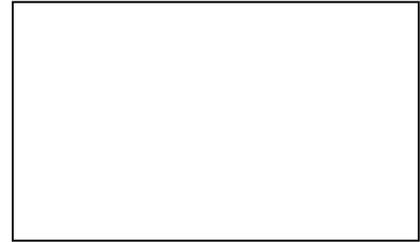




GLOUCESTER CITY COUNCIL CALENDAR OF BUSINESS
TUESDAY, April 9, 2013
7:00 P.M.
KYROUZ AUDITORIUM, CITY HALL
COUNCIL MEETING #2013-007



FLAG SALUTE & MOMENT OF SILENCE

ORAL COMMUNICATIONS

PRESENTATIONS/COMMENDATIONS

CONFIRMATION OF NEW APPOINTMENTS

Community Development Director	Tom Daniel	TTE 02/14/14
EDIC	Ruth Pino	TTE 07/01/16

CONSENT AGENDA

ACTION

• **CONFIRMATION OF REAPPOINTMENTS**

Conservation Commission	Ann Jo Jackson	TTE 02/14/16
Shellfish Advisory Commission	Ann Jo Jackson	TTE 02/14/16
Waterways Board	Patti Page	TTE 02/14/16
Trust Fund Commission	Michael Sanborn	TTE 02/14/16
Zoning Board of Appeals	David Gardner	TTE 02/14/16

• **MAYOR'S REPORT**

1. Memorandum from Administration and Supplemental Appropriation-Budgetary Request (#2013-SA-122) re: Elementary Schools Assessment (Refer B&F)
2. Memorandum from Chief Financial Officer re: Loan Order-Transfer of Unexpended Proceeds from betterment projects to Good Harbor Foot Bridge Repair Project and three Supplemental Appropriation-Budgetary Requests (#2013-SA-119, #2013-SA-120 & SA2013-SA-121) (Refer B&F)
3. Special Budgetary Transfer Request (#2013-SBT-21) from Registration Department (Refer B&F)
4. Special Budgetary Transfer Request (#2013-SBT-22) from Registration Department (Refer B&F)
5. Special Budgetary Transfer Request (#2013-SBT-23) from Registration Department (Refer B&F)
6. Special Budgetary Transfer Request (#2013-SBT-24) from Registration Department (Refer B&F)
7. Special Budgetary Transfer Request (#2013-SBT-25) from Registration Department (Refer B&F)
8. Special Budgetary Transfer Request (#2013-SBT-26) from Treasurer (Refer B&F)
9. Special Budgetary Transfer Request (#2013-SBT-27) from the Chief Financial Officer (Refer B&F)
10. Supplemental Appropriation-Budgetary Request (#2013-SA-123) from Mayor (Refer B&F)
11. New Appointment:: Zoning Board of Appeals (TTE 02/14/16) Richard Rafuse – Alternate Member (Refer O&A)

• **COMMUNICATIONS/INVITATIONS**

1. Memorandum from City Auditor re: City's FY2012 Basic Financial Statements (Refer B&F)
2. Letter from Senator Tarr to Executive Director of the National Affordable Housing Management Association re: Central Grammar Apartment Building Vanguard Award (Info Only)

• **INFORMATION ONLY**

1. Operation Commitment to Our Troops on April 13, 2013 (Info Only)

• **APPLICATIONS/PETITIONS**

1. Special Events Application re: request from St. Peter's Fiesta Committee to hold St. Peter's Fiesta June 26, 2013 through June 30, 2013 (Refer P&D)
2. Special Events Application re: request from YMCA to hold Backshore 5 Mile Road Race on May 10, 2013 (Refer P&D)

• **COUNCILLORS ORDERS**

1. CC2013-018(Tobey) Charter Sec. 9-7 Advisory Ballot Question for November 2013 re: West Parish School (FCV 04/23/13)

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

1. City Council Meeting 03/26/13 (Approve/File)
2. Standing Committee Meetings: B&F 04/04/13 (under separate cover), O&A 04/01/13, P&D 04/03/13 (Approve/File)

STANDING COMMITTEE REPORTS

ACTION

B&F 04/04/13, O&A 04/01/13, P&D 04/03/13

SCHEDULED PUBLIC HEARINGS

1. PH2013-018: Amend GCO Chapter 22, Sec. 22-287 "Disabled veteran, handicapped parking" re: Washington Street #133 (cont'd from 03/26/13)
2. PH2013-019: Amend GCO Chapter 22, Sec. 22-274 "Two Hour Parking" re: Washington Street #133 (cont'd from 03/26/13)
3. PH2013-010: SCP2012-014: Mansfield Street #3/Washington Street #24, Map 6, Lots 36 & 37, GZO 1.8.1 and Sec. 2.3.1(7) Conversion to or new multi-family or apartment dwelling, four to six dwelling units (TBC to 05/14/13)

FOR COUNCIL VOTE

1. Warrant for Special State Primary Election for Senator in Congress on April 30, 2013 (Approve)
2. CC2013-016(Verga) Resolution re: Requesting State apply revenues collected from internet sales to lower the State sales tax (FCV)
3. Decision to Adopt: SCP2012-015: 107 Atlantic Road pursuant to GZO Sec. 5.26.7 (FCV)
4. Decision to Adopt: Modification to Special Council Permit granted to Cape Ann Brewing Company on December 7, 2010 re: 9-11 Rogers Street pursuant to GZO Sec. 2.3.4. (8) and (9) (FCV)
5. Decision to Adopt: SCP2012-016: 30 Blackburn Drive, Bldg 4 pursuant to GZO Sec. 5.13.7 PWSF (FCV)
6. Decision to Adopt: SCP2013-001: 35-31 & 43 Rocky Neck Avenue pursuant to GZO Sec. 5.5.4 Lowlands (FCV)

UNFINISHED BUSINESS

INDIVIDUAL COUNCILLOR'S DISCUSSION INCLUDING REPORTS BY APPOINTED COUNCILLORS TO COMMITTEES
COUNCILLOR'S REQUESTS TO THE MAYOR
ROLL CALL – Councillor Bob Whycott



Linda T. Lowe, City Clerk

Meeting dates are subject to change. Check with City Clerk's Office.

NEXT REGULAR CITY COUNCIL MEETING, April 23, 2013

Minutes filed in City Clerk's Office of other Boards and Commissions March 22, 2013 through April 4, 2013:

Board of Assessors 02/28/13, Council on Aging 03/05/13, Gloucester Historical Commission 02/25/13, Lanes Cove Fish Shack Building Committee 03/11/13, Licensing Commission 02/12/13, PIRC 02/12/13,

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

TO: City Council
FROM: Carolyn A. Kirk, Mayor
DATE: March 28, 2013
RE: Mayor's Report for the April 9, 2013 City Council Meeting

13 APR -3 PM 3:53
CITY CLERK
GLOUCESTER, MA

Councillors:

Enclosure 1 is a memorandum from the Administration regarding an Elementary Schools Assessment along with a Supplemental Appropriation-Budgetary Request (**#2013-SA-122**) to provide one half of the funding necessary for a capital evaluation and educational program needs assessment for Beterans Memorial, East Gloucester, Plum Cobe and Beeman elementary schools. *Please refer this matter and (#2013-SA-122) 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.

Other matters requiring your attention and action are as follows:

Enclosure 2 is a memorandum from Chief Financial Officer Jeff Towne regarding a Loan Order-Transfer of Unexpended Proceeds from betterment projects to the Good Harbor Foot Bridge Repair Project and three Supplemental Appropriation-Budgetary Requests (**#2013-SA-119, #2013-SA-120, #2013-SA-121**). *Please refer this matter and #2013-SA-119, #2013-SA-120, #2013-SA-121 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.

Enclosure 3 is a Special Budgetary Transfer Request (**#2013-SBT-21**) from the Registration Department. *Please refer #2013-SBT-21 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.

Enclosure 4 is a Special Budgetary Transfer Request (**#2013-SBT-22**) from the Registration Department. *Please refer #2013-SBT-22 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.

Enclosure 5 is a Special Budgetary Transfer Request (**#2013-SBT-23**) from the Registration Department. *Please refer #2013-SBT-23 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.

Enclosure 6 is a Special Budgetary Transfer Request (**#2013-SBT-24**) from the Registration Department. *Please refer #2013-SBT-24 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



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ckirk@gloucester-ma.gov

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

Enclosure 7 is a Special Budgetary Transfer Request (**#2013-SBT-25**) from the Registration Department. *Please refer #2013-SBT-25 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.

Enclosure 8 is a Special Budgetary Transfer Request (**#2013-SBT-26**) from the Treasurer. *Please refer #2013-SBT-26 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.

Enclosure 9 is a Special Budgetary Transfer Request (**#2013-SBT-27**) from the Chief Financial Officer. *Please refer #2013-SBT-27 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.

Enclosure 10 is a Supplemental Appropriation-Budgetary Request (**#2013-SA-123**) to transfer funds from the Capital Projects Stabilization Fund to the newly created Record Management System Project Fund to purchase and install new software and equipment. *Please refer #2013-SA-123 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.

Boards, Committees and Commissions:

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

Zoning Board of Appeals – 3 years, term to expire 2/14/2016

- Richard Rafuse – Alternate member

Enclosure 11 consists of a copy of Mr. Rafuse's letter of interest, resume and other relevant information. *Please refer this appointment to the **Ordinance and Administration** subcommittee for review and approval.*

ENCLOSURE 1

City Hall
Nine Dale Ave
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

MEMORANDUM

TO: Gloucester City Council
FR: Mayor Carolyn A. Kirk
RE: Elementary Schools Assessment
DT: April 3, 2013

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk", is written over the "FR:" line of the memorandum header.

cc: Gloucester School Committee
Dr. Richard Safier, Superintendent of Schools

Councilors,

Again, thank you for your unanimous support to fund the \$500,000 for the Feasibility Study of the West Parish School project (of which 48% is reimbursable by the MSBA). The Feasibility Study, in conjunction with the MSBA and the Building Committee, is fully underway now, and we look forward to periodically updating the City Council on its progress.

One question that has arisen since the Council unanimously voted to fund the West Parish Feasibility Study last year is "what about the other elementary schools?" In the context of the West Parish project, the Administration has received a request from the School Committee to partner on a capital evaluation and educational program needs assessment of the city's other elementary schools including Veteran's Memorial, East Gloucester, Plum Cove, and Beeman.

Included in this Mayor's report is a request to fund half of the requested elementary school assessment. We have asked the School Dept. and the School Committee to fund the other half. Upon completion of the capital and educational program needs assessment of the other four elementary schools along with the completion of the Feasibility Study for a MSBA West Parish School project, we will have a solid grasp of and a blueprint for the district's entire elementary school program over the next decade.

It is our hope that the City Council will support this request, and continue to engage the need to address the condition of our school buildings in a proactive manner.

Thank you.

**City of Gloucester
SUPPLEMENTAL APPROPRIATION - BUDGETARY REQUEST
Fiscal Year 2013**

****CITY COUNCIL APPROVAL- 6 VOTES NEEDED****

APPROPRIATION # 2013-SA- 122 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: _____ Mayor _____

APPROPRIATION AMOUNT: \$ 60,000.00

Account to appropriate from:	Unifund Account #	<u>101000.10.000.35900.0000.00.000.00.000</u>
	Account Description	<u>General Fund - Undesignated FB (Free Cash)</u>
Balance Before Appropriation	\$	<u>1,412,701.00</u>
Balance After Appropriation	\$	<u>1,352,701.00</u>

Account Receiving Appropriation:	Unifund Account #	<u>101000.10.470.52000.0000.00.000.00.052</u>
	Account Description	<u>Pub Prop Maint - Contractual Services</u>
Balance Before Appropriation	\$	<u>145,013.30</u>
Balance After Appropriation	\$	<u>205,013.30</u>

DETAILED ANALYSIS OF NEED(S): To provide 1/2 the funding necessary (other 1/2 from School Committee)
for a capital evaluation and educational program needs assessment for
Veterans Memorial, East Gloucester, Plum Cove and Beeman
Elementary Schools.

APPROVALS:

DEPT. HEAD: Jeffrey C. Brown DATE: 4-3-13

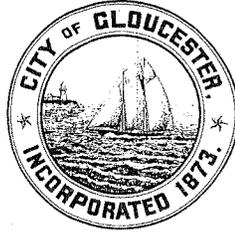
ADMINISTRATION: [Signature] DATE: 9/3/13

BUDGET & FINANCE: _____ DATE: _____

CITY COUNCIL: _____ DATE: _____

ENCLOSURE 2

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9707
FAX 978-282-4113
jtowne@gloucester-ma.gov

CITY OF GLOUCESTER
OFFICE OF THE CHIEF FINANCE OFFICER

MEMORANDUM

To: Mayor Kirk

From: Jeffrey C. Towne, CFO 

Date: April 2, 2013

Re: Loan Order – Transfer of Unexpended Proceeds

Several capital projects have remaining unexpended bond proceeds that have to be transferred to another project. Three of the projects relate to betterment projects which have been bettered and the remaining amount of the proceeds is due to borrowing more than the project needed. As part of the betterment review that my office has been doing, these projects were determined to have been bettered appropriately to the homeowners, however, the City borrowed prior to the projects being completed and as a result excess borrowing occurred. These three projects have been analyzed and my recommendation is for you to recommend to the City Council the following loan order which will transfer the excess funds into the Good Harbor Foot Bridge Repair Project:

Ordered: That in accordance with Chapter 44, Section 20 of the General Laws, the unexpended balances of funds borrowed to pay costs of the projects set forth below, which amounts are no longer needed to complete the projects for which they were initially borrowed, are hereby appropriated by this Council to pay costs associated with the Good Harbor Foot Bridge Repair Project, Fund #300086, including the payment of any and all costs incidental and related thereto:

Project Description	Unexpended Balances
W. Gloucester/Little River Sewer Design	\$10,506.05
Barker/Gurden Sewer	\$25,914.31
Adams Sewer	\$36,214.58

**City of Gloucester
SUPPLEMENTAL APPROPRIATION - BUDGETARY REQUEST
Fiscal Year 2013**

**** CITY COUNCIL APPROVAL - 6 VOTES NEEDED****

APPROPRIATION # 2013-SA- 119 *Auditor's Use Only*

DEPARTMENT REQUESTING TRANSFER: _____ CFO _____

APPROPRIATION AMOUNT: \$ 10,506.05

Account to appropriate from: *Unifund Account #* 330002.10.000.35900.0000.00.000.00.000
Account Description W Glouc Betterment - Undesignated FB

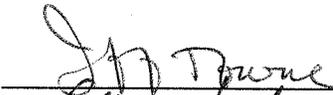
Balance Before Appropriation \$ 10,506.05
 Balance After Appropriation \$ -

Account Receiving Appropriation: *Unifund Account #* 300086.10.994.49700.0000.00.000.00.040
Account Description Transfers In - From Special Assessment Funds

Balance Before Appropriation \$ -
 Balance After Appropriation \$ 10,506.05

DETAILED ANALYSIS OF NEED(S): To fund a portion of the repair costs of the Good Harbor Foot
Bridge Project.

APPROVALS:

DEPT. HEAD:  DATE: 4-2-13
 ADMINISTRATION:  DATE: 4/3/13
 BUDGET & FINANCE: _____ DATE: _____
 CITY COUNCIL: _____ DATE: _____

**City of Gloucester
SUPPLEMENTAL APPROPRIATION - BUDGETARY REQUEST
Fiscal Year 2013**

****CITY COUNCIL APPROVAL- 6 VOTES NEEDED****

APPROPRIATION # 2013-SA- 120 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: _____ CFO _____

APPROPRIATION AMOUNT: \$ 25,914.31

Account to appropriate from: *Unifund Account #* 330003.10.000.35900.0000.00.000.00.000
Account Description Barker/Gurden Betterment - Undesig FB

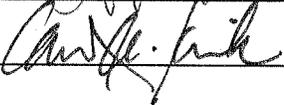
Balance Before Appropriation	\$	<u>25,914.31</u>
Balance After Appropriation	\$	<u>-</u>

Account Receiving Appropriation: *Unifund Account #* 300086.10.994.49700.0000.00.000.00.040
Account Description Transfers In - From Special Assessment Funds

Balance Before Appropriation	\$	<u>10,506.05</u>
Balance After Appropriation	\$	<u>36,420.36</u>

DETAILED ANALYSIS OF NEED(S): To fund a portion of the repair costs of the Good Harbor Foot
Bridge Project.

APPROVALS:

DEPT. HEAD:	<u></u>	DATE: <u>4-2-13</u>
ADMINISTRATION:	<u></u>	DATE: <u>4/3/13</u>
BUDGET & FINANCE:	_____	DATE: _____
CITY COUNCIL:	_____	DATE: _____

**City of Gloucester
SUPPLEMENTAL APPROPRIATION - BUDGETARY REQUEST
Fiscal Year 2013**

******CITY COUNCIL APPROVAL - 6 VOTES NEEDED******

APPROPRIATION # 2013-SA- 121 *Auditor's Use Only*

DEPARTMENT REQUESTING TRANSFER: _____ CFO _____

APPROPRIATION AMOUNT: \$ 36,214.58

Account to appropriate from: *Unifund Account #* 330004.10.000.35900.0000.00.000.000
Account Description Adams Betterment - Undesignated FB

Balance Before Appropriation	\$	<u>36,214.58</u>
Balance After Appropriation	\$	<u>-</u>

Account Receiving Appropriation: *Unifund Account #* 300086.10.994.49700.0000.00.000.00.040
Account Description Transfers In - From Special Assessment Funds

Balance Before Appropriation	\$	<u>36,420.36</u>
Balance After Appropriation	\$	<u>72,634.94</u>

DETAILED ANALYSIS OF NEED(S): To fund a portion of the repair costs of the Good Harbor Foot
Bridge Project.

APPROVALS:

DEPT. HEAD: _____ DATE: 4-2-13

ADMINISTRATION: _____ DATE: 4/3/13

BUDGET & FINANCE: _____ DATE: _____

CITY COUNCIL: _____ DATE: _____

ENCLOSURE 3

**City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2013**

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

TRANSFER # 2013-SBT- 21 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: Registration

DATE: 2/12/2013 BALANCE IN ACCOUNT: \$ 688,090.13

(FROM) PERSONAL SERVICES ACCOUNT # Unifund Account #
(FROM) ORDINARY EXPENSE ACCOUNT # Unifund Account #
101000.10.145.59100.0000.00.000.00.059
Treasurer/Collector, Debt Service, Principal/Debt
Account Description

DETAILED EXPLANATION OF SURPLUS: Excess funds due to capital projects expenses coming under budget in which created an available budget in debt service principal.

(TO) PERSONAL SERVICES ACCOUNT # Unifund Account #
(TO) ORDINARY EXPENSE ACCOUNT # Unifund Account #
101000.10.163.54000.0000.00.000.00.054

DETAILED ANALYSIS OF NEED(S): Registration, Supplies
Account Description
Funds needed for Election related supplies for 2 upcoming special elections on April 30, 2013 & June 25, 2013.

TOTAL TRANSFER AMOUNT: \$ 125.00 NEW BALANCE IN ACCOUNTS AFTER TRANSFER
FROM ACCOUNT: \$ 687,965.13
TO ACCOUNT: \$ 139.46

APPROVALS: JH
DEPT. HEAD: *Wanda T. Plume* DATE: 2/13/2013
ADMINISTRATION: *Christie Pike* DATE: 4/3/13
BUDGET & FINANCE: _____ DATE: _____
CITY COUNCIL: _____ DATE: _____

ENCLOSURE 4

**City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2013**

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

TRANSFER # 2013-SBT- 22 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: Registration

DATE: 2/12/2013 BALANCE IN ACCOUNT: \$ 687,965.13

(FROM) PERSONAL SERVICES ACCOUNT # _____
 (FROM) ORDINARY EXPENSE ACCOUNT # _____

Unifund Account #

Unifund Account #
101000.10.145.59100.0000.00.000.00.059
Treasurer/Collector, Debt Service, Principal/Debt
Account Description

DETAILED EXPLANATION OF SURPLUS: Excess funds due to capital projects expenses coming under budget in which created an available budget in debt service principal.

(TO) PERSONAL SERVICES ACCOUNT # _____
 (TO) ORDINARY EXPENSE ACCOUNT # _____

Unifund Account #

Unifund Account #
101000.10.163.51300.0000.00.000.00.051
Registration, Sal/Wage-Overtime
Account Description

DETAILED ANALYSIS OF NEED(S): Funds needed for anticipated overtime for City Clerk Staff, including Asst. Registrar to perform election duties for 2 upcoming special elections on April 30, 2013 & June 25, 2013.

TOTAL TRANSFER AMOUNT: \$ 850.00 NEW BALANCE IN ACCOUNTS AFTER TRANSFER
 FROM ACCOUNT: \$ 687,115.13
 TO ACCOUNT: \$ 2,062.00

APPROVALS: ju
 DEPT. HEAD: W. P. Love DATE: 2/13/2013
 ADMINISTRATION: Chris. J. ... DATE: 4/3/13
 BUDGET & FINANCE: _____ DATE: _____
 CITY COUNCIL: _____ DATE: _____

ENCLOSURE 5

ENCLOSURE 6

**City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2013**

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

TRANSFER # 2013-SBT- 24 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: Registration

DATE: 2/12/2013 BALANCE IN ACCOUNT: \$ 686,257.13

(FROM) PERSONAL SERVICES ACCOUNT # _____ Unifund Account # _____
 (FROM) ORDINARY EXPENSE ACCOUNT # _____ Unifund Account # 101000.10.145.59100.0000.00.000.00.059
Treasurer/Collector, Debt Service, Principal/Debt
 Account Description

DETAILED EXPLANATION OF SURPLUS: Excess funds due to capital projects expenses coming under budget in which created an available budget in debt service principal.

(TO) PERSONAL SERVICES ACCOUNT # _____ Unifund Account # _____
 (TO) ORDINARY EXPENSE ACCOUNT # _____ Unifund Account # 101000.10.163.52000.0000.00.000.00.052
Registration, Contractual Services
 Account Description

DETAILED ANALYSIS OF NEED(S): Costs for 2 special elections including poll workers; Vendor costs for programming memory cards and election software; vendor costs to program Accu-vote machines.

TOTAL TRANSFER AMOUNT: \$ 21,800.00 NEW BALANCE IN ACCOUNTS AFTER TRANSFER
 FROM ACCOUNT: \$ 664,457.13
 TO ACCOUNT: \$ 25,700.00

APPROVALS: [Signature]
 DEPT. HEAD: [Signature] DATE: 2/13/2013
 ADMINISTRATION: [Signature] DATE: 4/3/13
 BUDGET & FINANCE: _____ DATE: _____
 CITY COUNCIL: _____ DATE: _____

ENCLOSURE 7

ENCLOSURE 8

**City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2013**

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

TRANSFER # 2013-SBT- 26 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: _____ Treasurer _____

DATE: 4/2/2013 BALANCE IN ACCOUNT: \$ 177,184.64

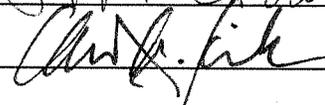
(FROM) PERSONAL SERVICES ACCOUNT # _____ *Unifund Account #*
 (FROM) ORDINARY EXPENSE ACCOUNT # _____ *Unifund Account #*
101000.10.145.59150.0000.00.000.00.059
Treas/Collector - Debt Service - Int LT Debt
Account Description

DETAILED EXPLANATION OF SURPLUS: Surplus funds due to converting some debt to MWPAT

(TO) PERSONAL SERVICES ACCOUNT # _____ *Unifund Account #*
 (TO) ORDINARY EXPENSE ACCOUNT # _____ *Unifund Account #*
101000.10.220.52470.0000.00.000.00.052
Fire Department - Vehicle Maintenance
Account Description

DETAILED ANALYSIS OF NEED(S): To fund the repairs of fire department equipment.

TOTAL TRANSFER AMOUNT: \$ 25,000.00 NEW BALANCE IN ACCOUNTS AFTER TRANSFER
 FROM ACCOUNT: \$ 152,184.64
 TO ACCOUNT: \$ 40,251.49

APPROVALS:
 DEPT. HEAD:  DATE: 4/2/13
 ADMINISTRATION:  DATE: 4/3/13
 BUDGET & FINANCE: _____ DATE: _____
 CITY COUNCIL: _____ DATE: _____

ENCLOSURE 9

**City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2013**

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

TRANSFER # 2013-SBT- 27 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: _____ CFO _____

DATE: 4/3/2013 BALANCE IN ACCOUNT: \$ 14,098.43

(FROM) PERSONAL SERVICES ACCOUNT # _____
Unifund Account #
 (FROM) ORDINARY EXPENSE ACCOUNT # _____
Unifund Account #
101000.10.145.57460.0000.00.000.00.057
Treas/Collector - Self-Insurance Auto
Account Description

DETAILED EXPLANATION OF SURPLUS: Self insurance not needed to date.

(TO) PERSONAL SERVICES ACCOUNT # _____
Unifund Account #
 (TO) ORDINARY EXPENSE ACCOUNT # _____
Unifund Account #
101000.10.138.53480.0000.00.000.00.052
Purchasing, Advertising
Account Description

DETAILED ANALYSIS OF NEED(S): Excess amount of public notices and other advertisements in FY13 that were not expected.

TOTAL TRANSFER AMOUNT: \$ 6,000.00 NEW BALANCE IN ACCOUNTS AFTER TRANSFER
 FROM ACCOUNT: \$ 8,098.43
 TO ACCOUNT: \$ 6,000.00

APPROVALS:

DEPT. HEAD: _____ DATE: 4-3-13
 ADMINISTRATION: _____ DATE: 4/3/13
 BUDGET & FINANCE: _____ DATE: _____
 CITY COUNCIL: _____ DATE: _____

ENCLOSURE 10

**City of Gloucester
SUPPLEMENTAL APPROPRIATION - BUDGETARY REQUEST
Fiscal Year 2013**

****CITY COUNCIL APPROVAL- 6 VOTES NEEDED****

APPROPRIATION # 2013-SA- 123 *Auditor's Use Only*

DEPARTMENT REQUESTING TRANSFER: _____ Mayor

APPROPRIATION AMOUNT: \$ 250,000.00

Account to appropriate from: *Unifund Account #* 850000.10.993.59600.0000.00.000.00.059
Account Description Cap Proj Stab Fund - Transfer to Cap Proj Fund

Balance Before Appropriation	\$	<u>525,296.67</u>
Balance After Appropriation	\$	<u>275,296.67</u>

Account Receiving Appropriation: *Unifund Account #* 300087.10.995.49700.0000.00.000.00.040
Account Description RMS Capital Project Fund - Transfer from Trust Fund

Balance Before Appropriation	\$	<u>-</u>
Balance After Appropriation	\$	<u>250,000.00</u>

DETAILED ANALYSIS OF NEED(S): To transfer funds from the Capital Projects Stabilization Fund to this newly created Record Management System Capital Project Fund to purchase and install new software and equipment.

APPROVALS:

DEPT. HEAD: _____ *Jeffery Stowell* DATE: 4-3-13
 ADMINISTRATION: _____ *[Signature]* DATE: 4/3/13
 BUDGET & FINANCE: _____ DATE: _____
 CITY COUNCIL: _____ DATE: _____

ENCLOSURE 11

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

April 2, 2013

Mr. Richard Rafuse
9 King Philip Road
Gloucester, MA 01930

Dear Mr. Rafuse:

I am pleased to appoint you to a three year term as an **Alternate** member of the **Zoning Board of Appeals**. Your appointment will be sent to the City Council for their meeting of April 9, 2013. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting, and you will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

In order for you to attend and vote at meetings until your appointment confirmation is finalized, I have issued you a 90 day temporary appointment. Please report to the City Clerk's office at your earliest convenience to pick up your appointment card (*copy enclosed*) and be sworn in.

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.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk".

Carolyn A. Kirk
Mayor

cc: Mayor's Report to the City Council
James Movalli, Chair-Zoning Board of Appeals

Enclosure
CAK/c

EFFECTIVE APRIL 2, 2013

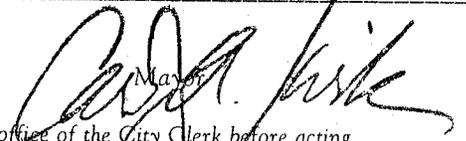
The City of Gloucester, Massachusetts

Dear Richard Rafuse, 9 King Philip Road, Gloucester, MA

It is my pleasure to inform you that I have this day appointed you
an ALTERNATE member of the ZONING BOARD OF _____ of the City of
Gloucester, Massachusetts _____ APPEALS

This is a 90 day temporary appointment. After City Council
approval, term to expire 2/14/2016. (THREE YEAR TERM)

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: _____

March 6, 2013

Dear Mayor Kirk,

I understand there is an opening on the board of appeals. I would very much like to be considered for the position.

Since retiring, I find I have the time to devote to such a position.

Thank you,

Rich Rafuse

Richard Charles Rafuse

9 King Philip Road
Gloucester, Massachusetts 01930
Telephone: 978-283-0100 Cell: 978-257-1853
E-Mail: RRAPOTEK@AOL.COM

Professional Objectives

A challenging management or senior level administrator position that will utilize acquired skills in personnel management, fiscal and budgetary management, formal educational expertise and organizational development.

Education

Massachusetts College of Pharmacy, Boston MA
1962, Bachelor of Science in Pharmacy
Boston State College, Boston MA
1970, Massachusetts Teacher Certification
Salem State College, Salem MA
1975, Master in Education in Guidance and Counseling
Certification in Commonwealth of Massachusetts
Pharmacist
Director of Pupil Personnel Services
Guidance and Counseling Secondary Level
Secondary School Administration
Secondary School Science

Experience

Pharmaceutical and Managerial

2004 to present

Director of Special Projects
CVS Area 1 Region 2 District 6

2001 to 2004

CVS Pharmacy Trainer
CVS Area 1 Region 2 District 6

1976 to 2001:

Pharmacy Manager
CVS Gloucester MA

1967 to 1969

Pharmacist
Hospital Pharmacy Norwood MA

1962 to 1967

Pharmacist
Garner Pharmacy Norwood MA

Teaching

1970 to 1975

Oceanography, Biology, Earth Science
Ipswich High School Ipswich MA

1969 to 1970

Introductory Physical Science
East Weymouth Junior High School Weymouth MA

Community Affiliations

2002 to present

Executive board member ACTION, Inc

1994 to 2002

Executive board member RSVP

1983 to 1984

Member Zoning Board of Appeals, Gloucester MA

1980 to 1992

Governor's appointment to Gloucester Housing Authority Board

1979 to 1982

Member of Professional Advisory Committee to Cape Ann

Project

For Elderly, Department of Elder Affairs

1979 to 1982

Citizen member to Cape Ann Council for Children, subsidiary of
State Office for Children

1978

Chairman of advisory committee of Gloucester Youth
Committee

For selection of Gloucester Youth Coordinator

1977

Chairman, Gloucester Youth Committee

1976

Mayoral appointment to Mayor's Youth Committee

1975

Candidate for Gloucester School Committee

Honors and Awards

Mayoral appointment to ACTION Inc. board of directors 2002,2004

Mayoral appointment to Gloucester Zoning Board of Appeals 1983

Presidential appointment to Commissioner's Committee of
Massachusetts

Chapter of the National Association of Housing and Redevelopment
Officials 1982

Gubernatorial appointment as State Representative to Gloucester
Housing Authority 1980,1986

Mayoral appointment to Cape Ann Project for the Elderly board of
directors 1979

Mayoral appointment to Mayor's Youth Committee 1976

Executive Board Member of Massachusetts Association of Student
Councils 1976

Executive Secretary, Northeastern Massachusetts Division of
Student Councils 1975

Student Activities Coordinator, Ipswich High School, Ipswich MA
1974,1975,1976

Senior Class Advisor, Ipswich High School, Ipswich,MA
1974,1975,1976

Junior Class Advisor, Ipswich High School, Ipswich,MA 1973

City Hall
Nine Dale Avenue
Gloucester, MA. 01930



TEL 978 281 9730
FAX 978 281 8472

CITY OF GLOUCESTER
CITY AUDITOR'S OFFICE

MEMORANDUM

TO: Gloucester City Council
FROM: Kenny Costa, City Auditor *KC*
RE: City's FY 2012 Basic Financial Statements
Date: March 21, 2013

13 MAR 25 PM 2:26
CITY CLERK
GLOUCESTER, MA

I am pleased to transmit to you the City of Gloucester's Independent Auditors' Report on Basic Financial Statements and Required Supplementary Information Report for the fiscal year ended June 30, 2012. At the close of each fiscal year, state law requires the City of Gloucester to publish a complete set of financial statements in conformity with accounting principles generally accepted in the United States of America (GAAP), and that are audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants. Pursuant to that requirement, we hereby issue the Independent Auditors' Report on Basic Financial Statements and Required Supplementary Information Report of the City of Gloucester, Massachusetts, for the for the fiscal year ending June 30, 2012 for your review.

