

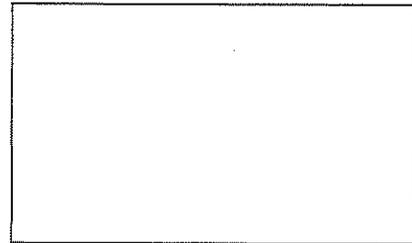


GLOUCESTER CITY COUNCIL CALENDAR OF BUSINESS

TUESDAY, January 5, 2010

7 P.M.

KYROUZ AUDITORIUM, CITY HALL
COUNCIL MEETING #2010-002



- FLAG SALUTE & MOMENT OF SILENCE
- ORAL COMMUNICATIONS
- COUNCILLOR'S REQUESTS TO THE MAYOR
- CONFIRMATION OF APPOINTMENTS
- PRESENTATIONS

Sam Cleaves – Clean Energy Commission

CONSENT AGENDA

ACTION

- **MAYOR'S REPORT**
 - 1. Memo from Building Inspector re: Parking Meter Bags (Refer O&A)
 - 2. Report from City Auditor re: Accounts having expenditures which exceed their appropriations. (Refer B&F)
 - 3. Memo from CAO and RFP "To Provide Public Relations, Communications and Media Support for City " (Refer O&A)
- **APPROVAL OF MINUTES**
 - 1. City Council Meeting 12/15/09 (Approve/File)
- **APPLICATIONS/PETITIONS**
 - 1. SCP2010-001: 79-99 Essex Avenue, Sec. 2.3.1 (12), Sec. 5.7.3 Major Project, Sec. 3.1.6 (b) height excess 35 ft., lowlands Sec. 5.5, lot area per two guest special permit 3.2.6 (Refer P&D)
 - 2. SCP2010-002: 121 East Main Street, Sec. 2.3.4 (8) and 5.18 (Refer P&D)
- **COMMUNICATIONS**
 - 1. COM2010-001: Letter from Attorney Harrison re: High Popples – Links Road Sewer Project, LLC (Refer P&D)
 - 2. COM2010-002: Planning Board Proposed Zoning Amendments under GZO Sec. 1.11.2(a) re: 43D Priority Development Site and Harbor Plan Zoning Recommendation (Refer PB &P&D)
 - 3. COM2010-003: Extension of Special Permit re: 14 Cliff Avenue (Refer P&D)
- **ORDERS**
 - 1. CC2010-001(Tobey/Ciolino) Order that City Council continue to consider becoming a member of Essex North Shore Agricultural and Technical School District (Refer O&A & B&F)
 - 2. CC2010-002 (Tobey) Enact Ordinance re: Citizen Participation and Public Information Committee (Refer O&A)

1. 2-11(c) City Charter Matter re: local sales tax of .75 percent on sale of restaurant meals

FOR COUNCIL VOTE

- 1. CC2009-049 (Tobey) City council recognize and commend outgoing Councillors
- 2. Warrant for Special State Election – January 19, 2010

ACTION

(FCV)
Approve

SCHEDULED PUBLIC HEARINGS

- 1. PH2010-001: Amend GCO Sec. 22-284 "Service or loading zones" re: 62-64 Main Street
- 2. PH2010-002: Amend GCO Sec. 22-280 "Fifteen Minute Parking" re: 38 Railroad Avenue

COMMITTEE REPORTS

B&F 12/18/09

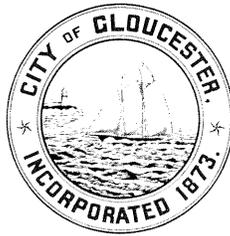
COUNCILLOR'S REQUESTS OTHER THAN TO THE MAYOR

ROLL CALL – Councillor Joe Ciolino

Linda T. Lowe, City Clerk

NEXT REGULAR CITY COUNCIL MEETING, TUESDAY, February 2, 2010

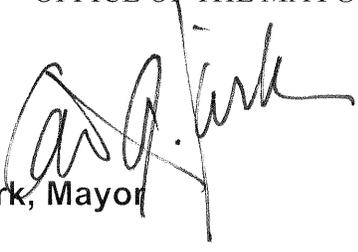
City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
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ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

TO: City Council

FROM: Carolyn A. Kirk, Mayor 

DATE: December 29, 2009

RE: Mayor's Report for the January 5, 2010 City Council Meeting

Dear Councilors,

First, a warm welcome to the City's newest Councilors: Paul McGeary-Ward 1, Ann Mulcahey-Ward 2, Greg Verga-Ward 5, and At-Large Councilor Bob Whynott. To returning Councilors Tobey, Ciolino, Romeo-Theken, Curcuru and Hardy, the Administration looks forward to continuing the important work we've begun together.

