission as well. It is the sole responsibility of the Gloucester Blues Festival LLC or their designated representative to ensure that all required documentation is filed with the appropriate City departments by the deadlines imposed by the City Council as indicated.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:55 p.m.

Respectfully submitted,

**Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **City Council Special Events Permit application submitted for the Gloucester Blues Festival LLC by Attorney Catherine Schlichte**



GLOUCESTER CITY COUNCIL 2011 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2011-072
SUBJECT: SCP2011-009: Main Street #186, GZO Sec. 5.13.7.2 (PWSF)
Modifications
DATE OPENED: 11/29/11
CONTINUED TO: 12/13/11
CONTINUED FROM: 10/25/11, 11/15/11
COMMITTEE: P&D 10/05/11, 10/19/11, 11/02/11, 11/16/11

NPH 10/25/2011

LEGAL NOTICE NOTICE OF PUBLIC HEARINGS

In accordance with MGL Chapter 40A, section 11 and GZO section 1.5.10(b), the Gloucester City Council will hold public hearings on Tuesday, **October 25, 2011 at 7:00 PM** in the Kyrouz Auditorium, City Hall relative to the following Special Council Permits under GZO section 5.13.7.2 Personal Wireless Service Facilities(PWSF) Modifications as follows:

1. SCP2011-006:
LOCATION: 298 Washington Street
Map #90, Lot #1
APPLICANT: New Cingular Wireless PCS, LLC by AT&T Mobility Corporation, Its Manager ("AT&T")
OWNER: Addison Gilbert Hospital
PRESENTLY ZONED: Medium/High Density Residential R-10

2. SCP2011-008:
LOCATION: 16 Kondelin Road, Map #198, Lot #39
APPLICANT: New Cingular Wireless PCS, LLC by AT&T Mobility Corporation, Its Manager ("AT&T")
OWNER: American Tower Management, Inc.
PRESENTLY ZONED: General Industrial GI

3. SCP2011-009:
LOCATION: 186 Main Street, Map #8, Lot #70
APPLICANT: New Cingular Wireless PCS, LLC by AT&T Mobility Corporation, Its Manager ("AT&T")
OWNER: Gloucester Business Equities Improvement Trust
PRESENTLY ZONED: Central Business CB

Plans of the above are on file in the City Clerk's Office and may be seen any business day prior to the Public Hearing. At the Public hearing all interested persons will have the opportunity to be heard.

By Vote of the City Council
Linda T. Lowe, City Clerk

AD#12607096
Cape Ann Beacon 10/7/11

**THIS PUBLIC HEARING WILL BE OPENED AND CONTINUED UNTIL THE
DECEMBER 13, 2011 CITY COUNCIL MEETING**

Edward D. Pare, Esq.
direct dial: 401-276-2639
epare@brownrudnick.com

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Memorial
Boulevard
Providence
Rhode Island
02903
tel 401.276.2600
fax 401.276.2601

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CITY CLERK
GLOUCESTER, MA

November 17, 2011

VIA EMAIL AND FEDERAL EXPRESS

City of Gloucester
City Council
c/o Linda Thomas Lowe
City Clerk
9 Dale Avenue
Gloucester, MA 01930

RE: Modification/Addition to Wireless Communication Equipment
Applicant: New Cingular Wireless PCS, LLC ("AT&T")
Site: 186 Main Street, Gloucester, MA (Assessor's Map 8, Lot 70) (the "Site")
Relief Requested: Special permit for the modification of an existing Wireless Communications Facility

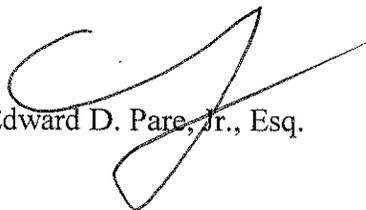
Dear Honorable Members of the City Council:

On behalf of AT&T, we are writing to respectfully request that the City of Gloucester City Council continue the public hearing with respect to the pending special permit application for the proposed modifications to the Site from November 29, 2011 to December 13, 2011.

Please do not hesitate to contact us if you have any questions.

Sincerely,

BROWN RUDNICK LLP



Edward D. Pare, Jr., Esq.

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GLOUCESTER CITY COUNCIL 2011 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2011-081
SUBJECT: Recommendations of the Community Preservation Committee
for FY12 Applications
DATE OPENED: 11/29/11
CONTINUED TO:
CONTINUED FROM:
COMMITTEE: B&F 09/22/11, 09/29/11, 10/06/11, 11/03/11, 11/17/11
(B&F 11/17/11 minutes included in this packet)

In accordance with the provisions of City Charter Section 2-11(d), the **Gloucester City Council** will hold a public hearing on **Tuesday, November 29, 2011, at 7PM in the Kyrouz Auditorium, City Hall** relative to the following:

Under Gloucester Code of Ordinances sec.2-517(8) of the Gloucester Community Preservation Act and MGL C.44B sec. 5(b)(2) and sec.5(d) of the Massachusetts Community Preservation Act, the Gloucester City Council will hear recommendations of the Community Preservation Committee for FY12 and will determine whether to take action and approve appropriations/expenditures from the Gloucester Community Preservation Fund or set aside for later appropriation/expenditures from the City of Gloucester Community Preservation Fund for the purposes of - "Open Space", "Historic Resources", and "Community Housing".

The recommendations of the City of Gloucester Community Preservation Committee are on file in the Office of the City Clerk and are available for viewing by the public.

At the Public hearing all interested persons will have the opportunity to be heard.

By Vote of the City Council
Linda T. Lowe, City Clerk
GT - 11/18/11

Mr. Towne explained this request stems from the event of last spring when the town of Hookset, NH had a major issue with their treatment plant which affected a number of 'down stream' communities, Gloucester being one. The disks which showed up on the City's beaches had to be collected and related costs of that effort were reimbursed to the City by the Town of Hookset during FY11. In order to get that reimbursement, Carol McMahon, an independent contractor was hired to administer that process and submit for the reimbursement. It was about 14.5 hours of her time. No purchase order was created nor was a contract entered into in advance of the work being performed by her. An invoice was presented after the close of last fiscal year. He believes the amount of \$290.00 is reasonable for the work performed and asked that the Council approve these funds from the FY12 budget. The City received \$8,052.15 as a result of her work. They brought her on board to do it. This was after the fact and Deputy Chief was not trained on the process. **Councilor Hardy** asked if Ms. McMahon has been paid out of the Fire Department Budget which **Mr. Towne** stated she had not. **Councilor Hardy** expressed her concern for the lack of appropriate process for invoicing and purchase orders and stated that the Emergency Management Director and his assistant need to take a lesson on forms from the CFO and City Auditor on invoicing and purchase orders. **Mr. Towne** would involve Donna Compton and make sure they take care of it right away.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to pay Invoice #001 in the amount of \$290.00 dated 8/2/2011 to Carol McMahon for her contract work on the City's reimbursement from the Town of Hooksett, NH, from FY12 funds that were expended without a purchase order and to be paid from the Mayor, Contingency/Emergency, Unifund Account #101000.10.121.57800.0000.00.000.00.057.

7. Memo from Comm. Dev. Director & Recommendations from Community Preservation Committee

This matter is continued to September 29, 2011 at 1:30 p.m. This group will be the historical group, and then the meeting for the next group will be set at that time.

8. Memo, Grant Application & Checklist from Stephen Winslow, Senior Project Mgr. re: Strategic Alliance For Healthy Mentoring Project grant in the amount of \$25,000

Stephen Winslow, Senior Project Manager explained that this grant of \$25,000 is available from the Boston Public Health Commission through the Center for Disease Control. Should they be successful this grant will provide funding for the Get Fit Gloucester! Project Manager position for an additional three month period until September 30, 2011; and to give funds to their partners. This would support the Cape Ann Farmer's Market Backyard Growers program that has been working with the Open Door Food Pantry, and provide additional funding to the Cape Ann YMCA Youth Clean Team in order to hire additional youth to focus on stewardship of parks, playground and open space areas within the City. It would be a grant for one year. There is no match for this grant. Since this is federal money, part of it would provide another quarter of his salary. Benefits were included as a part of it. **Mr. Costa** noted this is a new grant. **Mr. Winslow** stated it is based on the Get Fit Gloucester program. **Mr. Costa** asked if there was a budget in the packet. **Mr. Winslow** stated it was split for \$500 for project management and \$4,000 for the CAFM and for the clean team. **Mr. Towne** asked if his position doesn't get refunded and he claims unemployment, would this pay for those unemployment benefits. **Councilor Curcuru** noted Ms. Garcia should have spoken to him about this so that the City is not on the hook for paying the unemployment insurance. **Mr. Winslow** based it on prior budgets. Right the Mass in Motion grant funds part of his salary and benefits and part is CDBG funds. It is a year-to-year thing. He came up for a renewal in May for a half year and just got a renewal for the second half of the year. **Councilor McGeary** noted if Mr. Winslow used that formula he should be covered. **Mr. Winslow** reiterated there is no in-kind or any other match to this grant. **Mr. Costa** and **Mr. Towne** discussed and agreed with **Councilor Curcuru** that most of the findings are found within the grants. They don't have time to keep track of all the grants; there's too many and not enough time. They would hope for someone to manage the grants. The Committee discussed briefly again how a grants coordinator would be helpful. **Fire Chief Dench** added that writing a grant is something they can do, but the administration and tracking of the grant is difficult.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to allow the Community Development Department to apply for the Strategic Alliance For Healthy Mentoring Project grant in the amount of \$25,000.

CITY COUNCIL STANDING COMMITTEE
Special Budget & Finance Committee Meeting
 Thursday, September 29, 2011 – **1:30 p.m.**
 1st Fl. Council Conference Rm. – City Hall
 -Minutes-

Present: Chair, Councilor Steven Curcuro; Vice Chair, Councilor Paul McGeary; Councilor Jacqueline Hardy

Absent: None.

Also Present: Kenny Costa; Deborah Laurie; Sandra Dahl-Ronan; Tom O'Keefe

The meeting was called to order at 1:35 p.m.

1. Recommendations from the Community Preservation Committee:

REVIEW OF HISTORIC PRESERVATION APPLICATIONS FOR FY11 ROUND 2 APPROPRIATIONS

A) Cape Ann Museum	White Ellery House (1710) Window Restoration \$25,000 Original Funding Request: \$50,000
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Sandra Dahl-Ronan, Co-Chair of the Community Preservation Committee informed the Councilors that J.J. Bell, Co-Chair of their Committee, recused himself from CPC discussions on the following matter.

The Community Preservation Committee (CPC) recommends the appropriation of \$25,000 to the Cape Ann Museum for the leaded glass window replacement at the 1710 Ellery House in order to restore an historic resource. The Community Preservation Act (CPA) spending purpose for this appropriation is historic preservation as are all the proceeding projects taken up today.

Martha Oakes, Curator stated in the past three years the Cape Ann Museum (CAM) has made substantial progress in restoring and stabilizing the White-Ellery House (1710) The CAM has entered into a preservation restriction with the MA Historic Commission. The CAM owned this since 1947. They've received a number of grants and have put a preservation covenant on the property in perpetuity. The first phase was putting a new roof on, then re-siding, and replacing, as part of the restoration, the original plaster-covered cornice on the front façade; improvement to the storm water drainage system at the rear of the house; re-wiring of electrical service; installing a fire detection/warning system and a burglary system. The CAM now needs to replace 28 failing casement windows with historically appropriate leaded glass sashes and hardware; the total project costs being \$80,000. The current windows were installed in 1950 and are not historically accurate. They have obtained three estimates from qualified contractors who work with a historic preservation consultant for everything they do. Also, planned will be a leaded glass light over the front door which was removed sometime during the second half of the 19th century. **Ms. Oakes** also described the current uses of the house to the Committee, some of which were: The house is used as a "study house" (The interior is virtually untouched.). They do educational programs and art installations there as well. After the windows she was sure there would be other projects to come forward. They are actively fundraising and don't want to start before they have the funds in place. **Councilor Curcuro** recalled viewing the interior of the house in the 1960's and recalled the house was furnished then. **Ms. Oakes** stated at that time it was furnished. When the Cape Ann Museum expanded on Pleasant Street they took all the furnishings out of the Ellery House and moved it. The windows will remain exposed and open after the restoration. Vandalism has been reduced by making the windows open and not boarded up. The neighborhood takes great pride in the White-Ellery House and is pleased by how it looks today. **Councilor Hardy** asked when they thought they would start the project. **Ms. Oakes** stated this sash project would start in the spring. Their projects are weather dependent. The CAM also owns the ball field behind the house and the large lot at the extension. They are dedicated to keeping those lands as open space which makes it important to keep up the house; and they are dedicated to preserving the site as it is. They also own the barn next door which they are also working. **Councilor Hardy** asked about the small road behind the house to the ball field. **Ms. Oakes** stated they own it as well. The City mows the ball field. There is no easement on the property. **Councilor Hardy** asked if they have a regular schedule of openings. **Ms. Oakes** stated they have two scheduled openings. She is free to open the house to the Committee for a site visit. While there is nothing in the

house, the Cape Ann Museum has a wealth of information on it. The programs at the White-Ellery House are free to the public. **Councilor Hardy** expressed how wonderful the house now appears and the broken window syndrome is no longer a neighborhood issue. **Ms. Ronan** pointed out this museum it is at the gateway of the City. The White-Ellery House is listed on the National Register of Historic Sites. The Cape Ann Museum has entered into a preservation restriction with the MA Historic Commission, assuring the property will be kept intact in perpetuity.

B) Gloucester Adventure Save the Adventure \$25,000
Original Funding Request: \$62,000

The CPC recommends the appropriation of \$25,000 to the Gloucester Adventure towards the purchase and installation of five (5) spars in order to restore an historic resource.

Joanne Souza of the Project Adventure stated they have done the CPA funded windlass. They put in 70 ft. of floating dockage. At the end of June they were able to have the public aboard which they've not been able to do for 10 years. The helm is on and the steering gear is refurbished. They've been able to have programming, get people on board. They signed a three year lease with Gloucester Marine Railways so they will be there. They received a matching grant. If they are awarded this money it will pay for the whole project they asked funding for originally. They just had an engine donated and funds to put it in. There is a marine architect surveying to put the engine in now. The matching grant will be \$250,000. **Councilor Curcuru** stated the project is slated for \$65,000. Ms. Souza stated this is a product they're buying. The project is for the main boom, main gaff, fore boom and fore gaff. With the matching grant, they could get all four spars. They are in the process of matching this grant. They want to get the project done. A complete suit of sails for the Schooner Adventure have been funded and the cloth purchased. They are waiting on USGC approved stability assessment for the sail maker to complete the manufacture of the sails and certification. If they had the funds, they have an eighteen month plan to get them through the certification. **Councilor Hardy** asked if they would continue to call Gloucester their home. **Ms. Souza** confirmed they would. She added the Phyllis A. is also at the railways. Over 800 people visited during this past Labor Day Weekend. On inquiry by **Councilor Hardy**, **Ms. Souza** confirmed also they are still using the Fitz Henry Lane house for their administrative offices and not paying rent to the City for it nor do they do pay utilities. There are public bathrooms there.

C) Phyllis A. Marine Association Phyllis A. Mast & Hull Restoration \$20,000
Original Funding Request: \$24,805

The CPC recommends the appropriation of \$20,000 to the Phyllis A. Marine Association towards the hull and mast restoration in order to restore an historic resource.

John Hinckley, Board member and **Doug Parsons**, President of the Phyllis A. Marine Association. **Mr. Hinckley** stated that the Phyllis A. is a 60' gill net fishing vessel built in 1925 built by Captain Albert Arnold. Capt. Arnold was the leader of a group of fishermen from the Great Lakes who brought the gill net fishing industry to the Atlantic East Coast in 1910, starting an industry which still is in use today. The vessel was fished by the Arnold family until the year 2000. They are a 501C-3 non-profit. The vessel is berthed at the Rocky Neck Marine Railways. The project consists of a haul out to rehabilitate and preserve the vessel's hull and restore the main mast which has had some deterioration. They wish to replace the steel mast with a wooden mast and associated rigging to its original configuration. **Councilor Hardy** asked if they planned to keep the Phyllis A. docked in Gloucester. **Mr. Parsons** replied "Definitely". They will keep the boat at the Railways as long as they can. **Councilor Curcuru** asked if \$20,000 would complete the project. **Mr. Hinckley** stated if the amount is not enough, they can forego the mast replacement and just do the haul out. Once she's up on the railways they can determine how much replacement has to be done. Councilor Curcuru expressed concern that their project is over \$30,000. If they don't have the remainder of the funds they won't do the whole project and asked them to clarify what the division is between the two. **Mr. Hinckley** explained they wouldn't replace the mast. The larger important portion is the haul out. The smaller portion, due to donations, is the mast which would cost about \$8,000 total. **Councilor Curcuru** pointed out the Council can't go over \$20,000 recommended by the CPC. **Mr. Hinckley** stated they would be able to get some additional funding dependent on what they find when they haul the boat. Right now she's in the water and the engine does run; and the vessel can be moved. But they can't determine what has to be done until she's out of the water and scrubbed. She was last out in July of 2007. **Councilor McGeary** clarified if the \$20,000 is hauling for known repairs, they could discover other things once she's out. **Mr. Hinckley** stated one of the items is wood planking and replacement, and that planking is hooked into the price. At this point they don't know. If the hull is in

good shape they could put the funds towards the mast. The total cost of the vessel haul out, restoration and new mast will come to \$30,115.00.