Summary highlights regarding the Independent Auditors' Report on Basic Financial Statements and Required Supplementary Information Report:

The report is designed to be used by the elected and appointed officials of the City and others who are concerned with its management and progress such as bond analysts, banking institutions and rating agencies as well as the residents and taxpayers of Gloucester.

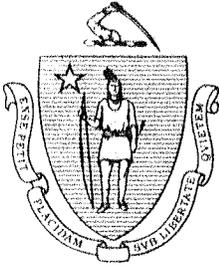
The City's financial statements have been audited by Sullivan, Rogers & Company, LLC, a firm of licensed certified public accountants, who have been hired by and report to the City's City Council. The independent auditors' unqualified ("clean") opinion on the City's financial statements for the year ended June 30, 2012 is presented in the first component of the financial section of the report on pages 2 and 3.

The City achieved a 3rd consecutive year with a positive balance in General Fund Unassigned Fund Balance that totaled \$8,422,360. The Total General Fund - Fund Balance totaled \$10,582,572.

A copy of the entire report is on file in the City Clerk's Office.

Please refer this matter to the Budget and Finance subcommittee for review and discussion.

CITY OF GLOUCESTER
FY2012 BASIC FINANCIAL
STATEMENTS
ON FILE IN CITY CLERK'S OFFICE



The Commonwealth of Massachusetts

MASSACHUSETTS SENATE
OFFICE OF THE MINORITY LEADER

SENATOR BRUCE E. TARR
MINORITY LEADER
First Essex and Middlesex

STATE HOUSE, ROOM 308
BOSTON, MA 02133-1053
TEL. (617) 722-1600
FAX: (617) 722-1310
BRUCE.TARR@MASENATE.GOV
WWW.MASENATE.GOV

March 22, 2013

Ms. Kris Cook, CAE
Executive Director
National Affordable Housing Management Association
400 N. Columbus Street, Suite 203
Alexandria, VA 22314

13 MAR 27 AM 10:03
CITY CLERK
GLOUCESTER, MA

Dear Ms. Cook,

I am pleased to recommend with enthusiasm the restoration of the Central Grammar Apartment Building in Gloucester by the Community Builders, Inc. for the prestigious Vanguard Award. This ongoing and successful project represents the very best values in the adaptive reuse of a major building.

Generations of Gloucester residents were educated in this building, and over the course of many years it became a treasured landmark and a focal point of the historic section of the city that also hosts its City Hall, Library, and several other private historic homes.

When the Central Grammar School was no longer needed for its original purpose, a real challenge faced our community. Fortunately the Community Builders came forward to respond to that challenge with innovation, respect for the character of the structure, and a true sense of purpose.

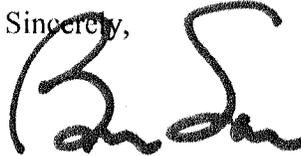
Today, the results of their commitment and work ethic are impressive. Many of those who attended school in it now call it their home and its apartments are home to 80 units which are conveniently and centrally located near many municipal resources and Gloucester's downtown business district. The building has fostered a true sense of community among its residents, and a continuing sense of pride in those who care about the city and its historic past.

The Community Builders have truly proven themselves to be good stewards of this landmark edifice. They are responsive to its structured needs, its architectural significance, the needs of those who call it their home and the many who seek to become part of its future.

Because this project transformed a historic icon that could well have been lost into a sound, repurposed community asset for the future, it is truly deserving of the type of recognition a Vanguard Award provides.

Thank you for your consideration of my views in this regard, and please do not hesitate to contact me if I may be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Tarr". The signature is stylized with a large, looped "B" and a long, sweeping "T".

Bruce Tarr
State Senator

Cc: Honorable Representative Ann-Margaret Ferrante
Honorable Mayor Carolyn A. Kirk
Honorable Gloucester City Council

ATTENTION NORTH SHORE VETERANS AND FAMILIES

OPERATION COMMITMENT

TO OUR TROOPS



I WANT YOU

April 13, 2013
10am - 4pm
Gloucester High
School Field House



YOU SERVED OUR COUNTRY!

NOW WE'RE HERE FOR YOU!

APR - 4 AM 9:44
CITY CLERK
GLOUCESTER, MA

FIND OUT WHAT BENEFITS/SERVICES ARE AVAILABLE

AVAILABLE SERVICES INCLUDE:

Medical, Eye & Ear Evaluation, Education, VA Benefits, Counseling, VA Claims & Disability Applications, Veterans Bonuses, Veterans Education, College Admissions, Legal Assistance, VA & MA Mortgage Information, Job Training , Voter Registration, Family Support, Employment Assistance

SPONSORED BY - THE GLOUCESTER OFFICE OF VETERANS' SERVICES, CONGRESSMAN JOHN F. TIERNEY, STATE SENATOR BRUCE E. TARR, MAYOR CAROLYN KIRK AND THE UNITED VETERANS' COUNCIL

CONTACT US:

Mark L. Nestor
vetsforveterans@aol.com
Phone: 978-283-7117
Fax: 978-283-5118

VISIT US ON THE WEB: www.amvetspost32ma.org
<https://twitter.com/operationctot>



*****VETERANS MUST BRING PROOF OF MILITARY SERVICE *****

13 APR -3 AM 11:55

Special Events Permits: Process

A permit is required for any type of a special event. A “Special Event” is an event open to the general public; it can be held on public or private property; it may feature entertainment, amusements, food & beverages; it may be classified as a festival, road race, parade or walk-a-thon. A special event in the City of Gloucester, depending on the size and nature of the event, may require a number of permits or approvals from various departments within the City before it is officially approved and is granted a “special event” permit. Furthermore, special events are governed by the Gloucester Code of Ordinances §11-8 and §11-10.

In order to assure that the City, as well as the special event applicant, has as much information as needed before beginning the permitting process, the City requires the applicant to come to the **City Clerk** first. The applicant **must** provide a completed Special Events Application form in advance (as provided in the application) of the Planning & Development Committee scheduled meeting, including:

- Date of Event; hours of Event;
- A detailed site plan or map of the area showing all location for the following: all American with Disabilities Act (ADA) accessibility, pedestrian and fire access, dimensions of stages & tents; type of equipment or generators & the placement of any vendors and any portable toilet facilities (Site plan/map must be 8-1/2 x11 inches and be legible – capable of copy reproduction);
- If the site of the event is privately owned, a letter from the owner giving the applicant the right to use the property is required;
- If the event is featuring entertainment, you need to list all performances;
- If the event is featuring amusements, you need to list **all** rides & games;
- If this is a “first year” of your event, please attach any letters of support from local community and business organizations;
- A list of all vendors including food and if propane is used.

The applicant is to submit the completed permit form (download at: gloucester-ma.gov or available in City Clerk’s office) signed and dated with cash or check made payable to the City of Gloucester: \$25.00 for non-profit organizations, \$50.00 for for-profit organizations at the City Clerk’s office. At that time, an appointment for a review prior to the submission of the permit to the City Council process must be made at the convenience of the City Clerk, in order to begin the approval process. **All first time applicants must file completed application and finalized all approvals at least 60 days in advance of their event; annual event applicants must file completed application and have finalized at least 45 days in advance. Non-compliance with these deadlines may result in denial of the application.**

Linda T. Lowe, City Clerk
Gloucester City Hall
9 Dale Avenue
Gloucester, MA 01930
PHONE: 978-281-9720 x8
EMAIL: llowe@gloucester-ma.gov

Hours of Service
Monday through Wednesday: 8:30 a.m.-4:00 p.m.
Thursday: 8:30 a.m. to 6:30 p.m.
Friday: 8:30 a.m. to 12:30 p.m.

Jacqueline A. Hardy, City Council President
Councilor Bruce Tobey, Chair – Planning & Development Committee

Completed copy filed: 4/3/13 LTJ Copy to Applicant: _____
 Date Initial Date Initial
 \$25.00 paid

CITY OF GLOUCESTER SPECIAL EVENT APPLICATION

SPECIAL EVENTS

City Clerk's Office: 978-281-9720 Fax: (978) 282-3051

Name and Type of Event St. Peters Fiesta Blessing of the Fleet

1. Date: June 26 - June 30 ~~June 27 - July 1, 2012~~ 2013 Time: from _____ to _____
Rain Date: _____ Time: from _____ to _____
2. Location: St. Peter's Park at St. Peter's Square
3. Description of Property: public parking lot Public Private
4. Name of Organizer: St. Peter's Fiesta Committee City Sponsored Event: Yes No
Contact Person: Joseph Novello, President
Address: 24 Burnham Street, Gloucester Telephone: 978 283-4367
E-Mail _____ Cell Phone: _____
Day of Event Contact & Cell Phone: _____
Official Web Site: www:St. Peter's Fiesta
6. Number of Attendees Expected: _____ hundreds Number of Participants Expected _____
7. Is the Event Being Advertised? Yes ? Where? Local & National Media _____
8. What Age Group is the Event Targeted to? Children & Adults
9. Have You Notified Neighborhood Groups or Abutters? Yes No , Who? _____
Attach a copy of the notification to the abutters to this application.
Because the event is this year is now in operation for 85 years, abutters are aware & included
10. For Profit Organization: Non-Profit Organization: Who will benefit financially from this event? The continuation of the St. Peter's Fiesta/ visitors add revenue for local business

Activities: (Please check where applicable.) Subject to Licenses & Permits from Relevant City Departments:

- A. Vending: Food Beverages Alcohol _____ Goods _____ Total No. of Vendors* _____
(*Local or State license required) all handled with permits by Fiesta Shows
- B. Entertainment: (Subject to City's Noise Ordinance) Live Music _____ DJ _____ Radio/CD _____
Performers Dancing Amplified Sound Stage Altar _____
- C. Games/Rides: Adult Rides Kiddie Rides Games Raffle (requires permit)
Other: _____ Total No. _____
Name of Carnival Operator (requires permit and inspection of rides): Mr. Gene Dean _____
Address: _____
Telephone: 978 375 2542
- D. Clean Up: No. of additional trash receptacles required _____ No. of additional recycling receptacles required _____
(To be provided by and removed by applicant at their expense.) N/A Fiesta handles Rubbish requirements and cleanup
- E. Portable Toilets: (To be provided by and removed by applicant at their expense. Each cluster of portable toilets must include at least one ADA accessible toilet)
No. : 20 standard No. : 2 ADA accessible

THIS PAGE FOR PARADE, ROAD RACE AND WALK-A-THON EVENTS ONLY

PARADE

ROAD RACE

WALK-A-THON

1. Name of Group or Person Sponsoring the Road Race, Parade, Walk-A-Thon: _____
Road Race is sponsored by the Cape Ann YMCA.

St. Peter's Fiesta sponsors the Religious Procession.

2. (A) Name, Address & Daytime Phone Number of Organizer:

Road Race Organizer is Barbara Berry, Race Director 978 283-0470
and is responsible for the cleanup.

(B) Name, Land Line & Cell Phone Number of Contact Person on the Ground Day of Event:

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up: _____

4. Date of Event Road Race 6/28/13 Expected Number of Participants _____

5. Start Time: 6:30 pm Expected End Time: _____

6. Road Race, Parade or Walk-A-Thon Route: (List street names & **Attach map of route**): _____

7. Locations of Water Stops (if any) : _____

8. Will Detours for Motor Vehicles be Required? _____ If so, where and what length of time:

9. Formation Location & Time for Participants: Procession forms on Commercial Street / Noon

10. Dismissal Location & Time for Participants: St. Peter's Square approximately 2:30 pm

11. Additional Parade Information:

- Number of Floats: 1 - 4
- Location of Viewing Stations: N/A
- Are Weapons Being Carried (If "Yes", Police approval may be required): Yes: No:
- Are Parade Marshalls Being Assigned to Keep Parade Moving: Yes: No:

CITY APPROVAL (FOR COMMITTEE MEMBERS USE ONLY):

You will need to obtain all necessary approvals, permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event and others may request payment in advance. **NOTE:** Applicants must comply with the Code of Ordinances, Ch. 11 (Vendors) as applicable and as required by City Clerks and/or Licensing Commission and all other applicable ordinances.

Approvals Required: Written approvals below should be submitted by time of applicant's appearance before the Planning & Development Committee by this form (below) and if necessary by memorandum or email from the appropriate City staff to the Office of the City Clerk.

Initials of
Dept. Head/
Designee

Notes by Department Head or Designee *

- _____ 1. Planning & Development Committee _____
- ✓ 2. Gloucester Police Department _____
Is Police Detail Required? _____ No. of Details _____
Traffic, Parking & Transportation _____
- ✓ 3. Health Department _____
- ✓ 4. Building Inspector _____
- _____ 5. Electrical Inspector _____
- ✓ 6. Department of Public Works: Assy DPW Dir _____
Use of City Property: Yes/No Location if yes: _____
- ✓ 7. Gloucester Fire Department _____
Is a Fire Detail Required? _____ No. of Details _____ Use of Propane: _____
- ✓ 8. Licensing Commission (through City Clerk) _____
- _____ 9. Chamber of Commerce _____
- _____ 10. Other _____
** Representatives met with special Events Adv. Com. on 3/7/13*

The Departments listed above may have their own separate permit/application process. Applicants are responsible for applying for and obtaining all required permits & certificates from the various individual departments.

Joseph Navello
Signature of Applicant

Jan 24, 2013



RESPONSIBILITIES OF APPLICANT

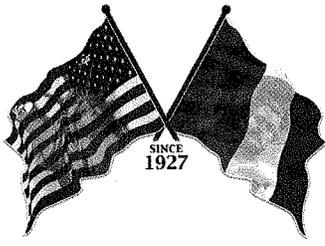
1. All members of the organizing committee and concessionaires/vendors must adhere to the rules and regulations set forth by all applicable departments.
2. The applicant and concessionaire/vendor is responsible to pay all applicable fees required by applicable ordinances and State law. Any non-payment of fees to any City department will result in the denial of the application.
3. The applicant is responsible to ensure that there is no illegal activity on the areas under their supervision during the event.
4. All concessions must be stationary and placed in such a way to not hamper the access of pedestrians. They must be placed tight against curbs, not block fire hydrants or sidewalk ramps. Concessions must be moved if in the opinion of City officials on-site they pose a problem for access or public safety. Concessions utilizing compressed gas or generators or propane must comply with the regulations of the City of Gloucester Fire Department and receive approval through the Licensing Commission.
5. Federal & Sate law requires a minimum of 4 ft. of clear unobstructed sidewalk be available at all times for pedestrians. The applicant must keep sidewalks, ramps and curb cuts clear of any interference from their vendors or their event participants. No storage is allowed on the sidewalk.
6. Any items to be sold must be listed with their prices. All beverages in cans and plastic bottles and must be recycled according to the City of Gloucester recycling guidelines. The use of any type of glass containers is prohibited unless prior approval is granted by the *Department of Public Works*.
7. The applicant will be responsible for any damage to public property caused by the event.
8. **All applicants are responsible for filing their applications in a timely manner: First time applicants must file completed application and have finalized all necessary approvals at least 60 days in advance of their event. Annual event applicants should file completed application and have finalized at least 45 days in advance. Non-compliance with these deadlines may result in denial of the application.**
9. The applicant **shall indemnify and hold harmless the City of Gloucester and its employees** from any damage it may sustain or be required to pay by reason of said event, or by any reason of any act or neglect by the applicant or their agent relating to such event or by reason of any violation of the terms and condition of this license. Applicant shall also provide a **Certificate of Insurance** prior to approval by the Planning & Development Committee.
10. **The City of Gloucester reserves the right to deny the application at any time.**

I/We fully understand and agree to all the terms set forth in this application. The information that I/We have provided is truthful and accurate. I/We accept all responsibility related to this event.

Joseph Navella
Signature of Applicant

Jan 24, 2013





ST. PETER'S FIESTA, INC.

P.O. Box 3105
GLOUCESTER, MA 01930

January 8, 2013

Office of the City Clerk
Gloucester City Council
City Hall / 9 Dale Avenue
Gloucester, MA 01930

13 JAN 1 AM 9:05
CITY CLERK
GLOUCESTER, MA

Dear City Council Members:

The 86^h St. Peter's Fiesta annual event will be held at St. Peter's Park, Gloucester, Massachusetts, beginning on Wednesday evening, June 26, and continuing on Thursday, June 27, Friday, June 28, Saturday, June 29, and Sunday, June 30, 2013.

Therefore, the St. Peter's Fiesta Committee is hereby requesting the Gloucester City Council to confirm the use and control of St. Peter's Park on Rogers Street, the streets and sidewalks of Rogers Street, from Mansfield Way to the entrance of Commercial Street, including Dock area behind the Doyon's property, Commercial Street up to Fort Square, to include use of the Birdseye Property, if it is made available by owner; and from the intersection of Main and Washington Streets to St. Peter's Park; and, on Friday, June 28, Saturday, June 29 and Sunday, June 30, on only the water side of Stacey Boulevard from The Tavern, to the Fishermen's Memorial and the Ciaramitaro/Gemellaro Playground at Fort Square; for the purpose of conducting the St. Peter's Fiesta on the days and dates mentioned above.

For reasons of safety and consideration for the residents thereon, the St. Peter's Fiesta Committee requests that vendors not be allowed on the right-hand side of Commercial Street nor on the streets and sidewalks from Tally's to the Chamber of Commerce.

In addition, the Committee requests that all peddlers, canvassers and solicitors and others who encroach upon or occupy in any way these areas without the express consent of the St. Peter's Fiesta Committee, are to be considered trespassers and to be in violation of Gloucester City Ordinance, Chapter 14, Section 14-6; Trespass.

The St. Peter's Fiesta Committee is again pleased to schedule a special Wednesday evening concert performance at St. Peter's Park on June 26, 2013.

Thank you for your support for the St. Peter's Fiesta. Please contact me with any questions at 978 282-2872 or 978-283-4367. We look forward to your prompt reply in order to continue efforts for the 2013 Fiesta.

Sincerely,

Joseph Novello, President
St. Peter's Fiesta Committee

CITY CLERK
GLOUCESTER, MA

YMCA - 5 Mile
"Backshore 5 mile Rd. Race"
May 10, 2013

~~13 APR 4 PM 5:31~~ CITY OF GLOUCESTER - SPECIAL EVENTS PERMITS

Special Events Permits: Process

A permit is required for any type of a special event. A "Special Event" is an event open to the general public; it can be held on public or private property; it may feature entertainment, amusements, food & beverages; it may be classified as a festival, road race, parade or walk-a-thon. A special event in the City of Gloucester, depending on the size and nature of the event, may require a number of permits or approvals from various departments within the City before it is officially approved and is granted a "special event" permit. Furthermore, special events are governed by the Gloucester Code of Ordinances §11-8 and §11-10.

In order to assure that the City, as well as the special event applicant, has as much information as needed before beginning the permitting process, the City requires the applicant to come to the **City Clerk** first. The applicant **must** provide a completed Special Events Application form in advance (as provided in the application) of the Planning & Development Committee scheduled meeting, including:

- Date of Event; hours of Event;
- A detailed site plan or map of the area showing all location for the following: all American with Disabilities Act (ADA) accessibility, pedestrian and fire access, dimensions of stages & tents; type of equipment or generators & the placement of any vendors and any portable toilet facilities (Site plan/map must be 8-1/2 x11 inches and be legible – capable of copy reproduction);
- If the site of the event is privately owned, a letter from the owner giving the applicant the right to use the property is required;
- If the event is featuring entertainment, you need to list all performances;
- If the event is featuring amusements, you need to list all rides & games;
- If this is a "first year" of your event, please attach any letters of support from local community and business organizations;
- A list of all vendors including food and if propane is used.

The applicant is to submit the completed permit form (download at: gloucester-ma.gov or available in City Clerk's office) signed and dated with cash or check made payable to the City of Gloucester: \$25.00 for non-profit organizations, \$50.00 for for-profit organizations at the City Clerk's office. At that time, an appointment for a review prior to the submission of the permit to the City Council process must be made at the convenience of the City Clerk, in order to begin the approval process. **All first time applicants must file completed application and finalized all approvals at least 60 days in advance of their event; annual event applicants must file completed application and have finalized at least 45 days in advance. Non-compliance with these deadlines may result in denial of the application.**

Linda T. Lowe, City Clerk
Gloucester City Hall
9 Dale Avenue
Gloucester, MA 01930
PHONE: 978-281-9720 x8
EMAIL: llowe@gloucester-ma.gov

Hours of Service
Monday through Wednesday: 8:30 a.m.-4:00 p.m.
Thursday: 8:30 a.m. to 6:30 p.m.
Friday: 8:30 a.m. to 12:30 p.m.

Jacqueline A. Hardy, City Council President
Councilor Bruce Tobey, Chair – Planning & Development Committee

Completed copy filed: 4/4/13 LTL Copy to Applicant: 4/4/13 LTL
Date Initial Date Initial
\$25.00 paid

CITY OF GLOUCESTER SPECIAL EVENT APPLICATION

SPECIAL EVENTS

City Clerk's Office: 978-281-9720 Fax: (978) 282-3051

Name and Type of Event Backshore 5 mile Road Race

1. Date: May 10, 2013 Time: from 6 pm to 8 pm

Rain Date: _____ Time: from _____ to _____

2. Location: Footbridge @ Good Harbor Beach / Beach Parking Lot

3. Description of Property: Restrooms GH Beach Public Private _____

4. Name of Organizer: Cape Ann YMCA City Sponsored Event: Yes ___ No

Contact Person: Barbara Berry

Address: 71 Middle St Gloucester Telephone: 978 2830470

E-Mail: barb@northshoreymca.org Cell Phone: 978 998 9471

Day of Event Contact & Cell Phone: Barbara Berry 978 998 9471

Official Web Site: www.northshoreymca.org

6. Number of Attendees Expected: 400 Number of Participants Expected 400

7. Is the Event Being Advertised? Yes ? Where? Running websites/calendar

8. What Age Group is the Event Targeted to? Coys +

9. Have You Notified Neighborhood Groups or Abutters? Yes No ^{→ April} Who? 1 km / B+B's
Attach a copy of the notification to the abutters to this application.

10. For Profit Organization: ___ Non-Profit Organization: Who will benefit financially from this event?
Cape Ann YMCA

Activities: (Please check where applicable.) Subject to Licenses & Permits from Relevant City Departments:

A. Vending: Food ___ Beverages ___ Alcohol ___ Goods ___ Total No. of Vendors* ___
(*Local or State license required)

B. Entertainment: (Subject to City's Noise Ordinance) Live Music ___ DJ ___ Radio/CD ___
Performers ___ Dancing ___ Amplified Sound ___ Stage ___

C. Games/Rides: Adult Rides ___ Kiddie Rides ___ Games ___ Raffle (requires permit) ___
Other: _____ Total No. _____
Name of Carnival Operator (requires permit and inspection of rides): _____
Address: _____
Telephone: _____

D. Clean Up: No. of additional trash receptacles required 2 No. of additional recycling receptacles required 1
(To be provided by and removed by applicant at their expense.)

E. Portable Toilets: (To be provided by and removed by applicant at their expense. Each cluster of portable toilets must include at least one ADA accessible toilet)
No. : _____ standard No. : _____ ADA accessible

THIS PAGE FOR PARADE, ROAD RACE AND WALK-A-THON EVENTS ONLY

PARADE _____

ROAD RACE X

WALK-A-THON _____

1. Name of Group or Person Sponsoring the Road Race, Parade, Walk-A-Thon: Cape Ann YMCA

2. (A) Name, Address & Daytime Phone Number of Organizer:
Barbara Berry 71 Middle St Gloucester MA 01930
978 283 0470

(B) Name, Land Line & Cell Phone Number of Contact Person on the Ground Day of Event:
Barbara Berry 978 283 0470 978 998 9471 cell

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up:
Barbara Berry 978 998 9471

4. Date of Event: 5/16/12 Expected Number of Participants 400

5. Start Time: 6³⁰ pm Expected End Time: 8 pm

6. Road Race, Parade or Walk-A-Thon Route: (List street names & Attach map of route):
Nautilus, Atlantic, Farmington, Eastern Pt, Grapevine

7. Locations of Water Stops (if any): Grapevine / Atlantic

8. Will Detours for Motor Vehicles be Required? No If so, where and what length of time:

9. Formation Location & Time for Participants: Nautilus (near Beach Club) 6²⁵ pm

10. Dismissal Location & Time for Participants: Same as above 6³⁰ pm

11. Additional Parade Information:

- Number of Floats: _____
- Location of Viewing Stations: _____
- Are Weapons Being Carried (If "Yes", Police approval may be required): Yes: No
- Are Parade Marshalls Being Assigned to Keep Parade Moving: Yes: No

CITY APPROVAL (FOR COMMITTEE MEMBERS USE ONLY):

You will need to obtain all necessary approvals, permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event and others may request payment in advance. **NOTE:** Applicants must comply with the Code of Ordinances, Ch. 11 (Vendors) as applicable and as required by City Clerks and/or Licensing Commission and all other applicable ordinances.

Approvals Required: Written approvals below should be submitted by time of applicant's appearance before the Planning & Development Committee by this form (below) and if necessary by memorandum or email from the appropriate City staff to the Office of the City Clerk.

Initials of
Dept. Head/
Designee

Notes by Department Head or Designee

Special Event Advs. Com.
4/4/13

- 1. Planning & Development Committee _____
- 2. Gloucester Police Department *To follow P.D. Committee Recommendation*
Is Police Detail Required? _____ No. of Details _____
Traffic, Parking & Transportation _____
- _____ 3. Health Department _____
- _____ 4. Building Inspector _____
- _____ 5. Electrical Inspector _____
- 6. Department of Public Works: *see attached*
Use of City Property: Yes/No Location if yes: _____
- 7. Gloucester Fire Department *To follow the F.D. requirements per the committee meeting*
Is a Fire Detail Required? _____ No. of Details _____ Use of Propane: _____
- _____ 8. Licensing Commission (through City Clerk) _____
- _____ 9. Chamber of Commerce _____
- _____ 10. Other _____

The Departments listed above may have their own separate permit/application process. Applicants are responsible for applying for and obtaining all required permits & certificates from the various individual departments.

Barbara Beeg

Signature of Applicant

3 13, 2013



FOR YOUTH DEVELOPMENT
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Cape Ann YMCA
71 Middle Street
Gloucester, MA 01930
978.283.0470
fax 978.283.3114

January 2013

Greater Beverly YMCA
254 Essex Street
Beverly, MA 01915
978.927.6855
fax 978.927.6530

Dear Ms. Jorgensson,

Attached are the documents needed in order to get City Council approval for use of the roads and some city facilities for the Cape Ann YMCA's 2013 Road Races.

Haverhill YMCA
81 Winter Street
Haverhill, MA 01830
978.374.0506
fax 978.373.0710

Please review and let me know if there is anything else required.

As always, I am sure you will let me know the date when we are on the agenda of the Product and Planning Committee.

Ipswich Family YMCA
110 County Road
Ipswich, MA 01938
978.356.9622
fax 978.356.0625

Thanks so much for your help.

Sincerely,

Lynch/van Otterloo YMCA
40 Leggs Hill Road
Marblehead, MA 01945
781.631.9622
fax 781.639.0190

Barbara Berry
Road Race Director
Cape Ann YMVA
978.283.0470 ext 1719
berryb@northshoreymca.org

Salem YMCA
One Sewall Street
Salem, MA 01970
978.744.0351
fax 978.740.9168

YMCA of the North Shore
245 Cabot Street
Beverly, MA 01915
978.922.0990
fax 978.922.7602



United Way
Massachusetts Bay
Merrimack Valley
North Shore

www.northshoreymca.org



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Merrimack Valley
North Shore

**FOR YOUTH DEVELOPMENT
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY**

January 2013

Cape Ann YMCA

Gloucester, MA 01930

The Cape Ann YMCA is asking the Gloucester City Council to approve the use of roads, Good Harbor Beach Parking Lot and restroom facilities to conduct a The Backshore 5 Mile Road Race on Friday, May 10, 2013. We expect 300-400 participants.

Race Schedule and Route

The race would start near the Good Harbor Beach Footbridge at 6:30pm and finish in the same location at 7:30pm.

We would require no street closures.

Attached are letters to both the Gloucester Police Department requesting their assistance with traffic at the start and as a lead car and the Gloucester Department of Public Works requesting permission to use the Good Harbor Beach parking lot and restroom facilities.

Barbara Berry
Race Director
Cape Ann YMCA
978.283.0470
berryb@northshoremca.org

www.northshoremca.org

Backshore 5 Mile Road Race Course

Start at Beach Club on Nautilus Road.

Proceed up the hill toward Atlantic.

Bear right onto Farrington Avenue.

Bear right onto Eastern Point Road.

Take right onto Grapevine Road.

Take left onto Atlantic.

Bear right onto Nautilus Road.

Finish at the same spot where the race started.



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FOR YOUTH DEVELOPMENT
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

January 2013

Lt. Joseph Aiello
Gloucester Police Department
197 Main Street
Gloucester MA 01930

Dear Lt. Aiello,

My name is Barbara Berry, the race director for the Cape Ann YMCA's 2013 Road Races. This letter is to let you know the dates and times of our 2013 races and to see if we need any further follow up from you regarding them.

The Backshore 5 Mile Road Race is Friday, May 10, 2013 and starts at 6:30 pm.

The St Peter's Fiesta 5K Road Race is on Thursday, June 27, 2013 and starts at 6:30pm.