Matters requiring your attention and action are as follows:

Enclosure 1 is a memorandum from Building Inspector Bill Sanborn regarding Parking Meter Bags. *Please refer this matter to the Ordinance and Administration subcommittee for review.* Bill Sanborn will be available to answer questions and provide further information as required.

Enclosure 2 is a report from the City Auditor regarding accounts having expenditures which exceed their appropriations. *As is your normal practice, please refer this report to the Budget and Finance subcommittee for review.*

For Information Only:

Enclosure 3 *for your information only* is a memorandum from Jim Duggan, Chief Administrative Officer, and Request for Proposals (RFP) "To Provide Public Relations, Communications and Media Support for the City of Gloucester".

ENCLOSURE 1

3 Pond Road
Gloucester, MA 01930

Ph# 978-281-9774

Fax# 978-282-3036

**CITY OF
GLOUCESTER**

Memo

DATE: December 8, 2009

TO: Jim Duggan, Chief Admin Officer
Mayor's Office

FROM: Bill Sanborn, Inspector of Buildings

RE: Parking Meter Bags

RECEIVED

DEC - 8 2009

Mayor's Office

Jim, Please forward to City Council.

The Building Department has been in charge of parking meter bags for a number of years. It has come to my attention that there is a problem with users of the meter bags returning them back to the department when they are finished using them. This has created the need for excessive labor intense tracking of who has the bags and getting them returned.

Therefore, I am proposing the following plan that I believe will alleviate a lot of the problems with tracking of meter bags. With the Council's support, I propose using disposable meter bags in place of the canvas bags now used. The bag would be issued with an expiration date inscribed on the bag (the date would be secured with clear tape to prevent tampering). The user would be required to pay \$5.00 per day for the parking fee and a one-time fee of \$5.00 for the disposable bag. If further time is required the applicant would need to get a new bag. Meter bags will be required anytime that a metered parking space is obstructed and unavailable for public use (for example when meters are obstructed by dumpsters, concrete barriers, etc).

I propose setting this plan in use for a ninety (90) day trial period. At the end of the trial period I would respectfully submit a request to the Council to amend City Code of Ordinance section 22-229 Parking control device.

WS/Im

cc: Mike Lane, Police Chief

REPLACE with "The Chief of Police" (in two places) and by striking the
"department of public works" (Ord. 04-31)

(Code 1970, § 21-176; Ord. of 12-10-85, § IA; Ord. No. 98-1998, § I, 7-28-98)

Secs. 22-224--22-226. Reserved.

Editor's note--Ord. No. 19-1992, § I, adopted July 14, 1992, amended this Code by repealing §§ 22-224--22-226. Formerly, § 22-224 pertained to disposition of deposits generally and derived from the 1970 Code, § 21-177, an ordinance adopted Dec. 10, 1985, § 1B, Ord. No. 41-1991, § I, adopted Dec. 17, 1991 and Ord. No. 30-1991, adopted Sept. 3, 1991. Section 22-225 pertained to payment of salaries and wages etc., from the parking meter account and was derived from the 1970 Code, § 21-178. Section 22-226 pertained to the purchase of equipment necessary to enforce the division and was derived from the 1970 Code, § 21-179.

Sec. 22-227. Records of receipts and disbursements.

The director of public works and the city treasurer shall keep whatever records may be necessary to show all parking meter receipts and disbursements.

(Code 1970, § 21-180; Ord. of 12-10-85, § IB; Ord. No. 99-1998, § I, 7-28-98)

Sec. 22-228. Duty of police as to violations of division.

It shall be the duty of the police department to take the parking meter number and the state vehicle number of all vehicles whose operators violate the provisions of this division and to cause to be imposed the penalties provided in section 1-14. When a parking meter is found to be not in proper working order by the police chief, the meter number shall be posted and no violation of section 22-218 of this division shall issue.

(Code 1970, § 21-181; Ord. of 12-10-85, § IC)

Sec. 22-229. Parking control device.

Parking bags will be issued for use by contractors working in the downtown area with a ten dollar (\$10.00) deposit, of which five dollars (\$5.00) will be returned to the contractor upon return of the parking meter bags. These bags will be picked up and returned to the city treasurer's office, City Hall on a daily basis.