D) Gloucester Committee for the Arts **WPA Murals Restoration Project** **\$15,000**
Original Funding Request: \$15,000

The CPC recommends the appropriation of \$15,000 to the Gloucester Committee for the Arts (GCA) towards the restoration of the WPA murals in the first floor common areas of City Hall in order to restore an historic resource. Of the GCA stated that the GCA would like to begin restoration work on City Hall's Works Progress Administration (WPA) murals.

Dale Brown of the GCA stated the proposed restoration work was recommended in a condition report, which was funded by a grant from the National Endowment for the Humanities and completed by a professional conservator. The first phase is about a total of \$42,000. They asked the CPA for \$15,000. They've already received \$8,000 from the Bruce J. Anderson Foundation. They hope with these funds they'll be able to get the work started in January 2012. It will be primarily cleaning the murals and a little painting. For the mural over the City Clerk's door the recommendation is to deflect the warm air from the radiator there which is causing damage to it. They are eager to see the murals cleaned up and to preserve them. **Councilor Hardy** thought the continuity of the project was wonderful. **Councilor Curcuru** asked about the GCA spreading the \$15,000 over three years at \$5,000/year. **Ms. Brown** stated they were being cautious and not do more than they thought they could which is why they are spreading it out. They are trying to do two murals a year. **Councilor Curcuru** asked why they didn't request more funding. **Ms. Brown** stated the work has to be done in a two year time frame. **Deborah Laurie**, Senior Project Manager with the Community Development Department stated the existing contracts say over a three-year year period. **Kenny Costa**, City Auditor felt three years was too long. **Ms. Ronan** stated her Committee would review the contract timeframe and Ms. Laurie would work with them. **Ms. Oakes** asked about funds that don't get spent within the two or three year contract timeframe. **Mr. Costa** stated the funds return to the CPA fund and are reprogrammed. **Ms. Brown** continued they would focus the mural over the clerk's office and one of the two outside of the Mayor's office. One of the murals to be rehabilitated and preserved in the first phase is "Education" in the Mayor's office but that will take a great deal of coordination as that office is in daily use. **Councilor Hardy** asked if they're on a three year schedule and are they working with the money in hand. **Ms Brown** stated this is the first time they've asked for money from the CPA fund. They've been working from the money from the Bruce J. Anderson Foundation to date. **Councilor McGeary**, noting the murals under the Kyrouz stage, asked what they would for their stabilization. **Ms. Brown** explained their priority is to deal with the murals on the walls which are the most valuable. Their sense is these murals are not of much value. She agreed it would be good to come to a final conclusion on them. But they need to find money to pay someone to do an evaluation on them. **Councilor Hardy** wondering if those murals are really worthwhile because otherwise she was concerned they were a liability as they sit and suggested having them made surplus as a possibility.

E) Magnolia Historical Society **Magnolia Historical Society Archival Preservation** **\$10,000**
Original Funding Request: \$10,000

The CPC recommends the appropriation of \$10,000 to the Magnolia Historical Society (MHS) towards the digitization of their archives in order to preserve an historic resource.

Lisa Ramos, President of the Magnolia Historical Society (MHS) stated the MHS manages the art, artifacts and information housed within the Fran Hines Historical Museum located in the Community Center known as the Magnolia Library Center. In order to completely index, file, preserve and make readily available all of the information the MHS would like to organize, digitize, promote and grant easy access to their collection of history while simultaneously protecting those resources. In order to accomplish this goal, an "all-in-one" printer, scanner, copier and materials needs to be purchased. **Councilor McGeary** stated the issue was raised at the CPC review whether it would be cheaper to hire a company than to buy a scanner. **Ms. Ramos** responded at three years it becomes cheaper to purchase rather than lease. The amounts of records they hold are "incalculable". The companies they looked into renting scanners from charge not only for the machine but also per scan per copy. She reiterated their belief that at three years it makes more sense to buy the scanner. It costs at three years more money to rent than to buy. **Councilor McGeary** asked if they looked at giving a company their materials to scan and then return them back to the MHS. **Ms. Ramos** stated the MHS didn't want to let the documents out of their possession. **Ms. Ronan** stated they discussed that the scanner could be let out to the City as a possibility. **Ms. Ramos** stated they've purchased the Past Perfect software program which is an 'industry standard' for scanning documents for

preservation and have a computer which is recommended by the Manchester Historical Society which is now installed. The program would allow them to type a key word and bring up everything that there is on that subject. **Ms. Ramos**, responding to an inquiry from **Councilor McGeary** stated the program allows for key word searches. They're looking mainly for the printer and scanner and some materials so they can preserve their trove of documents. She also confirmed to the Councilor that the scanner they wish to purchase can handle sheets of newspaper. If they wanted to do maps it would cost \$30,000 but is not needed. They have priced the scanners with six vendors, but a vendor in Essex had the best price. They prefer to have a local vendor especially for servicing purposes. **Councilor Curcuru** pointed out they would anticipate scanning these materials in over a period of years. However, this machine would be obsolete eventually. **Councilor Hardy** asked if this machine needs special climate controls. **Ms. Ramos** stated for the preservation of materials there is a need for climate control. The scanner itself does not need a special environment. Councilor Curcuru stated they do not need a site visit for this application. The Committee suggested that the MHS bring a few of their files for preservation for the Committee to view when they next come before them.

F) Sargent House Museum	Sargent House Museum Fence Replacement Project	\$15,000
	Original Funding Request: \$15,000	

The CPC recommends the appropriation of \$15,000 to the Sargent House Museum (SHM) towards the restoration of their Main Street fence in order to preserve an historic resource.

Barbara Silberman, Board Chair of the Sargent House Museum (SHM) stated that the Sargent House was built as a high-style Georgian house in 1782, part of the Gloucester Historic District, and on the National Register, the SHM proposes to replace the cast-iron fence that fronts on Main Street as well as stabilize the underlying wall, the total cost of which is \$35,500. This fence, with its peeling black and white paint is rusted beyond repair. It is on the west end of Main Street. The fence is not repairable because it was never galvanized. The original historic fence was wood and is why they want to replace with a wooden fence; lower the height making it more attractive, as well as creating open space for the public. They have unlocked the gate to the property from Main Street, and chairs and tables are now there for the public use. The fence will be a replica of what is there and match the fence on Middle Street which has been already been repaired. In the last year and a half they starting major work, moving from the inside of the museum to the outside. They've raised \$160,000 lot to date and have funds to match for what they've asked for from the CPA believing it is a modest request from the community. The museum could start this project in the spring. They received estimates from three local contractors. The contractor would remove the old fence. There are some cracks in the stone wall that support it which will be repaired, and the fence would go on top of it. A sign on the new fence will read "Please enjoy the gardens". The new fence color will be white (currently painted black) which was the original color. **Ms. Silberman** submitted a PowerPoint presentation they made to the CPC. She described letters of support from downtown merchants and citizens in favor of this project. The Committee for their site visit would view the museum.

G) Sawyer Free Library	Sawyer Free Library Landscaping Project	\$75,000
	Original Funding Request: \$100,000	

The CPC recommends the appropriation of \$75,000 to the Sawyer Free Library (SFL) toward ADA code compliant accessibility improvements on the exterior of the library complex, which includes the 1764 Saunders House, in order to preserve an historic resource.

Speaking on behalf of the Sawyer Free Library Landscaping Project **Joan Ciolino**, Vice President of the Board of Directors of the Sawyer Free Library stated from the front entrance down the walkway is a steep and crumbling asphalt path with a large depression also. The need is to redo this path as ADA compliant as well as to do landscaping. The only two accesses to the library are through the back and side doors of the 1976. They have to re-grade and fill up the hole to make a safe walkway that will come to a level and go around the center stone piece (pointing to a landscaping plan which was not made a part of the record) and down a ramp to the sidewalk to the entrance. CPA funds would be used for this portion of their exterior renovations. All of the grading, construction, ADA compliant hand rails and surfaces will be done. They had anticipated an earlier start, but it was found that during their Phase 4 of the renovations brought up drainage issues. The parking lot drainage must be tied into the grading, and will create a small delay. **Carol Gray**, Library Director stated they will start the parking lot in early spring and the landscaping project will begin later in the spring. They received direction from Paul Keane, City Engineer about the drainage and simplifying drainage plans that they had originally from the landscape architect. They have some money already raised for the project already and a major donor is lined up which will help them

considerably with the handicapped piece. **Councilor Curcuru** noted he's seen how bad the situation is and asked about the trees in that immediate area. **Ms. Gray** noted there are large trees in the front; the plans before them showed the side entrance to the Children's Room coming from the parking lot. **Councilor McGeary** clarified that this representation was looking from Dale Avenue and pictured to the left is Central Grammar. **Ms. Gray** described coming down from the library main entrance showing the Committee very early schematics by the landscaper (total of two not submitted for the file). They will be using the entire vacant lot area behind the library, which it owns, for a parking lot. She stated they'll solicit bids in January for an early start in the spring. They'll start towards School Street and move their way forward towards the library. The entrance and exit to the parking lot will be on School Street, with no further access to Mason Street. **Councilor Curcuru** noting the re-built Lorraine apartment house and the Temple would this parking lot now be for the exclusive use of the library. **Ms. Ciolino** stated it is the library's land; they let them use the lot during the construction in order for heavy equipment to access the lots. Now that construction has ended, they can move forward with the library's plans. As of November 1, 2011 there will be no further access by them. The Fire Department asked for the use of four spaces, but once the library starts the project they will no longer have that access. They will have parking only for library patrons and employees with reserved spaces closer to the library itself for families with children. They still have a number of elderly in wheelchairs trying to access the library coming down the ramp as access to the library via the elevator from the outside is through that entrance to the Children's Room entrance area. **Councilor Curcuru** pointed out he didn't see lighting indicated on their plans. **Ms. Ciolino** and **Ms. Gray** confirmed there would be exterior lighting incorporated into the project plans. **Councilor McGeary** inquired when coming from Dale Avenue was there any steps that a person would have to negotiate to get down to that area. Was that the only handicapped access from the [parking] lot or was there another way to gain access. **Ms. Ciolino** stated from Dale Avenue down the ramp to the entrance at the side of the library which will be the handicapped entrance. **Ms. Gray** pointed out the planned outdoor 'amphitheater' which the handicapped area will circumvent it. The amphitheater has a donor who will fund half of it. They are still seeking funds for the rest. Until they get the RFP out they won't know the real costs of the materials, the ramp, the lighting, etc. Other aspects of the project are the replacement of the fencing. Central Grammar will put in the same fencing that the Library has planned so it is a cohesive look. It will look like wrought iron, and have seats built into it also. **Ms. Gray** described the removal of a tree at the side of the library. The amphitheater is viewed as an annex for the Children's library. **Councilor Hardy** asked when they expect to start. **Ms. Gray** responded that due to the complex nature of the project, they'll do the parking lot first, and then they'll start this project, late spring, early summer at the latest. **Councilor Hardy** inquired when the next CPA application round for funding would take place. **Ms. Ronan** stated it would be in February 2012, and then the CPC would review the applications in April. **Councilor Hardy** understood that the Library would not use the funds before the new application round. **Ms. Ronan** stated people have two years to use the CPA money they are awarded. **Ms. Gray** stated they couldn't access the funds as early as they're starting the project. **Ms. Ronan** stated third round CPA funding wouldn't be available until October 2012 which **Ms. Gray** stated would delay the project by a year.

Chairman Curcuru thanked all the applicants for their attendance for this initial funding review and advised that B&F will be setting site visit dates soon and would contact them directly. **Councilor Hardy** asked for a report from Mr. Costa, as the previous CPA funding cycle, for a breakdown of the fund.

A motion was made, seconded and voted unanimously to adjourn the meeting at 2:45 p.m. The next meeting for CPC recommendations on Open Space and Housing would take place on October 6, 2011 at 5:00 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Sargent House Museum PowerPoint presentation made to CPC submitted by Barbara Silberman

CITY COUNCIL STANDING COMMITTEE
Special Budget & Finance Committee Meeting
 Thursday, October 6, 2011 – **5:00 p.m.**
 1st Fl. Council Conference Rm. – City Hall
 CPC Recommendations for CPA Fund Applications 2011
 -Minutes-

Present: Chair, Councilor Steven Curcuru; Vice Chair, Councilor Paul McGeary; Councilor Jacqueline Hardy

Absent: None

Also Present: Kenny Costa; Gregg Cademartori; Deborah Laurie; J. J. Bell; Tom O'Keefe; David Sargent; Sarah Garcia; Charles Crowley

The meeting was called to order at 5:00 p.m.

Kenny Costa informed the Committee of an update on the CPA funds available for FY11 (giving a Committee several handouts placed on file). He informed the Committee that the beginning balance of the CPA account going into FY11 was \$407,692.01. With the FY10 funded projects, at the end of FY11 the fund balance was \$435,249.43. At the end of FY11 there was an appropriation of \$215,000 for the City Hall Restoration Project. \$100,000 came from FY10 funds; and \$115,000 came from the FY11 budget. There is \$546,180 for FY11 budget, and \$115,000 came out of that. They can appropriate now \$431,180 for the projects before the Committee. On the third page of the account balances, there is \$406,453 in projects. Councilor Curcuru inquired if they always carry a balance. Mr. Costa expressed they carry a balance because of interest income, penalties and fees for late payments; there will always be a little bit of money but not much. He believed there was about \$4,000 extra. For FY11, the City received \$122,041 which is 26.64 of the match. He noted a spread sheet showing all the 143 communities who take part in the CPA program's awards for this year. In FY10 they got \$118,680; this year they'll receive \$122,041 on October 15th, which is part of the FY12 budget. The amount they budgeted for FY12 was \$115,725. Last year they had a deficit of \$13,000; and the DOR came in and adjusted their budget at recap time. This money now is part of the \$122,041 award for FY12; they base it on the prior year. Councilor Curcuru asked what was the status of legislation at the Statehouse with regard to the easing of certain CPA fund restrictions. Mr. Costa passed on information that he'd been told it was too early yet to know. J.J. Bell, Co-Chair of the Community Preservation Committee stated spoke to Rep. Ferrante regarding legislation regarding the match bringing it to 75%, currently 50%, which would be an increase for the community. The representative felt cautiously optimistic it could increase. There is talk of building a part of it into the gaming bill where a percentage would go to the CPA to bringing the floor up. They are considering opening up the recreational aspect up for refurbishment as opposed to new acquisition. The only way CPA funds can be used for refurbishment is if a property was previously acquired with CPA funds now as it stands (to use for recreational facilities, for instance).