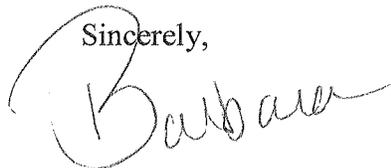
The Around Cape Ann 25K and the Run the Goose 7K Road Races take place on Labor Day, September 2, 2013 with a 9:00am start.

I believe you are familiar with all of these courses, but if you have any questions or concerns please give me a call as soon as possible to discuss.

Please feel free to contact me at your convenience at either 978.998.9471 or email at berryb@northshoreymca.org.

As always the YMCA appreciates you help and support for our fund raising events.

Sincerely,



Barbara Berry
Race Director
Cape Ann YMCA
978.283.0470
berryb@northshoreymca.org

www.northshoreymca.org



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FOR YOUTH DEVELOPMENT
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

January 4, 2013

Lt. Joseph Aiello
Gloucester Police Department
197 Main Street
Gloucester MA 01930

Dear Lt. Aiello,

Please consider this letter a request for the Gloucester Police Department's assistance in the running of our annual Backshore 5 Mile Road Race on Friday, May 10, 2013 at 6:30pm.

We would need assistance with the start of the race, which begins just beyond the footbridge at Good Harbor Beach on Nautilus Road. We would also request a lead car for the front runners throughout the course.

Sincerely,

Barbara Berry
Race Director
Cape Ann YMCA
978.283.0470
berryb@northshoreymca.org

Gloucester Police Department

www.northshoreymca.org



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United Way
Massachusetts Bay
Merrimack Valley
North Shore

FOR YOUTH DEVELOPMENT
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

January 2013

Mr. Mike Hale, Director of Public Works
Gloucester DPW
City Hall
9 Dale Drive
Gloucester, MA 01930

RE: Cape Ann YMCA Backshore Road Race
Friday, May 10, 2013

Dear Mr. Hale:

The Cape Ann YMCA will be running our annual Backshore Road Race this year on May 10, 2013 with a start/finish at the Good Harbor Beach footbridge.

We are requesting the use of the Good Harbor Beach parking lot and bathroom facilities on this day from 4:00 – 8:00pm. We will be responsible for clean up of facilities.

We typically pick up the key to the facilities the day before and return it you first thing Monday morning.

Please contact me at your convenience to confirm our use of the parking lot and facilities on May 10, 2013.

Thank you for your assistance in this matter.

Barbara Berry, Race Director
Cape Ann YMCA
71 Middle St.
Gloucester, Ma 01930
978.283.0470 ext 1719
berryb@northshoreymca.org

www.northshoreymca.org

Public Works
28 Poplar Street
Gloucester, MA 01930



TEL 978-281-9785
FAX 978-281-3896
mcole@gloucester-ma.gov

CITY OF GLOUCESTER
DEPARTMENT OF PUBLIC WORKS

TO: Barbara Berry
FR: Mark Cole, Assistant Director Public Works *mc*
DT: January 15, 2013
SUBJ: Road Race Requests

I will be more than happy to accommodate the requests you have for the Backshore, Around the Cape and Goose Cove road races. Before I give DPW's approval you will need to complete a Special Events Permit for the races which is available at the City Clerk's office. Once the permit has the required signatures you will need to go before the Planning and Development Committee for final approval. Once you have the special events permit in hand please let me know via email and I will send a letter of support to the committee.



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FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

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Dear Inn Keeper,

This letter is to inform you of the Cape Ann YMCA's upcoming Backshore 5 Mile Road Race on Friday, May 10, 2013. This year marks the 29th running of the event, which raises money for the Y's financial assistance program. This program provides assistance to Cape Ann residents allowing them to take advantage of the Y's membership, programs, camps and childcare.

The race begins at 6:30pm from the footbridge on Nautilus St. and proceeds onto Atlantic Road, continuing on Atlantic, looping onto Grapevine Rd back to Atlantic and then back again to the footbridge on Nautilus St. The race should be completed by 7:30pm, with the bulk of the runners completing the course in about 45 minutes.

Please feel free to make your guests aware that there may be some slight delays on these roads that night. Enclosed are some race registration form for any of your guests that would like to join us or they can simply participate by cheering the runners on!

Feel free to contact me with any questions or concerns.

Have a great summer season!

Barbara Berry
Race Director
Cape Ann YMCA
978.283.0470
berryb@northshoreymca.org



United Way
Massachusetts Bay
Merrimack Valley
North Shore

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CITY OF GLOUCESTER 2013 CITY COUNCIL ORDER

ORDER:	CC#2013-018
COUNCILLOR:	Bruce Tobey

DATE RECEIVED BY COUNCIL:	04/09/13
REFERRED TO:	City Council
FOR COUNCIL VOTE:	04/23/13

ORDERED that, under City Charter Sec. 9-7 “Advisory Questions to Voter”, the following advisory ballot question, intended to promote in-depth and broad based community discussion as well as both comprehensive short-term and long-term planning for the future use of City-owned past and present elementary school buildings, be placed on the November 2013 municipal general election ballot: Shall the City proceed with the construction of a new West Parish Elementary School building?

Bruce Tobey
Councillor at Large

GLOUCESTER CITY COUNCIL MEETING

Tuesday, March 26, 2013 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Jacqueline Hardy; Vice Chair, Councilor Sefatia Theken; Councilor Joseph Ciolino; Councilor Melissa Cox; Councilor Steve LeBlanc, Jr.; Councilor Paul McGeary; Councilor Bruce Tobey; Councilor Greg Verga; Councilor Robert Whyntott

Absent: None.

Also Present: Mayor Carolyn Kirk; Linda T. Lowe; Jim Duggan; Kenny Costa; Jeff Towne; Police Chief Leonard Campanello; Fire Chief Eric Smith; Sander Schultz; Jim Hafey; Russell Hobbs; Fire Capt. Tom LoGrande; Michelle Holovak Harrison; Michael Lane; Damon Cummings; Barbara Jobe

The meeting was called to order at 7:06 p.m. Councilor Tobey joined the meeting at 7:20 p.m

Flag Salute & Moment of Silence.

Oral Communications: None.

Presentations/Commendations:

1 of 2: Lanesville Fish Shack Committee – Status Report on the Fish Shack Restoration

Jim Hafey, City Facilities Manager and Lane's Cove Fish Shack Committee member submitted to the Council an updated pamphlet of information that was part of a presentation on the Fish Shack given to the Community Preservation Committee in January with updated information (placed on file). He noted it has been one year and are two months away from project completion. Volunteers have been working every weekend through the winter, and it has been a good community project with new friends and contacts made. He pointed out there was an article on the Fish Shack Committee's efforts in the Boston Globe several weeks ago. **Mr. Hafey** lauded the work of Russell Hobbs, Barbara Jobe (both present) and the rest of the crew who show up each week to not only work on the shack but to those who provide food and refreshments for the workers. He noted a letter to the Community Preservation Committee from the Lane's Cove Fish Shack Committee (on file) returning the \$20,000 awarded from CPA funds as it was able to raise enough money from private donations to cover their expenses and had enough funds left over to create a maintenance fund for the future of the Fish Shack. He congratulated Arnie Shore and Barbara Jobe in particular who helped to handle the Fish Shack finances. **Mr. Hafey** announced there will be a celebration of the completion of the Fish Shack about the time of the July 4th holiday, he said, and invited all to attend.

Council President Hardy noted she and the Mayor, recognizing the problem with the fish shack, worked together to create the Lanesville Fish Shack Committee to save this historical building. The Mayor and she had recommended the Committee seek out CPA funding. She reported that she and the Mayor enjoyed selecting the Fish Shack Committee to ensure it was composed of neighbors who have always paid attention to the Fish Shack, those historically connected to it, and those who had simply wished to add value to their community by participating, as well as City staff connected to the project. She said it is the best sub-committee she has ever seen who worked diligently to restore and preserve the historical building for now and the future. **Council President Hardy** made note of the work of Damon Cummings for responsibility for the Committee's minutes and agenda postings. She said this Committee did its work very well.

Councilor McGeary commended Council President Hardy for her work as the Ward 4 Councilor for her efforts on the restoration of the Lane's Cove Fish Shack come to fruition.

2 of 2: Mayor's Update to the Council on Current Matters including Police and Fire Contract Status

Mayor Kirk informed the Council of the following matters:

- The City settled its suit with United Water over the circumstances that arose as a result of the 2009 Boil Water Order (on file). United Water was the City's contract operator during the time the City experienced the 20 day Boil Water Order. The City sued United Water, and it was sent to the Federal Court and was slated for trial this summer. The parties went to mediation agreeably and came away with \$335,000 forgiveness for invoices presented to the City for work incurred by United Water during that timeframe. The company flew in people from all over the country, and the City objected to paying those bills. The City received \$150,000 cash settlement; the check arrived this past week. The situation, she said, is now

behind the City. The Mayor pointed out that the City has made significant investments in its water infrastructure which in turn has created renewed confidence in the system with regards to the City's economic development. The Mayor pointed to the expansion at Gorton's of Gloucester facility. The owner of National Fish the owner has made a \$2 million investment in that facility recently. Those were two businesses severely impacted by the Boil Water Order. The Mayor thanked Gloucester's citizens for their forbearance through that difficult time.

- The City received the first two checks from National Grid which represented two months for a total of \$150,000 each. The Power Purchase Agreement (PPA) specifies 80 percent of the check received goes to the owner/ operator of the wind turbines and the City keeps 20 percent until the production threshold reaches 9 million KW hours. At that point the City then gets a 75 percent cut of the checks that come in from National Grid. The turbines have produced over 2 million KW in the first two and a half months of operation and therefore, the City is on track to realize the types of savings first spoken of. The Mayor pointed out that the checks are coming into the City, and payment schedules are in place. She indicated there are plans being formulated for spending that money. The Mayor then invited the Council to come to the Sawyer Free Library Lyceum sponsored panel discussion on the wind turbines at 7 p.m. on Thursday March 28th which will moderated by Councilor McGeary.
- The School Committee has requested action by the City Council for some modest necessary repairs for Gloucester High School. These repairs are for submission to the Massachusetts School Building Association (MSBA) loan reimbursement program which gives cities and towns reimbursement at a rate of 47 percent. There is a deadline to be met, the Mayor noted, to submit in time all documentation to be eligible for the loan reimbursement program for the GHS repairs.
- The Police Contract is settled for the Superiors and for the Patrolmen and both is ratified. The new Police Chief Campanello led the development of the proposals put forward to the unions; and unions worked cooperatively with the Police Chief and the Administration. The Administration has put money on the table that it will ask the Council to fund in the FY14 budget cycle. The Police Chief obtained language important to the department; and both unions, the Mayor said, have been compensated fairly. It was reported that the sunset of the Quinn Bill that will save the City money on pensions going forward. There has been a decrease in sick time and other leave time for Superiors and Patrolmen; and over time this will result in savings over time because the City is decreasing the amount of available leave time. Important to the Chief is that there will now be merit-based selections for promotions to specialty positions such as detectives. Previously, it was noted, promotions had been based on seniority. The Mayor reiterated these sorts of contract concessions can only be accomplished when the Administration works cooperatively to put money on the table, and the Chief working with the unions to come to consensus for reforms
- The Administration is now in contract talks with the Fire Department. The Mayor said she hoped that the same tone and method is struck with the Fire Department negotiations as it was with the successful conclusion of the Police contract negotiations.

Council President Hardy noted related about the turbines she noted the private/public effort and that it is working out for the City, and encouraged more people to come forward to work with the City for public/private projects that benefit all. As relates to the Police contract since it is ratified and accepted, she noted it is a public document and asked the mayor if it will be posted on line on the City's website. **Mayor Kirk** said the format is a Memorandum of Understanding for both unions will be posted on the important documents section for the Patrolman's and Superior's contract. **Council President Hardy** asked if the new contract was a continuation document or is it a new fresh contract. **Mayor Kirk** said that is an the objective to consolidate into one document which is underway now but the Mayor said they didn't want that to hold up coming to an understanding of all the clauses. She said the Memorandum of Understanding can go up right away and will touch base with the City's IT Director. The consolidated contracts will take a bit longer and would be about three months or so.

Councilor Tobey congratulated the Mayor and her team for the two contracts for the Police Department. He said it involved the rolling up of sleeves and getting parties together to find common ground and is one legally bound to follow and commended the unions and their leaders as well. He asked for the duration of the contract. **Mayor Kirk** said the contracts commence July 1, 2013 and is a three year contract. In answer to **Councilor Tobey's** inquiry, **Mayor Kirk** noted the wage increase scale is 2 percent per year, each year of the contract, starting on July 1st. **Councilor Tobey** acknowledged the Fire Department union representative present in the audience, **Capt. LoGrande**. He asked what the community can expect from the bargaining unit particularly the neighborhoods that should be but aren't being served by the Magnolia fire station and the Bay View fire station.

Capt. Tom LoGrande, Fire Department and union president said the contract talks are on-going with preliminary meetings having already taken place, but he said he was unable to publicly go into particulars at this time.

Councilor Tobey asked Capt. LoGrande to pass on his comments that the community has placed its trust in the Fire Department and has expectations of the firefighters. It wants, he said, the discord of the past behind it and wants the stations reopened. He asked Capt. LoGrande to convey this to his bargaining unit to let his brothers and sisters of the Fire Department to join the Administration to all work cooperatively through this contract negotiation to get all the City's fire stations open which he said should have the highest priority in this community. **Capt. LoGrande** said that sentiment is shared with the firefighters union; that the union hopes to work cooperatively with the Administration. **Councilor Tobey** asked Capt. LoGrande to act on that basis.

Councilor Theken inquired if the wind turbine forum will be broadcast on CATV. **Mayor Kirk** said it will be taped for airing on CATV, and the power point presentation will be posted on the City's website.

Consent Agenda:

- **CONFIRMATION OF REAPPOINTMENTS**
- **MAYOR'S REPORT**

1. Memorandum from Mayor re: Settlement reached with United Water (Info Only)
 2. Invitation to panel discussion at Sawyer Free Library on March 28, 2013 re: Wind Turbines (Info Only)
 3. Management Appointment: Community Development Director Tom Daniel TTE 02/14/14 (Refer O&A)
 4. Memorandum & relevant information from Superintendent of Schools re: proposed Statement of Interest for Gloucester High School to the Massachusetts School Building Authority (MSBA) (Refer B&F)
 5. Memorandum, Grant Application & Checklist from Police Chief re: 2009-2010 Grant Program from the EOPSS Port Security Grant Program (Refer B&F)
 6. New Appointments:

Waterways Board	TTE 02/14/16	Joe Boreland-Economic Development Member	
		James Bordinaro-Fisheries Member	
		Mark Lacey-Recreational Boating Member	
EDIC	TTE 07/01/16	Ruth Pino, Michael DiLascio	
Committee for the Arts	TTE 02/14/17	Sinikka Nogalo	
Trust Fund Commission	TTE 02/14/16	John Fleming, Michael Sanborn	
Zoning Board of Appeals	TTE 02/14/16	David Gardner (Alt. Mbr. To Permanent Mbr.)	(Refer O&A)
- **COMMUNICATIONS/INVITATIONS**
 1. Communication from Senator Tarr re: City Council Resolution in Opposition to Legislation Eliminating Local Housing Authority (Info Only)
 2. Communication from Attorney J. Michael Faherty to D.E.P. re: I4-C2 Temporary Permit (Info Only)
 3. Certificate of Vote from Planning Board recommending appointment of Tom Daniel as Community Development. Director (Refer O&A & P&D)
 - **APPLICATIONS/PETITIONS**
 - **COUNCILORS ORDERS**
 1. CC2013-015 (Cox) Amend GCO Chapter 22, Sec. 22-270.1 (Resident Sticker Parking Only) re: Beach Court, #17-21 Commercial Street & Fort Square (Refer O&A & TC)
 2. CC2013- 016 (Verga) Resolution: Requesting State apply revenues collected from internet sales to lower State sales tax (FCV 04/09/13)
 2. CC2013-017 (Verga) Amend GCO Chapt. 21, Art. IV (Repair of Private Ways) Sec. 21-81through 21-85 to add specific standards On what the City should require for the level of design, amount of work, and allocation of funds (Refer O&A & P&D)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 1. City Council Meeting: 03/12/13 (Approve/File)
 2. Special City Council Meeting: 03/13/13 (Approve/File)
 3. Standing Committee Meetings: B&F (under separate cover), O&A 03/18/13 no meeting, P&D 03/20/13 (Approve/File)

Unanimous Consent Calendar:

1. Loan Authorization & Free Cash Appropriation for Commercial Street/Fort Square Infrastructure (Refer B&F)
2. Beach Sticker Regulations to Review Language (Refer O&A)

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

Councilor Verga asked to remove Council Order #2.

Councilor Tobey asked to remove under Confirmation of Appointments Item #3, and under Communications Item #2.

Councilor Verga stated he wanted to draw the attention to the Resolution he is putting forward for Council Vote on 4/9/13. He said in his opinion the citizens of Massachusetts are overtaxed. This looks at the fact that the State will ask Amazon to charge taxes for things sold in Massachusetts, and ultimately other internet companies will be as well. This resolution asks that for any anticipated funds the State gets from those new taxes, the State Sales Tax would be reduced by that amount.

Councilor Tobey noted nomination of a new Community Development Director, Tom Daniel; he asked that it be referred to not only to O&A but to P&D as well. By unanimous consent the management appointment of Tom Daniel as Community Development Director was referred to both the O&A and P&D Committees.

Councilor Tobey said that under the heading of Communications, the City is in receipt of a letter from Attorney J. Michael Faherty where he commented to the Department of Environmental Protection (DEP) through the public process now underway regarding the City seeking a temporary permit to allow for a parking lot on the City-owned parcel at 65 Rogers Street (I4-C2) and asked this letter be referred to the P&D Committee. By unanimous consent the Council referred the letter from J. Michael Faherty related to the City's request for an up to 10 year permit for a parking lot at 65 Rogers Street to the P&D Committee by unanimous consent. **Councilor Tobey** said he had no idea until he saw Mr. Faherty's letter that the period requested for the parking lot permit was up to 10 years. While he said understood there is some uncertainty as to the property's disposition, he did not vote for the City to acquire this land to remain a parking lot, nor did he think his colleagues on the same Council did as well. He asked this be referred to P&D to explore this situation with the Administration particularly Sarah Garcia, Harbor Planning Director as to who made this decision to tie this property up for 10 years. Secondly, he said that after that discussion he wished to have a conversation with the P&D Committee to decide if perhaps the City Council should file their own comments in a letter to the DEP on what the proper length of time of the permit would be.

Council President Hardy asked that the Trust Fund Commission reappointments also be referred to the B&F Committee which the Council did so by unanimous consent.

Council President Hardy added that the Mayor has agreed that all new appointments being forwarded to the Council's consideration will now be accompanied by new appointees' resumes moving forward and reported the Mayor had no issue with that request. **Councilor Theken** expressed concern that the O&A Committee be in receipt of resumes for the group of new appointees that would come forward during their April 1st meeting of her Committee. **Councilor Tobey** offered that on the EDIC appointment in particular he would want to see a resume for those individual appointments to see if these folks were able and qualified.

By unanimous consent the Consent Agenda and Unanimous Consent Calendar were accepted as amended.

Committee Reports:

Budget & Finance: March 21, 2013

MOTION: On motion of Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the acceptance of the ambulance billing policy as presented increasing the billing rates from Medicare +200 percent to Medicare +300 percent.

DISCUSSION:

Councilor McGeary explained that the Medicare reimbursement rate is below the cost of operating the ambulance but is the benchmark to which all billing is tied. EMS Director, Sander Schultz has verified with other communities that the new rate which the service intends to charge and which insurers will pay is Medicare +300 percent. Additionally, because of the Sequester in Washington, D.C., Medicare further reduced its current reimbursement rate by another additional 2 percent. Since Medicare +300 percent is what the traffic will bear, he said, this is the recommendation of the Fire Department's Ambulance Service charge this rate.

Councilor Theken asked how Gloucester's rates compare to other communities ambulance services.

Sander Schultz, EMT-P/Firefighter and Gloucester Fire Department's EMS Coordinator said Gloucester is not the first community to go to Medicare +300 percent; Belmont and Lynn are two such examples and other communities are moving in this direction. Medicare +300 percent were considered, he said, a line in the sand drawn during recent discussions between the private insurers and the Governor's office and so Medicare +300 becomes the benchmark. **Councilor Theken** asked what happens when a patient has Medicare only, and the services required for this patient come to \$900 and there is no secondary insurance. **Mr. Schultz** said it is not legal to balance bill for Medicare patients so the department absorbs that loss. He also noted for **Councilor Theken** that Advanced Life Support (ALS) intercepts were very few these past years; it is a rare occurrence now because of the number of paramedics on staff in the department. Rescue 1 and Rescue 2 are more often at full ALS level staffing.

On inquiry by **Councilor McGeary**, **Mr. Schultz** explained that Basic Life Support (BLS) is basic life support is provided by EMT-Basic personnel and ALS is Advanced Life Support provided by Paramedics with the same

basic level of practice but additionally provide intravenous lines, electrical defibrillation, and cardioversion, advanced airway management. On further inquiry by the Councilor **Mr. Schultz** noted 75 percent of the payer mix is Medicare/Medicaid patients.

MOTION: On motion of Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to accept the ambulance billing policy as presented increasing the billing rates from Medicare +200 percent to Medicare +300 percent.

MOTION: On motion of Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to authorize the write-off of \$237,237.92 in uncollectible, outstanding ambulance billing.

DISCUSSION:

Councilor McGeary further explained that these are bills more than a year old. The bills have been sent to collections but haven't been successful. This is a matter of cleaning up the books when outstanding debt is more than 365 days past due; it is simply written off as uncollectible.

Councilor Ciolino added the ambulance service answers the call whether or not they are going to be paid. In any community there will be a certain amount of money that won't come in for such services. The write-offs are the cost of doing business, he said.

Councilor Theken noted the City works closely with the Addison Gilbert Hospital. Much of this debt is a result of when a person doesn't have insurance, and it cannot be collected. She noted that the ambulance service is working very diligently and doing the best that it can.

MOTION: On motion of Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to authorize the write-off of \$237,237.92 in uncollectible, outstanding ambulance billing.

MOTION: On motion of Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the appropriation 2013-SA-116 in the amount of \$347,844.55 (Three Hundred Forty-Seven Thousand Eight Hundred Forty-Four Dollars and Fifty-Five Cents) from the Reserve for Appropriation School Litigation-Transfer Out-to Capital Projects Fund, Account #284003.10.993.59600.0000.00.000.00.059 to Gloucester High School Renovations Capital Projects-Transfer In from Special Revenue, Account #300085.10.992.49700.0000.00.000.00.040 for the purpose of various building renovations to Gloucester High School.

DISCUSSION:

Councilor McGeary said this money was derived from a settlement with the architect for the Gloucester High School Field House. As a result of a settlement in the City's suit against DRA, the City received \$375,000. The Legal Department and the Auditor's office have traced the history of this account and are in agreement the proceeds of this account can only be used for the repair of Gloucester High School. Further, the School Department and the Department of Public Works are in agreement that the roof repairs are a top priority. This will be used to fix the field house roof. This money will be in a separate capital projects fund and appropriated out when needed.

Kenny Costa, City Auditor responding to an inquiry by **Council President Hardy** said that the motion will appropriate the money into the Capital Project Fund so that it can be spent out of that account. Currently the money is in a reserve fund. There is no further approval needed from the Council in order to withdraw the funds.

Councilor Ciolino said this money has been sitting in an account for a long time and is finally being utilized. He noted the Auditor was asked to explore if any other funds were available in that manner as well by B&F.

MOTION: On motion of Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 the appropriation 2013-SA-116 in the amount of \$347,844.55 (Three Hundred Forty-Seven Thousand Eight Hundred Forty-Four Dollars and Fifty-Five Cents) from the Reserve for Appropriation School Litigation-Transfer Out-to Capital Projects Fund, Account #284003.10.993.59600.0000.00.000.00.059 to Gloucester High School Renovations Capital Projects-Transfer In from Special Revenue, Account #300085.10.992.49700.0000.00.000.00.040 for the purpose of various building renovations to Gloucester High School.

MOTION: On motion of Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council under MGL c. 44, §53A a grant amendment to the Site Assessment Grant from the Massachusetts Development Finance Agency for \$7,629.00 (Seven Thousand, Six Hundred Twenty-Nine Dollars) for the purpose of remediating the City property at 110 Commercial Street. Said property is legally described as Assessors Map#1, Lot 6. The new grant amount is not to exceed \$32,329 from the original grant amount of up to \$24,700.

DISCUSSION:

Councilor McGeary explained that this grant amendment for the Site Assessment Grant from the Massachusetts Development Finance Agency Agreement for City-owned property at 110 Commercial Street is for that property's assessment for possible contaminants and what it would take for its clean up. The amendment funding is for an additional \$7,629.00 which will finish getting the site cleared of debris and testing on barrels found on the site. It requires another \$7,629.00, and the State put forward the money.

Councilor Ciolino noted the majority of the work has been completed on this site.

Councilor Verga said this is for the assessment. If the assessment turns up issues then there is a cost to get rid of contaminants found. **Councilor McGeary** indicated that was his understanding.

Council President Hardy asked if this assessment was part of a 21E. **Jim Duggan**, CAO said this was part of a two-tier grant system by Mass. Development. The first year was for assessment only. Once assessed, if there is a need to remediate, then the City would go back to Mass. Development for round two financing. The property had material on it which includes barrels full of unknown liquids. The City was able to work with Mass. Development, and increase the grant allotment to clear the site of debris and assess the liquid in the 55 gallon barrels which **Mr. Duggan** said is not at a level which would cause alarm. This is not part of a 21E which would be part of an assessment in the ground as of yet. That may be a part of an assessment moving forward. The assessment will be done by June 1st and is being assessed within the existing grant funds. If there is a need to remediate the property, then the City will go back to Mass. Development for more funding, he said.

MOTION: On motion of Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed under MGL c. 44, §53A a grant amendment to the Site Assessment Grant from the Massachusetts Development Finance Agency for \$7,629.00 (Seven Thousand, Six Hundred Twenty-Nine Dollars) for the purpose of remediating the City property at 110 Commercial Street. Said property is legally described as Assessors Map#1, Lot 6. The new grant amount is not to exceed \$32,329 from the original grant amount of up to \$24,700.

Ordinances & Administration: March 18, 2013 – No Meeting

Planning & Development: March 20, 2013

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 permit the Gloucester Downtown Association to hold an Easter/Spring Promotion on Sunday, April 7, 2013 from 2:00 p.m. to 4:00 p.m. with attendant road closure on Main Street from Hancock Street to Center Street for the duration of the event. Main Street is to be marked with signage directing the public as to the duration of the closure and alternate routes. An approved road closure plan endorsed by the Police Department shall be filed with the City Clerk no later than April 1, 2013.

DISCUSSION:

Councilor Ciolino said this event is an annual tradition to have something for Gloucester's children to celebrate Easter. The closing of Main Street is to secure the safety of the children. He invited everyone to come down and see the Easter Bunny whom he suggested was sitting at the Council dais.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed to permit the Gloucester Downtown Association to hold an Easter/Spring Promotion on Sunday, April 7, 2013 from 2:00 p.m. to 4:00 p.m. with attendant road closure on Main Street from Hancock Street to Center Street for the duration of the event. Main Street is to be marked with signage directing the public as

to the duration of the closure and alternate routes. An approved road closure plan endorsed by the Police Department shall be filed with the City Clerk no later than April 1, 2013.

Councilor Tobey added that the P&D Committee voted to table the matter of a request for Council endorsement to the Governor on Environment Massachusetts' campaign to expand solar energy in the State. The Committee knew very little about it and saw no direct benefit to the City. At Council President Hardy's request, **Councilor Tobey**, who said he would not support such a vote and encouraged his fellow Councilors to do the same, **moved with Councilor Verga seconding a motion to communicate the Council's support to the Governor of the Environment Massachusetts' campaign to expand solar energy in the State. The motion was voted 0 in favor, 8 opposed, 1 (McGeary) present.**

Councilor Tobey reported the Committee also took a vote to recommend at public hearing a series of measures by way of amendment to the zoning ordinance to be enacted regarding medical marijuana dispensaries placement within the City. **Councilor Tobey** said there was some thought in the Council's ranks to divide it up into multiple hearings which is why he is bringing it before the Council.

On inquiry by **Council President Hardy**, **Councilor Tobey** noted that the Committee's vote to call the public hearing, to be scheduled at the discretion of the Council President, said he believed the Council President's concern is that the definition section should be one separate public hearing with another public hearing for the zoning moratorium, which **Council President Hardy** confirmed. **Councilor Tobey** said he would prefer this matter be referred back to the P&D Committee for reframing, and **moved that the matter be referred back to P&D as to how to structure the advertisement for the public hearing to which the City Council unanimously assented.**

For Council Vote:

1. PH2013-073: SCP2012-010 to ratify Council vote of March 13, 2013 (See City Council Minutes 03/13/13)

Council President Hardy said as to PH2013-073: SCP2012-010, having approved the City Council meeting minutes of March 12 and 13, 2013, and for procedural purposes due to the Council meetings having been conducted over two consecutive days, the Council, having placed notice of vote to be taken on its March 26th agenda, would now ratify and confirm the seven votes taken by the City Council during the March 13, 2013 City Council meeting.

Councilor Tobey moved that the Council adopt the following act of ratification: The City Council meeting minutes for March 13, 2013 having been approved by the Council, the votes taken in that Public Hearing 2013-073 regarding Special Council Permit 2012-010, are hereby ratified; those Special Council Permits votes taken for Major Project-Hotel, Hotel Parking, Lowlands and Height; and various votes related to deeds and agreements regarding Pavilion Beach.

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) present, to RATIFY and CONFIRM the seven (7) votes taken by the City Council on March 13, 2013 having been approved by the City Council, the seven votes taken in that public hearing, pursuant to Public Hearing #2013-073 for Special Council Permits 2012-010 for Major Project-Hotel, Hotel Parking, Building Height, and Lowlands and various votes related to deeds and agreements regarding Pavilion Beach.

2. City Charter Sec. 2-11(c) (Tobey) re: Fire Department's Supplemental Appropriation-Budgetary Requests #2013-SA-94, -95, -97, and -98

Councilor Tobey stated that he had nothing further on this subject; that points were made on behalf of the Lanesville, Annisquam Bay View and Magnolia and West Gloucester communities regarding the need for aggressive, fully engaged collective bargaining so that fire stations are reopened and that City revenues now growing can be put towards those fire station openings so that the community can be returned to a full service basis. He said that if everyone cooperates and works together the City will get that done.

Motion: To recommend to the City Council the appropriation 2013-SA-95 in the amount of \$37,000.00 (Dollars) from the General Fund, Unreserved Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Fire Department-Salary/Wage Permanent Positions, Account #101000.10.220.51100.0000.00.000.00.051 to pay for remaining year for one additional firefighter position and for funds needed to train new fire inspector.