DELETE "returned to the city treasurer's office, City Hall on a daily basis" (Ord. 04-32 Deleted 10/19/04)

ADD: "returned to the Police Department on a daily basis, or as required by the Chief of Police. (Ord 04-32 10/19/04)

(Ord. No. 23-1994, § I, 11-1-94)

Sec. 22-230. Downtown Parking Permits

Downtown Permit Parking for all ten-hour meters, with the fee being \$50.00 per month per person, or \$600.00 annually per person for those having a valid business in Gloucester. (Ord. 04-10 7-13-04)

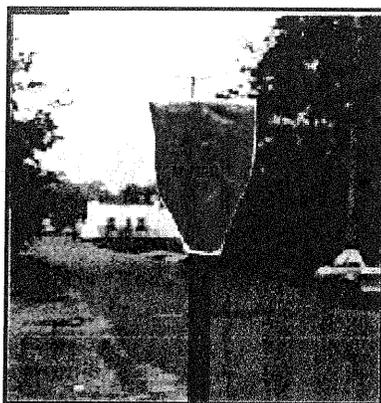
Secs. 22-231--22-239. Reserved.

DIVISION 4. TOW-AWAY ZONES

Redi Packaging, Inc.

PARKING METER BAGS

SO EASY TO CARRY!
Just fold away in glove department
or carry in pocket until ready to use!

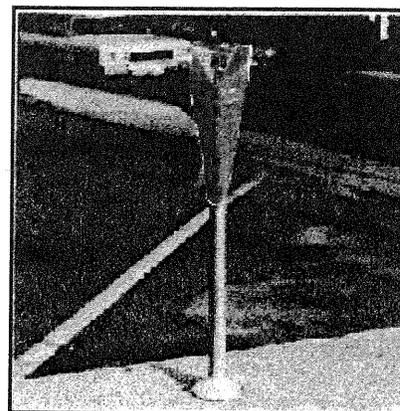


DOUBLE METER COVERS

Use double meter bags
to cover signs.

**Outlasts cardboard signs &
paper bags
in rain, wind, snow, and sun!**

Just slip wire ties that are included
in cases through holes in bag
and fasten securely around
the bottom of the meter bag
so bag will not come off.



SINGLE METER COVERS

Guaranteed not to fade
up to 6 months!

ENCLOSURE 2

CITY OF GLOUCESTER AUDITOR'S OFFICE

December 18, 2009

RECEIVED
DEC 17 2009
Mayor's Office

TO: CITY COUNCIL

FROM: CITY AUDITOR

RE: CODE OF ORDINANCE CHAPTER 2, ADMINISTRATION, ARTICLE III,
OFFICERS AND EMPLOYEES, DIVISION 6, CITY AUDITOR, S 2-104
p. 161, EFFECTIVE MARCH 1, 1986

cc: MAYOR CAROLYN KIRK

S 2-104 DUTY WHEN APPROPRIATIONS ARE EXHAUSTED
WHENEVER THE APPROPRIATIONS FOR ANY DEPARTMENT FOR ANY OBJECTS HAVE
BEEN EXHAUSTED, THE CITY AUDITOR SHALL COMMUNICATE THE FACT TO THE
MAYOR AND THE CITY COUNCIL, AND ALL EXPENDITURES THEREFORE SHALL CEASE
UNTIL A FURTHER APPLICATION IS DULY MADE.
AS OF THE WEEK ENDING DECEMBER 18, 2009. THE FOLLOWING ACCOUNTS HAVE
EXPENDITURES THAT EXCEED THEIR APPROPRIATIONS:

<u>CITY ACCOUNT #</u>	<u>ACCOUNT TITLE</u>	<u>AMOUNT OVER</u>
101000.10.145.52000	Treasurer/Collector Contract/Serv	(\$1,498.00)
101000.10.499.52470	DPW-Other, Vehichle Maint	(\$555.36)
610000.10.450.41300	Water Enterprise Sal/Wage OT	(\$3,291.01)

AGING OF ACCOUNTS		CITY OF GLOUCESTER						
ACCOUNT	DESCRIPTION	18-Dec-09	3-Dec-09	17-Nov-09	11-Nov-09	23-Oct-09	25-Sep-09	11-Sep-09
Function 3500	School Athletics							\$ (59,975.00)
Function 3520	Student Activities							\$ (3,203.75)
Function 2210	School Leadership			\$ (1,923.96)			\$ (7,999.09)	
101000.10.135.53130.	Auditor, Professional Auditing Serv.		\$ (5,100.00)	\$ (5,100.00)	\$ (5,100.00)	\$ (5,100.00)	\$ (5,100.00)	
101000.10.145.52000	Treasurer/Collector Contractual Serv.	\$ (1,498.00)						
101000.10.152.51100.	Personnel Sal/Wage Perm Pos							
101000.10.152.51970.	Personnel, Retirement Sich Buy Back							\$ (284.99)
101000.10.296.51400	BOH, Shellfish Control, Sal/Wage Longevity							\$ (17,677.61)
101000.10.499.52470	DPW-Other, Vehicle Maintenance	\$ (555.36)	\$ (175.52)					
101000.10.543.57700	Veteran's Serv - Vets Direct Access			\$ (84.00)	\$ (84.00)			
101000.10.543.57720.	Veteran's Service Medical			\$ (5,707.46)	\$ (5,544.49)	\$ (3,482.06)		
101000.10.610.51250.	Library Admin Sal/Wage PT Pos			\$ (3,629.11)	\$ (3,166.15)		\$ (937.22)	\$ (836.78)
101000.10.610.51430.	Library Admin Night Differential							\$ (5,189.61)
610000.10.450.51300.	Water Enterprise Sal/Wage Overtime	\$ (3,291.01)						