1. Recommendations from the Community Preservation Committee:

REVIEW OF HISTORIC PRESERVATION APPLICATIONS FOR FY11 ROUND 2 APPROPRIATIONS

A) Gloucester Housing Authority	Sheedy Building Roof Replacement	\$86,453
	Original Funding Request: \$86,453	

The Community Preservation Committee recommended the appropriation of \$86,453 to the Gloucester Housing Authority toward the Sheedy Building roof replacement in order to preserve community housing. The Community Preservation Act spending purpose is to support community housing. David Holden, Executive Director representing the Gloucester Housing Authority stated they're asking for \$86,453 in funds to supplement a grant they are receiving from the State for this project. Built in 1981, the roof now in place is original. This is a single ply membrane roof; the existing 14,751 sq. ft. roof is over 30 years old, having seriously deteriorated and caused the GHA to shutter units due to excessive leaks. He passed around colored photographs of the roof that showed the roof as totally exposed caused by seagulls (made a part of the file). A large portion of the upper part of the roof is now totally exposed. He noted the GHA had a similar situation with the Clark roof, with seagulls doing similar damage. The building has been leaking over the last few years, initially into the fire stairwells, but over the last two years it

has gone into one unit so badly where they are at the point that they've had to shutter the unit and relocate that tenant. The unit is off-line until the roof is fixed. Two other units have minor leaks; and Mr. Holden believed if the roof is not addressed soon, they anticipate having to shutter those two units as well. In the past they've had to rely on competitive grants to do repairs to their properties. Unfortunately, most of their housing stock is in better shape than inner city housing stocks. When they had an emergency they would have to go to Boston to plead their case. They were successful several years ago to get funding to do the Clark roof. This year the State has changed the funding system and will now get an annual allotment to make capital improvements. The initial grant is \$196,154. The total roof replacement cost is \$282,607. They don't feel they can wait any longer to do this project. CPA funds will be used in conjunction with an anticipated \$196,154 State Formula Funding grant for the projected construction costs. The Sheedy Building has 81 elderly housing units who he felt deserved to have a roof over their heads. They have recently changed their maintenance systems and have been working with a roofing company to train their staff to have them maintain the roof going forward. This is a more expensive roof than a single ply roof; but this is what the State has recommended due to the environmental conditions, the height of the building. Seagulls are extremely problematic on flat roofs, particularly the closer you get to the harbor. The Clark roof replacement was done with a similar roof this past year and is working well; seagulls don't seem to like it. On inquiry by **Councilor McGeary**, **Mr. Holden** stated the new roof is multiple ply system and has a 20 year warrantee. The current roof has ballast of pebbles which has many other issues especially seagulls who use pebbles for digestion and nesting materials. It makes the maintenance extremely problematic. On inquiry by **Councilor Curcuro**, **Mr. Holden** informed the Committee the deterioration had been going on for some time but had gotten worse in the past five years. They had hoped to nurse the roof along until the State went to the new system of funding; but its gotten worse over the past year. **Councilor Hardy** asked if this is the worst roof of their projects. **Mr. Holden** stated this is the worst in the senior housing including the ones in Riverdale on Veteran's Way and Patriot Circle (totaling 12 units). Those roofs are duplexes. They're not leaking into the units. At Sheedy they're leaking into three of the 81 units and is the building within all their projects that is the worst. The cumulative damage would be worse. There are other components, as roofs start leaking, such as elevators, etc. that become involved and get damaged. On inquiry of **Councilor Curcuro**, **Mr. Holden** stated they didn't have snow removal issues (on the flat roof) here, but did on the Clark Building or the McPherson Building. **Councilor McGeary** noted the anticipated State formula funding grant. **Mr. Holden** stated that is what they will be receiving. The final number hadn't been committed at the time of the application but it is now assured that is their entire amount for the year. Their board next Wednesday will approve a five-year capital improvement plan. The State had not dealt with the issue for decades but over the last two years they have been able to identified 35 projects totaling \$10 million. They anticipate they'll get less than \$2 million and will look to do worst case scenario projects. **Councilor Hardy** asked how many vacancies they have at Sheedy Park, to which **Mr. Holden** informed the Councilor it was the one unit off line. **Mr. Holden** also expressed that there are rare vacancies. They have 20 days to prepare the units. He anticipates that the census would increase which indicates there is a healthy market in the Cape Ann Area for senior housing. **Councilor Hardy** asked how they would be able to afford to put more elderly housing on line if there is this current funding crunch. **Mr. Holden** stated they have to move to large scale development. They don't have plans to increase their housing by building new units. They work with developers to increase housing stock; and the GHA could reconfigure their housing stock. Most of the units were built in the 1950's, 1960's, built at a time when families were very different. They built a lot of 3 and 4 bedroom units. They need to reconfigure them as there is a desperate need for 1 and 2 bedroom units. They will work with what they have to reshape it to meet the community's needs. They are not including it in their Capital Improvement Plan (CIP) at this time. They do have a seed grant from the federal government from tearing down 10 Taylor Street and are looking to leverage that but don't have a firm plan at this point. **Councilor McGeary** asked on what kind of scale; which **Mr. Holden** stated they'd concentrate on the reconfigurations and density. As far as new development there is more of a trend to collaborate with non-profits to create more units. They need to have a lot of partners to make it work. **Councilor McGeary** thought the reconfiguration would give them a net increase. **Mr. Holden** didn't think that would be the case that there would be shifting of families, within the units. **Councilor Curcuro** asked what they got from the State last year. **Mr. Holden** informed the Councilor there was nothing. **Councilor Curcuro** stated their main thrust right now is to take care of their buildings. He asked why they didn't take care of Taylor Street. **Mr. Holden** stated Taylor Street was a federal program. The grant they got for 10 Taylor Street had to be for rental units. The neighborhood wanted homeownership units. **Councilor Curcuro** stated they could have used CPA funds for that. **Mr. Holden** stated they didn't apply for this funding last year because the roof had deteriorated that greatly in this short time and were anticipating State funding at that time. **Councilor Hardy** asked about the housing stock at Patriot's Circle and did the money come out of the same funding. **Mr. Holden** stated it does; it's Sate-aided conventional funding. They were originally built for returning WWII veterans. They're using this housing for families, and they're still giving veterans preference. At

this point they don't have active plans to change the configuration at the Patriots Circle. **Councilor Hardy** asked if there was a plan to change to home ownership for any portion of Patriot Circle. **Mr. Holden** was unable to project what would be done in the near future at this point.

B) City of Gloucester Comm. Dev. Little River Stream Habitat & Restoration Project \$15,000
Original Funding Request: \$65,000

The Community Preservation Committee recommended the appropriation of \$15,000 to the City of Gloucester Community Development Department toward legal work and conservation easement in connection with the protection of the wildlife habitat for the Little River in West Gloucester in order to preserve open space. The Community Preservation Act spending purpose for this appropriation is to preserve and protect open space. **Gregg Cademartori**, Planning Director for the City stated that the Community Development and Shellfish Departments staff has been working with the Department of Environmental Restoration on this stream habitat restoration project for the better part of 10 years. Former Councils have supported this project with funding also. The project is located between the City water treatment plant and Wellspring House on Essex Avenue. The project is fully designed and substantial permitting has been completed as a State priority stream restoration project. Many State agencies have been involved with this project over the years. They've identified other grant resources also. Certain elements of the design would be conducted on Wellspring property and require the reworking and purchase of an expanded easement to ensure project success in the long term. The stream/flood plane restoration project within the easement is also an open space/rehabilitation/restoration eligible activity. This CPA request would provide match to several grant programs which would provide the balance of the project funding. The total project budget is \$270,000. When he was presenting to the CPC he informed them that if the \$65,000 was too great, the critical piece was the \$15,000 to resolve the easement issues. They've since learned that some of the project, there is a current easement on the Wellspring House. They want to clarify the boundaries with Wellspring so that it is defined for the project and create an area for a conservation restriction for that portion of the property. They went to a lot of effort to gain the confidence with Wellspring for a collaborative effort. He hoped this would do a lot to address localized flooding, fish passage, which got State agencies involved, the Department of Environmental Restoration. This will also limit some of the flooding on the water treatment plant property also. They're talking of lowering the grade and creating a flood plane to handle the high rain events and a connector. He reviewed his four visualizations and maps of the area on a poster (not made a part of the record but within the application). He noted for **Councilor McGeary** the stream passes under Essex Avenue into Little River. They're trying to create a natural stream channel in this section. **Councilor Hardy** asked if this would impact the fish ladder. **David Sargent**, Shellfish Warden stated this is the improvement they need for Alewife and smelt and provide passage for American eels which are threatened also. **Mr. Cademartori** stated the Wellspring cooperation is good and they have a letter in support from them. The demonstration that this is increasing flood control in the area has helped to gain their support for the project and will improve conditions. **Councilor Hardy** asked if it will involve excavation of paved streets. **Mr. Cademartori** noted a water line connection is proposed to be realigned. He didn't know how invasive it would be but thought it would be on the road's shoulder. There will be a lot of material coming out though. Ideally they have one permit left to accomplish with ConCom. This boundary issue is what is holding this project up. With its resolution, they'll complete permitting this calendar year and apply for funding very soon for fall construction next year. It will depend on the season, how wet it is, during low flow conditions, and be accomplished in less than two months. **Councilor Curcuro** noted the \$15,000 is for the easement clarification. **Mr. Cademartori** stated it is also for acquisition and the City will retain new rights within the easement area. One funding source is the Gulf Maine research. The Department of Ecological Restoration of \$41,000 and there are other federal funds and state grants MA environmental trust. Once they have clarified the issue with Wellspring and their sign on to these applications that will be joining applications with these project entities. They're very confident they can line up the funding sources for construction. There has been great in-kind match and this funding from the CPA will qualify as part of a match. Some don't require 1:1 matching. Because of the other grants they've already gotten, they can apply state to federal entities. This amount of funding as well as some of the utility work for realigning to make the project will make over the project match needed. On inquiry by **Councilor McGeary**, **Mr. Cademartori** stated there are some big grants available for river restoration. Anything they file in the coming weeks and months will come before the Council, and they'll look closely at the matching component and what they've done to satisfy that. **Councilor Hardy** asked if there would be conflict of timing to lower Essex Avenue with the sewer piping. **Mr. Cademartori** stated this water project is fairly discrete. That is one of the things they'll have to coordinate with the DPW. The work is fairly confined off of Essex Avenue. He didn't think it would cause a situation for that project in the future.

C) **Essex County Greenbelt Assoc. Tompson Street Reservation Gateway \$120,000**
Original Funding Request: \$170,000

The Community Preservation Committee recommended the appropriation of \$120,000 to the Essex County Greenbelt Association (ECGA) towards their purchase of the 6.75 acres Tompson Street Gateway site in West Gloucester in order to preserve open space, upon the condition that the ECGA conveys a conservation restriction to the City of Gloucester or its designee. The Community Preservation Act spending purpose for this appropriation is to preserve open space. **David Santomenna**, Director of Conservation for the ECGA showed the Committee a topographical map of the Tompson Street Gateway site (not made a part of the record) stated the proposed project would preserve and acquire a 6.75 acres of land on Bray Street that directly abuts the ECGA 300-acre Tompson Street Reservation, a well-used property in West Gloucester with over 5 miles of trails. He reviewed the topographical map. The acquisition of this parcel will enhance the Tompson Street Reservation by improving access and expanding the trail network. It has no formal access point or gateway at this time. It is a much underutilized reservation. They've wanted to bring it to its full potential. A public parking area, kiosk and trail head as well as appropriate signage indicating public accessibility would be created on the Bray Street property. A time-sensitive project, the Tompson Street Gateway is under threat of development, being currently owned by a local developer and having been approved as part of a larger, 4-lot approval-not-required (ANR) subdivision. Preservation of this parcel protects wildlife habitat indicated as supporting core habitat on the MA Biomap MassGIS data layer and water resources that would be detrimentally impacted by development. ECGA has the property under agreement through the end of 2011, at a price of \$220,000 (appraised at \$250,000); the total project cost being \$241,250. Their initial request was \$170,000 and the CPC is recommending \$120,000; a state grant application is pending for the Conservation Contract program of \$50,000; the balance they're seeking to raise through private contributions and through a foundation. The brochure attached to the topographical map that they used for mailers is used for fundraising efforts and are encouraged by the response to their campaign. If they don't get the state grant their fundraising target goes up to \$100,000. Greenbelt has a revolving fund they can use on an interim basis and tap into that. **Councilor Curcuru** asked what the timetable is about accepting and spending the CPA money. **Mr. Costa** stated they discussed the contracts and whether they should be two or three years. **Mr. Santomenna** stated if they don't have the money by the end of the year they won't be in a position to use the funds. They'll either buy or not buy the property. If they go beyond the end of the year they'll have to ask for an extension. The City will be granted a conservation restriction which is a perpetual document and is reviewed and approved by the City and State. Greenbelt would retain the stewardship and maintenance for the property in perpetuity but it also comes off the tax base. **Mr. Bell** stated it would be for the City or its designee. **Councilor Hardy** asked what are the pros and cons of the City holding the conservation restriction. **Ms. Garcia** stated they would want the ECGA to manage the property. For the City they would prefer this arrangement. **Councilor McGeary** stated the City is the enforcement power because they hold it. **Mr. Santomenna** stated it has an existing system of trails on it and expect to create a parking area on the Bray Street frontage for about 8 vehicles which is standard. There would be signage and interpretative materials at that gateway spot. **Councilor Hardy** asked how many trails by miles they have protected by conservation restrictions. **Mr. Santomenna** didn't quite know. **Mr. Cademartori** noted as part of the effort going on in North Gloucester, there are mapping efforts but they'd have to compile that figure. One of the issues this touches on with the private conservation land, some do diverge off their property onto private property that if one goes out there right now it is very apparent where the trails are and meander off into private lands and back to the conservation land. It would be a good number to get. **Ms. Garcia** stated they've identified in the Open Space plan and their need to better manage it. The need is to manage the gateways where access has been difficult. It is to keep the connections going. She was pleased by this project as it is a beautiful piece of property and important to Gloucester's history. **Charles Crowley**, Open Space Committee stated there are overused properties in the City also. They don't have places for people to park. More properties like this will help to alleviate overused properties; a project such as this dovetails into the open space plan. **Councilor Hardy** noted at Poles Hill there is parking there and would maintain the parking area maintenance be taken care of by the ECGA. **Mr. Santomenna** stated they would. The parking lot would be gravel, not paved and would require filing with ConCom. They're upstream from any water body. **Councilor Hardy** discussed with Mr. Santomenna their kiosk for information. **Mr. Bell** noted this is a dramatic piece of property to which **Mr. Santomenna** concurred.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:01 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

CITY COUNCIL STANDING COMMITTEE
Budget & Finance Committee
Thursday, November 3, 2011 – 6:00 p.m.
1st Fl. Council Committee Rm. – City Hall
-MINUTES-

Present: Chair, Councilor Steven Curcuru; Vice Chair, Councilor Paul McGeary; Councilor Jacqueline Hardy

Absent: None.

Also Present: Kenny Costa; Jim Duggan; Jeff Towne; Suzanne Egan; Jim Hafey; Ron Hadley; Russell Hobbs; Damon Cummings; Joel Favazza; Kirsten Lanes

The meeting was called to order at 6:00 p.m. Items were taken out of order.

Councilor Curcuru stated that the Committee needed to advertise for public hearing with regard to the matter of the ten applications for CPA Funding for FY2012.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance voted 3 in favor, 0 opposed to ADVERTISE FOR PUBLIC HEARING the CPA applications for funding for FY2012 for the November 29, 2011 City Council meeting.

The Councilor indicated the matter of the 10 application recommendations to the City Council would be taken up under Continued Business at the next regularly scheduled meeting of Budget & Finance on Thursday, November 17, 2011.

1. Continued Business:

- A) City of Gloucester Capital Improvement Advisory Board Annual Report for FY12 (Cont'd from 10/6/11)

After introductory statements by CFO, Jeff Towne and B&F Chair, Councilor Curcuru, **Ron Hadley**, Chair of the CIAB spoke regarding the departmental capital needs list and stated they were able to meet with the Police, Fire Department and Harbormaster, and with the DPW but not with the Schools, the Water and Sewer Departments to date. **Mr. Towne** stated they've received a lot of submissions noting Jim Hafey; Facilities Director had turned his list in, and is waiting for more from the DPW which they anticipate shortly. He and Gregg Cademartori, Planning Director, will work together to present the CIAB with a capital plan. Previously, they didn't have a funding piece and a full picture which was a frustration to the Board. Mr. Hafey wasn't employed by the City until after this project took place. This year they started earlier to receive the departmental information. By presenting the Board with a plan, it will be easier to review, assess and put together a good funding mechanism along with the plan. **Councilor Hardy** stated they'd like to use the report as a tool and asked how much longer will it be until there will be a document they can use? **Mr. Towne** stated it would be by this budget season, and are looking for April. **Councilor Hardy** noted she has had conversations with CIAB members about their frustration in not having a plan. **Mr. Hadley** expressed his feeling that there have been a by-passing of the CIAB by going to B&F and the Council on capital projects; and not looking at the consequences and costs with no due diligence. **Councilor Hardy** responded there are emergencies also in the City that sometimes create those unusual circumstances. **Mr. Hadley** stated they disapproved the hook and ladder and yet the Council approved it. When asked by **Councilor Curcuru** why they disapproved, **Mr. Hadley** responded they needed a new engine not an entire truck as the ladder was certified. **Councilor Hardy** stated going forward they'll work together. **Mr. Hadley** would appreciate once they draw money to be expended by CSO that it be recouped, (excess bond proceeds) and to look at reapplying positive balances; reappropriation them. **Mr. Hadley** stated they need to inform the CIAB of this so they know what pool of money they have to authorize. **Mr. Towne** explained the departments submit their priority, the Administration does, and then the CIAB. The three lists are then meshed with the resultant list presented to the Council. **Mr. Hadley** reiterated that they look for a detailed justification. He noted the \$2 million request for the Magnolia Pier, and while down on the list of capital projects, it comes from a different funding source. **Councilor McGeary** asked when the Administration presents their FY13 budget; it would be helpful to know what the CIAB is recommending. **Mr. Towne** stated their goal is to present their report with the budget. Another key item was that the Board wants the Administration's support to have all departments participate. The Charter calls for a 10 year plan. They'll move forward with a five year plan this year, and then work towards a 10 year plan. The departments will have to work



GLOUCESTER CITY COUNCIL 2011 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2011-074
SUBJECT: SCP2011-014: Dory Road #34, GZO Sec. 5.13.7.2 (PWSF)
Modifications
DATE OPENED: 11/29/11
CONTINUED TO:
CONTINUED FROM: 11/15/11
COMMITTEE: P&D 10/19/11, 11/02/11

34 DORY ROAD
**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

In accordance with MGL Chapter 40A, section 11 and GZO section 1.5.10(b), the Gloucester City Council will hold a public hearing on Tuesday, **November 15, 2011 at 7:00 PM** in the Kyrouz Auditorium, City Hall relative to the following Special Council Permits under GZO section 5.13.7.2 Personal Wireless Service Facilities (PWSF) Modifications as follows:

SCP2011-014: LOCATION: 34 Dory Road, Map 262, Lot 25
APPLICANT: New Cingular Wireless PCS, LLC by AT&T Mobility Corporation, Its Manager ("AT&T")
OWNER: Gloucester Economic Development & Industrial Corp.
PRESENTLY ZONED: Business Park BP

Plans of the above are on file in the City Clerk's Office and may be seen any business day prior to the Public Hearing. At the Public hearing all interested persons will have the opportunity to be heard.