DISCUSSION:

Councilor McGeary said that this transfer will fund hiring to rise staffing of the department to 18 firefighters across four shifts as well as to account for an early promotion; there is also an opportunity to train a new Fire Inspector before the present Fire Inspector retires.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed the appropriation of 2013-SA-95 in the amount of \$37,000.00 (Dollars) from the General Fund, Unreserved Fund Balance (“Free Cash”), Account #101000.10.000.35900.0000.00.000.00.000 to Fire Department-Salary/Wage Permanent Positions, Account #101000.10.220.51100.0000.00.000.00.051 to pay for remaining year for one additional firefighter position and for funds needed to train new fire inspector.

Motion: To recommend to the City Council the appropriation 2013-SA-97 in the amount of \$25,000.00 (Twenty-Five Thousand Dollars) from the General Fund, Unreserved Fund Balance (“Free Cash”), Account #101000.10.000.35900.0000.00.000.00.000 to Fire Department-Replacement of Equipment, Account #101000.10.220.58700.0000.00.000.00.058 to purchase tools for apparatus maintenance, diagnostics and repairs.

DISCUSSION:

Councilor McGeary explained this is to fund two pieces of equipment for the Fire Department’s maintenance program; one is for a pneumatic system for air-driven tools; the other is for diagnostic tools so the department mechanics can read and clear codes from vehicle computers and take care of the vehicles in house versus to taking them out of town for that purpose.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed the appropriation of 2013-SA-97 in the amount of \$25,000.00 (Twenty-Five Thousand Dollars) from the General Fund, Unreserved Fund Balance (“Free Cash”), Account #101000.10.000.35900.0000.00.000.00.000 to Fire Department-Replacement of Equipment, Account #101000.10.220.58700.0000.00.000.00.058 to purchase tools for apparatus maintenance, diagnostics and repairs.

Motion: To recommend to the City Council the appropriation 2013-SA-98 in the amount of \$10,000.00 (Ten Thousand Dollars) from the General Fund, Unreserved Fund Balance (“Free Cash”), Account #101000.10.000.35900.0000.00.000.00.000 to Fire Department-Replace Equipment, Account #101000.10.220.58780.0000.00.000.00.058 to purchase a thermal imager camera.

DISCUSSION:

Councilor McGeary said that this Supplemental Appropriation is for a thermal imager camera which is lifesaving equipment. The one the department’s camera’s is in disrepair and is not worth the cost of repairing. This money will fund the purchase of a thermal imager camera.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed the appropriation of 2013-SA-98 in the amount of \$10,000.00 (Ten Thousand Dollars) from the General Fund, Unreserved Fund Balance (“Free Cash”), Account #101000.10.000.35900.0000.00.000.00.000 to Fire Department-Replace Equipment, Account #101000.10.220.58780.0000.00.000.00.058 to purchase a thermal imager camera.

Council President Hardy declared under MGL c. 268A that she had a brother who was a proud member of the Gloucester Fire Department and recused herself, turning this last Supplemental Appropriation matter over to the Council Vice Chair, Councilor Theken.

Motion: To recommend to the City Council the appropriation 2013-SA-94 in the amount of \$30,000.00 (Thirty Thousand Dollars) from the General Fund, Unreserved Fund Balance (“Free Cash”), Account

#101000.10.000.35900.0000.00.000.00.000 to Fire Department-Overtime Training Expense, Account #101000.10.220.51315.0000.00.000.00.051 to provide additional funds for training.

DISCUSSION:

Councilor McGeary explained this is for Fire Department training to install a beefed up and extensive training program which requires the expenditure of cash.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed, 1 (Hardy) recused, the appropriation of 2013-SA-94 in the amount of \$30,000.00 (Thirty Thousand Dollars) from the General Fund, Unreserved Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Fire Department-Overtime Training Expense, Account #101000.10.220.51315.0000.00.000.00.051 to provide additional funds for training.

3. Budget & Finance Standing Committee Report of February 7, 2013 re: Amendment to the DPW Fee Schedule (Cont'd from CCM 02/26/13)

Councilor McGeary noted that the City Council was in receipt of an email from the DPW Director asking that this matter be withdrawn from Council consideration at this time. **By unanimous consent of the City Council the matter of the Amendment to the DPW Fee Schedule was withdrawn without prejudice.**

This matter is closed.

Scheduled Public Hearings:

1. PH2013-010: SCP2012-014: Mansfield Street #3/Washington Street #24, Map 6, Lots 36&37, GZO Sec. 1.8.1 And Sec. 2.3.1(7) Conversion to or new multi-family or apartment dwelling, four to six dwelling units

Linda T. Lowe, City Clerk informed the Council her office is in receipt of a letter from the applicant's attorney requesting that this public hearing be continued for two weeks to the next regularly scheduled City Council meeting.

Council President Hardy opened and continued the public hearing to Tuesday, April 9, 2013.

This public hearing is continued to April 9, 2013.

Councilor Tobey asked any Councilors if they had any questions or concerns to be vetted with regard to SCP2012-014 to please forward them to the P&D Committee before the next meeting.

Council President Hardy asked the Clerk of Committees to follow up on areas that remain incomplete by the applicant for SCP2012-014 as follows: for the DPW Director to address the P&D Committee regarding curb cuts, ADA sidewalks and drainage in writing. She noted during a P&D site visit there was a discussion the removal of trash on the site, and the Health Department has been involved in that matter. The Health Department forwarded a letter sent to the applicant regarding the trash situation on the site (on file) and asked that a status update be obtained from that department as well also in writing.

**2. PH2013-016: Amend GCO Chapter 22, Sec. 22-287 (Disabled veteran, handicapped parking)
Re: Middle Street #13**

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

This public hearing is closed.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING “one (1) handicap parking space in front of Middle Street #13.

DISCUSSION:

Councilor Theken explained that all the handicapped spaces coming before the City Council for public hearing this evening were recommended by the Traffic Commission and by the O&A Committee.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING “one (1) handicap parking space in front of Middle Street #13.

**3. PH2013-017: Amend GCO Chapter 22, Sec. 22-287 (Disabled veteran, handicapped parking)
Re: Warner Street #56**

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND the GCO, Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING “one (1) handicap parking space in front of Warner Street #56.

DISCUSSION: None.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND the GCO, Sec. 22-287 (Disabled veteran, handicapped parking) by “ADDING one (1) handicap parking space in front of Warner Street #56.”

**4. PH2013-018: Amend GCO Chapter 22, Sec. 22-287 (Disabled veteran, handicapped parking) re:
Washington Street #133**

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING “133 Washington Street, one space on the easterly side, beginning at a point 65 feet in a southerly direction from Pole #27-1, for a distance of 20 feet (one space)” and by ADDING “one space on Washington Street, easterly side from a point 173 feet from Railroad Avenue for a distance of 22 feet in a northerly direction.”

DISCUSSION: None.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING “133 Washington Street, one space on the easterly side, beginning at a point 65 feet in a

southerly direction from Pole #27-1, for a distance of 20 feet (one space)” and by ADDING “one space on Washington Street, easterly side from a point 173 feet from Railroad Avenue for a distance of 22 feet in a northerly direction.”

MOTION TO RESCIND CITY COUNCIL VOTE ON PH2013-013:

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted unanimously to rescind the vote taken regarding the Amending of GCO Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING “133 Washington Street, one space on the easterly side, beginning at a point 65 feet in a southerly direction from Pole #27-1, for a distance of 20 feet (one space)” and by ADDING “one space on Washington Street, easterly side from a point 173 feet from Railroad Avenue for a distance of 22 feet in a northerly direction.

This matter is continued to April 9, 2013.

(Note: See PH2013-019 for discussion that follows.)

5. PH2013-019: Amend GCO Chapter 22, Sec. 22-274 (Two Hour Parking) re: Washington Street #133

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-274 (Two Hour Parking) by DELETING Azorean lot, after the current entrance, and beginning ten feet from Pole #27-1 in a southerly direction on the easterly side, for a distance of 65 feet (approximately three spaces)” and by ADDING “Washington Street from its intersection with Railroad Avenue, easterly side, in a northerly direction for a distance of 173 feet and from a point 195 feet, easterly side, in a northerly direction, a distance of 105 feet to the MBTA train tracks.”

DISCUSSION:

Council President Hardy asked if the Azorean Restaurant had their own parking lot and did it have handicapped parking in their own lot. **Councilor Theken** informed the Council President the restaurant had their own parking lots on either side of the building, and did have handicapped spaces there also.

Councilor LeBlanc said the owner of Azorean Restaurant, Deo Braga had approached him about having an on-street handicapped parking space in front of the restaurant. He confirmed the restaurant has handicap parking within its parking lot, but it is tucked away along the side of the building and has had complaints that it is difficult to get from the side of the building to the restaurant entrance. Mr. Braga’s attorney suggested a handicapped space be placed on the street in front of the building. There was a handicapped space established on Washington Street slightly further down, and Mr. Braga asked it be moved closer to his establishment.

Council President Hardy noted she has a very disabled resident of Lanesville who has asked for years for a handicap on-street space in front of her home. But because this resident has a driveway, even though it is hard to get in and out of, the Traffic Commission has refused the establishment of a handicap space at the front of the property because this resident has her own parking space. She suggested Mr. Braga should change the placement of the handicap spaces in the configuration of his parking lot where it can be placed to a handicapped person’s best advantage for accessing his restaurant. She said she was not looking to inhibit business of this establishment, but that handicapped parking already exists in the building’s parking lot, and added this handicapped space is taking up regulated street parking.

Councilor Verga clarified this is not a handicapped parking space for an individual but for an extra space in case a handicap patron comes to the restaurant.

Councilor Ciolino said since this is handicap space is next to the train station he asked can someone who has a valid handicap placard and license plate park there all day. **Councilor LeBlanc** said as with any handicap spot in the City, anyone with a handicap placard can park in that space all day regardless if they take the train.

It was noted by **Councilor Theken** the restaurant had parking spaces also available on the opposite side of the street at two other Braga-owned properties, in addition to the parking lots on either side of the restaurant. **Councilor LeBlanc** said this is just moving the handicap parking closer to the door. There is one further away from the building being moved up two spots.

Council President Hardy called for a motion to rescind the vote taken under Public Hearing 2013-018.

Councilor Tobey moved and Councilor Verga seconded to rescind the vote taken in Public Hearing 2013-018 which was voted unanimously in favor to rescind the motion by the City Council (see above).

The Council then referred the matter of the handicapped parking at Washington Street #133 and the two hour parking issue related to the same matter back to the O&A Committee for further clarification by unanimous consent. It was asked that the owner of the Azorean Restaurant and his attorney be contacted to appear during that matter's discussion with the Committee.

This Council matter is continued to April 9, 2013.

6. PH2013-020: Adoption of License and Permit fees as proposed by the Licensing Board

This public hearing is opened.

Those speaking in favor:

Michelle Holovak Harrison, Chair of the Licensing Board, 27 Sayward Street noted she was joined by former Police Chief, Michael Lane who is also a member of the Licensing Board. **Ms. Harrison** said that under MGL c. 138 allows the local licensing authority to issue many kinds of licenses, but the most common alcohol licenses are two: The first is under MGL c. 138, §12 which is a pouring license for consuming alcohol on the premises, a restaurant, bar, hotel. The other is found under §15 which is for consumption of alcohol off premise, commonly known as a package store. Within these two sections there is a further breakdown, **Ms. Harrison** said: an all alcohol license or a beer and wine license, seasonal beer and wine or an all alcohol beer and wine; a year round beer and wine or a year round seasonal all alcohol.

A few years ago the Council voted to review at the Licensing Board fees and authorized a new fee schedule; but not included at that time was a seasonal all alcohol package store or beer and wine seasonal package store because the City didn't have any. There is now one; in 2012 the Licensing Board did issue a seasonal beer and wine license to The Cave at 44 Main Street, Laura Cramer, owner and manager. The Cave is a wine and cheese shop with incidental sales of seasonal wine, she said. When it came time to renew Ms. Cramer's license, the question was raised as to what the fee was; but the fee hadn't been established which was why she was before the Council now.

As suggested by Councilor Cox, the Licensing Board clerk did a list serve search of all the licensing authorities in the State to determine what other communities charge for this type of licenses. It was found there are very few communities that have seasonal package stores; most are located on Cape Cod and the Islands, and one in the western part of the State. The reason there are so few seasonal package stores, **Ms. Harrison** said, is because there are package store quotas. A city or town can only have a seasonal package store based on the increase in seasonal population. Gloucester's seasonal population increases by 15,000 annually. A city or town can have one seasonal package store for every 5,000 person seasonal increase in population. Therefore, Gloucester could only have three seasonal package stores, she noted.

Ms. Harrison said seasonal package store annual fees ranged from a high of \$2,000 in Dennis to \$500 in Egremont in the western part of the State. The Board, she said, determined that to come to a reasonable fee, they would look at an all alcohol license year round and charge two thirds of that fee for a seasonal all alcohol package store. The Board made the same determination for a seasonal beer and wine package store license by taking the year round beer and wine license fee and taking two-thirds of that. Therefore, a seasonal all alcohol package store would have a fee of \$1,500 and seasonal beer and wine package store fee of \$1,000, she said. However, Ms. Cramer communicated to the Licensing Board (letter on file) questioning the fairness of a fee of \$1,000 as she has a very small wine store and is not a big package store. She noted in her letter that the \$1,000 fee was higher than the seasonal beer and wine restaurant license fee which is \$750. **Ms. Harrison** said in response to Ms. Cramer's assertion, the Board, considering the suggestion of Ms. Cramer as reasonable, reconsidered the fee and determined that the seasonal beer and wine package store fee be lowered to \$750; and that, further, the opportunity to have a lot

of seasonal licenses is limited based on population. As a result, the Board now suggests to the Council that the recommended fee for a seasonal all alcohol package store be \$1,500 and \$750 for a seasonal beer and wine package store.

Those speaking in opposition: None.

Communications:

Ms. Lowe said there was a Licensing Board communication from Ms. Cramer asking that the fee for a seasonal beer and wine package store should be \$750 on par with a seasonal beer and wine restaurant license was the only communication received.

Councilor Questions:

Councilor Theken asked what package stores pay annually. **Ms. Harrison** said a year round package fee is \$2,250 for all alcohol. \$1,500 is recommended for a seasonal all alcohol fee which is two thirds of that.

Councilor Cox noting the fees of \$750 beer and wine and \$1,500 for all alcohol seasonal package store, said that the all alcohol package store is not adjusted. **Ms. Harrison** said because the opportunity for profit is greater for an all alcohol package store that is why that fee is higher.

Councilor Ciolino asked how long the seasonal license runs for. **Ms. Harrison** said it is a 9 month season.
This public hearing is closed.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to adopt the License and Permit fees as proposed by the Licensing Board in a February 14, 2013, memorandum and by a vote of the Licensing Board on February 5, 2013, by ADDING: "Seasonal Beer & Wine Package Stores: \$1,000.00 annually and Seasonal All-Alcohol Package Stores: \$1,500.00 annually."

DISCUSSION:

Councilor McGeary accepted a friendly amendment to change the fee for a seasonal beer and wine package store to \$750 without objection of the Council.

Councilor Cox said that if the Council rationalizes the lowering the fee for beer and wine seasonal package store, shouldn't the same rationale be applied to the all-alcohol seasonal package store.

Ms. Harrison said the seasonal all alcohol licenses are \$2,000 which is more than the \$1,500 fee being recommended. The beer and wine seasonal license is \$750. **Councilor Cox** said she understood the rationale of the Board and appreciated the research done.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted **BY ROLL CALL 9** in favor, 0 opposed to adopt the License and Permit fees as proposed by the Licensing Board in a February 14, 2013, memorandum and by a vote of the Licensing Board on February 5, 2013, by ADDING: "Seasonal Beer & Wine Package Stores: \$750.00 annually and Seasonal All-Alcohol Package Stores: \$1,500.00 annually."

Ms. Harrison advised the Council that the Gloucester Licensing Board, the Police Department and Health Department and the Essex County District Attorney's office is sponsoring an event "Party's at your House" about the State's social host liability law at 6:30 p.m. April 25th at the Rose Baker Senior Center. She also noted that the P&D home rule petition about increasing the City's licensing quota by five additional licenses is on the Licensing Board's agenda for an April 16th public hearing at the Friend Room at the Library.

Councilor Whynott added that the social host liability law is not just about teenagers, but it also relates to situations where an adult is over-served and then drives while intoxicated; whomever over-served that individual then is liable.

7. PH2013-021: SCP2013-002: Pleasant Street #7-11 and Main Street #184-186, Map 8, Lot 70, GZO Sec. 2.3.2 & Sec. 5.13 (PWSF-Sec. 5.13.2.6 Co-Location)

This public hearing is opened.

Those speaking in favor:

Attorney Daniel Klasnick representing Bell Atlantic Mobile of Massachusetts Corporation Ltd., d/b/a Verizon Wireless explained his client filed an application for a Special Council Permit to install and operate a new wireless facility on the roof of the building at the corner of Pleasant and Main Streets to address what is an acknowledged

gap in wireless service by Verizon in the downtown area. He then made the following comments on the Verizon Wireless request for a Special Council Permit:

- There is existing wireless equipment installed on the roof top for two installations: Sprint/Nextel has three separate ballast mounts and their antennas that in 2012 came before the Council for a modification of their PWSF Special Council permit to add some new antennas and radio heads. Additionally AT&T Wireless has a facility that they have façade mounted to the chimney. They, too, he said, were also recently before the Council for a modification of their PWSF Special Council Permit. Verizon Wireless' proposal is substantially similar to the Sprint/Nextel and AT&T installation.
- Verizon proposes to install three separate ballast mounts on the roof top of the building with four antennas will be installed on each of the three ballast mounts positioned on the roof top to allow for 360 degrees of coverage to satisfy the coverage gap Verizon Wireless is trying to address.
- The antennas will rise to approximately 9 feet of the height of the existing roof top, a consistent height with the existing Spring/Nextel installation and below the height of the AT&T antennas.
- Verizon Wireless will build out an equipment room located on the fourth floor inside the building which will house the installation's electronic equipment necessary to operate the wireless antennas.
- For emergency back up service, it is proposed to place an emergency back-up generator on the roof top of the building as well.
- With the application Verizon Wireless has submitted coverage maps (on file) and a detailed RF Affidavit certifying the particular need for this facility. Also provided with the application with 12 exhibits and also went into great detail as to how the application complies with the six criteria under Sec. 1.8.3 of the zoning ordinances. Documentation has been provided to support the need for this facility. Photo simulations, in addition to plans were also a part of the application submission.

Mr. Klasnick said that Verizon Wireless believes it has complied with all aspects of the Special Council Permit criteria and reiterated Verizon Wireless is filing a gap in service identified by the Council and so asked for the Council's support for the Verizon Wireless application for collocation.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Council President Hardy asked if a Radio Frequency Report had been filed which **Mr. Klasnick** confirmed it was part of the application and was on file. **Council President Hardy** expressed her understanding that radio frequency diminishes with time and new technology. **Mr. Klasnick** noted the certified study Verizon Wireless submitted with its application which shows the facility reflects compliance with the FCC's standards for radio frequency radiation. The analysis concludes cumulatively, taking into consideration the AT&T and Sprint/Nextel installation, that together it would be less than 2 percent of the allowed radio frequency radiation levels. He said that there could be fifty more of the same facilities and still are in compliance the FCC requirements.

Council President Hardy asked about the doorway and stairs leading to the roof and whether they were improved upon as ordered in the last Special Council Permit wireless modification at that location. **Steven Russell**, Verizon Wireless Real Estate consultant said he had been on the roof and confirmed the improvements were made to the doorway and stairs as ordered by the Council with a previous permit. He confirmed there lighting and signage and lighting at the bulkhead door opening. He added if it is required by the FCC, Verizon Wireless would provide their own signage as well. **Council President Hardy** asked about the proposed utility room and was it new. **Mr. Russell** said confirmed this is a new room and has proper air ventilation which has an a/c unit on the roof and noted the building permit is in process. He did assure the Council President that no work has been started nor would it until the appeals period had passed and the Council adopted the Special Council Permit decision.

Council President Hardy asked if the addition of their wireless antennas interfere with any others and what were the other Verizon facility locations in the City. **Mr. Klasnick** said there is no interference. Further, the two other Verizon facilities in the City are located on a tower at 16 Kondelin Road and on the City-owned water tank at the Blackburn Industrial Park. **Mr. Klasnick** also confirmed for the Council President that this new collocation would fill a known coverage gap in the downtown area. **Council President Hardy** thanked Verizon for addressing the coverage gap and asked if Verizon Wireless would object to providing space on their antenna array for a municipal antenna for emergency services should it be needed. **Mr. Klasnick** said there would be no objection. **Council President Hardy** asked that the Fire Department be informed in writing of the location of the Verizon Wireless' lock box in order to have access to the utility room and that a plan of the Verizon facility should be on file with that department as well

This public hearing is closed.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant a Special Council Permit (SCP2013-002) for the construction and installation of a roof mounted Personal Wireless Communications Facility with 12 rooftop ballast antennas deployed in three (3) separate sectors of four (4) antennas with two (2) remote radio heads per sector; an equipment room on the fourth floor of the building; co-axial cable inside the rooftop mounted cable trays; two (2) rooftop mounted condensers, and a rooftop mounted emergency back-up generator. The ballast frames will extend to a maximum top height of 63 feet, three inches or no further than the existing AT&T antennas mounted on the chimney of the building or the Sprint-Nextel antennas on ballast mounts located on the rooftop. This Special Council Permit is granted pursuant to Sections 2.3.2, 5.13 and 5.13.2.6 to install at 7-11 Main Street, #184-186 Pleasant Street (Assessors Map #8, Lot #70) zoning classification CB, with the agreement of the property owner, as lessor, (Jimary Land Trust, LLC) for a portion of the rooftop and interior space of building at site location; all as shown on plans dated 12/21/12 and drawn by Dewberry Engineers, Inc., signed by Benjamin Revette, P.E. and subject to the following condition:

- That the collocation is not to impede use of a communication tower located at Pleasant Street #7-11 Main Street #184-186 by Gloucester public safety organizations to maintain and install hardware necessary to their communications systems.

DISCUSSION:

Councilor Tobey said a lot of downtown Verizon users will have their coverage improved by this installation.

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted **BY ROLL CALL 9** in favor, 0 opposed to grant a Special Council Permit (SCP2013-002) for the construction and installation of a roof mounted Personal Wireless Communications Facility with 12 rooftop ballast antennas deployed in three (3) separate sectors of four (4) antennas with two (2) remote radio heads per sector; an equipment room on the fourth floor of the building; co-axial cable inside the rooftop mounted cable trays; two (2) rooftop mounted condensers, and a rooftop mounted emergency back-up generator. The ballast frames will extend to a maximum top height of 63 feet, three inches or no further than the existing AT&T antennas mounted on the chimney of the building or the Sprint-Nextel antennas on ballast mounts located on the rooftop. This Special Council Permit is granted pursuant to Sections 2.3.2, 5.13 and 5.13.2.6 to install at 7-11 Main Street, #184-186 Pleasant Street (Assessors Map #8, Lot #70) zoning classification CB, with the agreement of the property owner, as lessor, (Jimary Land Trust, LLC) for a portion of the rooftop and interior space of building at site location; all as shown on plans dated 12/21/12 and drawn by Dewberry Engineers, Inc., signed by Benjamin Revette, P.E. and subject to the following condition:

- That the collocation is not to impede use of a communication tower located at Pleasant Street #7-11 Main Street #184-186 by Gloucester public safety organizations to maintain and install hardware necessary to their communications systems.

On inquiry by **Council President Hardy, Mr. Russell** said that as soon as the Building Inspector issues a building permit, construction will commence on the Verizon Wireless facility.

8. PH2013-022: SCP2013-003: East Main Street #114, Map 59, Lot 54, GZO Sec. 2.3.1(7) Conversion to or new multi-family apartment, four to six dwelling units

This public hearing is opened.

Those speaking in favor:

Attorney Meredith Fine, 38 Pleasant Street representing Scott Burnham, property owner, said 114 Main Street is the multi-family building next to Espresso's Restaurant. This is a title issue that the lender wanted the owner to try and change. In 1998 the person who owned the building then got a series of special permits and variances and was supposed to get a Special Council Permit for the conversion of the building four units to five units approved, but never did and it was noticed for many years. **Ms. Fine** said that owner applied for a building permit and was given it in 1998 for the conversion, did what was supposed to be done according to the permit, time passed and no one opposed it or filed any appeals. The property was then sold two more times, and no one noticed that no Special

Council permit had not been obtained, not even the banks or title examiners, **Ms. Fine** said reiterating the lender and title insurance company asked to see if the owner could fix the situation.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Tobey said given the issuance of the building permit and passage of appeal periods that the use is already legal. **Ms. Fine** responded that the statute says if a building permit is issued from an authorized municipal employee, the Building Inspector whose job it is to issue permits dose so, you do what is in the building permit, nothing else; and if there are no appeals on it for six years, that building itself and the use is legal and unchallengeable. **Councilor Tobey** said that this is just an exercise in belts and suspenders to which **Ms. Fine** agreed.

Council President Hardy asked if there is a dumpster on the property because once there are more than four units to a building, the trash removal must be by a private trash hauler and said she would have a copy of this permit sent to the City's Recycling Coordinator as notice that the building now has five units (not four). She also asked about the parking. **Ms. Fine** confirmed there is a variance from the ZBA in 1998 for five parking spaces, 1 per unit; but she could not confirm if there was a dumpster but was sure the owner had contracted for private trash removal.

Ms. Fine confirmed for **Councilor Theken** and **Councilor Whynott** that this building has been a five unit building since 1998.

This public hearing is closed.

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 grant Scott Real Estate LLC a Special Council Permits (SCP2013-003) for the property located at 114 East Main Street, Assessors Map 59, Lot 54, zoned NB pursuant to Sections 1.8.3 and 2.3.1(7) of the Gloucester Zoning Ordinance to continue the use of five existing residential units all as based on the plan submitted with the application entitled, "Site Plan" as drawn by Gateway Consultants, Civil Engineers dated 5/21/12.

DISCUSSION: None.

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to grant Scott Real Estate LLC a Special Council Permits (SCP2013-003) for the property located at 114 East Main Street, Assessors Map 59, Lot 54, zoned NB pursuant to Sections 1.8.3 and 2.3.1(7) of the Gloucester Zoning Ordinance to continue the use of five existing residential units all as based on the plan submitted with the application entitled, "Site Plan" as drawn by Gateway Consultants, Civil Engineers dated 5/21/12.

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilor Verga said the Mayor's office is on board with reconstituting the Planting Committee and Cemetery Advisory Committee and asked the Council to send names of interested citizens to the Mayor for her consideration of appointment. **Council President Hardy** suggested the Mayor also put in something in the paper on it.

Councilor Cox said the Tourism Commission is also looking to fill some spots and send a letter of interest to the Mayor with resumes.

Councilor Theken thanked all the boards, committees and commissions and urged the public to step forward to volunteer and write to the Mayor submitting their resume with it and view the City's website listing all the opportunities available. The Councilor wished everyone a Happy Easter and Good Passover. **Councilor Theken** reminded residents that with the many meetings that take place every evening in the City that if the public doesn't see the Councilors at one particular meeting, but only sees one, perhaps not their own Ward Councilor, that when the public sees one Councilor there, that Councilor does represents the entire Council.

Councilor LeBlanc said he will hold a ward meeting tomorrow in the 3rd floor conference room at 6 p.m. to update the ward on current issues, and would look forward to residents' input. He asked the administration to see that the Kyrouz Auditorium clock was fixed. He wished would like the administration to fix their clock. He wished Councilor Verga a belated happy birthday.

Councilor Ciolino also wished everyone a Happy Easter and Good Passover.

Councilor McGeary reminded the public of the wind turbine forum taking place this Thursday evening at the Sawyer Free Library in the Friend Room where he will act as moderator and tomorrow at 6:30 p.m. at Cruiseport there will be a regional forum regarding mosquito control which is an opportunity for the public to weigh in.

Council President Hardy said she will hold a Ward 4-2 neighborhood meeting on Thursday, April 18th, 7 p.m. to 9 p.m. at the Lanesville Community Center. Topics slated for discussion are the repair of the Lanes Cove Seawall, funding it and its status. Joining her from the City's administration will be a representative from the DPW department, the Chief Administrative Officer, and she acknowledged she had extended an invitation to the Mayor who will attend if her schedule allows.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:10 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Updated pamphlet of documents on the Lane's Cove Fish Shack as presented to the Council by Jim Hafey, City Facilities Manager and member of the Lane's Cove Fish Shack Committee
- Flyer from Licensing Board for an April 25, 2013 Social Host Liability Forum featuring Essex County District Attorney Jonathan Blodgett

BUDGET & FINANCE MINUTES

04/04/13

UNDER SEPARATE COVER

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
 Monday, April 1, 2013 – 6:00 p.m.
1st Fl. Council Conference Rm. – City Hall
Minutes

Present: Chair, Councilor Sefatia Theken; Vice Chair, Robert Whynott; Councilor Steven LeBlanc, Jr.

Absent: None.

Also Present: Councilor Cox; Councilor Verga; Linda T. Lowe; Jim Duggan; Mark Cole; Tom Daniel; Larry Ingersoll

The meeting was called to order at 6:00 p.m. When Councilor Verga entered the meeting at 6:40 p.m. there was a quorum of the City Council.

Councilor Theken explained that all names of appointees forwarded by the Mayor to the Council for Boards, Committees and Commissions typically have resumes attached to the documentation to be reviewed by the Council. However, no resumes have been received for this new group of appointees to date. She noted that each of these appointees can continue to serve under their 90-day temporary appointment to their respective board, committee or commission. Those appointees without resumes submitted were: Michael DiLascio, Joe Boreland; James Bordinaro; and Mark Lacey. **Councilor Theken** thanked these gentlemen for taking the time to come to the meeting, but due to the lack of resumes, the Committee would not interview them at this time. She asked they submit their resumes to the City Clerk's office or to the Office of the Mayor to be forwarded to the Council so that the O&A Committee can more fully review their appointments at the May 6th regularly scheduled O&A Committee meeting.

1. Continued Business:

A) Reappointments:

Conservation Commission	TTE 02/14/16	Ann Jo Jackson
Shellfish Advisory Commission	TTE 02/14/16	Ann Jo Jackson

Councilor Theken apologized to Ms. Jackson for her inconvenience due to the cancelation of the March 18th meeting and appreciated her appearing this evening. The Councilor noted ConCom is a difficult Commission to be on and credited Ms. Jackson for her commitment to the Commission's work. She also expressed her appreciation on her taking the time to explain the ConCom process to applicants step by step which can be very daunting, especially to those who are appearing before the Commission for the first time. **Councilor Theken** also noted Ms. Jackson's work on the Shellfish Advisory Commission where she maintains the same high standards and volunteer commitment.

MOTION: On motion of Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint Ann Jo Jackson to the Conservation Commission, TTE 02/14/16.

MOTION: On motion of Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint Ann Jo Jackson to the Shellfish Advisory Commission, TTE 02/14/16.