ENCLOSURE 3

City Hall
Nine Dale Ave
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

Memorandum

To: Members of the Gloucester City Council

From: Jim Duggan, Chief Administrative Officer 

Date: December 16, 2009

Re: Public Relations RFP (*for information only*)

Following up to the December 1st presentation by the various tourism organizations, I have attached the Request for Proposals (RFP) "To Provide Public Relations, Communications and Media Support for the City of Gloucester" referenced that evening.

The initiative, including the funding mechanism, was a collaborate effort between the Tourism Commission and multiple business owners to seek seasoned professionals that will promote the City of Gloucester as a destination city.

As you can see, the Scope of Services clearly outlines a well defined strategy on selecting the right candidate to achieve the desired results.

If you have any questions or concerns, please don't hesitate to contact me at your earliest convenience.

City of Gloucester

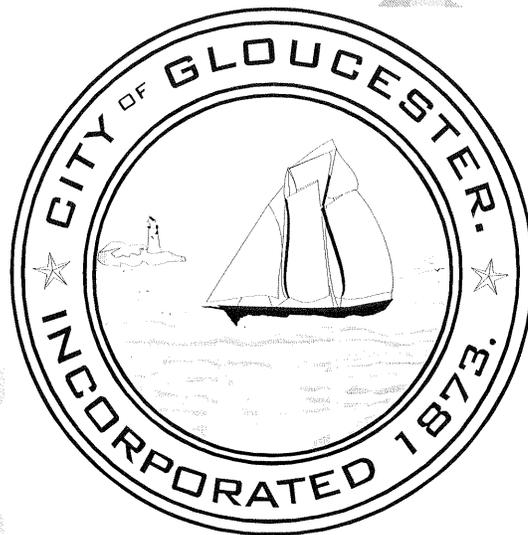
Office of the Purchasing Agent

City Hall, 9 Dale Avenue

Gloucester, Massachusetts 01930

Telephone 978 281 9710 Fax 978 281 8763

www.gloucester-ma.gov



Request for Proposals # 10118

**To Provide Public Relations, Communications and Media Support
For the City of Gloucester**

Issued: Monday, December 21, 2009

Submission Deadline: Tuesday, January 19, 2010 @ 11:00 am

SECTION 1.00 NEWSPAPER ADVERTISING

To: Gloucester Daily Times
From: Donna Compton, Purchasing Agent
Date: December 14, 2009

Re: Please run this ad as small as possible on **December 21, 2009**

**Request for Proposals #10118
Tourism Public Relations Consultant**

The City of Gloucester seeks proposals to provide media and public relations support for our Tourism Commission. The RFP package will be available on Dec. 21, 2009 at the Office of the Purchasing Agent upon receipt of a \$15 fee. Proposals must be received and will be opened at the Office of the Purchasing Agent, City Hall, 9 Dale Ave., Gloucester, MA 01930 no later than January 19, 2010, @ 11:00 am. The City reserves the right to reject any and all proposals or to accept that which is deemed in the best interest of the City of Gloucester, MA. **The City shall not be responsible for proposals arriving late for any reason.**

Donna Compton
Purchasing Agent

**CITY OF GLOUCESTER, MA.
REQUEST FOR PROPOSAL # 10118**

SECTION 2.00 SERVICE DESCRIPTION

The City of Gloucester seeks proposals to provide media and public relations support for the City of Gloucester Tourism Commission.

SECTION 2.01 RFP AVAILABILITY

Request for Proposals will be available on Monday, **December 21, 2009**, at the Office of the Purchasing Agent, City Hall, 9 Dale Avenue, Gloucester, MA. There is a \$15 non-refundable administrative fee.

SECTION 2.02 RFP OPENING

Proposals will be opened on January 19, 2010, at 11:00 a.m. at the Office of the Purchasing Agent, City Hall, 9 Dale Avenue, Gloucester, MA

SECTION 2.03 LATE SUBMISSIONS

The City shall not be responsible for proposals arriving late due to couriers, deliveries to wrong locations, express mailing services, etc.