By Vote of the City Council
Linda T. Lowe, City Clerk

AD#12622170
Cape Ann Beacon 10/28. 11/3/11

depicted on the site plan entitled "Subsurface Drainage Plan" prepared by Mastue Associates, December 14, 2010, and construct a ten foot by ten foot garden/tool shed at the location depicted on the Mastue site plan
AND TO ADVERTISE FOR PUBLIC HEARING.

5. SCP2011-014: Dory Road #34, GZO §5.13.7.2 (PWSF Modifications) (To be cont'd to 11/02/11)

This matter is continued to the November 2, 2011 P&D Committee meeting.

Councilor Ciolino mentioned they need to have a site visit for the Special Council Permit for 186 Main Street, noting the Committee may have to continue it again until that site visit is completed. They would ask that the Building Inspector accompany them. The motion passed at City Council on 10/11/11 at City Council related to SCP2011-005, Dory Road #11, will a need to be amended to have a more specific Condition #1 to make it clearer as to when the Turbine A and Turbine B are to be shut down to prevent shadow/flicker. **Councilor Whynott** commented on the letter to the editor in the Gloucester Daily Times by Dr. and Mrs. John Wolfe regarding the use and noise. **Councilor Verga**, who attended the October 17, 2011 meeting of the O&A Committee, summarized the discussion on the noise ordinance for the Councilor.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:51 p.m.

Respectfully submitted,

**Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Letter to the Committee from Attorney Richard A. Nysten, Jr. of Lynch, DeSimone & Nysten, LLP, Boston, MA on behalf of Richard C. Larson, Trustee of Merchants Island Trust II related to SCP2011-012, Pearce Island/Durney's Island**

CITY COUNCIL STANDING COMMITTEE
Planning & Development Committee
Wednesday, November 2, 2011 – 6:00 p.m.
1st Fl. Council Conference Room – City Hall
-MINUTES-

Present: Chair, Councilor Joseph Ciolino; Vice Chair, Councilor Robert Whynott; Councilor Greg Verga

Absent: None

Also Present: Councilor Hardy; Chief Michael Lane; Donna Compton

The meeting was called to order at 4:36 p.m. Items were taken out of order.

1. *Continued Business*

A) SCP2011-009: Main Street #186, GZO §1.8.3 and §5.13.7.2 (Cont'd from 10/19/11)

Attorney Edward Pare, representing AT&T Mobility LLC stated previously he had submitted the access plan to the Committee for the installation at 186 Main Street; and that the RF Report by the City consultant showing the installation meets with the FCC requirements which included the proposed modifications, was received in by the Committee the previous day. The report confirms what the applicant had provided. **Councilor Ciolino** expressed the Committee wish to schedule a site visit and that they would like to have the Building Inspector, and Fire Chief Dench accompany them. Council President Hardy would also join them. They determined a date of Thursday, November 10, 2011 at 9:45 a.m. meeting at the Pleasant Street entrance of the Browns Mall. **Attorney Pare** submitted a copy to the Committee of the adopted decision by the City Council attached to a memorandum from Suzanne Egan, City Solicitor dated January 23, 2009.

This matter is continued to November 16, 2011.

B) SCP2011-014: Dory Road #34, GZO §5.13.7.2 (PWSF Modifications) (Cont'd from 10/19/11)

Councilor Ciolino noted that the application New Cingular Wireless PCS, LLC by AT&T Mobility Corporation was received in by the City Clerk on September 2, 2011, and that all sign offs were in place, and the Affidavit of Notice to Abutters was received in appropriately as well.

Attorney Edward Pare, Brown Rudnick LLP, Boston, MA spoke to the application of AT&T regarding SCP2011-014: Dory Road #34, GZO §5.13.7.2 (PWSF Modifications). He explained that as with the other sites presented to the Committee previously (Washington Street #289, Kondelin Road #16), that this, too, is an upgrade to the facility for high speed service at a tower with six antennas, two in each sector. They're proposing to add three additional antennas to each sector. He showed the Committee photo simulations (submitted with the application). The installation of their equipment rack will be located in the existing equipment shelter at the base of the antenna. He expressed this is a slight modification. **Councilor Verga** felt that the six criteria under Sec. 1.5.3 of the GZO had been met with regard to a Special Council Permit. **Councilor Ciolino** discussed the matter of both this Special Council Permit, and the one previously with Attorney Pare as to when they would be heard by the Council in a public hearing, and **Attorney Pare** would advise the Council President of his client's decision in writing the following day.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant New Cingular Wireless PCS, LLC by AT&T Mobility Corporation a Special Council Permit (SCP2011-014) for an existing Wireless Communications Facility pursuant to GZO Sections 5.13.7.2 and 1.8.3 to install three (3) new panel antennas (one antenna per sector), together with related amplifiers, cables, fiber and other associated antenna equipment including remote radio heads, surge arrestors and global positioning system antennas, for new network service upgrades with associated electronic equipment within AT&T's equipment shelter located at 34 Dory Road, Gloucester, MA (Assessors Map #8, Lot #70), as shown on the site plan prepared by Bradford A. Mills, PE signed 9/21/11; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

C) Review & recommendations for the disposition of real property at 6 Stanwood Street (Cont'd from 10/5/11)



GLOUCESTER CITY COUNCIL 2011 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2011-076
SUBJECT: Amend GCO Sec. 22-270 "Parking Prohibited at all Times"
Re: Green Street
DATE OPENED: 11/29/11
CONTINUED TO:
CONTINUED FROM: 11/15/11
COMMITTEE: O&A 10/03/11

AMENDMENTS
**LEGAL NOTICE
NOTICE OF PUBLIC HEARINGS**

The Gloucester City Council will hold public hearings on **Tuesday, November 15, 2011**, at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to the **Gloucester Code of Ordinances, Chapter 22 Traffic and Motor Vehicles:**

Amend Sec. 22-287 "Disabled Veteran, Handicapped Parking" by **DELETING** "one (1) handicapped parking space, Riggs Street #7A

Amend GCO Sec. 22-270 "Parking Prohibited at all Times" by **DELETING** Green Street, northeasterly side, beginning at a point 163 feet from its intersection with Perkins Street in a northwesterly direction thence in a northeasterly direction for a distance of 50 feet; and **ADDING** "Green Street, northeasterly side, beginning at a point 113 feet from its intersection with Perkins Street for a distance of 100 feet.

Amend GCO Sec. 22-291 "Tow Away Zone" by **DELETING** Green Street, northeasterly side, beginning at a point 163 feet from its intersection with Perkins Street in a northwesterly direction thence in a northeasterly direction for a distance of 50 feet; and **ADDING** "Green Street, northeasterly side, beginning at a point 113 feet from its intersection with Perkins Street for a distance of 100 feet.

Amend GCO Sec. 22-269 "Stop Intersections" by **DELETING** Raymond Street where it meets Shore Road.

Amend GCO Sec. 22-269.1 "Yield Intersections" by **ADDING** Raymond Street on the southwest corner at its intersection with Shore Road.

At the public hearings, all interested persons will have the opportunity to be heard.

By Vote of the City Council
Linda T. Lowe, City Clerk

AD#12625633
Cape Ann Beacon 11/4/11

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration Committee
Monday, October 3, 2011 – 7:00 p.m.
1st Fl. Council Committee Rm. – City Hall
-MINUTES-

Present: Chair, Councilor Sefatia Theken; Vice Chair, Councilor Anne Mulcahey; Councilor Steven Curcuru

Absent: Councilor Tobey

Also Present: Councilor Verga; Linda T. Lowe; Mike Hale; Mark Cole; Deputy Fire Chief Miles Schlichte
The meeting was called to order at 7:00 p.m. Items were taken out of order.

1. Continued Business:

- A) Vehicle Traffic Speed Rates on Woodward Avenue (ref'd from 7/26/11 City Council Mtg. (Cont'd from 8/1/11) and CC2011-041 (Verga) Speed Limit for Woodward Avenue area (Cont'd from 09/19/11)

At the September 29, 2011 Traffic Commission meeting, after a discussion and review of the JAMAR Radar Recorder speed study for Woodward Avenue, the Commission voted unanimously to recommend that the speed limit be set at 20 mph. The speed report showed that the 85th percentile speed on Woodward Avenue is 23 mph and the mean (average) speed is 17 mph. In addition, Woodward Avenue is extremely narrow and has many curves. Councilor Verga was at the Commission Meeting, it will go to the State, and they'll do their study. Right now it is officially 30 mph. He was pleased with the Commission's recommendation.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration voted 3 in favor, 0 opposed to recommend to the City Council to forward a recommendation to MASS DOT that a speed limit be established for Woodward Avenue at a rate of 20 m.p.h. accompanied by the attendant JAMAR speed study documentation.

- B) CC2011-033 (Mulcahey) Speed Study re: Taylor Street & Friend Street (Cont'd from 09/19/11)

This matter is to be combined with Items #3 and #4, (see below) which are continued to the October 17, 2011 meeting.

- C) CC2011-039 (Mulcahey) Amend GCO §22-270 (Parking Prohibited at All Times) re: Green & Perkins Sts. (Cont'd from 09/19/11)

At the September 29, 2011 Traffic Commission meeting, the Commission voted unanimously to recommend the order. Councilor Mulcahey commented that on the corner of Green Street there is a sign saying "No Parking"; the Police Department can't enforce it as it is positioned because it is on a curve. Other signage was incorrect. This is a housekeeping matter.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO §22-270 (Parking Prohibited at All Times) BY DELETING: Green Street, northeasterly side, beginning at a point 163 feet from its intersection with Perkins Street in a northwesterly direction thence in a northeasterly direction for a distance of 50 feet; and ADDING "Green Street, northeasterly side, beginning at a point 113 feet from its intersection with Perkins Street for a distance of 100 feet, AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

- D) CC2011-040 (Mulcahey) Amend GCO§22-291 (Tow Away Zones) Green & Perkins Sts. (Cont'd from 09/19/11)

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO §22-291 (Tow Away Zone) BY DELETING Green Street, northeasterly side, beginning at a point 163 feet from its



GLOUCESTER CITY COUNCIL 2011 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2011-077
SUBJECT: Amend GCO Sec. 22-291 "Tow Away Zones"
Re: Green Street
DATE OPENED: 11/29/11
CONTINUED TO:
CONTINUED FROM: 11/15/11
COMMITTEE: O&A 10/03/11

AMENDMENTS
LEGAL NOTICE
NOTICE OF PUBLIC HEARINGS

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Linda T. Lowe, City Clerk

AD#12625633
Cape Ann Beacon 11/4/11

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration Committee
Monday, October 3, 2011 – 7:00 p.m.
1st Fl. Council Committee Rm. – City Hall
-MINUTES-

Present: Chair, Councilor Sefatia Theken; Vice Chair, Councilor Anne Mulcahey; Councilor Steven Curcuru

Absent: Councilor Tobey

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MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO §22-270 (Parking Prohibited at All Times) BY DELETING: Green Street, northeasterly side, beginning at a point 163 feet from its intersection with Perkins Street in a northwesterly direction thence in a northeasterly direction for a distance of 50 feet; and ADDING "Green Street, northeasterly side, beginning at a point 113 feet from its intersection with Perkins Street for a distance of 100 feet, AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

- D) CC2011-040 (Mulcahey) Amend GCO§22-291 (Tow Away Zones) Green & Perkins Sts. (Cont'd from 09/19/11)

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO §22-291 (Tow Away Zone) BY DELETING Green Street, northeasterly side, beginning at a point 163 feet from its

intersection with Perkins Street in a northwesterly direction thence in a northeasterly direction for a distance of 50 feet; **ADDING "Green Street, northeasterly side, beginning at a point 113 feet from its intersection with Perkins Street for a distance of 100 feet, AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

- E) CC2011-042 (Verga) Revisit of 4-way stop signs at intersection of Magnolia Avenue, Shore Road and Raymond Street (Cont'd from 09/19/11)

At the Traffic Commission meeting of September 29, 2011, after a lengthy discussion with Magnolia area residents the Commission recommended that under GCO §22-269 (Stop Intersections) be amended by deleting Raymond Street where it meets Shore Road and amend GCO §22-269.1 (Yield Intersections) by adding Raymond Street on the southwest corner at its intersection with Shore Road.

Councilor Verga stated several months ago the Council amended the GCO to create three different 4-way stops in Magnolia. After they were in place, it was clear they weren't in the best positions, judging from constituent feedback. At his request the Traffic Commission went back and reviewed the area (where the package store is coming up from Manchester) because it is such a wide curve, the placement of one of the stop sign was a distance from the actual stop. The Commission determined it would be better served to make it a yield sign and have the word "SLOW" painted on the roadway. Across the street on the opposite side, the stop sign was a little bit too far back, hidden in the bushes. That stop sign needs to be changed as well. The neighbors who attended the Commission meeting who complained of the placements were in agreement with the Commission's proposed changes. The Councilor also agreed with the recommendations.

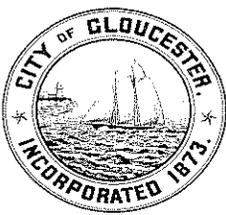
(NOTE: The Commission thought it important to note at their September 29th meeting also that subsequent to a Stop sign being approved and installed back in April of this year at the intersection of Raymond Street and Shore Road, it has been determined that a Yield sign at the intersection best serves the safety of the area. They further recommended that the word "SLOW" be painted on Raymond Street just before the crosswalk.)

MOTION: On motion by Councilor , seconded by Councilor , the Ordinances & Administration voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO §22-269 (Stop Intersections) by DELETING Raymond Street where it meets Shore Road AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

Councilor Theken pointed out to Councilor Verga that Mike Hale, DPW Director was in attendance, was advised of the yield sign placement.

- F) Discussion only on Noise Factor at Stage Fort Park (Cont'd from 08/01/11)

Councilor Theken explained she had in hand email correspondence from Carol Ackerman, Susan Richardson and from Dr. John and Susannah Wolfe (all submitted at meeting and on file). Linda T. Lowe, City Clerk and Mike Hale, DPW Director came forward for a discussion with the Committee. **Ms. Lowe** stated that Mr. Hale reviewed park rules and regulations and she reviewed ordinances for Somerville, Cambridge, Brookline and Beverly, as well as Gloucester in comparison to look for possible improvements in approaches to the issue. Beverly has a provision addressed specifically to sound equipment. There is a \$100 fine attached. Brookline has a definition of noise pollution as an increase of dBA above background noise level and allows for enforcement for civil ticketing. The City has Sec. 1-14 civil ticketing but c. 13 "Noise" is not included. She felt there is an advantage when you do have people including police officers but not limited to them, who write can write a \$100 tickets. Somerville addresses the issue by their noise control standard includes considering level of noise, time of day, duration, whether the noise is recurrent, constant or intermittent which fine tunes what the sound is. In Cambridge they provide that non-measured noise disturbances are prohibited along with dBA disturbances, loud disturbing noises. They include various specific offenses resulting from plainly audible at 50 ft from the source. Finally, with the City's new events permit process to be put in place by the first of the year, once in place there are provisions within the application related to sound amplification which can be made more strict; and integrate that into the Code of Ordinances, c. 13; and put in stiffer fines for the infractions, which was Ms. Lowe's recommendation to the Committee. **Mike Hale**, DPW Director stated in looking at the rules and regulations specific to parks; very few had specific regulations; rather all were tied back to City ordinance. He didn't think changes should be specific to Stage Fort Park; any changes need to be City-wide. Permitted activity regulations had different slant. The public couldn't show up with a big boom box and play it loudly; but those who take out a permit, according to the GCO are exempt. They need to decide as a City whether they are looking at all activities or ones that aren't permitted; and no matter how good the



GLOUCESTER CITY COUNCIL 2011 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2011-078
SUBJECT: Amend GCO Sec. 22-269 "Stop Intersections" by **DELETING** Raymond Street where it meets Shore Road
DATE OPENED: 11/29/11
CONTINUED TO:
CONTINUED FROM: 11/15/11
COMMITTEE: O&A 10/03/11

AMENDMENTS LEGAL NOTICE NOTICE OF PUBLIC HEARINGS

The Gloucester City Council will hold public hearings on **Tuesday, November 15, 2011**, at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to the **Gloucester Code of Ordinances, Chapter 22 Traffic and Motor Vehicles:**

Amend Sec. 22-287 "Disabled Veteran, Handicapped Parking" by **DELETING** "one (1) handicapped parking space, Riggs Street #7A

Amend GCO Sec. 22-270 "Parking Prohibited at all Times" by **DELETING** Green Street, northeasterly side, beginning at a point 163 feet from its intersection with Perkins Street in a northwesterly direction thence in a northeasterly direction for a distance of 50 feet; and **ADDING** "Green Street, northeasterly side, beginning at a point 113 feet from its intersection with Perkins Street for a distance of 100 feet.