Waterways Board

TTE 02/14/16 Patti Page

Councilor Theken questioned Ms. Page about the criteria under which she is being reappointed to the Waterways Board. **Ms. Page** said she was originally appointed for a one-year term as a fisheries member, but now that she has left the fisheries service, she is being reappointed as a member at-large. Responding to **Councilor Theken's** inquiry, **Ms. Page** said that the new members already participating on the Board is very knowledgeable and has had no learning curve. The business of the Board is being conducted as normal, she said.

MOTION: On motion of Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint Patti Page as a "Member at Large" to the Waterways Board, TTE 02/14/16.

- B) CC2013-010 (Theken/LeBlanc) Amend GCO Sec. 22.270.1 "Resident Sticker Parking" re: Beach Court, Fort Square and Commercial Street (Cont'd from 03/04/13)

Larry Ingersoll, Co-Chair of the Traffic Commission said seasonal parking restrictions are already in place on Beach Court, on both sides. There is also seasonal restricted parking at 17-21 Commercial Street. The Commission noted it would not be appropriate to make this kind of limitation to parking in front of places of business in the Fort, especially those already covered by other traffic ordinance sections. The Traffic Commission only voted on the Fort Square portion of the order for resident sticker parking only. There were conflicting opinions as to the parking at the playground in the Fort. **Mr. Ingersoll** said that the Traffic Commission's opinion was that the lot, consisting of six regular and one handicap parking space, should be open to anyone so that was left out of the discussion by the Commission. If people are going to park at the playground all day and it becomes a problem, that can be revisited, he said. **Councilor Theken** said the concern is not about people using the park; rather it is concern the playground lot will be used for beach parking. **Councilor Cox** said she would like to wait before putting an order forward to limit parking in the playground lot for two hours but wished to see what transpires first. **Councilor Theken** said that many families do use the playground for play dates and do stay more than two hours. She agreed that if it became a problem then an order could come forward to place a time limit on parking there.

Councilor Theken pointed out that the restriction now in place for Beach Court was for seasonal resident sticker parking and wanted to move it to year round resident sticker parking. **Linda T. Lowe** noted there is resident sticker parking year round in other areas, particularly in Plum Cove and Lanesville, and some of it is seasonal also.

MOTION: On motion of Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sec. 22-270.1 (Resident Sticker Parking Only) by ADDING "Fort Square for its entire length (from #2 to #59);" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion of Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sec. 22-271 (Parking Prohibited from May 1 to September 15-Generally) by DELETING Beach Court for its entire length and AMEND Sec. 22-270.1 (Resident Sticker Parking Only) by ADDING Beach Court for its entire length;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion of Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sec. 22-271 (Parking Prohibited from May 1 to September 15-Generally) by DELETING Commercial Street #17-21 westerly side in a southerly direction to its intersection with Beach Court; and AMEND Sec. 22-270.1 (Resident Sticker Parking Only) by ADDING Commercial Street #17-21 westerly side in a southerly direction to its intersection with Beach Court;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

- C) CC2013-011 (Cox) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" by adding one space near Perkins Street #39 (Cont'd from 03/04/13)

Councilor Cox said that the Traffic Commission has reviewed this matter and that there is not handicapped parking in the area of the requestor who knows that this handicapped space is for anyone with a handicapped placard. She noted the requestor lives on the first floor. The Traffic Commission approved the creation of this handicapped space at Perkins Street #39.

MOTION: On motion of Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one (1) handicapped parking space at Perkins Street #39;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

2. Management Appointment & Certificate of Vote from Planning Board recommending the appointment of Tom Daniel to the position of Community Development Director, TTE 02/14/14

Jim Duggan, CAO presented Tom Daniel as the City's new Community Development Director. There was an Administrative interview team made up of himself, the Personnel Director, the Acting Community Development Director (Gregg Cademartori) and Rick Noonan, Chair of the Planning Board, reviewed approximately 35 resumes for highly qualified candidates, but Mr. Daniel's experience and background stood out during the interview process, he said. **Mr. Duggan** noted that Mr. Daniel worked for 5 years with the City of Salem in the economic development arena. He pointed out the Administration's intent to intensify the City's push for economic development. Prior to Mr. Daniel's work with the City of Salem, he worked in Minneapolis, MN. He highlighted that Mr. Daniel has already been:

- Instrumental in drafting the RFP for consulting services for I4-C2;
- Made outreach efforts to various companies to bring them to Gloucester maintaining the symbolic emphasis and goal of the City around the fishing industry.
- Reached out to the different tourism-related groups in the City, to the Chamber of Commerce, and a number of different boards and commissions to get their ideas and share his ideas with them.

Mr. Duggan said he has had only positive feedback on Mr. Daniels. He said that the City staff is very pleased with Mr. Daniel's selection, and added that the Administration fully supports Mr. Daniel's appointment.

Mr. Duggan, answered an inquiry by **Councilor Theken** by explaining Mr. Daniel will manage the Community Development staff and the five manager positions – the Planning Director (Gregg Cademartori), the currently unfilled Economic Development Director position, the Harbor Planning Director (Sarah Garcia), the unfilled position of Marketing & Events Coordinator and the unfilled position of Grants Manager. The hiring of an Economic Development Director is an identified priority in the FY14 Budget by the Administration. The position of Senior Planner has been posted and advertised. **Mr. Duggan** said the Administration feels with all the projects currently being planned or already in place that the City needs to give support to the Planning Director.

Councilor Theken noting she had reviewed Mr. Daniel's resume, she said she and Mr. Daniel already have spoken to express her feelings about the community. **Councilor Theken** said she has developed a great deal of respect for Mr. Daniel; that he is kind, respectful, listens and remembers. She expressed she appreciated the direction the Community Development Department was taking and liked the direction Mr. Daniel would move the department. She welcomed Mr. Daniel to the City. **Mr. Daniel** said he has lived in Manchester-by-the-Sea for the last five years, but Gloucester is where he and his family hang out.

MOTION: On motion of Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Tom Daniel as Community Development Director, TTE 02/14/14.

3. New Appointments and Reappointments

Appointments:

Waterways Board

TTE 02/14/16

Joe Boreland, Economic Development Member
James Bordinaro, Fishing Industry Member
Mark Lacey, Recreational Boating Member

These three Waterways Board appointments were continued to May 6, 2013 pending receipt of resumes.

EDIC

TTE 07/01/16

Ruth Pino, Michael DiLascio (Cont'd to 5/6/13)

Ms. Pino said she has been told she will have to resign as a member of the Affordable Housing Trust because she understands it is in conflict with her appointment to the EDIC. She said she will resign once her appointment to the EDIC is confirmed by the Council. **Ms. Lowe** said the City Charter Sec. 2-10(b) says that the boards, committees or commissions must be directly related. **Ms. Pino** said she didn't think there was a conflict, however and said she felt the two were related. **Councilor Whynott** said he didn't think it was a big stretch to say the Affordable Housing Trust was similar with the EDIC's economic development, if for instance someone wanted to build affordable housing. **Mr. Duggan** said both the Affordable Housing Trust and EDIC helps to increase the City's tax base and so it could be similar. **Councilor Theken** noted the respect Ms. Pino commands in the community and said she respected her work on behalf of the City. She said she hoped Ms. Pino could remain on the Affordable Housing Trust as she had done good work during her tenure on that board. **Ms. Lowe** was instructed to

inquire of General Counsel to learn whether Ms. Pino would have to resign from the Affordable Housing Trust or whether she could remain under Charter Sec. 2-10(b).

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Ruth Pino to the EDIC, TTE 07/01/13.

Committee for the Arts TTE 02/14/17 Sinikka Nogelo

This appointment is continued to May 6, 2013.

Zoning Board of Appeals TTE 02/14/16 David Gardner (Alternate Mbr. to Permanent Mbr.)

Councilor Theken thanked Mr. Gardner for his commitment to the City, for his professionalism and kindness and noted she had nothing but high praise from the community. **Councilor Whynott** added his endorsement as well.

MOTION: On motion of Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint David Gardner to the Zoning Board of Appeals as a Permanent Member, TTE 02/14/16.

Reappointments:

Trust Fund Commission TTE 02/14/16 John Fleming (Cont'd to 5/6/13), Michael Sanborn

Councilor Theken asked about the activities of the Trust Fund Commission. **Mr. Sanborn** said the Trust Fund Commission is composed of himself and John Fleming. The Commission is the custodian of various trusts set up years ago for specific purposes for the City; and generally only income is used for those purposes, he said. **Mr. Sanborn** gave the example of several trust funds which are set up for the Sawyer Free Library. There is a trust fund set up for a school music program. Another trust fund is set up to fund the Sawyer Medal program. **Councilor Theken** asked that the list of the trust funds in the care of the Trust Fund Commission be forwarded to the City Clerk for the record.

It was noted that Mr. Fleming and Mr. Sanborn would appear before the B&F Committee on Thursday, May 9th to give that Committee a full update on the activities of the Trust Fund Commission as required by the Code of Ordinances.

MOTION: On motion of Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Michael Sanborn to the Trust Fund Commission, TTE 02/14/16.

3. CC2013-012 (LeBlanc) Amend GCO Chapter 22, Sec. 22-287 (Disabled Veteran, handicapped parking) Re: Harold Avenue #8

Mr. Ingersoll said the Traffic Commission discussed the matter with the requestor. He noted there are no other handicapped parking spaces on that street, and the Commission informed the requestor's representative that any person with a handicapped placard can park in this space; it is not for their exclusive use. The Commission recommended unanimously his handicapped space be created, he said.

MOTION: On motion of Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one (1) handicapped parking space in front of Harold Avenue #8;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

4. CC2013-015 (Cox) Amend GCO Chapter 22, Sec. 22-270.1 (Resident Sticker Parking Only) re: Beach Court, #17-#21 Commercial Street and Fort Square

Councilor Cox explained that there is a similarity with Councilor Theken's Council Order CC2013-010 (see above). She noted that moving ahead with Councilor Theken's order will give the Fort area residents year round on

street resident sticker parking. However, Fort residents have come back and had a discussion with her and Councilor LeBlanc asking for more restrictive resident parking only just for those who live in their district. She said she would take her order forward to the Traffic Commission to give the residents a chance to explain their concerns.

This matter is continued to May 6, 2013 pending a Traffic Commission recommendation.

5. CC2013-017 (Verga) Amend GCO Chapter 21, Article IV (Repair of Private Ways) Sections 21-81 through 21-85 to add specific standards on what City should require for the level of design, amount of work, and allocation of funds for permanent repairs to private ways

Councilor Verga, noting that recently four private roads came forward to the Council requesting a 50:50 joint paving project with three followed through to the Council vote, and he had started the process for several private roads in Magnolia, said his Council Order is to provide for a review of the GCO c. 21, Art. IV Repair of Private Ways to streamline language giving prominence to the caveat that joint paving projects between residents living on private ways and the City can't be undertaken until a funding source is identified.

Mr. Duggan noted the situation of the three private roads in East Gloucester was a misunderstanding in that a resident of High Popples Road where the DPW personnel was patching the road told the workers to stop as the roadway would be repaved. However, the DPW continued with the patching. That person emailed the Administration Friday informing them of this situation. The return email informed this resident that the funds were not in place to pave their road. **Mr. Duggan** said that going through the ordinance process to make way for a private road joint paving project sets expectations. In 2003, he noted, there was a paving management plan submitted which showed \$11 million paving that needs to be done in the City. Since then there have been \$6 million of Chapter 90 funds come in from the State. He reminded the Councilors that with the support of the Council there was a bonding of \$750,000 two years ago for paving as well. **Mr. Duggan** suggested there is over \$20 million of public ways to be repaired but could be more than that. He asked Mike Hale, DPW Director to submit a paving management plan which he informed the Committee would be submitted this summer. He enumerated several other issues where the expectation on estimating and designing a road paving project is on the DPW which is not the intent of the ordinance, he said. The City, he said, is there to help patch private ways; but if the road continues to deteriorate and nothing is ever said by any homeowners, he said in his opinion it becomes an assumption by the homeowners that the City will continue to patch their private way. At a certain point the City can't continue to do that when the roadway deteriorates too much. The question then has to be asked at what point if ever will a private way be considered a public street. He pointed out there are certain areas where streets have one or two homes on them. Does the City absorb those private ways with so few homes on them, he asked. The funds the City has now can't keep up with just the sidewalk repair and replacement. He suggested that the City has to be careful in setting expectations because the City can't keep up with the demand of paving public thoroughfares. He noted the paving management plan has never been a part of the General Fund and said he didn't know if the City would ever be able to afford to get to that point.

Councilor LeBlanc said he thought he remembered that with Jacques and Mayflower Lanes and High Popples Road that the agreement was there was something to be attached to the residents' tax bill, so many dollars for 10 years. **Councilor Verga** said it is a 50:50 split where the homeowners pay half and the City pays half for the paving project; but the City doesn't have the 50 percent to do such projects. **Ms. Lowe** said that isn't just the agreement that is the language of the ordinance. The 50:50 split, she said, has always been in the ordinance language. She noted the ordinance says as one of the first items that the City Clerk sends the joint proposal to the DPW Director and the Mayor; and they are supposed to comment to say if the project can it be done financially. At this point is where the DPW Director can say there are no funds. **Ms. Lowe** said that people are assuming when the City is doing the temporary repairs that it also means the next step is that the City will pave their road. It doesn't say this anywhere in the ordinance as accepting a street as "public" is completely separate

Councilor Whynott said some time ago the engineering was done by the residents until then DPW Director Bill Robertson and said the DPW would take care of it. **Councilor Verga** pointed out another issue as to cost, the vote regarding the East Gloucester private roadway joint paving projects was not to exceed a certain cost. But that price agreed upon was made in 2013. If now two years from now the funds on the City's side were in place, that paving estimate would likely no longer be good and so the funds voted upon would be invalid. He said that as much as he thinks the ordinances are good on paper, it doesn't work and sets expectations.

Mr. Duggan said if suddenly the City had the funds to pave, say, Mayflower Lane in May, but the paving price goes up overnight and now is 40 percent higher than originally estimated. Now the City pays 75 percent of the cost. **Councilor Verga** agreed and was to his point. If the price of the paving goes up there has to be another vote. He

reiterated the first step is the feasibility as Ms. Lowe pointed out earlier. **Ms. Lowe** suggested that if up front a firm response is obtained by the DPW Director that the joint paving project can't be done because of the lack of City funding, and then it would be clearly understood.

Mr. Duggan asked who does the design and estimating. **Ms. Lowe** responded that the ordinance says the neighborhood is supposed to come up with an engineered plan. **Mr. Duggan** said the Administration had been in support of the Governor's proposal which could double the City's Chapter 90 funds. **Councilor Verga** added that would, however, raise taxes.

Councilor LeBlanc gave the example of Lloyd Street near Gloucester High School where a resident there says the street needs to be paved. But most of the 8 homes on that private road are not owner occupied and expressed concern what it would do to raise taxes there and in turn raise the rents of the tenants. **Mr. Duggan** asked about the feasibility of adopting such a street, and Councilor LeBlanc noted Lloyd Street is a dead end with no sidewalks or drainage. **Ms. Lowe** pointed out just because there is a paving project does not mean the City would or should want to take the street from a private way to a public way.

Mr. Duggan inquired as to the intent of the ordinance. **Councilor Whynott** said when the City keeps repairing these private roads eventually cold patching fails to maintain the quality of the roadway. So the ordinance gave these residents on private roads a way to have an opportunity for their roads to be paved done jointly. A few roadways were paved, but, he said, it doesn't mean that roadway will be paved a second time. **Ms. Lowe** pointed out those permanent repairs charged completely to the City cannot be done to private roads by State law. The ordinance allows for residents paying for half of the paving cost to do permanent repairs to a private way. **Councilor Whynott** said the City can't afford to accept the 55 percent of private roads as public.

Councilor Verga asked if Mr. Hale had any suggestions for reshaping the ordinance. **Mr. Duggan** said he and Mr. Hale discussed some of the shortcomings and obstacles with the ordinance; and Mr. Hale's biggest obstacle is money and suggested perhaps B&F should have a look at the ordinance from that perspective and that maybe there should be a 75:25 split rather than 50:50 or that no more joint paving projects will be accepted for consideration until further notice, for instance. **Councilor Verga** said it is easy to say it's a private way, and it should be the homeowner's responsibility for the roadway's maintenance and condition; but the argument can be also made that a resident pays a lot of property taxes, so why can't they have their road not just repaired but paved. He said it is a good concept but it is an unfunded concept. **Councilor Whynott** said there should be criteria as to what would be on the road and how many homes, etc. **Councilor Verga** said that was a good suggestion and asked Mr. Duggan to convey that to Mr. Hale to consider what he would suggest would be minimum criteria. There may be a case to have minimum criteria which is missing from the ordinance. He also suggested that was something that would be better served by discussion at P&D and perhaps even at B&F.

Mr. Duggan said if the legislative and executive bodies were disciplined and saying the residents need to submit the engineering plan that the City will not do that anymore and is subject to funding. **Councilor Verga** said perhaps the first thing is to ask if there is funding. If the answer is no, it is done, he said. If the order is reversed, again, he said, there is an expectation the paving project would progress and be followed through.

Ms. Lowe summarized that there is a sequencing issue with the ordinance which confuses residents; and other Councilors have said it should be reordered. The Committee agreed that the sequencing of the ordinance would be the purview of the O&A Committee. It was noted that the first criteria has to be was funding available on the City's part. Then there should be a list of those who have completed their application and to be taken in order. **Councilor Verga** noted that could be a problem when the estimates for paving become out of date but agreed the first step should be to find out if funding is available. **Councilor Theken** asked Ms. Lowe to review the ordinance process for resequencing by June 3rd.

This matter is continued to June 3, 2013.

6. Review Amendments to GCO Chapter 22, Sec. 22-287 (Disabled veteran, handicapped parking) re: Washington Street #133 and, Sec. 22-274 (Two Hour Parking) re: Washington Street #133 at the request of the City Council on 3/26/13

Mr. Ingersoll said when this first came forward last year; the Traffic Commission located the handicapped space near the old gas station area now owned by the Azorean Restaurant for an additional parking lot. The Commission's reasoning was that it would be easier for a handicap person to pull their vehicle that spot where there already was a curb cut. But the handicap ramp for the restaurant is beyond the handicap space and faces left towards the train tracks away from the established handicapped parking space.

Councilor Theken asked why there are not handicapped spaces in Mr. Braga's parking lot. **Attorney Robert Coakley** representing Deo Braga, owner of the Azorean Restaurant said there is handicapped parking in the restaurant's parking lot which is in the back of the restaurant. This requires handicapped restaurant patrons to walk up a fairly steep incline to access the ramp to the front door of the restaurant. **Councilor Theken** pointed out the owner could move the handicapped space in the parking lot which doesn't require an amendment to the Code of Ordinances. **Mr. Coakley** said the owner could move it closer but the space would still be on a slant to the entrance. **Councilor Theken** asked why the spaces couldn't be moved to the new parking lot at the other side of the building. **Mr. Coakley** again said the owner could move the space to that lot but that was at a time when the restaurant was going through a site plan review. He said they went to the Traffic Commission a year ago who suggested the space be near the curb cut so a handicap person would not have to back into the space. **Mr. Coakley** noted there are two regular customers of the restaurant who are handicapped who asked for this change, one of whom has a walker and it is much further for this person to access the ramp at the front of the restaurant. It was that person who requested it be closer to the start of the ramp that leads to the front door. **Councilor Theken** confirmed that Mr. Coakley understood that the handicapped space in front of the restaurant does not have a time limit, nor is it reserved for the exclusive use of restaurant patrons. **Mr. Coakley** said a year ago the Traffic Commission told Mr. Braga that anyone can use the handicapped space. At that time they acknowledged this handicap space is available to anyone with a handicap placard and did so again before the O&A Committee, even someone who parks there all day to take the train to Boston.

Councilor Theken said this is not an individual with a handicap making the request; it's not a restaurant looking for a loading dock or 15 minute parking in front of their place of business. This is a restaurant owner is coming to ask for a handicap space. It is a rare occurrence to accommodate a business entity when there is space available in the business' parking lot. There is plenty of parking surrounding this restaurant, and to ask to put a handicap space in front of a restaurant is highly unusual accommodation for a business entity. **Mr. Coakley** reiterated this request came to Mr. Braga from his customers who are legitimately handicapped, and in turn they brought it forward through Councilor LeBlanc to the Traffic Commission to the Council. **Councilor Theken** said the fact is Mr. Braga should accommodate his own customers in his own parking lot and can put a ramp anywhere he wants. **Mr. Coakley** said due to the elevation of the side entrance it makes it unable to be used for handicap access to the restaurant, that only the front entrance is suitable. The restaurant does not have to have ADA accessibility for each entrance, just one which is what exists there now. By moving the handicap space within the restaurant's parking lots still would not accomplish what these handicap restaurant patrons asked for.

Councilor Theken said some Councilor's expressed the belief it is not to please the customers of a restaurant but to please the whole City. **Councilor Whynott** offered that he remained in favor of the moving of the handicap space and to make the former space back into two hour parking. **Councilor Theken** confirmed this is just a flip flop of the handicap space on the street and returning the previous handicap space back to a regular parking space with a two hour limit. **Ms. Lowe** confirmed that Councilor Theken was correct in describing the vote about to be taken once again by the Committee. **Mr. Ingersoll** added that all the wording in both motions simply says the Council is flip-flopping the handicap space with a regular metered space.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING "133 Washington Street, one space on the easterly side, beginning at a point 65 feet in a southerly direction from Pole #27-1, for a distance of 20 feet (one space)" and by ADDING "one space on Washington Street, easterly side from a point 173 feet from Railroad Avenue for a distance of 22 feet in a northerly direction.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-274 (Two Hour Parking) by DELETING Azorean lot, after the current entrance, and beginning ten feet from Pole #27-1 in a southerly direction on the easterly side, for a distance of 65 feet (approximately three spaces)" and by ADDING "Washington Street from its intersection with Railroad Avenue, easterly side, in a northerly direction for a distance of 173 feet and from a point 195 feet, easterly side, in a northerly direction, at a distance of 105 feet to the MBTA train tracks.

7. Beach Sticker Regulations to Review Language

Mark Cole, Assistant DPW Director said that the changes to the DPW's beach regulations came out of the Treasurers/Collector's office. Kristen Lindberg, Assistant CFO/Treasurer/Collector had simplified some of the language making it easier to understand. As the Treasurer's office sells the beach stickers, with a new person selling the stickers each year, it makes it difficult to train a new person, difficult for the current staff to explain the regulations.

Mr. Cole explained that the changes are only in the first two sections under the Sticker Eligibility heading. He noted under #1 Resident Sticker criteria resident sticker. A few regulations were combined into one statement and added a few things to make it easier to understand. The proposed change to the beach sticker regulation language does not change the intent of the regulations, he said. **Mr. Cole** said none of these changes alter that anyone who could not get a sticker before can obtain one now or that anyone who has a sticker now can no longer obtain a sticker. He noted in #1 a. Domiciled Residents of Gloucester all that was added was to show a Gloucester address. He said while this change doesn't appear to be much of a change, it makes it easier to understand. As to the former #1 b, c and d, those items were combined into one paragraph for non-domiciled residents who own residential property in Gloucester including senior citizen property owners residential property owners, real estate property owners, now says "Non-domiciled Residents who own residential property in Gloucester including Senior Citizen property owners (2 stickers per owner per season), verified with vehicle registration and copy of one of the following: Real Estate tax bill, Deed, Schedule of Beneficiaries or Trust Documents. Include copy of lease agreement if vehicle is leased."

Mr. Cole also pointed out one of the changes was to the armed forces service member's paragraph, the statement was changed to read "Servicemen stationed in Gloucester, verified with vehicle registration and letter from Commanding Officer confirming residency. Include a copy of lease agreement if car is leased."

Under the heading of Non-Residents Sticker Criteria, **Mr. Cole** pointed out #2 a. now reads, "Non-domiciled Residents who Rent (minimum of 60 day lease), verified with vehicle registration, copy of rental lease agreement signed by landlord, and cancelled rent check. Include copy of lease agreement if vehicle is leased." Previously the language just said "other supporting documents," which **Mr. Cole** noted was too vague, and some of the leases that were produced were not legitimate. A cancelled rent check, he noted, makes it more difficult to get around the system. **Mr. Cole** reiterated this is only about beach stickers.

Under the heading of #4 Guest Voucher Criteria, **Mr. Cole** said paragraph d. has been added which reads, "Vouchers must be stamped with the name of the issuing establishment along with the current date in order to be accepted. If the establishment does not have a stamp, the name and date handwritten on the voucher will be accepted. Blank vouchers will be turned away."

Mr. Cole pointed out under B. Issue restrictions that #1 now says, "Domicile is determined by Vehicle Registration." He noted under this heading, #5 was being removed as it was dealt with earlier in the beach sticker regulations as it was a duplicate. #12 currently reads, "All stickers and guest vouchers are non-transferrable, and non-negotiable." It will now read, "...are non-transferrable, non-negotiable, and non-refundable." **Mr. Cole** reiterated nothing changes the intent of the regulations. This does make it easier for the City staff selling the beach stickers to explain the rules. Nothing else in the regulations is changed at all, he said.

Councilor LeBlanc noted the heading in the beach regulations on closing of the beaches and park that parking fees will not be refunded in the case of a closure should questions of public health or safety arises. **Councilor Theken** and **Mr. Cole** confirmed this is standard for City parks and beaches and is the same throughout many surrounding communities.

Councilor Whynott said that the guest vouchers should have a stamp with the establishment's name and the date. None, he said, should be accepted if they do not. **Mr. Cole** said most establishments do have stamps. Only a few handwrite the name on the voucher. **Mr. Cole** suggested language under Guest Vouchers (d.) to add a sentence saying, "If a guest voucher is not stamped with the establishment's name and that day's date it will not be accepted. No handwritten guest vouchers will be accepted." The Committee approved of the amended language.

Councilor Verga asked about the beach sticker that can be issued to a summer resident leasing a domicile for 60 days. **Mr. Cole** stated the Councilor understood the regulation correctly and that those who come under this heading would pay \$50 for the beach sticker rather than a domiciled resident who would pay \$20. He noted that regulation has been in place for quite some time. **Mr. Cole** was asked whether the beach regulations are on the City/DPW website, and he said that they were.

Councilor Theken asked if these beach stickers are available to businesses or to just homeowners. **Mr. Cole** made clear beach stickers are strictly for residential use.

MOTION: On motion of Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council approval of the

proposed changes to the DPW Beach & Stage Fort Park Regulations concerning Beach Parking/Sticker Eligibility Regulations as on file with the City Council of March 27, 2013; and are hereby amended based on the proposed March 27, 2013 regulations and shall be filed permanently in the City Clerk's Office as DPW Regulations as approved by the City Council and pursuant to Sections 7-16 and 10-4 of the City Charter;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:40 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

DRAFT

CITY COUNCIL STANDING COMMITTEE
Planning & Development Committees
Wednesday, April 3, 2013 – 7 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Bruce Tobey; Vice Chair, Councilor Greg Verga; Councilor Joseph Ciolino (Alternate)

Absent: Councilor Hardy

Also Present: Councilor Steven LeBlanc; Linda T. Lowe; Jim Duggan; Tom Daniel

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

1. Communication from Attorney J. Michael Faherty to D.E.P. re: I4-C2 Temporary Permit

Councilor Tobey said that he wished to gather background on this issue of a temporary permit for a potential term of 10 years (to use I4-C2 as a for-pay parking lot) and said he thought the Council may wish to weigh in on the matter. **Jim Duggan**, CAO said he knew of Councilor Tobey's concern expressed at the last City Council meeting about this matter triggered by Mr. Faherty's letter to the Massachusetts Department of Environmental Protection (MDEP), and noted that the permit allows for the 10 year term which was on the advice of the MDEP when the City was establishing a time within the permit application. **Mr. Duggan** said there were different ranges discussed at the subcommittee level as to how long the City wanted a temporary parking area for I4-C2. Some, he said, mentioned up to 5 years, 3 years. But Mr. Duggan reiterated that the Massachusetts Department of Environmental Protection (MDEP) advised the City that 10 years is the limit and suggested that the City apply for the maximum term. MDEP would then review the application and render a decision as to whether the temporary permit would be for a term of 10 years or less which, he added, was how it was presented. **Councilor Tobey** asked if a shorter duration permit with renewal options came through, would the City adhere to whatever the MDEP advises to which **Mr. Duggan** confirmed the City would adhere to whatever the MDEP comes back with for a term of the temporary permit adding that if it is shorter period of time, the City will comply with that as well.

Attorney J. Michael Faherty, whose letter to the MDEP during the comment period regarding the City's application for a temporary permit to allow the City to use I4-C2 as a for-pay parking lot was forwarded to the P&D Committee by the City Council, noted there was a public hearing held by the MDEP on this matter and said he was never in favor of this property being purchased by the City, and added this request for a temporary permit further complicates, in his opinion, the mistake of the purchase of I4-C2, and said there was an intention to gather revenue on this site. He said he did not have an issue with the gathering of revenue noting the City put itself in this position that the only present use for the property is as a parking lot. He added it was better to collect the revenue. He expressed his opinion that putting a ten year term on the lot would only ensure nothing will be done (to develop the property) until 9-½ years pass. Additionally, he said in his opinion the revenue that is to be collected, up to 50 percent should be apportioned so the City get two studies done that he said he believed are critical to any serious buyer on the condition of the property – a Phase II environmental study and a sub-surface soil analysis - so the City has them in hand when the serious bidder for the property comes along. He suggested using a portion of the revenue to reduce the City's debt for the purchase of I4-C2. He said this was promised that this would be taken care of before the debt went to an amortization period. He suggested this be handled like a revenue account; that a portion of the funds be used to pay down the debt so that when the City sells the property, there will be more return on the City's investment. He said those were the points he made to the MDEP in his letter. **Mr. Faherty** noted it is within the City Council's purview to put conditions on the property's use as a parking facility. The only reason, he said, for including the City Council in the mailing list was that it is a City Council decision.

Councilor Ciolino asked if the Council changes the length of the temporary parking permit from 10 to 5 years, would the City then have to go back to the MDEP and start the permitting process again which to get to this point has already been about six months; and he expressed concern that by the Council changing the term, the City would have to reapply to MDEP. **Mr. Duggan** said it is not the intent of the Administration to withdraw the existing application and will await the MDEP decision.

Councilor Tobey said based on the current filing, a shorter term could be put forward by MDEP. The City would not have to withdraw and start over the City's application for a lesser term. He said that given public comment, the MDEP could also choose to issue a permit of a lesser term or a lesser term with incremental options for renewal. **Councilor Tobey** said he thought that even if the Council were late, that the City Council could also

file its own letter of opinion and ask the City Clerk after the City Council vote at their meeting of April 9th, that it is the opinion of the Gloucester City Council believes the appropriate term for this temporary permit is initially some shorter period. He then proposed a three year term with annual increments of renewal allowed subject to showing some measureable degree of progress towards putting the property into Marine/Industrial use. Then, he said, the City Council is on the record.

Councilor Ciolino said he would prefer a five year term and would like to send the matter for further discussion to the Budget & Finance Committee about paying off the debt and where the money should go.

Councilor Tobey said the Committee could do that separately from sending the letter from the Council to MDEP.