SECTION 2.04 CANCELLATION OF OPENING

If City Hall is closed by the Mayor due to an emergency or winter weather conditions, scheduled bid openings will be postponed to the first day City Hall is open to conduct normal business functions. The time and location of the opening will be the same as originally scheduled in the Request for Proposals.

SECTION 2.05 RIGHT TO WITHDRAW

A proposer has the right to withdraw his/her bid anytime prior to the time fixed for opening. A request to withdraw must be in writing.

SECTION 2.06 REQUESTING INFORMATION

Any prospective proposer requesting a change in or interpretation of existing specifications of terms and conditions must do so at least four (4) days, excluding Saturdays, Sundays and Holidays, before the scheduled proposal opening date. All requests are to be in writing and delivered, faxed to the Purchasing Department (978-281-8763) or emailed to purchasing@gloucester-ma.gov. If necessary, to maintain a fair and equal bidding environment, the City will issue addenda to all proposers who have requested bid packages.

SECTION 2.07 INCOMPLETE PROPOSAL

Any proposal which is not according to prescribed form, incomplete, not properly signed, or contrary to the instructions and requirements contained in the Request for Proposal may be rejected by the City of Gloucester. **Conditional proposals will not be accepted.**

SECTION 2.08 TAX EXEMPTION

Purchases of goods and services by the City of Gloucester are exempt from the payment of Federal excise taxes and the Massachusetts sales tax, and any such taxes must not be included in the price computations.

SECTION 2.09 CONTRACT ASSIGNMENT

The successful consultant will not be permitted to assign or underlet the contract, nor assign either legal or equitably, any moneys hereunder, or its claim thereto, without the previous written consent of the City of Gloucester.

SECTION 2.10 CONTRACT MANAGEMENT

The Contract Manager is Jim Duggan, Chief Administrative Officer. The Contract Manager is located at 9 Dale Ave, Gloucester MA 01930. The telephone number is (978) 281-9700.

SECTION 3.00 STANDARD TERMS AND CONDITIONS

SECTION 3.01 PROPOSAL REJECTION

The City reserves the right to reject any and all proposals or to accept that which is deemed in the best interest of the City of Gloucester, Massachusetts.

SECTION 3.02 PROPOSAL WITHDRAWAL

No proposer may withdraw their proposal after the opening and prior to the execution and delivery of the contract or if no award is made at the expiration of thirty days (30) business days after the opening of the proposal.

SECTION 3.03 RIGHT TO WAIVE

The City reserves the right to waive any "minor informalities" or allow the proposer to correct them.

SECTION 3.04 EQUAL OPPORTUNITY

It is understood and agreed that it shall be a material breach of any contract resulting from this proposal for the Contractor to engage in any practice which shall violate any provision of Massachusetts General Laws, Chapter 151B, relative to discrimination in hiring, discharging, compensation, or terms, conditions or privileges of employment because of race, color, religious creed, national origin, sex, age, sexual orientation, handicap or ancestry.

Section 3.05 Proposal Effective Date

The proposal will remain in effect for a period of 60 days from the deadline for submission of proposals or until it is formally withdrawn, a contract is executed, or this RFP is canceled, whichever occurs first.

SECTION 3.06 CONTRACT DURATION

Work as described in the Scope of Services shall begin immediately following the execution of a contract, which is estimated to be upon contract execution. The completion of the contract shall be one (1) year from date of contract execution.

SECTION 3.07 CANCELLATION

The City will have the option to cancel the contract provided that written notice is given 10 days prior to the effective termination date.

SECTION 4.00 PROPOSAL SPECIFICATIONS**SECTION 4.01 RFP PACKAGING**

Six (6) separate sealed envelopes, four (4) containing the non-price technical proposal marked "Non-Price (Technical) Proposal – Tourism Consultant" RFP 10118 and Two (2) containing the price proposal marked "Price Proposal #10118 "Tourism Consultant " must be received by the Office of the Purchasing Agent, City Hall, 9 Dale Avenue, Gloucester, Massachusetts 01930, prior to **11:00 AM on January 19, 2010**. Chapter 30B requires that price proposals must be separate from technical proposals. Therefore, please make no reference to pricing in the non-price technical proposal. Failure to adhere to this requirement will result in disqualification. It is the sole responsibility of the Offeror to insure that the proposal arrives on time at the designated place.

SECTION 4.02 PRICE SUMMARY FORMS

The Price Summary Forms must be completed. No substitute form will be accepted. Pricing must remain firm throughout the contract. The Proposer should make no reference to pricing in the Non-Price (Technical) Proposal submittal. Failure to adhere to this will result in disqualification of proposer.