Amend GCO Sec. 22-291 "Tow Away Zone" by **DELETING** Green Street, northeasterly side, beginning at a point 163 feet from its intersection with Perkins Street in a northwesterly direction thence in a northeasterly direction for a distance of 50 feet; and **ADDING** "Green Street, northeasterly side, beginning at a point 113 feet from its intersection with Perkins Street for a distance of 100 feet.

Amend GCO Sec. 22-269 "Stop Intersections" by **DELETING** Raymond Street where it meets Shore Road.

Amend GCO Sec. 22-269.1 "Yield Intersections" by **ADDING** Raymond Street on the southwest corner at its intersection with Shore Road.

At the public hearings, all interested persons will have the opportunity to be heard.

By Vote of the City Council
Linda T. Lowe, City Clerk

AD#12625633
Cape Ann Beacon 11/4/11

intersection with Perkins Street in a northwesterly direction thence in a northeasterly direction for a distance of 50 feet; ADDING "Green Street, northeasterly side, beginning at a point 113 feet from its intersection with Perkins Street for a distance of 100 feet, AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

- E) CC2011-042 (Verga) Revisit of 4-way stop signs at intersection of Magnolia Avenue, Shore Road and Raymond Street (Cont'd from 09/19/11)

At the Traffic Commission meeting of September 29, 2011, after a lengthy discussion with Magnolia area residents the Commission recommended that under GCO §22-269 (Stop Intersections) be amended by deleting Raymond Street where it meets Shore Road and amend GCO §22-269.1 (Yield Intersections) by adding Raymond Street on the southwest corner at its intersection with Shore Road.

Councilor Verga stated several months ago the Council amended the GCO to create three different 4-way stops in Magnolia. After they were in place, it was clear they weren't in the best positions, judging from constituent feedback. At his request the Traffic Commission went back and reviewed the area (where the package store is coming up from Manchester) because it is such a wide curve, the placement of one of the stop sign was a distance from the actual stop. The Commission determined it would be better served to make it a yield sign and have the word "SLOW" painted on the roadway. Across the street on the opposite side, the stop sign was a little bit too far back, hidden in the bushes. That stop sign needs to be changed as well. The neighbors who attended the Commission meeting who complained of the placements were in agreement with the Commission's proposed changes. The Councilor also agreed with the recommendations.

(NOTE: The Commission thought it important to note at their September 29th meeting also that subsequent to a Stop sign being approved and installed back in April of this year at the intersection of Raymond Street and Shore Road, it has been determined that a Yield sign at the intersection best serves the safety of the area. They further recommended that the word "SLOW" be painted on Raymond Street just before the crosswalk.)

MOTION: On motion by Councilor , seconded by Councilor , the Ordinances & Administration voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO §22-269 (Stop Intersections) by DELETING Raymond Street where it meets Shore Road AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

Councilor Theken pointed out to Councilor Verga that Mike Hale, DPW Director was in attendance, was advised of the yield sign placement.

- F) Discussion only on Noise Factor at Stage Fort Park (Cont'd from 08/01/11)

Councilor Theken explained she had in hand email correspondence from Carol Ackerman, Susan Richardson and from Dr. John and Susannah Wolfe (all submitted at meeting and on file). Linda T. Lowe, City Clerk and Mike Hale, DPW Director came forward for a discussion with the Committee. **Ms. Lowe** stated that Mr. Hale reviewed park rules and regulations and she reviewed ordinances for Somerville, Cambridge, Brookline and Beverly, as well as Gloucester in comparison to look for possible improvements in approaches to the issue. Beverly has a provision addressed specifically to sound equipment. There is a \$100 fine attached. Brookline has a definition of noise pollution as an increase of dBA above background noise level and allows for enforcement for civil ticketing. The City has Sec. 1-14 civil ticketing but c. 13 "Noise" is not included. She felt there is an advantage when you do have people including police officers but not limited to them, who write can write a \$100 tickets. Somerville addresses the issue by their noise control standard includes considering level of noise, time of day, duration, whether the noise is recurrent, constant or intermittent which fine tunes what the sound is. In Cambridge they provide that non-measured noise disturbances are prohibited along with dBA disturbances, loud disturbing noises. They include various specific offenses resulting from plainly audible at 50 ft from the source. Finally, with the City's new events permit process to be put in place by the first of the year, once in place there are provisions within the application related to sound amplification which can be made more strict; and integrate that into the Code of Ordinances, c. 13; and put in stiffer fines for the infractions, which was Ms. Lowe's recommendation to the Committee. **Mike Hale**, DPW Director stated in looking at the rules and regulations specific to parks; very few had specific regulations; rather all were tied back to City ordinance. He didn't think changes should be specific to Stage Fort Park; any changes need to be City-wide. Permitted activity regulations had different slant. The public couldn't show up with a big boom box and play it loudly; but those who take out a permit, according to the GCO are exempt. They need to decide as a City whether they are looking at all activities or ones that aren't permitted; and no matter how good the



GLOUCESTER CITY COUNCIL 2011 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2011-079
SUBJECT: Amend GCO Sec. 22-269.1 "Yield Intersections" by **ADDING** Raymond Street on the southwest corner at its intersection with Shore Road
DATE OPENED: 11/29/11
CONTINUED TO:
CONTINUED FROM: 11/15/11
COMMITTEE: O&A 10/17/11

AMENDMENTS LEGAL NOTICE NOTICE OF PUBLIC HEARINGS

The Gloucester City Council will hold public hearings on **Tuesday, November 15, 2011**, at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to the **Gloucester Code of Ordinances, Chapter 22 Traffic and Motor Vehicles:**

Amend Sec. 22-287 "Disabled Veteran, Handicapped Parking" by **DELETING** "one (1) handicapped parking space, Riggs Street #7A

Amend GCO Sec. 22-270 "Parking Prohibited at all Times" by **DELETING** Green Street, northeasterly side, beginning at a point 163 feet from its intersection with Perkins Street in a northwesterly direction thence in a northeasterly direction for a distance of 50 feet; and **ADDING** "Green Street, northeasterly side, beginning at a point 113 feet from its intersection with Perkins Street for a distance of 100 feet.

Amend GCO Sec. 22-291 "Tow Away Zone" by **DELETING** Green Street, northeasterly side, beginning at a point 163 feet from its intersection with Perkins Street in a northwesterly direction thence in a northeasterly direction for a distance of 50 feet; and **ADDING** "Green Street, northeasterly side, beginning at a point 113 feet from its intersection with Perkins Street for a distance of 100 feet.

Amend GCO Sec. 22-269 "Stop Intersections" by **DELETING** Raymond Street where it meets Shore Road.

Amend GCO Sec. 22-269.1 "Yield intersections" by **ADDING** Raymond Street on the southwest corner at its intersection with Shore Road.

At the public hearings, all interested persons will have the opportunity to be heard.

By Vote of the City Council
Linda T. Lowe, City Clerk

AD#12625633
Cape Ann Beacon 11/4/11

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration Committee
Monday, October 17, 2011 – 7:00 p.m.
1st Fl. Council Committee Rm. – City Hall
-MINUTES-

Present: Chair, Councilor Sefatia Theken; Vice Chair, Councilor Anne Mulcahey; Councilor Bruce Tobey

Absent: None

Also Present: Councilor Verga; Linda T. Lowe; Mark Cole

The meeting was called to order at 7:00 p.m. Councilor Tobey entered the meeting at 7:20 p.m. Items were taken out of order.

1. *Old Business:*

- A) CC2011-042 (Verga) Revisit of 4-way stop signs at intersection of Magnolia Avenue, Shore Road and Raymond Street

Councilor Verga noted this was a result of reexamining an ordinance amendment to reconfigure a four-way stop. It was determined that a yield intersection on Raymond Street at its intersection with Shore Road would be a better configuration. Councilor Theken noted this motion was overlooked when O&A took the matter up at their October 3rd meeting.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed, 1 (Tobey) absent, to recommend to the City Council to AMEND the GCO Sec. 22-269.1 (Yield Intersections) by ADDING “Raymond Street on the southwest corner at its intersection with Shore Road AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

2. *Continued Business:*

- A) Discussion on Noise Factor at Stage Fort Park (Cont'd from 10/03/11)

Councilor Theken, Councilor Mulcahey, Linda T. Lowe, City Clerk and Mark Cole, Assistant DPW Director reviewed the City zoning map to make a determination as to what zoning classification corresponded with Stage Fort Park. It appeared to be R-20, low-medium residential. Mr. Cole also noted that the map shows pockets of neighborhood business but the park appeared to be residential. Councilor Theken stated the ordinance does need changing for the Police Department to be empowered to enforce the noise ordinance and not just the Building Inspector, as he doesn't work on weekends. Councilor Mulcahey discussed placement of signs throughout the park saying, "Permitted Parties Only"; which Mr. Cole felt there should be signage only for the designated area for group events, but not throughout the park. Councilor Theken added when the police are called they are unable to ticket those breaking the noise ordinance and reiterated her belief that they need to be able to empower the police to be able to enforce the noise ordinance. There is a need of rules being enforced and that enforcement should be by the police. Dr. John Wolfe and his wife, Suzanna brought up the recent Reid's Ride event at Stage Fort Park and the noise from the announcing. Councilor Theken asked Ms. Lowe about the permitting process for that event. Ms. Lowe informed the Councilor that the permitting for all aspects of the event was all done in advance of it; and this group came before the Licensing Commission and Mark Cole for necessary approvals. Dr. Wolfe pointed out both ends of Hough Avenue had been closed for some time on Sunday. Ms. Lowe stated if they blocked the road, it was done with the knowledge of the police. Both Chief Lane and Chief Dench are members of the Licensing Commission meeting where representatives of Reid's Ride had presented their requests for permits on a variety of matters. Councilor Verga and Mr. Cole commented about Hough Avenue being blocked; and that it is after the 'season'. Mr. Cole could not confirm the event organizers took liberties with closing the road without the knowledge of the police. Councilor Theken assured that she knew there was a police presence at that event. Councilor Verga stated for the permitted events, they'll get the heads up when they come up for permitting and empower the police by amending the ordinance but that would not exclude them enforcing a permitted event. Councilor Tobey entered the meeting at 7:20 p.m.



GLOUCESTER CITY COUNCIL 2011 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2011-080
SUBJECT: Amend Sec. 1-15- "Penalty for violation of certain specified sections of Code" by inserting "Chapter 13, Sec. 13-5 "Prohibited Sound" and Sec. 13-6 "Maximum permissible sound levels-Enumerated"; Penalty: "For violation of Sec. 13-5 and Sec. 13-6, a minimum of \$100 per violation, not to exceed \$300 per violation. Enforcing Persons: Police Officers, Building Inspector, DPW Personnel, Health Agents and Health Inspectors"
DATE OPENED: 11/29/11
CONTINUED TO:
CONTINUED FROM: 11/15/11
COMMITTEE: O&A 08/01/11, 10/03/11, 10/17/11

**AMENDMENTS
LEGAL NOTICE
NOTICE of a PUBLIC HEARING**

The Gloucester City Council will hold a public hearing on **Tuesday, November 15, 2011** at 7:00 p.m. in Kyrouz Auditorium, City Hall, relative to the following amendments to the Gloucester Code of Ordinances:

Amend Sec. 1-15 – "Penalty for violation of certain specified sections of Code" by inserting "Chapter 13, Sec. 13-5 "Prohibited Sound" and §13-6 "Maximum permissible sound levels-Enumerated"; Penalty: "For violation of Sec. 13-5 and Sec. 13-6, a minimum of \$100 per violation, not to exceed \$300 per violation. Enforcing persons: Police Officers, Building Inspector, DPW personnel, Health Agents and Health Inspectors".

A copy of the proposed amendments is on file with the City Clerk and may be reviewed by the public.

At the public hearing all interested persons will have the opportunity to be heard.

By Vote of the City Council
Linda T. Lowe, City Clerk

AD#12625687
Cape Ann Beacon 11/4/11

who had inquired that there is nothing in the ordinance or in the City Charter that states there is a specific type of professional background or training that limits who can fill a position on the Board.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Joseph M. Orlando, Esq. to the Planning Board, TTE 02/14/16.

3. Discussion only on Noise Factor at Stage Fort Park

Councilor Theken explained that at a meeting of the P&D Committee in June, Dr. & Mrs. John Wolfe had asked for a re-examination of the noise ordinance as they have had their enjoyment of their home and property marred in the last five years or so by loud events/parties held at Stage Fort Park, a City-owned public park. Dr. John Wolfe and wife, Susanna brought to the Committee's attention the high level of noise emanating of Stage Fort Park. **Councilor Theken** noted some nights when the wind is in the right direction she can hear the sound at her home on Magnolia Avenue. **Susanna Wolfe** stated there has an increase of amplified music over the last five years. She and her husband, Dr. John Wolfe live at 3 Old Salem Road a fair distance from Stage Fort Park. The Committee heard from Dr. and Mrs. Wolfe about their experiences with loud events impeding their enjoyment of their home and immediate environs. Dr. Wolfe has measured the sound with his own decibel measurer. **Councilor Tobey** stated the ordinance tends to be enforced after the fact with a decibel meter. He noted Sec. 7-16(b) of the charter shows where the DPW Director proposes rules and regulations for the City parks. He asked if they could amend their rules for the use of the park. **Mark Cole**, DPW Operations Director stated they could come up with certain guidelines but enforcement would be the crux of the issue. **Councilor Tobey** stated when folks come for a permit, they can give them parameters that if they are standing, say, on Hough Avenue at Western Avenue, if it is heard at that point they will be shut down and not welcome back. A copy of the permit should go to the desk sergeant at the Police Department so they are aware. **Ms. Lowe** stated the noise ordinance exempts approved special events from daytime noise and that would need to be modified. She also noted P&D is discussing the multiplying special events, and no one is sure who is in charge of them, expressing there needs to be much better coordination. She pointed to the City of Cambridge which has an events committee that is made up of several different officials and suggested this may be a way for the City to move forward to help alleviate confusion. **Councilor Curcuru**, whose ward Stage Fort Park is part of, stated people come here because we have a beautiful City; and if the sound is carrying because the wind is blowing the wrong way, he didn't want it to stifle the use of the park. He pointed out Dr. and Mrs. Wolfe were the only two people to complain in his experience as a City Councilor. These events come to Gloucester for a reason; but he understood this could be disturbing during the evenings. **Mr. Cole** only received a complaint a couple of years ago and that was the Waterfront Festival where vendors with compressors running at night. **Councilor Theken** noted the Relay for Life stated they did have a quiet time and shut down the music after a certain time. She agreed with Councilor Curcuru – where do you put the limit. You'd have to stifle the Fiesta; the Relay for Life to name two. When you have private parties at the Park and put up their boom boxes while having a picnic she realized can be very disturbing. There is an ordinance; there are park rules. **Councilor Tobey** citing park rules for New York City's Central Park noted if there is a party of more than 20 people, they need a permit from the parks department; and have to go to the local precinct to get an amplified sound permit from the police who are now on notice. **Councilor Theken** didn't wish to stifle or stop local groups and their events. The DPW issues the permits. They can set up something – to set up rules on amplification in the parks. Walking the park she found that almost all the folks who live in the area have learned to live with it. **Councilor Tobey** asked if there is a plan. **Mr. Hale** pointed out the enforcement officer for the noise ordinance is the Building Inspector who doesn't work on the weekends; the police don't have a decibel meter; and felt the ordinance is cloudy. **Councilor Curcuru** suggested they should go to some of these events and check the levels with a decibel meter so they can compare them from consistent spots. They need to know what 75 decibels is, etc. **Councilor Mulcahey** noted in the Fort their decibel level is around 70 (MI-2). A company bought newer equipment that went to 73 decibels; they were able to do something about it then. She never hears music from Stage Fort Park; but just the other night she did; the wind blowing in their direction. She does see boom boxes on boom boxes set up in the park. **Dr. Wolfe** asked how do people know when they need a permit and what is required. **Mr. Cole** stated it is advertised on the website, but is not posted at the park that any group over 20 people must have a permit. **Councilor Tobey** suggested the Committee ask the City Clerk to prepare a road map to guide them to a solution or a range of solutions. **Mr. Hale** offered to work with Ms. Lowe on the roadmap. **Councilor Theken** stated they should be able to have a quiet zone unless permitted. It is still enforcement that is an issue. **Councilor Curcuru** agreed with Councilor Theken for a need for a quiet zone unless permitted.

This matter is continued to October 3, 2011.

Councilor Curcuru left the meeting at 8:00 p.m. There was no longer a quorum of the City Council.