Councilor Ciolino said he agreed it is a good idea to put aside the money to clean up the debt which would be the purview of B&F. He would agree to a five year term for the temporary permit as the Committee's recommendation to the Council.

Councilor Verga pointed out that regardless the action the State takes, the Council could impose local restrictions. If the P&D Committee wanted to adopt the memo and the MDEP rules for a ten year term, the City could place its own rules by saying it would be three years with annual follow up for Council review; and additionally the Council wants the revenue issues reviewed. He said rather than clouding the issue with MDEP, he would rather see the Council place restrictions. **Councilor Verga** said he would agree to a term of five years and would also want to see a review of the financial matters by B&F. **Councilor Tobey** said he agreed the Council could do supplemental rules for the permit. However, he expressed concern for a ten year term. **Councilor Ciolino** said moving forward if the money is allocated to paying down the debt; it is a bookkeeping procedure, and a wash. The City is paying down the debt in the budget regardless, if the revenue is being allocated to that debt. This would be dedicated funding to I4-C2. **Mr. Duggan** said the parking kiosk is already installed. The CFO would have to work out that the revenue generated from the temporary parking lot kiosk be dedicated to the debt service.

Mr. Faherty said the City pays off the debt service from whatever bond the City gets. Rather, he said 50 percent of the income that comes from the temporary use as a parking lot can be used to accelerate the payment and should be used to pay down the principal.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council that the City Clerk prepare and file expeditiously on the City Council's behalf a comment on the matter of the temporary permit application under MGL Chapter 91 for 65 Rogers Street (I4-C2) that there be initially a term of five years with one year increments of renewal with a possible total of a ten year term.

Councilor Verga said regarding the revised RFP for I4-C2, when that came before P&D, he had expressed his concern that the City wasn't looking to do an environmental assessment; rather the City was asking a potential buyer to take that responsibility which he said was not the right way to handle the matter. He said he hoped B&F takes a serious look at that issue also of financing those tests by the revenue from the temporary parking lot.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to refer the balance of Attorney Faherty's letter to the Massachusetts Department of Environmental Protection as it relates to financial implications of the temporary parking lot at 65 Rogers Street (I4-C2) and the potential for directing monies as suggested by that letter be referred for review by the Budget & Finance Committee.

2. SCP2012-014: Mansfield Street #3/Washington Street #24, Map 6, Lots 36 & 37 re: GZO Sec. 1.8.1 and Sec. 2.3.1(7) Conversions to new or multi-family or apartment dwelling, four to six dwelling units (Cont'd from 03/20/13)

Attorney Robert Coakley, 64 Middle Street now representing Jim Santo (present), owner of Mansfield Street #3 and Washington Street #24 stated that Mr. Santo earlier this week had contacted him about this matter now before P&D. Mr. Santo explained to him about the difficulty he had with a prior engineer who is now no longer working for Mr. Santo. He said that Mr. Santo has a new engineer who has given an accurate site plan (filed on 4/2/13) showing the parking situation, access and egress on Mansfield Street from the project site's garages. That new plan was given to the Council by Mr. Santos this week and a copy has been given to DPW Director, Mike Hale. **Mr. Coakley** said he advised Mr. Santo, who is in agreement, that this matter should be continued by the P&D Committee to get all the ducks in a row and not waste any more of the Committee's time and move this Special Council Permit application forward expeditiously. He said Mr. Santo is under the gun in terms of the insurance

settlement on the property to proceed (with the project). **Mr. Coakley** asked the Committee to continue the matter for two meetings only. By going out for two P&D meetings he assured the Committee the applicant will then have everything he needs to make a final presentation on the Special Council Permits.

Councilor Tobey noted for the record that he received a letter dated April 3rd requesting a continuance at P&D to May 8th and the Council public hearing is requested to be continued to May 14th. At the request of **Councilor Tobey, Linda T. Lowe**, City Clerk confirmed the receipt of the letter at the meeting from Mr. Coakley requesting a continuance is adequate for the Committee's and Council's purposes. The Committee had no objection to the continuances requested by the applicant.

In a statement to the applicant, **Councilor Tobey** noted that Mr. Santo is a fine man, but that he has been in front of the Council before for a Special Council Permit with subsequent issues regarding Mr. Santo's Railroad Avenue business. He said he was pleased Mr. Santo had retained the services of Mr. Coakley. He confirmed to Mr. Santo that this is a quasi-judicial function the Council is doing which means there are rules that have to be observed. The only communications, therefore, that are to occur on this matter with Councilors will be regarding process through his attorney. He said outreach to individual Councilors on the substance of this matter needs to stop. He said he was hopeful with Attorney Coakley working for Mr. Santo that the Special Council Permit will be handled correctly. **Mr. Santo** indicated to the Committee his understanding of the Chair's instructions.

Councilor Ciolino said there is a need for a submission to the Council of a new plot plan and a foundation plan that is very clear. The applicant needs to take care of the drainage coming off the roofs and how it will be handled. He also wanted a plan showing how many curb cuts will be made and that the sidewalk on Mansfield Street must be handicapped accessible (ADA compliant). The plans he has seen, he said, have been unclear as to the way the building is sited on the property. He pointed out that the set of plans that is presented to this Committee is the set of plans of what is going to be built. He pointed out at past meetings there have been several different versions of the building plans. **Councilor Ciolino** reiterated that the Committee needs to know exactly what will be built on that site. When the applicant returns to the Committee it expects the information requested will be presented. **Councilor Ciolino** reiterated that the Mansfield Street side of the project is problematic pointing out that City is insistent upon ADA compliant sidewalks. Someone with a wheelchair should be able make their way easily in traversing the side of Mansfield Street that the project is sited on.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to continue the matter of SCP2012-014 Mansfield Street #3/Washington Street #24, Map 6, Lots 36 & 37 re: GZO Sec. 1.8.1 and Sec. 2.3.1(7) Conversions to new or multi-family or apartment dwelling, four to six dwelling units be continued to May 8, 2013.

This matter is continued to May 8, 2013

3. *Certificate of Vote from Planning Board recommending the appointment of Tom Daniel to the position of Community Development Director*

Councilor Tobey welcomed Mr. Daniel noting that he came highly recommended from the Administration and the Planning Board and from his appearance before the Ordinances & Administration Monday evening.

Councilor Ciolino asked for some highlights of Mr. Daniel's action plan and what could the Council expect from him and his department moving forward.

Mr. Daniel said this is about continuing the work that has been done; there is a policy and planning framework to build from. He said comes from an economic development background and will augment what is already happening in the Community Development Department but adding the economic development component. He noted he has had a warm welcome from the Council, City staff and the community. He said he has met with established business people in the City and folks looking to locate (their businesses) to the City. He said there is a plan for managing those contacts in a more systematic way for handling inquiries about bringing businesses to the City and to assist them through that process. He also said he was enjoying the opportunity to meet with different stakeholders, arts and cultural entities, the Chamber of Commerce. He noted he has a background in looking at arts and culture for economic development purposes as well.

Councilor Ciolino said he believed that in the City Charter it says the Community Development Director oversees boards and commissions, and no Community Development Director has done that. He pointed out there are a clutch of commissions involved with economic development – the Tourism Commission, the Downtown Development Commission as well as others. **Mr. Daniel** said Gregg Cademartori, the Planning Director is the staff that assists with the Planning Board; the Conservation Agent is the staff assigned to work with the Conservation

Commission. He said the Tourism Commission is on his list during this assessment phase to work with them. The staff resources they have to manage the boards that the department works with is about managing the resources at hand to assist the boards and commissions. **Councilor Ciolino** suggested that Mr. Daniel needs to visit the boards and commissions, such as the Waterways Board – to go to a meeting; it would be beneficial for **Mr. Daniel** to know about what the resources are in the City available to him whether it is the Downtown Development Commission or the Waterways Board. He asked he visit the boards about once a year and update the boards on the activities of the Community Development Department which hasn't been done in the past. **Mr. Daniel** said he appreciated the suggestion and was a great idea to develop a rapport. **Councilor Ciolino** also reminded Mr. Daniel the boards and commissions are all volunteers who do a tremendous job and are a resource to the community.

Councilor Verga discussed with Ms. Lowe Councilor Ciolino's reference to the City Charter that the Community Development Director works closely with the Boards and Commissions contained within his department, but that doesn't mean that is not a good idea to visit all of the boards and commissions and be familiar with them all; that the Charter does not indicate oversight of all boards and commissions. **Councilor Verga** said there may be examples of a board and commissions that may not be functioning well or others that have stopped functioning altogether. He also reiterated these boards and commissions are all staffed by volunteers. He asked for clarification on that clause. **Ms. Lowe** said the Community Development Director under the Charter is supposed to coordinate with particular boards and commissions not oversee and coordinate all of them. **Councilor Verga** said some boards and commissions are allowed to lapse and that does create a problem. He added that Mr. Daniel has hit the ground running and has a good background for this position.

Councilor Tobey asked been able to engage Tom Gillett, the new Director of the EDIC and his board. **Mr. Daniel** confirmed he has worked with Tom and that he has been a great resource. Mr. Gillett is also new to his role and he and Mr. Daniel meet regularly on Fridays as part of the City's economic development team, sharing ideas and strategizing. **Mr. Daniel** said he has been up to the Blackburn Industrial Park since he started with the City and said it is interesting because there is a lot more diversity of businesses there and a wide array of employment opportunities. Blackburn, he said, is a major employment center from Ph.D.'s to folks just out of college. He noted there are underutilized properties there also. That is something that he is looking forward to working with Mr. Gillett to create an inventory of those properties. **Mr. Daniel** pointed out that a property may not be on the market but there could be shadow space which can be broken into different units. That is something that Mr. Gillette will lead, he said. But working to utilize shadow space was something he did in Salem and in Minneapolis, he pointed out. He added that he is not a broker; but having an inventory of City opportunities for a real estate broker is an important value he and Mr. Gillett can bring.

Councilor Tobey asked how Mr. Daniel views his marketing role for the industrial sector generally. **Mr. Daniel** said partly it is getting the word out about Gloucester. This is working with some of the relationships – those whom he met in the past week – to go into the Boston market to strengthen relationships and getting the word out. He noted that the Urban Land Institute is the preeminent real estate organization in the country. There is an industrial group in that organization with whom he is reengaging, he said. The property owner and the broker the property owner is working with have the primary responsibility. But if the broker isn't engaged in the community there is a disadvantage. He said the broker can work directly through the contacts he and Mr. Gillett establish.

Councilor Tobey pointed to the example of New Bedford which is also making a difficult transition from a fishing economy regulated out of business; that city's industrial parks are full. He said their Director of Public Infrastructure is building new access roads to open up a substantial number of acres for new industrial development and yet Gloucester has many industrial properties on existing roads lying fallow. He wished to see Mr. Gillette and Mr. Daniel work closely together aggressively.

Councilor Tobey also asked how Mr. Daniel will get the pulse of the City. **Mr. Daniel** said he lives in Manchester, but that Gloucester is not a new community to him, but it is different in this role. It is, he said, about multiple contacts in different roles and boards, commissions, real estate professionals; the newspaper, Good Morning Gloucester. It is being engaged with the community, he said. A lot of the conversations, he added, that he has had are an hour long on the phone or in person learning about that person or their organization in the broader context of what challenges they face in the community. **Councilor Tobey** advised Mr. Daniel that those new to Gloucester need to understand that it is a gritty complex place; it is not one thing and not a green leafy suburb.

Councilor Tobey pointed out that a department can not have two directors; that it has to have a clear chain of command. He wanted to know the hierarchical structure of the department and how the situation will be structured in having the former Community Development Director working for Mr. Daniel. **Mr. Daniel** made clear to the Committee that he is the boss. The previous director reports to him as does Mr. Cademartori, the Planning Director who was the Acting Community Development Director for eight months. The reporting to the Community Development Director is clear, he said. He noted he has been a part of an organization in the past where there was a

not so different a shift in terms of management; and there is a transition period. He said he felt the transition was going well, and that there are opportunities for fostering a collaborative working atmosphere; for joint problem solving. The economic development team meetings on weekly basis have been helpful to bring each of his Directors' experience to the table. **Councilor Tobey** asked from the Administration's perspective had it been made clear to Ms. Garcia, the former Community Development Director that this reporting schematic is the way it is. **Mr. Duggan** said he personally made this clear to Ms. Garcia.

Councilor Ciolino asked about the advertisement for a Senior Planner's position for the department. **Mr. Daniel** said the senior planner is a junior level position. That person will assist Mr. Cademartori with the Planning Board. It is a position that existed before and is being brought back. **Councilor Ciolino** expressed concern that the department was becoming heavy in personnel. **Mr. Daniel** said this position provides back up to Mr. Cademartori and acts as a resource for him and the department. **Mr. Duggan** said it was evident in the 8 months Mr. Cademartori was Acting Community Development Director and the intent as part of the reorganization which the Council supported, timing wise it was appropriate to bring a Senior Planner on board and that there would be an Economic Development Director. In viewing the Planning Director's responsibilities, it stood out that Mr. Cademartori needs support, a bench to which he can delegate particular issues. The Senior Planner's position will report to Mr. Cademartori who reports to Mr. Daniel.

Councilor Verga said he would like to have a review in a year's time at P&D to learn about the value-added results of this additional position to the Community Development Department.

MOTION: On motion of Councilor , seconded by Councilor , the Planning & Development Committee voted 3 in favor, 0 opposed to join the O&A Committee in recommending to the City Council to the appointment of Tom Daniel as Community Development Director, TTE 02/14/14.

4. CC2013-017 (Verga) Amend GCO Chapter 21, Article IV (Repair of Private Ways) Sections 21-81 through 21-85 To add specific standards on what the City should require for the level of design, amount of work, and allocation of funds for permanent repairs to private ways

Councilor Verga reviewed for the Committee the discussion held at O&A where by consensus that Committee determined there was a sequencing issue with the ordinance and had asked the City Clerk to review the ordinance and to provide her input to them at their June 3rd meeting. **Ms. Lowe** said most citizens who try to use the ordinance and Councilors who try to help them get confused by it because of the various steps that have to be taken. Within those steps some things can be unclear and get overlooked and then become too late to manage during the process. For that reason alone, she said, the ordinance needs rewriting. She noted Councilor McGeary had put a lot of effort into revising the ordinance and submitted his suggestions to both the O&A Committee and to P&D for revisions to the ordinance that could be incorporated also.

Councilor Verga said once O&A finishes their review of the ordinance, this matter should go to the B&F Committee because there is the overriding issue of funding on the City's part. **Ms. Lowe** said there used to be a helpful guidebook for residents about the joint paving process. She suggested that guidebook could be revised and once again be used.

This matter is continued to June 5, 2013.

5. CC2012-072 (Hardy/McGeary/Verga) Request City Council review Law Proposed by Initiative Petition 3 re: Zoning/marijuana dispensaries - Returned to Committee at Request of City Council for administrative considerations

Councilor Tobey asked Ms. Lowe to explain the zoning amendment motions before the Committee. **Ms. Lowe** said that before the Committee is a revised motion for the Committee's consideration which has been broken down to the necessary parts in order to achieve a moratorium. The Planning Board's was the whole deal for the implementation of a zoning ordinance. A moratorium has to say why it is in place. The State Department of Public Health (DPH) has a draft of 45 pages of regulations. **Ms. Lowe** said there is a comment period for the draft regulations and that she believed it went until April 19th. The regulations will not be final until after May 24th.

Councilor Verga said he wished to put in a clause for the moratorium to end 30 days after the DPH rules are issued. He wanted, he said, to see something that pushes the Council to act once the regulations are issued. **Ms. Lowe** reminded the Committee that the Attorney General struck down the banning of the treatment centers. She also reminded them that the Board of Health is also looking at this issue. **Councilor Verga** expressed concern that

the Board of Health doesn't make this process more complicated than it needs to be; and asked if the Board of Health Dept. of Health usurp the will of the voters (referring to the November 2012 referendum). **Ms. Lowe** stated the Board of Health cannot be out of line with the State regulations. **Councilor Verga** expressed his support of the amended motion which added language as framed by **Councilor Tobey** in Section 5.27.6 as: "...provided, however, that the City Council shall revisit this matter within 30 days of the effective date of the promulgation by the Commonwealth of Massachusetts Department of Public Health regulations to be codified at 105 CMR 725 and can be further extended by the City Council following advertisement and public hearing."

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 AMEND the Gloucester Zoning Ordinance by ADDING a new section under GZO Sec. 5.27 Temporary Moratorium on Medical Marijuana Treatment Centers" as follows:

"5.27 Medical Marijuana Treatment Centers Moratorium

5.27.1 Purpose. This section is intended to provide restrictions that will allow the City adequate time to consider whether to allow facilities associated with the medical use of marijuana, to the extent that such facilities are permitted under state laws and regulations, and if so, where and under what conditions. Given that a law permitting the medical use of marijuana in the Commonwealth of Massachusetts became effective January 1, 2013, and that the Massachusetts Department of Public Health is to promulgate regulations by which facilities that produce or dispense medical marijuana shall be registered and administered, a restriction on the establishment of such facilities in th City of Gloucester shall provide an opportunity to study their potential impacts on adjacent uses and on general public health, safety and welfare, and to develop zoning and other applicable regulations that appropriately address these considerations with statewide regulations and permitting procedures.

5.27.2 Definition. A Medical Marijuana Treatment Center shall mean any medical marijuana treatment center as defined in Sec. VI, Definitions.

5.27.3 and 5.27.4 Reserved.

5.27.5 Moratorium: Interim Restriction. Medical Marijuana Treatment Centers shall not be permitted in any zoning district in the City of Gloucester so long as this section 5.27 is effective, as set forth in Section 5.27.6 below.

5.27.6 Expiration. Section 5.27 shall be effective through December 31, 2013; provided, however, that the City Council shall revisit this matter within 30 days of the effective date of the promulgation by the Commonwealth of Massachusetts, Department of Public Health regulations to be codified at 105 CMR 725 and said moratorium can be further extended by the City Council following advertisement and public hearing;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

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 AMEND under the Gloucester Zoning Ordinance Section 1.11.2(e) by ADDING a new definition of "Medical Marijuana Treatment Centers in GZO Sec. VI Definition as follows:

"GZO Sec. VI, Definitions: Medical Marijuana Treatment Center shall mean any medical marijuana treatment center, ad defined under state law as a Massachusetts not for profit entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies; or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

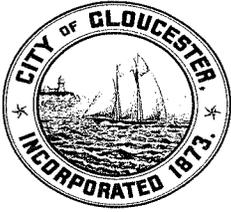
A motion was made, seconded and voted unanimously to adjourn the meeting at 7:55 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

DRAFT



GLOUCESTER CITY COUNCIL 2013 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2013-018
SUBJECT: Amend GCO Chapter 22, Sec. 22-287 "Disabled veteran, handicapped parking re: Washington Street #133
DATE OPENED: 04/09/13
CONTINUED TO:
CONTINUED FROM: 03/26/13
COMMITTEE: O&A 03/04/13, 04/01/13

PUBLIC HEARING
3/26/2013

**LEGAL NOTICE
NOTICE OF PUBLIC HEARINGS**

The Gloucester City Council will hold public hearings on **Tuesday, March 26, 2013** 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 GCO Sec. 22-287 "Disabled veteran, handicapped parking" by **DELETING** "133 Washington Street, one space on the easterly side, beginning at a point 65 feet in a southerly direction from Pole #27-1, for a distance of 20 feet (one space)" and by **ADDING** "one space on Washington Street, easterly side from a point 173 feet from Railroad Avenue fore a distance of 22 feet in a northerly direction."

Amend GCO Sec. 22-274 "Two Hour Parking" by **DELETING** Azorean lot, after the current entrance, and beginning ten feet from Pole #27-1 in a southerly direction on the easterly side, for a distance of 65 feet (approximately three spaces)" and by **ADDING** "Washington Street from its intersection with Railroad Avenue, easterly side, in a northerly direction for a distance of 173 feet and from a point 195 feet, easterly side, in a northerly direction, a distance of 105 feet to the MBTA train tracks."

Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" by **ADDING** "one (1) handicap parking space in front of Middle Street #13."

Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" by **ADDING** "one (1) handicap parking space in front of Warner Street #56."

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

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

AD#12906690
Cape Ann Beacon 3/15/13

reiterated the first step is the feasibility as Ms. Lowe pointed out earlier. **Ms. Lowe** suggested that if up front a firm response is obtained by the DPW Director that the joint paving project can't be done because of the lack of City funding, and then it would be clearly understood.

Mr. Duggan asked who does the design and estimating. **Ms. Lowe** responded that the ordinance says the neighborhood is supposed to come up with an engineered plan. **Mr. Duggan** said the Administration had been in support of the Governor's proposal which could double the City's Chapter 90 funds. **Councilor Verga** added that would, however, raise taxes.

Councilor LeBlanc gave the example of Lloyd Street near Gloucester High School where a resident there says the street needs to be paved. But most of the 8 homes on that private road are not owner occupied and expressed concern what it would do to raise taxes there and in turn raise the rents of the tenants. **Mr. Duggan** asked about the feasibility of adopting such a street, and Councilor LeBlanc noted Lloyd Street is a dead end with no sidewalks or drainage. **Ms. Lowe** pointed out just because there is a paving project does not mean the City would or should want to take the street from a private way to a public way.

Mr. Duggan inquired as to the intent of the ordinance. **Councilor Whynott** said when the City keeps repairing these private roads eventually cold patching fails to maintain the quality of the roadway. So the ordinance gave these residents on private roads a way to have an opportunity for their roads to be paved done jointly. A few roadways were paved, but, he said, it doesn't mean that roadway will be paved a second time. **Ms. Lowe** pointed out those permanent repairs charged completely to the City cannot be done to private roads by State law. The ordinance allows for residents paying for half of the paving cost to do permanent repairs to a private way. **Councilor Whynott** said the City can't afford to accept the 55 percent of private roads as public.

Councilor Verga asked if Mr. Hale had any suggestions for reshaping the ordinance. **Mr. Duggan** said he and Mr. Hale discussed some of the shortcomings and obstacles with the ordinance; and Mr. Hale's biggest obstacle is money and suggested perhaps B&F should have a look at the ordinance from that perspective and that maybe there should be a 75:25 split rather than 50:50 or that no more joint paving projects will be accepted for consideration until further notice, for instance. **Councilor Verga** said it is easy to say it's a private way, and it should be the homeowner's responsibility for the roadway's maintenance and condition, but the argument can be also made that a resident pays a lot of property taxes, so why can't they have their road not just repaired but paved. He said it is a good concept but it is an unfunded concept. **Councilor Whynott** said there should be criteria as to what would be on the road and how many homes, etc. **Councilor Verga** said that was a good suggestion and asked Mr. Duggan to convey that to Mr. Hale to consider what he would suggest would be minimum criteria. There may be a case to have minimum criteria which is missing from the ordinance. He also suggested that was something that would be better served by discussion at P&D and perhaps even at B&F.

Mr. Duggan said if the legislative and executive bodies were disciplined and saying the residents need to submit the engineering plan that the City will not do that anymore and is subject to funding. **Councilor Verga** said perhaps the first thing is to ask if there is funding. If the answer is no, it is done, he said. If the order is reversed, again, he said, there is an expectation the paving project would progress and be followed through.

Ms. Lowe summarized that there is a sequencing issue with the ordinance which confuses residents; and other Councilors have said it should be reordered. The Committee agreed that the sequencing of the ordinance would be the purview of the O&A Committee. It was noted that the first criteria has to be was funding available on the City's part. Then there should be a list of those who have completed their application and to be taken in order. **Councilor Verga** noted that could be a problem when the estimates for paving become out of date but agreed the first step should be to find out if funding is available. **Councilor Theken** asked Ms. Lowe to review the ordinance process for resequencing by June 3rd.

This matter is continued to June 3, 2013.

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6. **Review Amendments to GCO Chapter 22, Sec. 22-287 (Disabled veteran, handicapped parking) re: Washington Street #133 and, Sec. 22-274 (Two Hour Parking) re: Washington Street #133 at the request of the City Council on 3/26/13**

Mr. Ingersoll said when this first came forward last year; the Traffic Commission located the handicapped space near the old gas station area now owned by the Azorean Restaurant for an additional parking lot. The Commission's reasoning was that it would be easier for a handicap person to pull their vehicle that spot where there already was a curb cut. But the handicap ramp for the restaurant is beyond the handicap space and faces left towards the train tracks away from the established handicapped parking space.

Councilor Theken asked why there are not handicapped spaces in Mr. Braga's parking lot. **Attorney Robert Coakley** representing Deo Braga, owner of the Azorean Restaurant said there is handicapped parking in the restaurant's parking lot which is in the back of the restaurant. This requires handicapped restaurant patrons to walk up a fairly steep incline to access the ramp to the front door of the restaurant. **Councilor Theken** pointed out the owner could move the handicapped space in the parking lot which doesn't require an amendment to the Code of Ordinances. **Mr. Coakley** said the owner could move it closer but the space would still be on a slant to the entrance. **Councilor Theken** asked why the spaces couldn't be moved to the new parking lot at the other side of the building. **Mr. Coakley** again said the owner could move the space to that lot but that was at a time when the restaurant was going through a site plan review. He said they went to the Traffic Commission a year ago who suggested the space be near the curb cut so a handicap person would not have to back into the space. **Mr. Coakley** noted there are two regular customers of the restaurant who are handicapped who asked for this change, one of whom has a walker and it is much further for this person to access the ramp at the front of the restaurant. It was that person who requested it be closer to the start of the ramp that leads to the front door. **Councilor Theken** confirmed that Mr. Coakley understood that the handicapped space in front of the restaurant does not have a time limit, nor is it reserved for the exclusive use of restaurant patrons. **Mr. Coakley** said a year ago the Traffic Commission told Mr. Braga that anyone can use the handicapped space. At that time they acknowledged this handicap space is available to anyone with a handicap placard and did so again before the O&A Committee, even someone who parks there all day to take the train to Boston.

Councilor Theken said this is not an individual with a handicap making the request; it's not a restaurant looking for a loading dock or 15 minute parking in front of their place of business. This is a restaurant owner is coming to ask for a handicap space. It is a rare occurrence to accommodate a business entity when there is space available in the business' parking lot. There is plenty of parking surrounding this restaurant, and to ask to put a handicap space in front of a restaurant is highly unusual accommodation for a business entity. **Mr. Coakley** reiterated this request came to Mr. Braga from his customers who are legitimately handicapped, and in turn they brought it forward through Councilor LeBlanc to the Traffic Commission to the Council. **Councilor Theken** said the fact is Mr. Braga should accommodate his own customers in his own parking lot and can put a ramp anywhere he wants. **Mr. Coakley** said due to the elevation of the side entrance it makes it unable to be used for handicap access to the restaurant, that only the front entrance is suitable. The restaurant does not have to have ADA accessibility for each entrance, just one which is what exists there now. By moving the handicap space within the restaurant's parking lots still would not accomplish what these handicap restaurant patrons asked for.

Councilor Theken said some Councilor's expressed the belief it is not to please the customers of a restaurant but to please the whole City. **Councilor Whynott** offered that he remained in favor of the moving of the handicap space and to make the former space back into two hour parking. **Councilor Theken** confirmed this is just a flip flop of the handicap space on the street and returning the previous handicap space back to a regular parking space with a two hour limit. **Ms. Lowe** confirmed that Councilor Theken was correct in describing the vote about to be taken once again by the Committee. **Mr. Ingersoll** added that all the wording in both motions simply says the Council is flip-flopping the handicap space with a regular metered space.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING "133 Washington Street, one space on the easterly side, beginning at a point 65 feet in a southerly direction from Pole #27-1, for a distance of 20 feet (one space)" and by ADDING "one space on Washington Street, easterly side from a point 173 feet from Railroad Avenue for a distance of 22 feet in a northerly direction.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-274 (Two Hour Parking) by DELETING Azorean lot, after the current entrance, and beginning ten feet from Pole #27-1 in a southerly direction on the easterly side, for a distance of 65 feet (approximately three spaces)" and by ADDING "Washington Street from its intersection with Railroad Avenue, easterly side, in a northerly direction for a distance of 173 feet and from a point 195 feet, easterly side, in a northerly direction, at a distance of 105 feet to the MBTA train tracks.

7. *Beach Sticker Regulations to Review Language*

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING "one (1) handicap parking space in front of Middle Street #13.

DISCUSSION:

Councilor Theken explained that all the handicapped spaces coming before the City Council for public hearing this evening were recommended by the Traffic Commission and by the O&A Committee.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING "one (1) handicap parking space in front of Middle Street #13.

**3. PH2013-017: Amend GCO Chapter 22, Sec. 22-287 (Disabled veteran, handicapped parking)
Re: Warner Street #56**

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND the GCO, Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING "one (1) handicap parking space in front of Warner Street #56.

DISCUSSION: None.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND the GCO, Sec. 22-287 (Disabled veteran, handicapped parking) by "ADDING one (1) handicap parking space in front of Warner Street #56."

**4. PH2013-018: Amend GCO Chapter 22, Sec. 22-287 (Disabled veteran, handicapped parking) re:
Washington Street #133**

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING "133 Washington Street, one space on the easterly side, beginning at a point 65 feet in a southerly direction from Pole #27-1, for a distance of 20 feet (one space)" and by ADDING "one space on Washington Street, easterly side from a point 173 feet from Railroad Avenue for a distance of 22 feet in a northerly direction."

DISCUSSION: None.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING "133 Washington Street, one space on the easterly side, beginning at a point 65 feet in a

southerly direction from Pole #27-1, for a distance of 20 feet (one space)” and by ADDING “one space on Washington Street, easterly side from a point 173 feet from Railroad Avenue for a distance of 22 feet in a northerly direction.”

MOTION TO RESCIND CITY COUNCIL VOTE ON PH2013-013:

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted unanimously to rescind the vote taken regarding the Amending of GCO Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING “133 Washington Street, one space on the easterly side, beginning at a point 65 feet in a southerly direction from Pole #27-1, for a distance of 20 feet (one space)” and by ADDING “one space on Washington Street, easterly side from a point 173 feet from Railroad Avenue for a distance of 22 feet in a northerly direction.

This matter is continued to April 9, 2013.

(Note: See PH2013-019 for discussion that follows.)

5. PH2013-019: Amend GCO Chapter 22, Sec. 22-274 (Two Hour Parking) re: Washington Street #133

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-274 (Two Hour Parking) by DELETING Azorean lot, after the current entrance, and beginning ten feet from Pole #27-1 in a southerly direction on the easterly side, for a distance of 65 feet (approximately three spaces)” and by ADDING “Washington Street from its intersection with Railroad Avenue, easterly side, in a northerly direction for a distance of 173 feet and from a point 195 feet, easterly side, in a northerly direction, a distance of 105 feet to the MBTA train tracks.”

DISCUSSION:

Council President Hardy asked if the Azorean Restaurant had their own parking lot and did it have handicapped parking in their own lot. **Councilor Theken** informed the Council President the restaurant had their own parking lots on either side of the building, and did have handicapped spaces there also.