SECTION 4.03 QUESTION AND RESPONSES

All interpretations of the RFP and supplemental instructions will be in the form of written addenda to the RFP specifications. Requests for clarification or any questions about information contained in the RFP should be addressed in writing or faxed to Donna Compton, Purchasing Agent. Any information sent to one proposer will be available to all proposers.

SECTION 5.00 SPECIAL RFP SPECIFICATION**SECTION 5.01 INTRODUCTION**

All information in the proposal should be organized and presented as directed below. The proposal should provide a straightforward and concise description of the Offeror's commitment and ability to perform the services described in this document. To expedite the evaluation of proposals, it is essential that the Offeror strictly adhere to the instructions. A proposal may be deemed to be non-responsive, at the Evaluation Committee's discretion, if an Offeror fails to comply with the following instructions.

SECTION 5.02 PROPOSAL APPLICATION

The application in Section 6 must be completed. Please use the form provided in this document. This section is a portion of the evaluation criteria.

SECTION 5.03 COMPARATIVE EVALUATION CRITERIA

This portion of the proposal is intended to present a description of the Offeror's qualification. The Offeror should respond briefly to items listed in Section 10 Comparative Evaluation Criteria, and included all requested documentation. When preparing this portion of the proposal, the Offeror should clearly identify and respond to each evaluation criteria.

SECTION 5.04 PLAN OF SERVICES

The firm must present a detailed plan describing how the firm will provide the services described herein. Sufficient detail should be provided to demonstrate the methodology and resources the firm proposes to use to perform the services required, how the project will be structured, and how the work will be performed.

SECTION 6.00 APPLICATION
 RFP No: # 10118 City's Project Description: **Tourism Consultant**

Firm/Individual Name	Org. Type (Proprietorship, Partnership, Corp.)	
Address, Zip	Year Est.	FID No.
SOMBA certified (MBE)	SOMBA certified (WBE)	
Principal to contact	Title	Tel. No.
email address		Fax No

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

Name & Title	Discipline/Project Role	Annual Hours

Note 1: Project Manager Required Position Note 2: Include resume with Technical Proposal

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

Name & Title	Discipline/Project Role	Annual Hours

Note 1: Project Manager Required Position Note 2: Include resume with Technical Proposal

Full time personnel in your firm's Massachusetts office by discipline:

Average number employed throughout the preceding 6 month period. In column #1, indicate the total number in each discipline and, in column #2, the total number holding MA Registrations.

	Col. 1	Col.2		Col. 1	Col.2		Col. 1	Col.2
Administrative			Fire Protection Engineering			Soils Engineering		
Architectural			HVAC Engineering			Specification Writers		
Acoustical Eng.			Interior Designing			Structural Engineering		
Civil Engineering			Landscape Architects			Surveyors		
Ecologists			Community Relations Mgmt.			Transportation Engineer		
Electrical Eng.			Mechanical Engineering			Drafters		
Energy Specialists			Planners			CADD Operators		
Environmental Eng.			Sanitary Engineering			Other		
Other			Other			Other		
						Total Personnel		

Recent Projects Best Illustrating Current Qualifications for this Project:

Project Name, Location, Description	Project Cost	Phases	Year to Comp
Reference	Telephone	Email	

Project Name, Location, Description	Project Cost	Phases	Year to Comp
Reference	Telephone	Email	

Project Name, Location, Description	Project Cost	Phases	Year to Comp
Reference	Telephone	Email	

SECTION 7.00 SCOPE OF SERVICES SPECIFICATIONS

The City of Gloucester seeks proposals to provide media and public relations support for the City of Gloucester Tourism Commission. The tourism industry has important impact on all sectors of the economy. A focused and sustained effort where the impact will be greatest is among the best use of the city's tourism funds.

This Request for Proposals (RFP) provides project background and describes needed media support and specific tasks to be accomplished by the media contractor. These must be discussed and priced by all respondents according to the instructions given in this RFP.

Background/Tasks

The Public Relations Program's primary goals are to:

- Support and enhance ongoing efforts to promote the City of Gloucester as a high quality destination with diverse and compelling reasons to visit;
- Focus outreach to build upon the region's established identity;
- Generate unique and appealing stories from the city;
- Develop any and all outreach with mindfulness towards retaining and preserving the attributes that attract travelers to the city;
- Increase national exposure of Gloucester by providing stories, opportunities and event schedules to the media; and
- Pursue enhanced media coverage of Gloucester in northeastern publications.