4. Discussion of Distribution of Water; payment of costs by special assessment (ref'd from 7/26/11 City Council Mtg.)

Mr. Hale showed the Committee a line map showing Becker Lane and explained that the City mains were renewed in the 1990s. Since the mid-1960's there have been seventeen divisions of land with no requirement to improve utilities. There are no hydrants up there. If you were going to be fighting a fire on Becker Lane they'd have to start from Concord Street. This water service continues to break. They run through yards, etc. and are "a mess". The City could take property by eminent domain to put water mains there. To put in a water main is \$185 per linear foot just for pipe; and he estimated it would cost about \$800,000 to \$900,000 to do. It's all granite there; and there are wetlands issues. This isn't the only neighborhood like this nor is it the most vulnerable. There are those neighborhoods that have "summer water", like Rust Island – all of it is fed by summer water or wells. There is no way to fight a fire in a traditional manner there. They'd have to relay pump to fight a fire from Sudbay's (automotive dealership). They couldn't have this project in the ground at Becker Lane until the spring even if he had the money with design, permitting and right of way taking. They better sewer projects all the time. The residents of Way Road and Page Street couldn't do a sewer project on their own. They were willing to pay for it if the City would manage the project. He showed the Committee the MGL that relates to water betterment (on file).

Councilor Tobey stated the betterment authority is the DPW Director. The problem here is that the water service is not adequate and wondered would this project be eligible for betterment treatment. **Ms. Lowe** stated most germane is that it is not part of the public system. The introduction of a new public system would be a 'betterment'. It is considered an "unwatered place". **Councilor Tobey** asked if it is enough of a distinction. **Ms. Lowe** believed that to be the case. She pointed out in their packet the MGL sections (c. 40, §42G, H, I and K) that if adopted locally, they could do 100% betterment. **Mr. Hale** stated it would need close review but they're looking at other tools also, as this is a big ticket project, prohibitive to some neighborhoods financially. It would be at a cost of about \$35,000 per household on Becker Lane for a water project. **Councilor Theken** pointed out that this would be an option to be examined. **Mr. Hale** stated they're coming forward with water projects quickly as it is time now to invest in the City's infrastructure. **Councilor Theken** asked they come back in October with other problem roads/areas of the City so that they know where they are so they can have a better picture of the situation. **Mr. Hale** stated they have a Water Master Plan under development now and hope to have it done by the first of the year, and confirmed they'll have a "snapshot in the fall."

By unanimous consent by the O&A Committee a request by Councilor Tobey is forwarded to the City Solicitor as follows: To obtain an opinion from General Counsel as to whether the water betterment procedures in MGL c. 40, §42 G, H, I, and K apply once accepted by the City if the City constructs a public distribution system in an area thereby replacing the preexisting private water system.

This matter is continued to November 14, 2011.

5. Vehicle Traffic Speed Rates on Woodward Avenue (ref'd from 7/26/11 City Council Mtg.)

Councilor Theken explained that this matter is with the Traffic Commission for a JAMAR study. The matter will be continued to September 19, 2011 to give the Traffic Commission time to make their recommendation.

This matter is continued to September 19, 2011.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:22 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

intersection with Perkins Street in a northwesterly direction thence in a northeasterly direction for a distance of 50 feet; ADDING “Green Street, northeasterly side, beginning at a point 113 feet from its intersection with Perkins Street for a distance of 100 feet, AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

- E) CC2011-042 (Verga) Revisit of 4-way stop signs at intersection of Magnolia Avenue, Shore Road and Raymond Street (Cont'd from 09/19/11)

At the Traffic Commission meeting of September 29, 2011, after a lengthy discussion with Magnolia area residents the Commission recommended that under GCO §22-269 (Stop Intersections) be amended by deleting Raymond Street where it meets Shore Road and amend GCO §22-269.1 (Yield Intersections) by adding Raymond Street on the southwest corner at its intersection with Shore Road.

Councilor Verga stated several months ago the Council amended the GCO to create three different 4-way stops in Magnolia. After they were in place, it was clear they weren't in the best positions, judging from constituent feedback. At his request the Traffic Commission went back and reviewed the area (where the package store is coming up from Manchester) because it is such a wide curve, the placement of one of the stop sign was a distance from the actual stop. The Commission determined it would be better served to make it a yield sign and have the word "SLOW" painted on the roadway. Across the street on the opposite side, the stop sign was a little bit too far back, hidden in the bushes. That stop sign needs to be changed as well. The neighbors who attended the Commission meeting who complained of the placements were in agreement with the Commission's proposed changes. The Councilor also agreed with the recommendations.

(NOTE: The Commission thought it important to note at their September 29th meeting also that subsequent to a Stop sign being approved and installed back in April of this year at the intersection of Raymond Street and Shore Road, it has been determined that a Yield sign at the intersection best serves the safety of the area. They further recommended that the word "SLOW" be painted on Raymond Street just before the crosswalk.)

MOTION: On motion by Councilor , seconded by Councilor , the Ordinances & Administration voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO §22-269 (Stop Intersections) by DELETING Raymond Street where it meets Shore Road AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

Councilor Theken pointed out to Councilor Verga that Mike Hale, DPW Director was in attendance, was advised of the yield sign placement.

- F) Discussion only on Noise Factor at Stage Fort Park (Cont'd from 08/01/11)

Councilor Theken explained she had in hand email correspondence from Carol Ackerman, Susan Richardson and from Dr. John and Susannah Wolfe (all submitted at meeting and on file). Linda T. Lowe, City Clerk and Mike Hale, DPW Director came forward for a discussion with the Committee. **Ms. Lowe** stated that Mr. Hale reviewed park rules and regulations and she reviewed ordinances for Somerville, Cambridge, Brookline and Beverly, as well as Gloucester in comparison to look for possible improvements in approaches to the issue. Beverly has a provision addressed specifically to sound equipment. There is a \$100 fine attached. Brookline has a definition of noise pollution as an increase of dBA above background noise level and allows for enforcement for civil ticketing. The City has Sec. 1-14 civil ticketing but c. 13 "Noise" is not included. She felt there is an advantage when you do have people including police officers but not limited to them, who write can write a \$100 tickets. Somerville addresses the issue by their noise control standard includes considering level of noise, time of day, duration, whether the noise is recurrent, constant or intermittent which fine tunes what the sound is. In Cambridge they provide that non-measured noise disturbances are prohibited along with dBA disturbances, loud disturbing noises. They include various specific offenses resulting from plainly audible at 50 ft from the source. Finally, with the City's new events permit process to be put in place by the first of the year, once in place there are provisions within the application related to sound amplification which can be made more strict; and integrate that into the Code of Ordinances, c. 13; and put in stiffer fines for the infractions, which was Ms. Lowe's recommendation to the Committee. **Mike Hale**, DPW Director stated in looking at the rules and regulations specific to parks; very few had specific regulations; rather all were tied back to City ordinance. He didn't think changes should be specific to Stage Fort Park; any changes need to be City-wide. Permitted activity regulations had different slant. The public couldn't show up with a big boom box and play it loudly; but those who take out a permit, according to the GCO are exempt. They need to decide as a City whether they are looking at all activities or ones that aren't permitted; and no matter how good the

rules and regulations are, there has to be the enforcement piece. If they don't have someone on duty to enforce this, and the Building Inspector is currently in the books as being that sole enforcement officer who is only on duty 35 hours a week, he may not be around to do it. He suggested an amendment to the GCO that could give the Police Department enforcement rights which then allow police to ticket who are available 24/7. He contended it didn't matter how well crafted ordinances or rules and regulations are, if there is no teeth for enforcement, there is no serving the City's neighborhoods. **Councilor Theken** expressed she was pleased that many of these issues are now being addressed. They know this is the only large park for events. They've taken away events from many other areas in the City; and Stage Fort Park is one of the last great open public spaces in a beautiful waterfront setting. There are many events that do respect the ordinances and rules and regulations. **Councilor Curcuru** expressed that they don't want to stifle events in the City but did understand Dr. & Mrs. Wolfe's concerns they've brought forward. He noted their concerns are during the summer when there is increased boom box usage. The permitted bike races, road races, waterfront festival; these are at the discretion of the DPW Director. **Mr. Hale** stated the applicants do go before the Council for permits as well as DPW. Boom boxes are not allowed on the beaches. **Mr. Cole** stated on the beach they're allowed to play the music but if the lifeguards tell them to turn it down they must or be asked to leave the beach. **Ms. Lowe** stated the new event permit has the rules right up front. **Councilor Curcuru** stated some of the permitted events do have amplification and again understanding the concerns being raised, he reiterated that they must not stifle the City's ability to be open to events which residents and out-of-town guests enjoy and bring revenue into the City. **Councilor Theken** agreed with Councilor Curcuru. They make rules for these events; when they come before the Council they can put restrictions on them. **Councilor Curcuru** stated that the Cyclo-Cross bike race at Stage Fort Park this past weekend was there and permitted from 8 a.m. to 4 p.m. That one event generates quite a bit of revenue for the City. Here they're talking about restricting it. **Councilor Verga** believed the ordinance should be amended to have "teeth". To say it is permitted doesn't make the extremely loud sound right either. **Councilor Curcuru** has only one complaint from one constituent who is on Crowell Avenue in all the time he's been a City Councilor regarding noise emanating from Stage Fort Park. He understood the Wolfe's concerns but found it difficult that they would control events because of noise. He pointed out that the Little League has been at Stage Fort Park for many years; the Sunday night concerts; Cancer Walks; the about to be created dog park. **Councilor Mulcahey** lives in the Fort and heard singing group all the way from Stage Fort Park. The reason it carries is the wind direction and the water. It is very dependent on that. It isn't so much the permitted activities. She understood unpermitted noise was a big cause of public disturbance; and agreed that it has to be controlled. She didn't think there was that much affect on the whole area in general. **Dr. John Wolfe** stated this past Sunday there was amplified music which started at 7:40 a.m. The last time they spoke of Western and Hough Avenue. The announcing dBA was 60. Across Hough Avenue where the parking attendant collects money, the dBA there was 85. In today's newspaper there was an article which noted that 85 dBA sustained is harmful to hearing. At the intersection near Hesperus and Western Avenue people heard the announcing going on and are one mile from the speakers. They live 1,000 feet from the gazebo and have houses and trees between them and that location; at the peak of the announcing they were getting 52-54 dBA. Background noise is 48-50 dBA. There is a difference, he felt, between cars going by and the noise coming from speakers. He also felt there are ways of amplification that aren't so loud. **Mrs. Wolfe** stated that during the Farmers Market s she hears nothing from them even during their cook-off event. **Councilor Theken** stated it depends on the size of the event and kind of event that it is. Little League will be louder. She suggested that they can put in the ordinance to give the police to ticket when noise is excessive. **Mrs. Wolfe** stated they're looking for a middle road; a compromise that is mutually respectful. **Councilor Theken** pointed out the many folks who have complained about the ambulances; fire trucks; the Fiesta; the train horns; the Triathlon. There is compromise in order to let the City grow. They can concentrate on the unpermitted noise being generated in the public venues. They should allow the police to ticket these unpermitted situations. If they're putting in that no boom boxes are allowed then they need signage. **Councilor Mulcahey** stated it's about the actual amplification, speakers that they put in. She felt it should be on amplified equipment. **Mr. Hale** explained they need to amend Sec. 13. The administrator of this ordinance is the Building Inspector which he agreed must change. The ordinance has some fairly descriptive ranges; but it is not being enforced. They exempt (See Sec. 13-10 (6)) some events. If they want to cull out the permitted activities, they should realize that the ordinance already does that. **Mrs. Wolfe** felt that a cook out of 25 or more should have a permit. **Councilor Mulcahey** stated permitted private events are restricted. **Mr. Hale** added the rules and regulations can prohibit amplified sound. They want to make sure they can control that through DPW rules and regulations with minor changes to the ordinances. That, he believed, is a starting point; certainly the enforcement piece added will be a great help as well. He offered that the DPW can have a web-based calendar of events so they know who is permitted. That calendar would state who is permitted to have amplified sound or not. He pointed out there are already events being scheduled for next August; a blues festival anticipated to have a national draw. Sound can be

controlled by the DPW, by the Police. They have good regulations and ordinances in place now. **Councilor Theken** agreed. **Mr. Hale** stated bigger parks have a calendar of events on their website. He suggested they could have that on the City's website. It would be a starting point for citizens. **Councilor Verga** suggested the time to do this is when the applicants come through for a permit for controlling amplified sound. **Councilor Theken** stated the police don't have a calendar and have no rights to ticket currently. She urged that this calendar of events go on the website and applicants for events will be informed of it. **Councilor Verga** stated conversely, however, it is also what the taxpayers of the City pay for the quiet enjoyment of their home. **Councilor Theken** thought that the suggestions made by Mr. Hale and Ms. Lowe were an appropriate starting point. **Ms. Lowe** stated the next step is to amend the ordinance for Noise and specify who can do the enforcement. It doesn't have to just be the police. She would draft the amendments for the ordinance for the Committee's next meeting for their review. **Councilor Curcuru** stated if there is curtailment of the non-permitted use of amplified sound at Stage Fort Park it will be very helpful. **Councilor Theken** understood what brought this matter forward, and they can compromise. **Mrs. Wolfe** expressed her appreciation the work they've done. **Councilor Curcuru** understood Mrs. Wolfe's concern but reminded that there are conditions where the sound has to be louder for some public permitted events that are spread out over a larger area for larger groups also.

This matter is continued to October 17, 2011.

2. CC2011-044 (Verga) Amend GZO §1.5.3, §1.11 and §1.11.2(e), "Appendix A, Rule 25: Rules of Procedure: Special Permit Procedures" – Part I and Part II

Councilor Verga expressed to the Committee that the origins of this are when he picked up a huge City Council agenda packet. So the request was to save a tree procedure, one that follows the trail for the SCP, one for P&D and the rest come in digitally. **Ms. Lowe** stated procedural requirements are also in the Appendix of the zoning ordinance, Rule #25. If you change §1.5.3, that rule has to coincide. **Councilor Theken** expressed concern if computers weren't available. **Ms. Lowe** stated now the Zoning Ordinance asks 11 copies of everything submitted for a Special Council Permit and five sets of full-sized maps. There is still a need for the large maps but not five sets. There are storage issues as well after the fact. **Councilor Verga** pointed out that they do not need five sets of full sized copies and that some don't read all of the documentation that accompanies a Special Council Permit. **Councilor Theken** wanted to be sure that some paper copies are retained. And she thought that the Councilors on the P&D should all have original copies also. **Ms. Lowe** stated five at most of the actual Special Council Permit application would be all that is necessary, allowing for one copy for the SCP file, one for the Clerk of Committees, and three for the P&D Committee members. **Councilor Verga** thought the five copies would be a good compromise that they add "one original and four copies thereof" instead to the Council order.

This matter is continued to October 31, 2011 awaiting further Planning Board and P&D recommendations.

3. CC2011-049 (Mulcahey) Set speed limit re: Taylor Street

The Traffic Commission has not made their recommendation to the O&A Committee on this matter; therefore, this matter is continued to October 17, 2011.

This matter is continued to October 17, 2011.

4. CC2011-050 (Mulcahey) Set speed limit re: Friend Street

The Traffic Commission has not made their recommendation to the O&A Committee on this matter; therefore, this matter is continued to October 17, 2011.

This matter is continued to October 17, 2011.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:11 p.m.

Respectfully submitted,

Dana C. Jorgenson

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration Committee
Monday, October 17, 2011 – 7:00 p.m.
1st Fl. Council Committee Rm. – City Hall
-MINUTES-

Present: Chair, Councilor Sefatia Theken; Vice Chair, Councilor Anne Mulcahey; Councilor Bruce Tobey

Absent: None

Also Present: Councilor Verga; Linda T. Lowe; Mark Cole

The meeting was called to order at 7:00 p.m. Councilor Tobey entered the meeting at 7:20 p.m. Items were taken out of order.

1. *Old Business:*

- A) CC2011-042 (Verga) Revisit of 4-way stop signs at intersection of Magnolia Avenue, Shore Road and Raymond Street

Councilor Verga noted this was a result of reexamining an ordinance amendment to reconfigure a four-way stop. It was determined that a yield intersection on Raymond Street at its intersection with Shore Road would be a better configuration. Councilor Theken noted this motion was overlooked when O&A took the matter up at their October 3rd meeting.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed, 1 (Tobey) absent, to recommend to the City Council to AMEND the GCO Sec. 22-269.1 (Yield Intersections) by ADDING “Raymond Street on the southwest corner at its intersection with Shore Road AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

2. *Continued Business:*

- A) Discussion on Noise Factor at Stage Fort Park (Cont'd from 10/03/11)

Councilor Theken, Councilor Mulcahey, Linda T. Lowe, City Clerk and Mark Cole, Assistant DPW Director reviewed the City zoning map to make a determination as to what zoning classification corresponded with Stage Fort Park. It appeared to be R-20, low-medium residential. Mr. Cole also noted that the map shows pockets of neighborhood business but the park appeared to be residential. Councilor Theken stated the ordinance does need changing for the Police Department to be empowered to enforce the noise ordinance and not just the Building Inspector, as he doesn't work on weekends. Councilor Mulcahey discussed placement of signs throughout the park saying, “Permitted Parties Only”; which Mr. Cole felt there should be signage only for the designated area for group events, but not throughout the park. Councilor Theken added when the police are called they are unable to ticket those breaking the noise ordinance and reiterated her belief that they need to be able to empower the police to be able to enforce the noise ordinance. There is a need of rules being enforced and that enforcement should be by the police. Dr. John Wolfe and his wife, Suzanna brought up the recent Reid's Ride event at Stage Fort Park and the noise from the announcing. Councilor Theken asked Ms. Lowe about the permitting process for that event. Ms. Lowe informed the Councilor that the permitting for all aspects of the event was all done in advance of it; and this group came before the Licensing Commission and Mark Cole for necessary approvals. Dr. Wolfe pointed out both ends of Hough Avenue had been closed for some time on Sunday. Ms. Lowe stated if they blocked the road, it was done with the knowledge of the police. Both Chief Lane and Chief Dench are members of the Licensing Commission meeting where representatives of Reid's Ride had presented their requests for permits on a variety of matters. Councilor Verga and Mr. Cole commented about Hough Avenue being blocked; and that it is after the ‘season’. Mr. Cole could not confirm the event organizers took liberties with closing the road without the knowledge of the police. Councilor Theken assured that she knew there was a police presence at that event. Councilor Verga stated for the permitted events, they'll get the heads up when they come up for permitting and empower the police by amending the ordinance but that would not exclude them enforcing a permitted event. Councilor Tobey entered the meeting at 7:20 p.m.