Councilor LeBlanc said the owner of Azorean Restaurant, Deo Braga had approached him about having an on-street handicapped parking space in front of the restaurant. He confirmed the restaurant has handicap parking within its parking lot, but it is tucked away along the side of the building and has had complaints that it is difficult to get from the side of the building to the restaurant entrance. Mr. Braga’s attorney suggested a handicapped space be placed on the street in front of the building. There was a handicapped space established on Washington Street slightly further down, and Mr. Braga asked it be moved closer to his establishment.

Council President Hardy noted she has a very disabled resident of Lanesville who has asked for years for a handicap on-street space in front of her home. But because this resident has a driveway, even though it is hard to get in and out of, the Traffic Commission has refused the establishment of a handicap space at the front of the property because this resident has her own parking space. She suggested Mr. Braga should change the placement of the handicap spaces in the configuration of his parking lot where it can be placed to a handicapped person’s best advantage for accessing his restaurant. She said she was not looking to inhibit business of this establishment, but that handicapped parking already exists in the building’s parking lot, and added this handicapped space is taking up regulated street parking.

Councilor Verga clarified this is not a handicapped parking space for an individual but for an extra space in case a handicap patron comes to the restaurant.

Councilor Ciolino said since this is handicap space is next to the train station he asked can someone who has a valid handicap placard and license plate park there all day. **Councilor LeBlanc** said as with any handicap spot in the City, anyone with a handicap placard can park in that space all day regardless if they take the train.

It was noted by **Councilor Theken** the restaurant had parking spaces also available on the opposite side of the street at two other Braga-owned properties, in addition to the parking lots on either side of the restaurant. **Councilor LeBlanc** said this is just moving the handicap parking closer to the door. There is one further away from the building being moved up two spots.

Council President Hardy called for a motion to rescind the vote taken under Public Hearing 2013-018.

Councilor Tobey moved and Councilor Verga seconded to rescind the vote taken in Public Hearing 2013-018 which was voted unanimously in favor to rescind the motion by the City Council (see above).

The Council then referred the matter of the handicapped parking at Washington Street #133 and the two hour parking issue related to the same matter back to the O&A Committee for further clarification by unanimous consent. It was asked that the owner of the Azorean Restaurant and his attorney be contacted to appear during that matter's discussion with the Committee.

This Council matter is continued to April 9, 2013.

6. PH2013-020: Adoption of License and Permit fees as proposed by the Licensing Board

This public hearing is opened.

Those speaking in favor:

Michelle Holovak Harrison, Chair of the Licensing Board, 27 Sayward Street noted she was joined by former Police Chief, Michael Lane who is also a member of the Licensing Board. **Ms. Harrison** said that under MGL c. 138 allows the local licensing authority to issue many kinds of licenses, but the most common alcohol licenses are two: The first is under MGL c. 138, §12 which is a pouring license for consuming alcohol on the premises, a restaurant, bar, hotel. The other is found under §15 which is for consumption of alcohol off premise, commonly known as a package store. Within these two sections there is a further breakdown, **Ms. Harrison** said: an all alcohol license or a beer and wine license, seasonal beer and wine or an all alcohol beer and wine; a year round beer and wine or a year round seasonal all alcohol.

A few years ago the Council voted to review at the Licensing Board fees and authorized a new fee schedule; but not included at that time was a seasonal all alcohol package store or beer and wine seasonal package store because the City didn't have any. There is now one; in 2012 the Licensing Board did issue a seasonal beer and wine license to The Cave at 44 Main Street, Laura Cramer, owner and manager. The Cave is a wine and cheese shop with incidental sales of seasonal wine, she said. When in came time to renew Ms. Cramer's license, the question was raised as to what the fee was; but the fee hadn't been established which was why she was before the Council now.

As suggested by Councilor Cox, the Licensing Board clerk did a list serve search of all the licensing authorities in the State to determine what other communities charge for this type of licenses. It was found there are very few communities that have seasonal package stores; most are located on Cape Cod and the Islands, and one in the western part of the State. The reason there are so few seasonal package stores, **Ms. Harrison** said, is because there package stores quota. A city or town can only have a seasonal package store based on the increase in seasonal population. Gloucester's seasonal population increases by 15,000 annually. A city or town can have one seasonal package store for every 5,000 person seasonal increase in population. Therefore, Gloucester could only have three seasonal package stores, she noted.

Ms. Harrison said seasonal package store annual fees ranged from a high of \$2,000 in Dennis to \$500 in Egremont in the western part of the State. The Board, she said, determined that to come to a reasonable fee, they would look at an all alcohol license year round and charge two thirds of that fee for a seasonal all alcohol package store. The Board made the same determination for a seasonal beer and wine package store license by taking the year round beer and wine license fee and taking two-thirds of that. Therefore, a seasonal all alcohol package store would have a fee of \$1,500 and seasonal beer and wine package store fee of \$1,000, she said. However, Ms. Cramer communicated to the Licensing Board (letter on file) questioning the fairness of a fee of \$1,000 as she has a very small wine store and is not a big package store. She noted in her letter that the \$1,000 fee was higher than the seasonal beer and wine restaurant license fee which is \$750. **Ms. Harrison** said in response to Ms. Cramer's assertion, the Board, considering the suggestion of Ms. Cramer as reasonable, reconsidered the fee and determined that the seasonal beer and wine package store fee be lowered to \$750; and that, further, the opportunity to have a lot

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, March 4, 2013 – 6:00 p.m.
1st Fl. Council Conference Rm. – City Hall
Minutes

Present: Chair, Councilor Sefatia Theken; Vice Chair, Robert Whynott; Councilor Steven LeBlanc, Jr.

Absent: None.

Also Present: N/A

The meeting was called to order at 6:00 p.m. Councilor LeBlanc entered the meeting at 6:05 p.m. Agenda items were taken out of order with reappointments and then an appointment taken up. The agenda items then taken up in their remaining numeric order.

1. Reappointments: Board of Registrars TTE 02/14/16 Judith Peterson

With thanks from the O&A Committee for Ms. Peterson's continuing commitment to the Board of Registrars, the Committee voted as follows:

MOTION: On motion by Councilor Whynott, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council to appoint Judith Peterson to the Board of Registrars, TTE 02/14/16.

2. Continued Business:

A) Communication from Council President to City Clerk and memorandum from City Clerk re: City Clerk's Office Reorganization Request (Cont'd from 02/04/13)

This matter is continued to May 6, 2013.

B) CC2012-068 (LeBlanc) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" & Sec. 22-274 "Two-hour Parking" re: Washington Street #133 (Cont'd from 02/04/13)

→ Councilor LeBlanc noted that the Traffic Commission at its February 7th meeting voted unanimously to approve the Council Order as written.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING "133 Washington Street, one space on the easterly side, beginning at a point 65 feet in a southerly direction from Pole #27-1, for a distance of 20 feet (one space)" and by ADDING "one space on Washington Street, easterly side from a point 173 feet from Railroad Avenue fore a distance of 22 feet in a northerly direction;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-274 (Two Hour Parking) by DELETING Azorean lot, after the current entrance, and beginning ten feet from Pole #27-1 in a southerly direction on the easterly side, for a distance of 65 feet (approximately three spaces)" and by ADDING "Washington Street from its intersection with Railroad Avenue, easterly side, in a northerly direction for a distance of 173 feet and from a point 195 feet, easterly side, in a northerly direction, a distance of 105 feet to the MBTA train tracks;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

C) CC2013-003 (Verga) Amend GCO Chapter 22, Sec. 22-270 and Sec. 22-291 re: Magnolia Avenue (Cont'd from 02/04/13)



GLOUCESTER CITY COUNCIL 2013 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2013-019
SUBJECT: Amend GCO Chapter 22, Sec. 22-274 "Two Hour Parking"
re: Washington Street #133
DATE OPENED: 04/09/13
CONTINUED TO:
CONTINUED FROM: 03/26/13
COMMITTEE: O&A 03/04/13, 04/01/13

PUBLIC HEARING
3/26/2013

LEGAL NOTICE NOTICE OF PUBLIC HEARINGS

The Gloucester City Council will hold public hearings on **Tuesday, March 26, 2013** 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 GCO Sec. 22-287 "Disabled veteran, handicapped parking" by **DELETING** "133 Washington Street, one space on the easterly side, beginning at a point 65 feet in a southerly direction from Pole #27-1, for a distance of 20 feet (one space)" and by

ADDING "one space on Washington Street, easterly side from a point 173 feet from Railroad Avenue fore a distance of 22 feet in a northerly direction."

Amend GCO Sec. 22-274 "Two Hour Parking" by **DELETING** Azorean lot, after the current entrance, and beginning ten feet from Pole #27-1 in a southerly direction on the easterly side, for a distance of 65 feet (approximately three spaces)" and by **ADDING** "Washington Street from its intersection with Railroad Avenue, easterly side, in a northerly direction for a distance of 173 feet and from a point 195 feet, easterly side, in a northerly direction, a distance of 105 feet to the MBTA train tracks."

Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" by **ADDING** "one (1) handicap parking space in front of Middle Street #13."

Amend GCO, Sec. 22-287 "Disabled veteran, handicapped parking" by **ADDING** "one (1) handicap parking space in front of Warner Street #56."

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

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

AD#12906690
Cape Ann Beacon 3/15/13

reiterated the first step is the feasibility as Ms. Lowe pointed out earlier. **Ms. Lowe** suggested that if up front a firm response is obtained by the DPW Director that the joint paving project can't be done because of the lack of City funding, and then it would be clearly understood.

Mr. Duggan asked who does the design and estimating. **Ms. Lowe** responded that the ordinance says the neighborhood is supposed to come up with an engineered plan. **Mr. Duggan** said the Administration had been in support of the Governor's proposal which could double the City's Chapter 90 funds. **Councilor Verga** added that would, however, raise taxes.

Councilor LeBlanc gave the example of Lloyd Street near Gloucester High School where a resident there says the street needs to be paved. But most of the 8 homes on that private road are not owner occupied and expressed concern what it would do to raise taxes there and in turn raise the rents of the tenants. **Mr. Duggan** asked about the feasibility of adopting such a street, and Councilor LeBlanc noted Lloyd Street is a dead end with no sidewalks or drainage. **Ms. Lowe** pointed out just because there is a paving project does not mean the City would or should want to take the street from a private way to a public way.

Mr. Duggan inquired as to the intent of the ordinance. **Councilor Whynott** said when the City keeps repairing these private roads eventually cold patching fails to maintain the quality of the roadway. So the ordinance gave these residents on private roads a way to have an opportunity for their roads to be paved done jointly. A few roadways were paved, but, he said, it doesn't mean that roadway will be paved a second time. **Ms. Lowe** pointed out those permanent repairs charged completely to the City cannot be done to private roads by State law. The ordinance allows for residents paying for half of the paving cost to do permanent repairs to a private way. **Councilor Whynott** said the City can't afford to accept the 55 percent of private roads as public.

Councilor Verga asked if Mr. Hale had any suggestions for reshaping the ordinance. **Mr. Duggan** said he and Mr. Hale discussed some of the shortcomings and obstacles with the ordinance; and Mr. Hale's biggest obstacle is money and suggested perhaps B&F should have a look at the ordinance from that perspective and that maybe there should be a 75:25 split rather than 50:50 or that no more joint paving projects will be accepted for consideration until further notice, for instance. **Councilor Verga** said it is easy to say it's a private way, and it should be the homeowner's responsibility for the roadway's maintenance and condition, but the argument can be also made that a resident pays a lot of property taxes, so why can't they have their road not just repaired but paved. He said it is a good concept but it is an unfunded concept. **Councilor Whynott** said there should be criteria as to what would be on the road and how many homes, etc. **Councilor Verga** said that was a good suggestion and asked Mr. Duggan to convey that to Mr. Hale to consider what he would suggest would be minimum criteria. There may be a case to have minimum criteria which is missing from the ordinance. He also suggested that was something that would be better served by discussion at P&D and perhaps even at B&F.

Mr. Duggan said if the legislative and executive bodies were disciplined and saying the residents need to submit the engineering plan that the City will not do that anymore and is subject to funding. **Councilor Verga** said perhaps the first thing is to ask if there is funding. If the answer is no, it is done, he said. If the order is reversed, again, he said, there is an expectation the paving project would progress and be followed through.

Ms. Lowe summarized that there is a sequencing issue with the ordinance which confuses residents; and other Councilors have said it should be reordered. The Committee agreed that the sequencing of the ordinance would be the purview of the O&A Committee. It was noted that the first criteria has to be was funding available on the City's part. Then there should be a list of those who have completed their application and to be taken in order. **Councilor Verga** noted that could be a problem when the estimates for paving become out of date but agreed the first step should be to find out if funding is available. **Councilor Theken** asked Ms. Lowe to review the ordinance process for resequencing by June 3rd.

This matter is continued to June 3, 2013.

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6. **Review Amendments to GCO Chapter 22, Sec. 22-287 (Disabled veteran, handicapped parking) re: Washington Street #133 and, Sec. 22-274 (Two Hour Parking) re: Washington Street #133 at the request of the City Council on 3/26/13**

Mr. Ingersoll said when this first came forward last year; the Traffic Commission located the handicapped space near the old gas station area now owned by the Azorean Restaurant for an additional parking lot. The Commission's reasoning was that it would be easier for a handicap person to pull their vehicle that spot where there already was a curb cut. But the handicap ramp for the restaurant is beyond the handicap space and faces left towards the train tracks away from the established handicapped parking space.

Councilor Theken asked why there are not handicapped spaces in Mr. Braga's parking lot. **Attorney Robert Coakley** representing Deo Braga, owner of the Azorean Restaurant said there is handicapped parking in the restaurant's parking lot which is in the back of the restaurant. This requires handicapped restaurant patrons to walk up a fairly steep incline to access the ramp to the front door of the restaurant. **Councilor Theken** pointed out the owner could move the handicapped space in the parking lot which doesn't require an amendment to the Code of Ordinances. **Mr. Coakley** said the owner could move it closer but the space would still be on a slant to the entrance. **Councilor Theken** asked why the spaces couldn't be moved to the new parking lot at the other side of the building. **Mr. Coakley** again said the owner could move the space to that lot but that was at a time when the restaurant was going through a site plan review. He said they went to the Traffic Commission a year ago who suggested the space be near the curb cut so a handicap person would not have to back into the space. **Mr. Coakley** noted there are two regular customers of the restaurant who are handicapped who asked for this change, one of whom has a walker and it is much further for this person to access the ramp at the front of the restaurant. It was that person who requested it be closer to the start of the ramp that leads to the front door. **Councilor Theken** confirmed that **Mr. Coakley** understood that the handicapped space in front of the restaurant does not have a time limit, nor is it reserved for the exclusive use of restaurant patrons. **Mr. Coakley** said a year ago the Traffic Commission told Mr. Braga that anyone can use the handicapped space. At that time they acknowledged this handicap space is available to anyone with a handicap placard and did so again before the O&A Committee, even someone who parks there all day to take the train to Boston.

Councilor Theken said this is not an individual with a handicap making the request; it's not a restaurant looking for a loading dock or 15 minute parking in front of their place of business. This is a restaurant owner is coming to ask for a handicap space. It is a rare occurrence to accommodate a business entity when there is space available in the business' parking lot. There is plenty of parking surrounding this restaurant, and to ask to put a handicap space in front of a restaurant is highly unusual accommodation for a business entity. **Mr. Coakley** reiterated this request came to Mr. Braga from his customers who are legitimately handicapped, and in turn they brought it forward through Councilor LeBlanc to the Traffic Commission to the Council. **Councilor Theken** said the fact is Mr. Braga should accommodate his own customers in his own parking lot and can put a ramp anywhere he wants. **Mr. Coakley** said due to the elevation of the side entrance it makes it unable to be used for handicap access to the restaurant, that only the front entrance is suitable. The restaurant does not have to have ADA accessibility for each entrance, just one which is what exists there now. By moving the handicap space within the restaurant's parking lots still would not accomplish what these handicap restaurant patrons asked for.

Councilor Theken said some Councilor's expressed the belief it is not to please the customers of a restaurant but to please the whole City. **Councilor Whynott** offered that he remained in favor of the moving of the handicap space and to make the former space back into two hour parking. **Councilor Theken** confirmed this is just a flip flop of the handicap space on the street and returning the previous handicap space back to a regular parking space with a two hour limit. **Ms. Lowe** confirmed that Councilor Theken was correct in describing the vote about to be taken once again by the Committee. **Mr. Ingersoll** added that all the wording in both motions simply says the Council is flip-flopping the handicap space with a regular metered space.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING "133 Washington Street, one space on the easterly side, beginning at a point 65 feet in a southerly direction from Pole #27-1, for a distance of 20 feet (one space)" and by ADDING "one space on Washington Street, easterly side from a point 173 feet from Railroad Avenue for a distance of 22 feet in a northerly direction.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-274 (Two Hour Parking) by DELETING Azorean lot, after the current entrance, and beginning ten feet from Pole #27-1 in a southerly direction on the easterly side, for a distance of 65 feet (approximately three spaces)" and by ADDING "Washington Street from its intersection with Railroad Avenue, easterly side, in a northerly direction for a distance of 173 feet and from a point 195 feet, easterly side, in a northerly direction, at a distance of 105 feet to the MBTA train tracks.

7. Beach Sticker Regulations to Review Language

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING "one (1) handicap parking space in front of Middle Street #13.

DISCUSSION:

Councilor Theken explained that all the handicapped spaces coming before the City Council for public hearing this evening were recommended by the Traffic Commission and by the O&A Committee.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING "one (1) handicap parking space in front of Middle Street #13.

- 3. PH2013-017: Amend GCO Chapter 22, Sec. 22-287 (Disabled veteran, handicapped parking)
Re: Warner Street #56

This public hearing is opened.
 Those speaking in favor: None.
 Those speaking in opposition: None.
 Communications: None.
 Councilor Questions: None.
 This public hearing is closed.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND the GCO, Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING "one (1) handicap parking space in front of Warner Street #56.

DISCUSSION: None.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND the GCO, Sec. 22-287 (Disabled veteran, handicapped parking) by "ADDING one (1) handicap parking space in front of Warner Street #56."

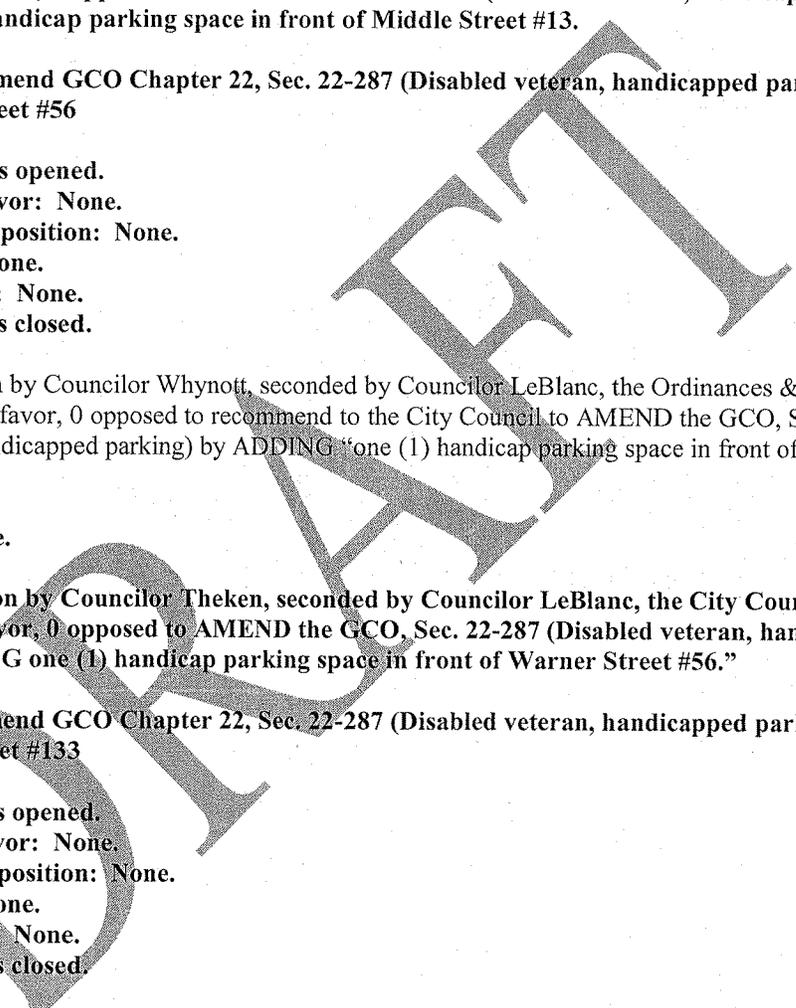
- 4. PH2013-018: Amend GCO Chapter 22, Sec. 22-287 (Disabled veteran, handicapped parking) re: Washington Street #133

This public hearing is opened.
 Those speaking in favor: None.
 Those speaking in opposition: None.
 Communications: None.
 Councilor Questions: None.
 This public hearing is closed.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING "133 Washington Street, one space on the easterly side, beginning at a point 65 feet in a southerly direction from Pole #27-1, for a distance of 20 feet (one space)" and by ADDING "one space on Washington Street, easterly side from a point 173 feet from Railroad Avenue for a distance of 22 feet in a northerly direction."

DISCUSSION: None.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING "133 Washington Street, one space on the easterly side, beginning at a point 65 feet in a



southerly direction from Pole #27-1, for a distance of 20 feet (one space)” and by ADDING “one space on Washington Street, easterly side from a point 173 feet from Railroad Avenue for a distance of 22 feet in a northerly direction.”

MOTION TO RESCIND CITY COUNCIL VOTE ON PH2013-013:

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted unanimously to rescind the vote taken regarding the Amending of GCO Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING “133 Washington Street, one space on the easterly side, beginning at a point 65 feet in a southerly direction from Pole #27-1, for a distance of 20 feet (one space)” and by ADDING “one space on Washington Street, easterly side from a point 173 feet from Railroad Avenue for a distance of 22 feet in a northerly direction.

This matter is continued to April 9, 2013.

(Note: See PH2013-019 for discussion that follows.)

5. PH2013-019: Amend GCO Chapter 22, Sec. 22-274 (Two Hour Parking) re: Washington Street #133

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-274 (Two Hour Parking) by DELETING Azorean lot, after the current entrance, and beginning ten feet from Pole #27-1 in a southerly direction on the easterly side, for a distance of 65 feet (approximately three spaces)” and by ADDING “Washington Street from its intersection with Railroad Avenue, easterly side, in a northerly direction for a distance of 173 feet and from a point 195 feet, easterly side, in a northerly direction, a distance of 105 feet to the MBTA train tracks.”

DISCUSSION:

Council President Hardy asked if the Azorean Restaurant had their own parking lot and did it have handicapped parking in their own lot. **Councilor Theken** informed the Council President the restaurant had their own parking lots on either side of the building, and did have handicapped spaces there also.

Councilor LeBlanc said the owner of Azorean Restaurant, Deo Braga had approached him about having an on-street handicapped parking space in front of the restaurant. He confirmed the restaurant has handicap parking within its parking lot, but it is tucked away along the side of the building and has had complaints that it is difficult to get from the side of the building to the restaurant entrance. Mr. Braga’s attorney suggested a handicapped space be placed on the street in front of the building. There was a handicapped space established on Washington Street slightly further down, and Mr. Braga asked it be moved closer to his establishment.

Council President Hardy noted she has a very disabled resident of Lanesville who has asked for years for a handicap on-street space in front of her home. But because this resident has a driveway, even though it is hard to get in and out of, the Traffic Commission has refused the establishment of a handicap space at the front of the property because this resident has her own parking space. She suggested Mr. Braga should change the placement of the handicap spaces in the configuration of his parking lot where it can be placed to a handicapped person’s best advantage for accessing his restaurant. She said she was not looking to inhibit business of this establishment, but that handicapped parking already exists in the building’s parking lot, and added this handicapped space is taking up regulated street parking.

Councilor Verga clarified this is not a handicapped parking space for an individual but for an extra space in case a handicap patron comes to the restaurant.

Councilor Ciolino said since this is handicap space is next to the train station he asked can someone who has a valid handicap placard and license plate park there all day. **Councilor LeBlanc** said as with any handicap spot in the City, anyone with a handicap placard can park in that space all day regardless if they take the train.

It was noted by **Councilor Theken** the restaurant had parking spaces also available on the opposite side of the street at two other Braga-owned properties, in addition to the parking lots on either side of the restaurant. **Councilor LeBlanc** said this is just moving the handicap parking closer to the door. There is one further away from the building being moved up two spots.

Council President Hardy called for a motion to rescind the vote taken under Public Hearing 2013-018.

Councilor Tobey moved and Councilor Verga seconded to rescind the vote taken in Public Hearing 2013-018 which was voted unanimously in favor to rescind the motion by the City Council (see above).

The Council then referred the matter of the handicapped parking at Washington Street #133 and the two hour parking issue related to the same matter back to the O&A Committee for further clarification by unanimous consent. It was asked that the owner of the Azorean Restaurant and his attorney be contacted to appear during that matter's discussion with the Committee.

This Council matter is continued to April 9, 2013.

6. PH2013-020: Adoption of License and Permit fees as proposed by the Licensing Board

This public hearing is opened.

Those speaking in favor:

Michelle Holovak Harrison, Chair of the Licensing Board, 27 Sayward Street noted she was joined by former Police Chief, Michael Lane who is also a member of the Licensing Board. **Ms. Harrison** said that under MGL c. 138 allows the local licensing authority to issue many kinds of licenses, but the most common alcohol licenses are two: The first is under MGL c. 138, §12 which is a pouring license for consuming alcohol on the premises, a restaurant, bar, hotel. The other is found under §15 which is for consumption of alcohol off premise, commonly known as a package store. Within these two sections there is a further breakdown, **Ms. Harrison** said: an all alcohol license or a beer and wine license, seasonal beer and wine or an all alcohol beer and wine; a year round beer and wine or a year round seasonal all alcohol.

A few years ago the Council voted to review at the Licensing Board fees and authorized a new fee schedule; but not included at that time was a seasonal all alcohol package store or beer and wine seasonal package store because the City didn't have any. There is now one; in 2012 the Licensing Board did issue a seasonal beer and wine license to The Cave at 44 Main Street, Laura Cramer, owner and manager. The Cave is a wine and cheese shop with incidental sales of seasonal wine, she said. When it came time to renew Ms. Cramer's license, the question was raised as to what the fee was; but the fee hadn't been established which was why she was before the Council now.

As suggested by Councilor Cox, the Licensing Board clerk did a list serve search of all the licensing authorities in the State to determine what other communities charge for this type of licenses. It was found there are very few communities that have seasonal package stores; most are located on Cape Cod and the Islands, and one in the western part of the State. The reason there are so few seasonal package stores, **Ms. Harrison** said, is because there package stores quota. A city or town can only have a seasonal package store based on the increase in seasonal population. Gloucester's seasonal population increases by 15,000 annually. A city or town can have one seasonal package store for every 5,000 person seasonal increase in population. Therefore, Gloucester could only have three seasonal package stores, she noted.

Ms. Harrison said seasonal package store annual fees ranged from a high of \$2,000 in Dennis to \$500 in Egremont in the western part of the State. The Board, she said, determined that to come to a reasonable fee, they would look at an all alcohol license year round and charge two thirds of that fee for a seasonal all alcohol package store. The Board made the same determination for a seasonal beer and wine package store license by taking the year round beer and wine license fee and taking two-thirds of that. Therefore, a seasonal all alcohol package store would have a fee of \$1,500 and seasonal beer and wine package store fee of \$1,000, she said. However, Ms. Cramer communicated to the Licensing Board (letter on file) questioning the fairness of a fee of \$1,000 as she has a very small wine store and is not a big package store. She noted in her letter that the \$1,000 fee was higher than the seasonal beer and wine restaurant license fee which is \$750. **Ms. Harrison** said in response to Ms. Cramer's assertion, the Board, considering the suggestion of Ms. Cramer as reasonable, reconsidered the fee and determined that the seasonal beer and wine package store fee be lowered to \$750; and that, further, the opportunity to have a lot

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, March 4, 2013 – 6:00 p.m.
1st Fl. Council Conference Rm. – City Hall
Minutes

Present: Chair, Councilor Sefatia Theken; Vice Chair, Robert Whycott; Councilor Steven LeBlanc, Jr.

Absent: None.

Also Present: N/A

The meeting was called to order at 6:00 p.m. Councilor LeBlanc entered the meeting at 6:05 p.m. Agenda items were taken out of order with reappointments and then an appointment taken up. The agenda items then taken up in their remaining numeric order.

1. **Reappointments:** Board of Registrars TTE 02/14/16 Judith Peterson

With thanks from the O&A Committee for Ms. Peterson's continuing commitment to the Board of Registrars, the Committee voted as follows:

MOTION: On motion by Councilor Whycott, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council to appoint Judith Peterson to the Board of Registrars, TTE 02/14/16.

2. **Continued Business:**

A) Communication from Council President to City Clerk and memorandum from City Clerk re: City Clerk's Office Reorganization Request (Cont'd from 02/04/13)

This matter is continued to May 6, 2013.

B) CC2012-068 (LeBlanc) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" & Sec. 22-274 "Two-hour Parking" re: Washington Street #133 (Cont'd from 02/04/13)

→ Councilor LeBlanc noted that the Traffic Commission at its February 7th meeting voted unanimously to approve the Council Order as written.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whycott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING "133 Washington Street, one space on the easterly side, beginning at a point 65 feet in a southerly direction from Pole #27-1, for a distance of 20 feet (one space)" and by ADDING "one space on Washington Street, easterly side from a point 173 feet from Railroad Avenue for a distance of 22 feet in a northerly direction;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whycott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-274 (Two Hour Parking) by DELETING Azorean lot, after the current entrance, and beginning ten feet from Pole #27-1 in a southerly direction on the easterly side, for a distance of 65 feet (approximately three spaces)" and by ADDING "Washington Street from its intersection with Railroad Avenue, easterly side, in a northerly direction for a distance of 173 feet and from a point 195 feet, easterly side, in a northerly direction, a distance of 105 feet to the MBTA train tracks;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

C) CC2013-003 (Verga) Amend GCO Chapter 22, Sec. 22-270 and Sec. 22-291 re: Magnolia Avenue (Cont'd from 02/04/13)



GLOUCESTER CITY COUNCIL 2013 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2013-010
SUBJECT: SCP2012-014: Mansfield Street #3/Washington Street #24
Map 6, Lots 36 & 37, GZO 1.8.1 and Sec. 2.3.1(7) Conversion
to or new multi-family or apartment dwelling, four to six
dwelling units

DATE OPENED: 04/09/13
CONTINUED TO: 05/14/13
CONTINUED FROM: 02/04/13, 02/26/13, 03/26/13
COMMITTEE: P&D 01/16/13, 02/06/13, 02/20/13, 03/20/13, 04/03/13

NOTICE OF A PUBLIC HEARING

In accordance with the provisions of MGL Chapter 40A, section 11, the Gloucester City Council will hold a public hearing on **Monday, February 4, 2013 at 5:45 PM in the 1st Floor Council Conference Room, City Hall** relative to the following Special Council Permit Application:

The application of James Santo, Trustee of Family Realty Trust, by their Attorney, Thomas F. Murphy, Jr., a Special Council Permit for construction of a 6 unit residential dwelling at 3 Mansfield Street/24 Washington Street (Assessors Map 6, Lots 36 and 37) under GZO Sec. 2.3.1(7).