Proposed Public Relations/Communications Services

The Contractor will be selected on the basis of responses to this RFP. The Contractor will serve as a resource on media issues, and assist in the particular tasks described below (within the estimated time frames). The Gloucester Tourism Commission will be actively involved in media issues, including issues involving the city, but the Contractor will have lead responsibility for functions detailed.

Ongoing Support

The Contractor will provide ongoing strategic support, media release support for periodic reports to be released by the public relations program and assist in the implementation of additional projects as mutually agreed to between Contractor and Commission.

Instructions for Submission of Qualifications

Bidders must submit their qualifications no later than 11:00 am, Tuesday, January 19, 2010. Late proposals and proposals delivered by facsimile will not be accepted.

The bidder's approach should reflect the needs described in this RFP, which are subject to further development and refinement based on feedback from those who respond to this RFP, as well as the practical experience gained as this pilot program evolves.

Please use the following outline to organize your response to this RFP:

1. **Work plan.** Provide a concise description of how you would accomplish the general tasks described in this RFP.
 - A. Begin with a discussion of how you would propose to address general challenges of addressing the general communications needs and the program's audiences, as described above.
 - B. Next, describe how you would accomplish each of the specific media/public relations tasks identified in this RFP.
 - C. For "Ongoing Support", detail the different levels and types of services you would recommend at the various resource level described in the "Budget" section below.
 - D. Provide a staffing plan that describes the media/public relations team members and identifies key personnel by name and by role in the project. In particular, describe the qualifications and experience of the person(s) who will provide the technical assistance and expert advice on media/public relations issues, the person who will be responsible for day-to-day administration of the project, and the persons who will have lead responsibility in material development, image, press, and, if appropriate, focus groups.
2. **Bidders Qualifications and Experience.** Begin with a brief summary of your overall capabilities and experience in media and public relations projects. This summary should briefly describe your organizational structure, media experience, cultural/language sensitivity, and capability to support a community-based communications program. Next, describe how your company meets the specific requirements for the media/public relations contractor that are described below. Please be as specific and informative as possible in responding to each point. Include supporting documents (such as sample materials), if any, in an appendix to your proposal.
 - A. Substantial experience in marketing, media and/or public relations that is directly relevant to the requirements of this project.
 - B. Demonstrated knowledge of the City of Gloucester.
 - C. Demonstrated knowledge and expertise in the research and analytic skills required by this project, including sampling, consumer testing and market research, and methodology.

- D. Demonstrated ability to effectively manage a project of this type.
- E. A track record of on-time performance on jobs of this size and type.
- F. Demonstrated knowledge and expertise in culturally sensitive marketing, including reaching a wide spectrum of demographic groups (such as different racial/ethnic groups; seniors; different income levels).
- G. A description of any special experience, knowledge, or skills that uniquely qualify your company for this project. Include case studies where your agency was particularly successful in using public relations to make an impact in a particular market.
- H. Names, positions, and telephone numbers of persons who will serve as your references. Please indicate your basis for selecting these particular references; those you select should be able to comment on how your firm has handled projects similar to this one.
3. **Budget.** The budget available for the Public Relations Program for fiscal year has been set at Thirty Thousand Dollars (\$30,000). Administrative costs should be estimated (these costs include telephone, postage, travel, shipping, research, etc). Direct printing expenses should be included in the Bidder's budget. Printing expenses, like any other related costs will be directly born by the Program, should be specifically detailed, with estimates of the amount or range of such potential expenses. Please summarize your cost estimates. Hourly rates and fees for professional skills must be broken out; out-of-pocket expenditures or reimbursable costs must be shown.
4. **Funding.** This project will be funded partly by the City of Gloucester and partly through a public donation. The donation portion of the funding has not yet been received by the city. It is being held privately in the Gloucester Fund pending City Council approval to transfer it to the City. This RFP will not be awarded until the donation has been received, accepted and appropriated for the purpose of the services set forth in this RFP.
5. **How Proposals Will Be Evaluated.** Proposals will be judged on the basis of overall technical quality and cost. The assessment of technical quality will take into account such factors as understanding of the program's communications needs and tasks to be performed; technical merit, including clarity and comprehensiveness of the work plan; creativity and added value of the Bidder's suggestions about additional or alternative ways to meet the Program's communications needs; and demonstrated skills, experience, and ability to deliver high quality work on schedule.

SECTION 8.00 METHOD OF PAYMENT

The successful Proposer shall submit a request for payment monthly in twelve equal installments unless stated otherwise in writing by the contract manager.