Ms. Lowe pointed out it is still the Police Department's responsibility to make sure the plan filed by the event organizers with the Police Department for traffic control is followed. She suggested the best route to empower various agents and agencies of the City through civil ticketing under the Code of Ordinances Sec. 1-15 – Penalty for violation of certain specified sections of Code). The Council spells out who they want to enforce the ordinance. Then those various parties can write tickets on the spot. Due to the complexity of the ordinance (Chapter 13), leaving the Building Inspector as the primary enforcing person would be a good idea. She believed if the Councilors have the alternative of a civil ticket on the noise levels it is more straightforward. She suggested they amend under Sec. 1-15 by inserting the enforcement of Chapter. 13. Then they would spell out who the enforcing persons are in addition to the Building Inspector such as the Health Department, the DPW, and the Police Department; with all those people, there are many options for a variety of personnel who can handle this problem; and they also set the levels of what the fines are for the tickets. **Councilor Tobey** understood Ms. Lowe to say they should put in Chapter 13, Sec. 6 of the Code of Ordinances, which **Ms. Lowe** confirmed. **Councilor Theken** agreed. **Ms. Lowe** reiterated her belief that as an option, by doing this, it would be much easier to use. **Councilor Tobey** inquired if a penalty was already in place for that section. Ms. Lowe replied they could do it this way. The standard violation of any ordinance under the Code of Ordinances is up to \$300; but that means the City would pursue non-payment through the courts, as with other non-payment for civil fines. Here the City Council decides on what the penalty should be; and when the ticket is written, for whatever the fine is (sometimes \$50 for a first offense, sometimes its \$300 per day). **Councilor Verga** wondered if an out-of-town person is ticketed, what is there to prevent them from tearing it up and not paying it. **Ms. Lowe** stated they would take the violator to court, just like a traffic ticket. **Mr. Cole** and **Councilor Mulcahey** commented that the event coordinator for permitted events would be the person who would get the ticket, as they are the responsible person on site. On inquiry by Councilor Verga about unpermitted groups and their ordinance infraction regarding ticketing, **Councilor Tobey** commented it constitutes a violation of these standards; and if an individual chooses not to cooperate; at that point he assumed they're disturbing the peace and further action may be taken. **Ms. Lowe** stated whoever was the enforcement officer takes the non-payer to court as recourse. **Councilor Theken** pointed out those permitted events will have responsible persons and have to comply. If they don't there is recourse. If they are unpermitted, there is now more than a verbal warning available to the police to enforce compliance. **Councilor Mulcahey** thought the person who has the sound equipment, who would be responsible for making the noise, would be the person who gets the ticket. **Dr. Wolfe** noted most times the gazebo is used for announcing at events which carries the sound further. At either end of Hough Avenue the neighborhood is more impacted. He asked where the decibels would be measured to determine if someone is breaking the sound limit of the ordinance. He also expressed concern with Hough Avenue being blocked off during some events; most recently over the weekend and asked if that was because Lt. Aiello of the Police Department had approved the plan for the event organizers to do so. **Councilor Theken** responded the sound carries depending on the placement of the event within the park boundaries. She also pointed out the traffic is well controlled by the police for permitted events; traffic being a matter of public safety, it is within their purview and discretion to open and close roads as necessary for those reasons. Mr. Cole also made note that at the same time there was a Girl Scout event in Stage Fort Park at the same time there was the Reid's Ride event. He received no complaints whatsoever from that group who were there the entire day saying they couldn't access the park. The road closure was temporary, which Councilor Theken also believed to be the case. **Councilor Theken** assured that the police had a presence at Stage Fort Park that weekend and is well controlled for traffic. **Councilor Tobey** wondered how it was that on Chapter 22, Article V, Section 22-150 ("Loading and Unloading on City Streets") that the penalties are allowed to go as high as \$500. **Ms. Lowe** stated it is intended for multiple and continuing offenses. State law says for ordinance violations, there is a maximum of \$300 per day; and that is at the court's discretion. **Councilor Verga** reminded that the events do come to P&D Committee for permitting, and urged those present that if they had an issue with an event, when they see that permit come up again on the P&D agenda to be pro-active and send emails to the Councilors on the Committee and also attend the meeting to convey their comments. **Councilor Theken** agreed and pointed out how the P&D Committee had resolved issues with the St. Peter's Fiesta Committee during the permitting process over the last two years, and with other events as well. They make sure all aspects have been put in place with the appropriate sign-offs for the event to be run smoothly and within the City's ordinances, rules and regulations. **Councilor Tobey** asked about how they might express the penalties for ticketing. **Ms. Lowe** pointed out it can be a sliding scale: one price for a first offense, another for a second offense and yet another for a third offense. **Councilor Theken** commented \$100 should be the minimum penalty. **Councilor Tobey** asked that that if they advertise for public hearing with the penalty at \$300 per offense, does the have the capacity to reduce the amount. **Councilor Theken** believed they could. **Councilor Mulcahey** suggested they impose a penalty of "up to \$300." **Councilor Theken** felt they could leave it to the discretion of the enforcing personnel of up to \$300 which they believed would be enough to gain a person's attention. The Committee agreed to a minimum penalty of \$100

and a maximum penalty of \$300. **Dr. and Mrs. Wolfe** thanked the Committee for taking action on the matter; and that this was a satisfactory collaboration.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration voted 3 in favor, 0 opposed to recommend to the City Council to Amend Sec. 1-15 – “Penalty for violation of certain specified sections of Code” by inserting “Chapter 13, §13-5 “Prohibited Sound” and §13-6 “Maximum permissible sound levels-Enumerated”; Penalty: “For violation of §13-5 and §13-6, a minimum of \$100 per violation, not to exceed \$300 per violation. Enforcing persons: Police Officers, Building Inspector, DPW personnel, Health Agents and Health Inspectors”; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

- B) CC2011-049 (Mulcahey) Set speed limit re: Taylor Street (Cont'd from 10/03/11)
- C) CC2011-050 (Mulcahey) Set speed limit re: Friend Street (Cont'd from 10/03/11)

Councilor Mulcahey stated that she was in receipt of the JAMAR speed results for both Taylor Street and Friend Streets. She spoke with Larry Ingersoll of the Traffic Commission and determined that the speeds recorded were within reason; and therefore, to assure that vehicles would travel in a more cautious manner on these two crowded residential streets, she discussed with Mr. Cole that signs be erected saying “Slow Children”. **Mr. Cole** stated the DPW will work with Councilor Mulcahey to place the “Slow Children” signage on both Taylor and Friend Streets.

CC2011-049 Set speed limit re: Taylor Street and CC2011-049 Set speed limit re: Friend Street is considered closed.

3. Report of the activities of the Archives Committee

The O&A Committee accepted and filed the report submitted by Sarah Dunlap and Jane Walsh, Co-Chairs of the Archives Committee dated October 17, 2011.

This matter is closed.

4. CC2011-051 (Verga) Review “island” at the entrance of Beechbrook Cemetery

Councilor Theken stated this matter doesn't need to be referred to the Traffic Commission and that in speaking with **Councilor Verga** and Virginia Bergman, 512 Essex Avenue who used to live nearby the entrance to Beechbrook Cemetery had prompted the Councilor to seek a resolution in the matter of traffic directional signage at the entrance to the cemetery, **Councilor Theken** asked that the Councilor and Ms. Bergman meet with the DPW Director to work out the placement directional signage on City property and look into the possibility of painting on the roadway at the entrance to delineate the entrance and exit around the existing island.

This matter is considered closed.

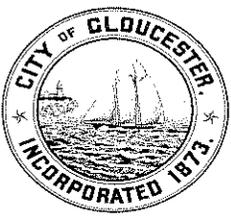
A motion was made, seconded and voted unanimously to adjourn the meeting at 7:42 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Sec. 1-15– Penalty for violation of certain specified sections of Code submitted by Linda T. Lowe, City Clerk.**



GLOUCESTER CITY COUNCIL 2011 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2011-073
SUBJECT: CC2011-044(Verga) Amend GZO Sec. 1.5.3 pursuant to MGL Chapter 40A, §5 and GZO Sec. 1.22 and 1.11.2(e) and Appendix A-Rule 25: Rules of Procedure Special Permit – Part I and Part II
DATE OPENED: 11/29/11
CONTINUED TO:
CONTINUED FROM: 11/15/11
COMMITTEE: PB 10/26/11, O&A 10/03/11, 11/14/11, P&D 10/05/11, 10/19/11

NPH
10/25/2011

LEGAL NOTICE NOTICE OF PUBLIC HEARING

Pursuant to MGL Ch. 40A, Section 5 and Section 1.11 of the Gloucester Zoning Ordinance, the Gloucester City Council

will hold a public hearing on **Tuesday, October 25, 2011 at 7:00 PM** in the Fred J. Kyrouz Auditorium, City Hall, Dale Avenue, to consider amending the Zoning Ordinance by adding or amending the following proposed Ordinances:

Gloucester Zoning Ordinance Sec. 1.5.3 be amended pursuant to MGL c40A §5 and Gloucester Zoning Ordinance Sec. 1.11 and 1.11.2(e) by

DELETING: in Sec. 1.5.3(a) references to "11 copies thereof"; and Sec. 1.5.3(b) "five (5) full size sets and eleven (11) 11"x17" sets" and Sec. 1.5.3(c) "five(5) full size sets and eleven (11) 11"x17" sets of", and

ADDING: "one original and one copy thereof provided that the applicant also provides the application and all required submissions in digital form. Digital submission is strongly preferred, otherwise eleven (11) copies 11"x17" (11x17 inches) and five (5) copies 2'x3' (2x3 feet) must be provided"; and by

AMENDING Gloucester Zoning Ordinance "Appendix A -Rule 25: Rules of Procedure Special Permit Procedures" – Part I and Part II to be consistent with Sec. 1.5.3 as amended.

Copies of the full text of the proposed amendments are available for viewing at the Community Development Office, 3 Pond Road, and at the City Clerk's Office, 9 Dale Avenue. At the public hearing all interested persons will have the opportunity to be heard.

By Vote of the City Council
Linda T. Lowe, City Clerk

AD#12607351
Cape Ann Beacon 10/7, 10/14/11



CITY OF GLOUCESTER 2011 CITY COUNCIL ORDER

ORDER:	#CC2011-044
Councillor	Greg Verga

DATE RECEIVED BY COUNCIL:	09/27/11
REFERRED TO:	PB, O&A and P&D
FOR COUNCIL VOTE:	

ORDERED that the Gloucester Zoning Ordinance Sec. 1.5.3 be amended pursuant to MGL c40A §5 and Gloucester Zoning Ordinance Sec. 1.11 and 1.11.2(e) by

DELETING: in Sec. 1.5.3(a) references to “11 copies thereof”; and Sec.1.5.3(b) “five (5) full size sets and eleven (11) 11”x17” sets” and Sec. 1.5.3(c) “five(5) full size sets and eleven (11) 11”x17” sets of”; and

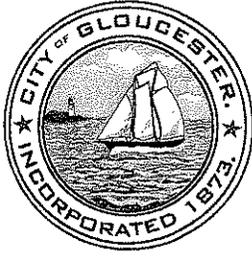
ADDING:

“one original and one copy thereof provided that the applicant also provides the application and all required submissions in digital form. Digital submission is strongly preferred, otherwise eleven (11) copies 11”x17” (11x17 inches) and five (5) copies 2’x3’ (2x3 feet) must be provided”; and by

AMENDING Gloucester Zoning Ordinance “Appendix A -Rule 25: Rules of Procedure Special Permit Procedures” – Part I and Part II to be consistent with Sec. 1.5.3 as amended; and further

ORDERED that this matter be referred to the Planning Board, the Ordinances and Administration Committee and the Planning and Development Committee for review and recommendation.

Greg Verga
Ward 5 Councillor



CITY OF GLOUCESTER

PLANNING BOARD

3 Pond Road, Gloucester, MA 01930

Tel 978-281-9781

Fax 978-281-9779

CITY CLERK
GLOUCESTER, MA

11 OCT 27 PM 2:57

Report

Date: October 26, 2011
To: City Clerk
From: Planning Board
Re: Planning Board Report on Proposed Zoning Amendments to:
Section 1.5.3 pertaining to Application Form and Content and corresponding
references in Appendix A – Rule 25

The Planning Board held a public hearing on October 20, 2011, to consider the above referenced proposed zoning amendments, which would promote the submission of special permit application in a digital form and reduce the required number of full sized paper copies. It was recognized by the Planning Board, which has been receiving digital applications for several years, that the technology for doing so is reliable and has become common practice. Therefore the Planning Board voted unanimously (six (6) in favor, none (0) opposed) to recommend to the City Council the adoption of the proposed amendments as drafted.



controlled by the DPW, by the Police. They have good regulations and ordinances in place now. **Councilor Theken** agreed. **Mr. Hale** stated bigger parks have a calendar of events on their website. He suggested they could have that on the City's website. It would be a starting point for citizens. **Councilor Verga** suggested the time to do this is when the applicants come through for a permit for controlling amplified sound. **Councilor Theken** stated the police don't have a calendar and have no rights to ticket currently. She urged that this calendar of events go on the website and applicants for events will be informed of it. **Councilor Verga** stated conversely, however, it is also what the taxpayers of the City pay for the quiet enjoyment of their home. **Councilor Theken** thought that the suggestions made by Mr. Hale and Ms. Lowe were an appropriate starting point. **Ms. Lowe** stated the next step is to amend the ordinance for Noise and specify who can do the enforcement. It doesn't have to just be the police. She would draft the amendments for the ordinance for the Committee's next meeting for their review. **Councilor Curcuru** stated if there is curtailment of the non-permitted use of amplified sound at Stage Fort Park it will be very helpful. **Councilor Theken** understood what brought this matter forward, and they can compromise. **Mrs. Wolfe** expressed her appreciation the work they've done. **Councilor Curcuru** understood Mrs. Wolfe's concern but reminded that there are conditions where the sound has to be louder for some public permitted events that are spread out over a larger area for larger groups also.

This matter is continued to October 17, 2011.



2. CC2011-044 (Verga) Amend GZO §1.5.3, §1.11 and §1.11.2(e), "Appendix A, Rule 25: Rules of Procedure: Special Permit Procedures" – Part I and Part II

Councilor Verga expressed to the Committee that the origins of this are when he picked up a huge City Council agenda packet. So the request was to save a tree procedure, one that follows the trail for the SCP, one for P&D and the rest come in digitally. **Ms. Lowe** stated procedural requirements are also in the Appendix of the zoning ordinance, Rule #25. If you change §1.5.3, that rule has to coincide. **Councilor Theken** expressed concern if computers weren't available. **Ms. Lowe** stated now the Zoning Ordinance asks 11 copies of everything submitted for a Special Council Permit and five sets of full-sized maps. There is still a need for the large maps but not five sets. There are storage issues as well after the fact. **Councilor Verga** pointed out that they do not need five sets of full sized copies and that some don't read all of the documentation that accompanies a Special Council Permit. **Councilor Theken** wanted to be sure that some paper copies are retained. And she thought that the Councilors on the P&D should all have original copies also. **Ms. Lowe** stated five at most of the actual Special Council Permit application would be all that is necessary, allowing for one copy for the SCP file, one for the Clerk of Committees, and three for the P&D Committee members. **Councilor Verga** thought the five copies would be a good compromise that they add "one original and four copies thereof" instead to the Council order.



This matter is continued to October 31, 2011 awaiting further Planning Board and P&D recommendations.

3. CC2011-049 (Mulcahey) Set speed limit re: Taylor Street

The Traffic Commission has not made their recommendation to the O&A Committee on this matter; therefore, this matter is continued to October 17, 2011.

This matter is continued to October 17, 2011.

4. CC2011-050 (Mulcahey) Set speed limit re: Friend Street

The Traffic Commission has not made their recommendation to the O&A Committee on this matter; therefore, this matter is continued to October 17, 2011.