At the Public Hearing all interested persons will have the opportunity to be heard based on the procedures determined by the Council. **All written communications to the Council must be received by the office of the City Clerk no later than 3 business days (excluding holidays and weekends) prior to the scheduled hearing date or any continuation by the Council of such date in order to be considered by the Council as part of the public hearing.**

The complete application is available for review at the office of the City Clerk at City Hall during regular business hours.

By Vote of the City Council
Linda T. Lowe, City Clerk
GT - 1/11, 1/18/13

**THIS PUBLIC HEARING WILL BE OPENED AND CONTINUED TO THE
MAY 14, 2013 CITY COUNCIL MEETING**

LAW OFFICES
PORTER AND COAKLEY
64 MIDDLE STREET
P.O. BOX 1460
GLOUCESTER, MA 01930
(978) 281-0182
FAX: (978) 281-4908

CITY CLERK
GLOUCESTER, MA
13 APR -4 AM 10:30

Richard L. Porter
(1982-2004)
Robert J. Coakley
Bob@porterandcoakley.com

Melissa Powers, Paralegal
Melissa@porterandcoakley.com
Lisa Ciaramitaro, Legal Secretary
Lisa@porterandcoakley.com

April 3, 2013

Bruce H. Tobey, Chairman
Planning and Development Committee
City Hall
Gloucester, MA 01930

RE: 3 Mansfield St. & 24 Washington St.

Dear Mr. Tobey:

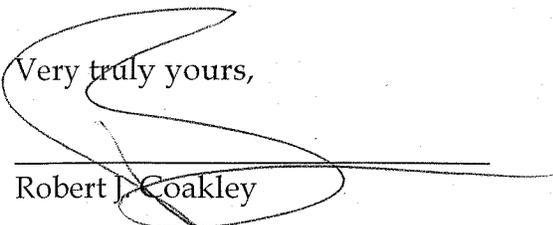
I am now representing James Santo Trustee of the Family Realty Trust with respect to the above City Council Special Permit Application.

In addition to my being retained, Mr. Santo has also engaged a new Civil Engineer and substantial progress has been made in providing good plans of the Mansfield Street side of the property and access to and from the garages.

However, to not further tie up the Planning and Development Committee's time, we respectfully requesting a continuance to your meeting on May 8, 2013.

Further, we request a continuance of the City Council's Public Hearing on April 9, 2013 to May 14, 2013.

Very truly yours,


Robert J. Coakley

RJC/lc

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

SS.

To City Council of the City of Gloucester

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said City of Gloucester, who are qualified to vote in the Special State Primaries to vote at:

1-1 East Gloucester School	8 Davis Street Extension
1-2 Veterans Memorial School	11 Webster Street
2-1 Our Lady of Good Voyage Church Youth Center	140 Prospect Street
2-2 Our Lady of Good Voyage Church Youth Center	140 Prospect Street
3-1 Veterans Center	12 Emerson Avenue
3-2 First Baptist Church	38 Gloucester Avenue
4-1 Beeman Memorial School	138 Cherry Street
4-2 Lanesville Community Center	8 Vulcan Street
5-1 Magnolia Library Center	1 Lexington Ave
5-2 West Parish School	10 Concord Street

on **TUESDAY, THE THIRTIETH OF APRIL, 2013**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Special State Primaries for the candidates of political parties for the following office:

SENATOR IN CONGRESS. . . . FOR THE COMMONWEALTH

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 9th day of April, 2013.

_____	_____
_____	_____
_____	_____
_____	_____

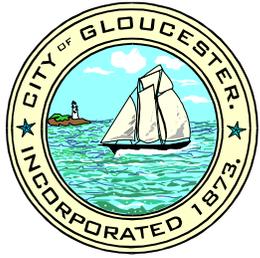
City Council of the City of Gloucester

By Vote of the City Council of the City of Gloucester

Linda T. Lowe, City Clerk

April 9th, 2013.

(Warrant must be posted at least *seven days prior* to April 30, 2013.)



**CITY OF GLOUCESTER
FOR COUNCIL VOTE 2013**

DATE RECEIVED BY COUNCIL: 03/26/13

CONTINUED FROM:

FOR COUNCIL VOTE: 04/09/13

CC2013-016(Verga) Resolution re: Requesting State apply revenues collected from internet sales to lower the State sales tax



**CITY OF GLOUCESTER 2013
CITY COUNCIL ORDER**

ORDER: CC#2013-016
COUNCILLOR: Greg Verga

DATE RECEIVED BY COUNCIL: 03/26/13
REFERRED TO: City Council
FOR COUNCIL VOTE: 04/09/13

RESOLUTION IN COUNCIL

**RESOLUTION REQUESTING STATE APPLY REVENUES COLLECTED FROM
INTERNET SALES TO LOWER THE STATE SALES TAX**

WHEREAS, THE COMMONWEALTH RECENTLY ENTERED INTO AN AGREEMENT TO COLLECT SALES TAX FROM ONLINE PURCHASES SOLD BY ONLINE RETAILER AMAZON WHICH WILL LEAD TO OVER \$20 MILLION IN STATE REVENUES ANNUALLY; AND

WHEREAS, THE COMMONWEALTH WOULD GAIN HUNDREDS OF MILLIONS OF DOLLARS IN REVENUE IF IT COLLECTED A SALES TAX ON ALL PURCHASES MADE OVER THE INTERNET; AND

WHEREAS, ANY NEW REVENUE GENERATED BY COLLECTIONS OF AN ONLINE SALES TAX COULD BE USED TO REDUCE THE RATE THE STATE CURRENTLY IMPOSES AS A SALES TAX; AND

WHEREAS, A REDUCTION IN THE STATE SALES TAX THAT CORRESPONDS WITH REVENUES FROM ONLINE SALES WOULD MAKE THE STATE MORE COMPETITIVE WITH OUR NEIGHBORING STATES WITHOUT REDUCING STATE TAX REVENUES; NOW THEREFORE BE IT

RESOLVED, THAT THE CITY COUNCIL OF GLOUCESTER MOVES THAT THE STATE APPLY REVENUE COLLECTED BY ONLINE SALES TO REDUCE THE SALES TAX AND THEREBY MAKE THE STATES SALES TAX MORE COMPETITIVE WITH OUR NEIGHBORING STATES; AND BE IT FURTHER

RESOLVED, THAT A COPY OF THESE RESOLUTIONS BE DELIVERED TO THE GENERAL COURT.

Respectfully submitted,

Greg Verga
Ward 5 Councillor

LAW DEPARTMENT

MEMORANDUM

TO: Linda T. Lowe
City Clerk

FROM: Suzanne P. Egan *SPE*
General Counsel

DATE: April 4, 2013

RE: City Council Decision
Bass Rocks Ocean Inn, Inc.
107 Atlantic Road

13 APR -4 PM 2:21
CITY CLERK
GLOUCESTER, MA

Please find attached the decision for the above-mentioned property, as well as your file.

Enclosures

In Re:

Application of Bass Rocks Ocean Inn, Inc.)	
for 107 Atlantic Road	)	DECISION OF THE CITY
for Replacement of Existing Pool	)	COUNCIL OF THE
pursuant to City of Gloucester Zoning Ordinance	)	CITY OF GLOUCESTER
Section 5.26.7)	

The City Council of the City of Gloucester, Massachusetts, constituting the Special Permit granting authority under the laws of the Commonwealth of Massachusetts and the Zoning Ordinance of the City of Gloucester, hereby adopts the following Findings and Decision with regard to the application of Bass Rocks Ocean Inn, Inc. (Bass Rocks) for a Special Council Permit pursuant to Sec. 5.26.7 of the City of Gloucester Zoning Ordinance for replacement of an existing pool located at 107 Atlantic Road, Gloucester, MA.

Bass Rocks owns the property located at 107 Atlantic Road, as shown on Assessor's Map 72, Lot 1. The hotel is located in the 107 & 125 Atlantic Road Hotel Overlay District (ARHOD) in the R-20 District. The owner seeks a Special Council permit to replace and reconstruct an in-ground swimming pool.

On December 19, 2012, the application was filed with the City Clerk and is incorporated herein by reference.

On February 6, 2013, the City Council Planning and Development Committee held a public meeting to consider the application.

Joel Favazza, Esq., presented the application and explained that the owner of the hotel wishes to reconstruct and replace an in-ground swimming pool. The new pool will be within the dimensional setbacks. The ARHOD requires a thirty foot front yard setback. The applicant seeks to construct the pool 21.3 feet from the property line and therefore seeks a nine foot dimensional relief. The pool will be twenty feet longer than the existing pool. It will be compliant with the newly revised Americans with Disabilities Act (ADA) regulations. There will be additional work on the property so that the area where the pool currently exists may be remediated and renovated. There will be no food service on the patio or near the pool. The applicant acknowledged that it must seek additional zoning relief before food service can occur.

Tracy Muller, President of Bass Rocks, represented that blasting may occur during the construction of the new pool and patio. She agreed to notify abutters and hold a neighborhood meeting prior to the blasting. The Conservation Commission has issued an Order of Conditions.

The Planning and Development Committee found that the six criteria within section 1.8.3 of the Zoning Ordinance are satisfied.

The Committee voted to recommend to the City Council to grant a Special City Council permit pursuant to §1.8.3 and 5.26.7 of the Gloucester Zoning Ordinance to Bass Rocks Ocean Inn, Inc. for the property at 107 Atlantic Avenue, Gloucester, MA, with the following condition:

1. That no less than two weeks prior to any blasting that may take place, that a neighborhood meeting which includes the abutters and the abutters to the abutters be called to inform them of the impending blasting work by notification via first class U.S. Mail.

Following proper notice and advertisement, on February 12, 2013, the City Council held a public hearing.

Attorney Joel Favazza explained that Bass Rocks is seeking a special council permit in order to replace the existing pool with a larger pool that will encroach into the front yard setback. The new pool will be compliant with ADA standards. He explained that the new pool will allow the Hotel to modernize its facilities and stay competitive in the marketplace. The pool will enhance the Hotel property and the neighborhood. There will be no effect on parking as it will only be available to hotel guests.

No one spoke in opposition to the project.

Councilor Tobey, chair of the Planning and Development Committee, reported that the Committee voted unanimously to recommend that the City Council grant the special permit.

Whereupon, having considered the entire record herein, including all minutes of the Planning and Development Standing Committee meeting and all testimony and documents received at the hearing, the Council found that the project meets the requirements of Sections 1.8.3 and 5.26.7 of the zoning ordinance. The City Council voted as follows:

On motion by Councilor Verga, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed, to grant Bass Rocks Ocean Inn, Inc., a Special Council Permit for the property located at 107 Atlantic Avenue, Assessors Map 72, Lot 1, zoned 107 & 125 Atlantic Road Hotel Overlay District in the R-20 District, pursuant to Section 1.8.3 and Section 5.26.7 of the Gloucester Zoning Ordinance to replace an existing swimming pool 21.3 feet away from the front property line and as shown on Plans dated 11/2/12 as drawn by Robert H. Griffin, PE, Griffin Engineering Group, LLC, entitled "Site Plan to Accompany NOI," as approved and with the following condition:

1. That no less than two weeks prior to any blasting that may take place, that a neighborhood meeting which includes the abutters and the abutters to the abutters

be called to inform them of the impending blasting work by notification via first class U.S. Mail.

The following general conditions shall apply:

1. In granting this special permit, the City Council has relied upon the oral and written representations of the applicant, owner and representative, the documents submitted in support of its application and in its testimony at the committee meeting and the public hearing. Any failure to honor any material representation shall constitute just cause for revocation of this special permit.
2. The minutes of the Planning and Development Committee meeting and the City Council public hearing and all documents, plans and testimony received during the hearing are incorporated into this decision. All construction and use of the property must comply with the plans submitted with this permit application. Any changes which are not contemplated by this permit will require either a new special permit or an amendment hereto.
3. Each finding, term and condition of this decision is intended to be severable. Any invalidity in any finding, term or condition of this decision shall not be held to invalidate any other finding, term or condition of this decision.
4. This permit shall not take effect until a certified copy of this decision is recorded with the Registry of Deeds for Essex County. The fee for such recording shall be paid by the owner.

Accordingly, by said City Council Vote of February 12, 2013, the Special Council Permit pursuant to Section 5.26.7 is granted for Bass Rocks Ocean Inn, Inc., Gloucester, MA, Assessors' Map 72, Lot 1.

On April 9, 2013, the City Council adopted this decision.

The President of the City Council and the City Clerk have signed this decision demonstrating that it is a true and accurate reflection of the February 12, 2013 vote of the City Council sitting as the Special Permit Granting Authority.

Jackie Hardy
President, Gloucester City Council

Linda T. Lowe, City Clerk

Dated: _____

LAW DEPARTMENT

MEMORANDUM

TO: Linda T. Lowe
City Clerk

FROM: Suzanne P. Egan *SPE*
General Counsel

DATE: April 4, 2013

RE: City Council Decision
Cape Ann Brewing Company
9-11 Rogers Street

13 APR -4 PM 2:21
CITY CLERK
GLOUCESTER, MA

Please find attached the decision for the above-mentioned property, as well as your file.

Enclosures

In Re:

Application of Cape Ann Brewing Company)
to amend an existing Special Council Permit) DECISION OF THE
pursuant to Sections 2.3.4 (8) and (9)) CITY COUNCIL OF THE
of the City of Gloucester Zoning Ordinance) CITY OF GLOUCESTER

The City Council of the City of Gloucester, Massachusetts, constituting the Special Permit granting authority under the laws of the Commonwealth of Massachusetts and the Zoning Ordinance of the City of Gloucester, hereby adopts the following findings and decision with regard to the application of Cape Ann Brewing Company for modification to its Special Permit pursuant to Section 2.3.4 (8) and (9) of the City of Gloucester Zoning Ordinance to operate a restaurant at 9-11 Rogers Street, Gloucester, Massachusetts. The property is shown on Assessor's Map 7, Lot 15, and is located in the Marine Industrial (MI) Zoning District.

On April 17, 2012, Jeremy Goldberg, owner of the Cape Ann Brewing Company, filed a request for a modification to an existing Special Council Permit pursuant to Sections 2.3.4 (8) and (9) of the Zoning Ordinance. The zoning district is Marine Industrial (MI).

The applicant seeks a modification to its Special Permit to operate a restaurant to install an outdoor bar on the harborside deck in order to serve beer to patrons. Applicant also seeks approval for an awning covering part of the deck to provide protection from the elements with side panels enclosing it as necessary. The special permit was approved on July 20, 2010. That Decision is attached hereto and is incorporated herein by reference.

On February 6, 2013, the City Council Planning and Development Committee held a meeting to consider the application.

Attorney Catherine Schlichte presented the application and explained that the applicant, Jeremy Goldberg, owner of the Cape Ann Brewing Company, seeks to bring the existing harborside deck bar into compliance with the zoning ordinance and install an awning over the bar. She stated there was an opinion from the Building Inspector stating that the proposed awning and outside bar was a material and substantial change to the Special Council Permit and therefore required a modification to the Special Council Permit.

The Planning and Development Committee found that the six criteria within section 1.8.3 of the Zoning Ordinance are satisfied.

The Committee voted to recommend to the City Council to grant a Special City Council permit pursuant to §2.3.4 (8) and §2.3.4 (9) of the Gloucester Zoning Ordinance to Cape Ann Brewing Company for 9-11 Rogers Street, Gloucester, MA.

Following proper notice and advertisement, on February 12, 2013, the City Council held a public hearing.

Attorney Catherine Schlichte, on behalf of the applicant, explained that the modification to the Special Council Permit is necessary to bring the existing harborside deck bar into compliance with the zoning ordinance. The owner has installed a 17 foot by 33 foot awning over the outside eating area and outside service bar. The applicant has sought a modification of its alcohol license from the Licensing Board and has an approved modification of its chapter 91 license. The awning and outside bar was installed before the permits were obtained and it seeks to bring the establishment into compliance by obtaining this modification to its permit. The outside area was designed to represent the bow of a boat in the interest of creating an attractive structure which enhances the waterfront and harbor walk. Attorney Schlichte explained that the owner was under the impression that no permits were needed to construct the awning and outside bar. However, the structure is substantial and therefore it was determined by the Building Inspector that the installation resulted in a material change under the existing special permit and therefore required a modification to the Special Council Permit. The original special permit allowed outside eating and a deck. However, the service bar and awnings require a modification. The awnings and bar add are in keeping with the neighborhood. There are many bars and restaurants along the Harborwalk. The applicant employs 30 fulltime and 40 seasonal workers. It only sells the beer that is produced on the site. It is a viable business and this modification will allow it to continue to be a viable business in the City.

Patti Page, 3 Tidal Way, spoke in objection to the project stating her concerns about the proximity of the bar to the Harborwalk.

Sunny Robinson, 20 Harvard Street, spoke in objection stating her concerns about the proximity of the bar to the Harborwalk and asked the City Council to approve the awnings and not the outside bar.

The public hearing was closed.

Councilor Tobey, chair of the Planning and Development Committee, reported that the Committee voted unanimously to recommend that the City Council grant the special permit.

On Motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by roll call, 8 in favor, 1 opposed (Hardy), to grant a modification of the Cape Ann Brewing Company Special Council Permit (2010-004) for 9-11 Rogers Street, Gloucester, MA to operate a restaurant in a Marine Industrial Zone, to permit the applicant to install an outdoor bar on the premises outdoor harbor side deck with an awning and framework for the purpose of covering the middle section of said deck in accordance with the plans provided by the applicant to the Planning & Development Committee on July 18, 2012 and as signed by the applicant, with the following conditions:

1. That the outdoor bar in place on the southeasterly side of the deck be moved from its current location to a location on the deck farthest from St. Peter's Park and as shown on a plan as submitted.

The following general conditions shall apply:

1. In granting this special permit, the City Council has relied upon the oral and written representations of the applicant and representative, the documents submitted in support of his application and in his testimony at committee meetings and the public hearing. Any failure to honor any material representation shall constitute just cause for revocation of this special permit.
2. The minutes of the Planning and Development Committee meetings and the City Council public hearing and all documents and testimony received during the hearing are incorporated into this decision. All construction and use of the property must comply with the plans submitted with this permit application. Any changes which are not contemplated by this permit will require either a new special permit or an amendment hereto.
3. Each finding, term and condition of this decision is intended to be severable. Any invalidity in any finding, term or condition of this decision shall not be held to invalidate any other finding, term or condition of this decision.
4. This permit shall not take effect until a certified copy of this decision is recorded with the Registry of Deeds for Essex County. The fee for such recording shall be paid by the owner.

Accordingly, by said City Council Vote of February 12, 2013, the modification to the Special Council permit pursuant to Sections 2.3.4 (8) and (9) is granted.

Decision adopted at the City Council meeting of April 9, 2013.

Pursuant to Rule 25 of the City Council Rules of Procedure, the President of the City Council and the City Clerk have signed this decision demonstrating that it is a true and accurate reflection of the February 12, 2013 vote of the City Council sitting as the special permit granting authority.

Jackie Hardy
President, Gloucester City Council

Linda T. Lowe
City Clerk

Dated: _____, 2013

LAW DEPARTMENT

MEMORANDUM

TO: Linda T. Lowe
City Clerk

FROM: Suzanne P. Egan *SPE*
General Counsel

DATE: April 4, 2013

RE: City Council Decision
MetroPCS Massachusetts
30 Blackburn Drive

13 APR -4 PM 2:22
CITY CLERK
GLOUCESTER, MA

Please find attached the decision for the above-mentioned property, as well as your file.

Enclosures

In Re:

Application of MetroPCS Massachusetts, LLC)	
for a Special Council Permit Pursuant to the	)	DECISION OF THE CITY
City of Gloucester Zoning Ordinance of	)	COUNCIL OF THE CITY
Section 5.13.7 Personal Wireless Service Facility	)	OF GLOUCESTER
30 Blackburn Drive)	

The City Council of the City of Gloucester, Massachusetts, constituting the Special Permit granting authority under the laws of the Commonwealth of Massachusetts and the Zoning Ordinance of the City of Gloucester, hereby adopts the following findings and decision with regard to the application of MetroPCS Massachusetts, LLC for a modification of an existing wireless communications facility at 30 Blackburn Drive, Gloucester, Massachusetts, pursuant to Section 5.13.7 of the City of Gloucester Zoning Ordinance.

MetroPCS Massachusetts, LLC is the applicant for the Special Council Permit for a modification of an existing wireless communication facility. John D. McNiff is the owner of the property on which the Personal Wireless Service Facility (PWSF) is located. The property is located at 30 Blackburn Drive, Building 4, Gloucester, MA, and is shown on Assessor's Map 262, Lot 24. The zoning district is (BP) Business Park. The applicant seeks a Special Council Permit as required by Section 5.13.7 of the Gloucester Zoning Ordinance to modify an existing wireless communication facility by replacing three (3) existing antennas with three (3) new antennas on the existing tower. Six additional coaxial cables will run inside the shaft of the tower to connect the new antennas to the existing ground mounted equipment cabinets.

On December 27, 2012, the application for the special permit was filed with the City Clerk. It is incorporated herein by reference.

The City Council referred the application to its Planning and Development Committee. On February 20, 2013, the Committee held a properly noticed meeting.

The Committee reviewed the plans and application and found that the requirements of Sec. 1.8.3 and 5.13.7 had been met.

The Planning and Development Committee unanimously voted to recommend that the special permit be granted with specific conditions.

On February 26, 2013, following proper notice and advertisement, the City Council held a public hearing. Testimony was taken and the application was reviewed.

The Council finds that MetroPCS Massachusetts, LLC is upgrading its system located at 30 Blackburn Drive, Building 4, by replacing three (3) existing antennas with three (3) new antennas in the same location on the existing tower owned by John D. McNiff. Six additional coaxial cables will run inside the shaft of the tower to connect the new

antennas to the existing ground mounted equipment cabinets. The height of the tower will not change. There will be no changes to the site plan or ground equipment.

No one spoke in opposition.

The Planning and Development Committee reported that it unanimously voted to recommend issuance of the modification to the special permit to the City Council with specific conditions.

MOTION: On Motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted by Roll Call 9 in favor, 0 opposed, to grant MetroPCS Massachusetts LLC a Special Council Permit for modification of an existing Wireless Communications Facility pursuant to Section 5.13.7 to replace three (3) existing antennas with three (3) new antennas and add six (6) lines of co-axial cables to the shaft of a tower at 30 Blackburn Drive, Bldg. 4, Gloucester, MA (Assessors Map 262, Lot 24) zoning classification BP (Business Park). All replacement antennas are to be substantially similar to the dimensions of the existing antennas to be replaced on the tower owned by John D. McNiff, with the following condition:

1. That MetroPCS Massachusetts LLC is not to impede use of the communication tower located at 30 Blackburn Drive, Bldg. 4, by Gloucester public safety organizations to maintain and install hardware necessary to their communications systems.

The following general conditions shall apply:

1. In granting this special permit, the City Council has relied upon the oral and written representations of the applicant, the documents submitted in support of its application and in its testimony at committee meetings and the public hearing. Any failure to honor any material representation shall constitute just cause for revocation of this special permit.
2. The minutes of the Planning and Development Committee meeting and the City Council public hearing and all documents and testimony received during the hearing are incorporated into this Decision. All construction and use of the property must comply with the plans submitted with this permit application. Any changes which are not contemplated by this Permit will require either a new special permit or an amendment hereto.
3. Each finding, term and condition of this decision is intended to be severable. Any invalidity in any finding, term or condition of this decision shall not be held to invalidate any other finding, term or condition of this decision.
4. This permit shall not take effect until a certified copy of this decision is recorded with the Registry of Deeds for Essex County. The fee for such recording shall be paid by the owner.

Accordingly, by said City Council Vote of February 26, 2013, the special council permit pursuant to Section 5.13.7 is granted.

On April 9, 2013, the City Council adopted this decision.

Pursuant to Rule 25 of the City Council Rules of Procedure, the President of the City Council and the City Clerk have signed this decision demonstrating that it is a true and accurate reflection of the February 26, 2013 vote of the City Council sitting as the special permit granting authority.

Jackie Hardy
President, Gloucester City Council

Linda T. Lowe
City Clerk

Dated: _____, 2013

LAW DEPARTMENT

MEMORANDUM

TO: Linda T. Lowe
City Clerk

FROM: Suzanne P. Egan *SPE*
General Counsel

DATE: April 4, 2013

RE: City Council Decision
Two Five Three One RNA Realty, LLC & Smith Cove, LLC
25-31 & 43 Rocky Neck Avenue

13 APR -4 PM 2:21
CITY CLERK
GLOUCESTER, MA

Please find attached the decision for the above-mentioned property, as well as your file.

Enclosures

In Re:

Application of Two Five Three One RNA Realty, LLC)	
and Smith Cove, LLC	)	DECISION OF THE
pursuant to the City of Gloucester Zoning	)	CITY COUNCIL
Ordinance Section 5.5.4 (Lowlands)	)	OF THE CITY OF
25-31 & 43 Rocky Neck Avenue	)	GLOUCESTER

The City Council of the City of Gloucester, Massachusetts, constituting the special permit granting authority under the laws of the Commonwealth of Massachusetts and the Zoning Ordinance of the City of Gloucester, hereby adopts the following findings and decision with regard to the application of Two Five Three One RNA Realty, LLC and Smith Cove, LLC for a Special Council Permit pursuant to Section 5.5.4 of the City of Gloucester Zoning Ordinance for Lowlands Permit for 25-31 & 43 Rocky Neck Avenue, Gloucester, MA.

J. Michael Faherty is the applicant and Two Five Three One RNA Realty, LLC and Smith Cove, LLC are the owners of property located at 25-31 & 43 Rocky Neck Avenue. The lot is shown on Assessor's Map 130, Lots 8, 7, 6, 5, 3, located in the NB (Neighborhood Business) and R-10 (Medium/High Density Residential) zoning district. The applicant seeks a Special Council Lowlands Permit to drive 13 piles, place floats, convert an existing marine railway into a concrete boat launch and install a pre-cast retaining wall.

On January 16, 2013, the application was filed with the City Clerk and is incorporated herein by reference.

On February 20, 2013, the City Council Planning and Development Committee held a public meeting to consider the application.

Attorney Michael Faherty appeared and explained the project as shown on three separate plans ("Existing Conditions," "Proposed Conditions" and a plan entitled "Proposed Float Layout & Details"), all dated 11/01/12 and drawn by Bourne Consulting Engineers, for the expansion of Bickford Marina. Shown on the Proposed Conditions was a plan for converting a concrete boat ramp and adding a retaining wall. The plans allowed room for 16 boats to tie up as well as an area dedicated to transient boating. The plans detailed construction of a new series of floats at the new end of the pier, construction of a concrete ramp and repointing of existing fieldstone walls. The Conservation Commission had previously approved the project with two Orders of Conditions, and the Shellfish Warden had made a site visit and submitted a report to the Conservation Commission.

The Planning & Development Committee voted to recommend to the City Council to grant a Special City Council Lowlands Permit pursuant to §5.5.4 of the Gloucester Zoning Ordinance to J. Michael Faherty, Two Five Three One RNA Realty, LLC and

Smith Cove LLC for the property known as Bickford Marina, 25-31 and 43 Rocky Neck Avenue, Gloucester, MA.

Following proper notice and advertisement, on February 26, 2012, the City Council held a public hearing.

Attorney Joel Favazza appeared on behalf of the owner applicant and presented the application. The applicant proposed driving 13 piles and installing floats on those piles, converting an existing marine railway into a concrete boat launch, and installing a pre-cast retaining wall on the southeasterly side of the lot to keep the lot stable. He noted that the applicant had obtained an Order of Conditions from the Conservation Commission, approval from the Shellfish Warden, and that the Waterways Board had no objections to the work.

Attorney Favazza asserted that the applicant's plan will improve the existing boat yard and continue the historic use of the marina, meeting the standards set forth in the Gloucester Zoning Ordinance, Sections 1.8.3 and 5.5.4.

No one spoke in opposition to the project.

The Planning and Development Committee reported that it unanimously voted to recommend that the City Council grant the special permit.

Whereupon, having considered the entire record herein, including all minutes of the Planning and Development Standing Committee meeting and all testimony and documents received at the hearing, the Council found that the project meets the requirements of the Wetlands Protection Act and such construction will not pose a hazard to health or safety and will be so executed as to conserve the shellfish and other wildlife resources of the City. The City Council voted as follows:

On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted 9 in favor, 0 opposed, to grant a Special City Council Lowlands Permit to J. Michael Faherty, Two Five Three One RNA Realty, LLC and Smith Cove LLC for the property at 25-31 and 43 Rocky Neck Avenue, as shown on Assessors Map 130, Lot 8, Lot 7, Lot 6, Lot 5, Lot 3, and known as Bickford Marina, zoning classification NB and R-10 pursuant to §5.5.4 of the Gloucester Zoning Ordinance for:

- 1 (one) 32 ft. x 4 ft. finger float;
- 1 (one) 38 ft. x 6 ft. finger float;
- 4 (four) 24 ft. x 4 ft. finger floats;
- 1 (one) 22 ft. x 8 ft. finger float;
- 1 (one) 100 ft. x 8 ft. finger float;
- 1 (one) new 6 ft. x 6 ft. gangway access;
- 1 (one) relocated 30 ft. gangway;
- 1 (one) 105 ft. x 8 ft. float

All as shown on a Plan entitled "Proposed Float Layout & Details" dated 11/01/12 drawn by Bourne Consulting Engineers; and also for: converting a concrete boat ramp and adding a retaining wall as shown on a Plan entitled "Proposed Conditions" as drawn by Bourne Consulting Engineers dated 11/1/12.

The following general conditions shall apply:

1. In granting this special permit, the City Council has relied upon the oral and written representations of the applicant, owner and representative, the documents submitted in support of the application and in their testimony at committee meetings and the public hearing. Any failure to honor any material representation shall constitute just cause for revocation of this special permit.
2. The minutes of the Planning and Development Committee meeting and the City Council public hearing and all documents, plans and testimony received during the hearing are incorporated into this decision. All construction and use of the property must comply with the plans submitted with this permit application. Any changes which are not contemplated by this permit will require either a new special permit or an amendment hereto.
3. Each finding, term and condition of this decision is intended to be severable. Any invalidity in any finding, term or condition of this decision shall not be held to invalidate any other finding, term or condition of this decision.
4. This permit shall not take effect until a certified copy of this decision is recorded with the Registry of Deeds for Essex County. The fee for such recording shall be paid by the owner.

Accordingly, by said City Council Vote of February 26, 2013, the Special Council Permit pursuant to Section 5.5.4 is granted for 25-31 and 43 Rocky Neck Avenue, Gloucester, MA, Assessors' Map 130, Lots 8, 7, 6, 5, 3.

On April 9, 2013, the City Council adopted this decision.

The President of the City Council and the City Clerk have signed this decision demonstrating that it is a true and accurate reflection of the February 26, 2013 vote of the City Council sitting as the Special Permit Granting Authority.

Jackie Hardy
President, Gloucester City Council

Linda T. Lowe, City Clerk

Dated: _____