This matter is continued to October 17, 2011.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:11 p.m.

Respectfully submitted,

Dana C. Jorgenson



2. *Continued Business:*

A) CC2011-043 (Tobey) Generate Request for Proposals seeking non-profit cultural partner re: City Hall

Councilor Tobey shared with the Council a community in VT had an old building much like this building, but a church. The expense and maintenance and viability long term were a concern. In that case, a partnership was formed with a cultural institution. They established a tenancy and created added cash flow to maintain and operate the building. He felt City Hall, in looking at Kyrouz Auditorium and events held there over the years by the City and by cultural institutions, the room can be special in what it brings to the community. There may be a way to enhance the downtown by growing the role of City Hall as a seat of government but also as a cultural contributor. He hoped to set up a working committee and noted the presence of Maggie Rosa, member of the City Hall Restoration Commission. He suggested getting a few Councilors, the Purchasing Agent, General Counsel, the CAO, for instance, and start talking how to engage the notion to see if it goes anywhere. **Councilor Theken** clarified whether the Councilor would like to set up an ad hoc committee to explore this option to ask the Mayor to name some folks to work with the Council and the Committee to come back to O&A for a recommendation. **Councilor Tobey** wished this to stay a Council effort; and therefore, a Council committee. **Ms. Rosa** stated the City Hall Restoration Commission is only involved to restore the exterior of the building and does not to have any jurisdiction over its use. To that effect the Commission has no say in this matter. She also commented about the expansion of use of the building for cultural purposes. She felt something had changed within the City in terms of charging organizations to use the building. An example is the Middle Street Walk. That volunteer group is now being asked to provide some insurance to use City Hall yet they haven't been asked to do so before. She didn't know who that group was dealing with in the City organizational structure for sure nor was she sure where that fell within the Council's jurisdiction. **Councilor Tobey** suggested the Committee could assist Ms. Rosa in looking into that matter and the Committee would await an email from Ms. Rosa to move forward with that assistance. **Councilor Theken** expressed concern if they do take on a cultural partner, and it is figured out, what is the overall concept. As taxpayers do they do the restoration and some organization would use the building; there remain many questions. **Councilor Tobey** thought they could reach out to the preservation organizations to find out how they structured their partnerships for models to work from. The ad hoc committee would be on a fact finding "mission". **Councilor Theken** also wished for folks to be asked from the Cultural Council to be involved. The Committee agreed they would ask the Mayor to recommend to the O&A Committee citizens who would be interested in being a part of this exploration.

This matter is continued to December 5, 2011. A request to the Mayor for her recommendations on people to sit on the ad hoc committee is to be forwarded.



B) CC2011-044 (Verga) Amend GZO §1.5.3, §1.11 and §1.11.2(e), "Appendix A, Rule 25: Rules of Procedure: Special Permit Procedures" – Part I and Part II

Councilor Verga stated that P&D voted on this matter. They reached a consensus to vote in favor of the order as written. Whether it is a small or large project, they don't need 11 copies and do not need multiple large copies of locus plans. They could use a projection unit for Kyrouz Auditorium so they could view these applications and plans which would be a sound investment. **Councilor Verga** asked that the City Clerk explore the cost of installing such a system for the auditorium. This would be mounted in a permanent fashion. **Councilor Theken** agreed a projection system for these digital submissions would be useful for other boards and commissions, not just the Council. She also wished to make sure that if the computer system crashed and that the iPads did as well, that they had paper copies as their backup. Ms. Lowe assured her that would be the case. The Committee indicated their agreement to the proposal as voted by the P&D Committee and the recommendation of the Planning Board and then voted as below.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND pursuant to MGL c. 40A, §5 and Gloucester Zoning Ordinance Sec. 1.11 and Sec. 1.11.2(e) by DELETING in Sec. 1.5.3(a) references to "11 copies thereof"; and Sec. 1.5.3(b) "five (5) full size sets and eleven (11) 11" x 17" sets" and Sec. 1.5.3 (c) "five (5) full size sets and eleven (11) 11" x 17" sets of"; and ADDING "one original and one copy thereof providing that the applicant also provides the application and all required submissions in digital form. Digital submission is strongly preferred, otherwise eleven (11) 11" x 17" (11x17

inches) and five (5) copies 2' 3' (2 feet x 3 feet) must be provided"; and by AMENDING Gloucester Zoning Ordinance "Appendix A – Rule 25: Rules of Procedure Special Permit Procedures" – Part I and Part II to be consistent with Sec. 1.5.3 as amended.

C) Discussion of Distribution of Water: payment of costs by special assessment (Cont'd from 08/01/11)

This matter is continued to December 5, 2011.

3. *CC2011-053 (Verga/Tobey) Establishment of City Ordinance re: Securing and Maintaining Vacant Properties and Properties in the Process of Foreclosure*

Councilor Verga explained to the Committee that this order came forward from him and Councilor Tobey because in his professional capacity in real estate, he is seeing more abandoned properties which in turn drag down neighborhood property values and are a fire hazard. There were things he hadn't thought of that the Fire Department has to deal with; and now wishes to make some changes in the ordinances to be more proactive. As an example, there is one property on Harvard Street that is concerning. **Councilor Mulcahey** stated they've been working for a year and a half on an abandoned property on Columbia Street. She explained Mr. Sanborn; the Building Inspector told her it took a year to just to find the owner. The City did board it all up. In January 2011 the police took three homeless people out of that building. Other incidents have happened since then. She received word that the matter will be going to court. **Councilor Verga** stated with the bank owned properties; there is some "teeth" there. Some communities send the DPW to go in and cut the grass, etc.; then the City puts a lien on the property. They need to have some kind of ordinance from this committee and the B&F Committee would have to set the penalty fees. **Councilor Theken** noted the Worcester ordinance (on file in packet) which Ms. Lowe located for Councilor Verga. Ms. Lowe stated in her research, she and Councilor Verga realized that in 2008 there was an abandoned building ordinance passed by the City Council. She suggested the Committee should look at Worcester's example and borrow from it, and use it to amend the Gloucester ordinance by adding additional processes. **Councilor Tobey** suggested they look at Cleveland, OH who have had huge issues and set some trends. **Councilor Theken** asked about tax foreclosure and discussed it with Ms. Lowe. **Councilor Tobey** pointed out it takes many years to go through the statutory process to get to tax foreclosure. **Councilor Theken** asked that the B&F Committee chair look at the suggested fees that would be put into place with any ordinance change generated by this examination of the City's ordinance on abandoned buildings.

This matter is continued to December 5, 2011.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:45 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

→ 4. *CC2011-044 (Verga) Amend GZO Sec. 1.5.3, Sec. 1.11 and 1.11.2(e) "Appendix A, Rule 25: Rules of Procedure: Special Permit procedures "Part I and Part II"*

Councilor Verga stated this request is to cut down on the amount of paper that comes into the Council for Special Council Permits. His original order stated that it would be one original copy and one copy with the rest to be submitted in digital form. O&A felt there should be one original and four copies submitted. He didn't think there was a need to have that many paper copies and is happy to review it on his iPad and/or his computer and feels there is a tremendous waste of paper. Councilor Whynott agreed they don't need so many papers. Councilor Ciolino thought there should be one original and two copies of the application. Councilor Verga thought that would be a compromise. He suggested they wait for the Planning Board's results. Councilor Hardy informed they are working on looking at the application itself and fee structure also associated with the Special Council Permits. The Committee discussed with Councilor Hardy about those parts of the zoning ordinance that could need modification and be made current.

→ This matter is continued to October 19, 2011.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:57 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Memorandum dated October 5, 2011 by Stephen Barrett of HMMH re: Independent Review of Equity Partners/Gloucester Engineering Wind Project Comments presented at October 5, 2011 P&D Committee submitted through Gregg Cademartori, Planning Director via email
- Criteria language for the Gloucester Engineering Wind Energy Project submitted by Richard Kleiman for Equity Partners/Gloucester Engineering Wind Project by Richard Kleiman via email
- Radio Frequency Reports dated October 4, 2011 for properties located at: 298 Washington Street; 16 Kondelin Road and 186 Main Street by Attorney Edward Pare for New Cingular Wireless PCS LLC (AT&T)
- Amended Summary of Relief Requested, 27 Prospect Street, Assessors' Map 15, Lot 401 by Attorney Robert Coakley
- Affidavit of Notice to Abutters by Jill Michalak



CITY COUNCIL STANDING COMMITTEE
Planning & Development Committee
 Wednesday, October 19, 2011 – 6:00 p.m.
1st Fl. Council Conference Room – City Hall
 -MINUTES-

Present: Chair, Councilor Joseph Ciolino; Vice Chair, Councilor Robert Whynott; Councilor Greg Verga
Absent: None.

Also Present: No City Staff in attendance.

The meeting was called to order at 6:00 p.m.

1. Continued Business – All continued from 10/05/11):

A) SCP2011-009: Main Street #186, GZO §1.8.3 and §5.13.7.2 (To be cont'd to 11/02/11)

This matter is continued to November 2, 2011 pending receipt of the Radio Frequency Report from the City's consultant.



B) CC2011-044 (Verga) Amend GZO Sec. 1.5.3, Sec. 1.11 and 1.11.2(e) "Appendix A, Rule 25: Rules of Procedure: Special Permit procedures "Part I and Part II" (To be cont'd to 11/02/11)



This matter is continued to November 2, 2011 pending receipt of the Planning Board's recommendation.

2. Letter from Gloucester Rotary Club and Gloucester Rotary Club Foundation re: gift to City's Stage Fort Park Playground 100th anniversary project

Councilor Ciolino stated that he is a Rotarian and was also the Centennial President when this park rehabilitation was proposed to celebrate the 100th anniversary of Rotary International. He is neither an officer nor a board member of that organization currently. The Rotary Club had expressed their concern with liability issues. **Steve Kaity**, Gloucester Rotary Club, 5 Viking Street stated they've been planning and implementing this playground project for close to 10 years and are through with the major construction. At this point is only maintenance and is their pleasure to gift it to the City. On inquiry by **Councilor Ciolino**, **Mr. Kaity** stated the City has a responsibility. It is difficult to sue the City because of the way the law stands. Their concern was that they'd also be named; but through the [Rotary Club] Foundation they're capped at \$25,000. **Councilor Verga** stated every time volunteers built a playground when it was done it would be gifted to the School Department. It is the same concept that they would take the liability and ownership of it. He felt it made sense and thanked the Rotary Club for this donation to the City. Councilor Ciolino commented it is a beautiful playground and is rated in the top 10 of the children's parks in the State. Councilor Whynott commented he has utilized the playground with his grandchild and found it to be "great". **Mr. Kaity** stated the Rotary Club plans to continue partnering with the City for years to come with the playground project and any other projects they see fit. They are also working with the City Solicitor regarding the procedure for interaction with the City for that purpose.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept the Rotary Club of Gloucester Foundation's gift of the Stage Fort Park Playground 100th Anniversary Project including all equipment, materials and services itemized on the Rotary Club of Gloucester's letter dated September 29, 2011, all of which constitute the Anniversary project.

3. SCP2011-012: Pearce Island/Durney's Island, GZO §5.5.4 (Lowlands)

Councilor Ciolino noted the receipt of the completed lowlands permit application under GZO §5.5.4 by the City Clerk on September 28, 2011. He also noted the correct address is Pearce Island/Durney's Island, Map 244, Lot 2, and this application is SCP2011-012.

David Williams, applicant, stated he applied for a c. 91 license, and the Building Inspector wanted a Lowlands Permit which he has done. This is for his docks and floats and all else on the property. **Councilor Ciolino**

and Council President Hardy explained the proceedings to the young men and then finished the meeting by taking up the following matter.

- D) CC2011-044 (Verga) Amend GZO Sec. 1.5.3, Sec. 1.11 and 1.11.2(e) "Appendix A, Rule 25: Rules of Procedure: Special Permit procedures "Part I and Part II" (Cont'd from 10/19/11)

Councilor Verga, who brought forward the Council Order prompting the discussion to move forward an ordinance change on the Rules of Procedure: Special Permit Procedures "Part I and Part II" stated that this came as a result of picking up a Council packet that was 15" worth of paper. It made sense to put as much electronically as possible so as to reduce the volume of paper. He noted that the Planning Board held a public hearing on October 20, 2011 to consider these proposed zoning amendments to promote the submission of special permit application in digital form and reduce the required number of copies. The Board, who has been receiving digital applications for several years, recognizes that the technology for doing so is reliable and has become common practice. Therefore the Board voted unanimously (6 in favor, 0 opposed) to recommend to the City Council the adoption of the proposed amendments as drafted. This information came in the form of a memo from the Planning Board to the City Clerk dated October 26, 2011 (on file). While O&A made their recommendation for an increased number of copies, he asked the Committee to vote to recommend to the Council as per his order which is one full original and one copy and the rest is submitted electronically. The Councilor noted now these all start electronically anyway, and the reproduction cost is very high. The applicants will prefer the electronic submission versus all the copies now required. He thought this was a great way to save paper, save time and go green. **Council President Hardy** stated they will need to put money in the City Clerk's budget for FY13 to come up to date to project the information that is digitally submitted for view by the Council in Kyrouz Auditorium and to read it also. When asked by the Committee, both **Mr. Rielly** and **Mr. Bartholomew** agreed that using electronics was a good way to go.

MOTION: On motion by Councilor Whycott seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND pursuant to MGL c. 40A, §5 and Gloucester Zoning Ordinance Sec. 1.11 and Sec. 1.11.2(e) by DELETING in Sec. 1.5.3(a) references to "11 copies thereof"; and Sec. 1.5.3(b) "five (5) full size sets and eleven (11) 11" x 17" sets" and Sec. 1.5.3 (c) "five (5) full size sets and eleven (11) 11" x 17" sets of"; and ADDING "one original and one copy thereof providing that the applicant also provides the application and all required submissions in digital form. Digital submission is strongly preferred, otherwise eleven (11) 11" x 17" (11x17 inches) and five (5) copies 2' 3" (2 feet x 3 feet) must be provided"; and by AMENDING Gloucester Zoning Ordinance "Appendix A – Rule 25: Rules of Procedure Special Permit Procedures" – Part I and Part II to be consistent with Sec. 1.5.3 as amended AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

2. Cape Ann Chamber of Commerce request to hold one-day blues festival at Stage Fort Park on August 11, 2011

Attorney Catherine Henry, representing the Chamber of Commerce explained to the Committee that the Chamber would like to sponsor a one-day blues festival at Stage Fort Park on August 11, 2012 from 11 a.m. to 7 p.m. She asked for a continuance, stating that they are not quite ready to go forward with all the details for the event for approval. She noted Mr. Hale, DPW Director, has no objection as to the park being used for this purpose and that a letter is on file to that effect. **Councilor Ciolino** stated some things for the organizers to consider for their planning and Council approval would be if propane is in use at the park it involves the Fire Department since they'll be having food vendors. They'll need a traffic plan; they need to pay attention to the noise ordinance. **Attorney Schlichte** stated they would speak to the neighbors who abut the park. **Council President Hardy** suggested a copy of the new Special Event Permit application form be forwarded to Attorney Schlichte. The form has approved by the City Council but no fee has been attached to the filing as yet. **Chief Lane** discussed with Attorney Henry what is required for the Licensing Commission regarding vendors. **Councilor Verga** discussed with Bob Hastings, former Chamber of Commerce Executive Director and now working on behalf of the Festival where the actual location would be within Stage Fort Park. Mr. Hastings produced a colored plot map of Stage Fort Park given to him by the DPW Director for planning purposes. It was not made a part of the record. He stated Cressy's Beach would have to be closed for the day of the event but Half Moon Beach would remain open. **Attorney Schlichte** stated they would also close Hough Avenue from the parking lot to Western Avenue beyond the Cupboard. The asphalt will be kept open all the way for emergency access. They would have parking barriers. **Chief Lane** and **Councilor Verga** stated they must appropriate signage indicating the road closures and parking area(s), along with



GLOUCESTER CITY COUNCIL 2011 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2011-075
SUBJECT: Amend GCO Sec. 22-287 entitled "Disabled veteran, handicapped parking" re: deleting one handicapped parking space in front of Riggs Street #7A
DATE OPENED: 11/29/11
CONTINUED TO: 12
CONTINUED FROM: 11/15/11
COMMITTEE: No Referral Required (see attached)



CITY OF GLOUCESTER 2011 CITY COUNCIL ORDER

ORDER:	#CC2011-048
Councillor	Steve Curcuru

DATE RECEIVED BY COUNCIL: 09/27/11
REFERRED TO:
FOR COUNCIL VOTE:

Ordered that Section 22-287, entitled “Disabled veteran, handicapped parking”, of the Gloucester Code of Ordinances, be amended by **DELETING:**

in front of Riggs Street #7A, one handicapped parking space.

Steve Curcuru
Ward 3 Councillor

*Note - No referral required and per Sec. 2.11 of the City Charter – a public hearing is required and per Sec. 22-175(c) of the Gloucester Code of Ordinances, the sign can be removed immediately.