SECTION 9.00 RATING COMPARATIVE CRITERIA

All proposals will be reviewed in accordance with MGL Chapter 30B by the Selection Committee, and final selection will be based upon an evaluation and analysis of the information and materials required under the RFP, and possible interviews with selected firms. Proposals that meet the minimum criteria will be reviewed for responses to the comparative evaluation criteria (section 10.0). Each proposal shall consist of two (2) separate parts, a Non-Price (Technical) Proposal and a Price Proposal. The Non-Price and Price Proposals shall be evaluated separately.

SECTION 9.01 MINIMUM RATING COMPARATIVE CRITERIA

Minimum rating comparative criteria includes:

1. **REFERENCES:** List references that can be contacted during the RFP process. Two of the references must be clients for which proposer is providing services similar to those outlined in the RFP. Include the customer name, contact person, his/her title, address and telephone number. (*Complete Reference Form*)
2. **COMPLETENESS OF PROPOSAL:** All Quality Requirements, Application, Comparative Criteria and forms submitted complete and as requested in the RFP.
3. **TECHNICAL APPROACH:** Demonstrates understanding of the project and meets City needs.

SECTION 10.00 COMPARATIVE EVALUATION CRITERIA

SECTION 10.01 NON-PRICE (TECHNICAL) PROPOSAL

General: The City reserves the right to award the contract to the most advantageous proposal, taking into consideration both technical and fee aspects of the proposals submitted and shall not be required to award to the firm submitting the lowest cost proposal. Technical proposals will be scored based on the criteria listed below. The City will then open the cost proposal. The City reserves the right to conduct interviews of any or all of the firms that submit a proposal. The Proposers shall be ranked in accordance with the following selection criteria and its associated weight as follows:

Highly Advantageous	Advantageous	Not Advantageous	Not Acceptable
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Relevant experience and contacts in marketing, media and/or public relations that is directly relevant to the requirements of this project:

<i>Highly Advantageous</i>	Three years or more
<i>Advantageous</i>	More than two years but less than three years
<i>Not Advantageous</i>	One year or less

Demonstrated knowledge of the City of Gloucester:

<i>Highly Advantageous</i>	In depth knowledge of the City of Gloucester
<i>Advantageous</i>	Some knowledge of the City of Gloucester
<i>Not Advantageous</i>	Minor knowledge of the City of Gloucester
<i>Not Acceptable</i>	No knowledge of the City of Gloucester

References:

<i>Highly Advantageous</i>	The Proposer has only favorable references on similar projects.
<i>Advantageous</i>	The Proposer has more favorable than unfavorable references on similar projects.
<i>Not Advantageous</i>	The Proposer has fewer favorable than unfavorable references on similar projects.
<i>Not Acceptable</i>	The Proposer has no favorable references on similar projects.

Technical Merit including clarity and comprehensiveness of the proposal:

<i>Highly Advantageous</i>	The Proposer's Plan was clear, fully addressed and goals understood
<i>Advantageous</i>	The Proposer's Plan was clear and goals were addressed.
<i>Not Advantageous</i>	The Proposer's Plan unclear.

Creativity and added value:

<i>Highly Advantageous</i>	The Proposer's Plan had several innovative ideas
<i>Advantageous</i>	The Proposer's Plan had a few innovative ideas
<i>Not Advantageous</i>	The Proposer's Plan had no innovative ideas

SECTION 10.02 PRICE PROPOSAL

The Price Proposal shall be submitted on the form provided or on a similar format to the sample provided herein and shall be in sufficient detail to clearly indicate, by each task in the scope of services, the number of hours and salaries for each team member and consultant required to complete the work.

SECTION 11.00 FORMS TO BE COMPLETED & INCLUDED IN THE TECHNICAL PROPOSAL PACKAGE

All Proposers shall submit bids in strict accordance with the submission requirements listed below. Any Proposer failing to provide all of the following submission requirements will be considered "not responsive" and their proposal may be rejected without further consideration.

SECTION 11.01 NON COLLUSION STATEMENT

All Proposers are responsible and required by Massachusetts General Law to submit a statement of Non Collusion with their bid. If a form has not been include in the Invitation for Bid package, you may request a copy from the Purchasing Office The City is required to reject any bid that does not include a completed Statement of Non Collusion.

SECTION 11.02 ACKNOWLEDGMENT OF ADDENDA IF ISSUED

Each bidder shall acknowledge the receipt of any addenda by signing and including it in their bid submission.

SECTION 11.03 REFERENCE FORM

SECTION 11.04 PLAN OF SERVICES

SECTION 11.05 AUTHORIZED SIGNATURE PAGE

SECTION 11.06 RESUMES OF KEY PERSONNEL ASSIGNED

REFERENCE FORM:

Governmental Agency or Business	Contact Person	Title	Telephone
Description of Project			

Governmental Agency or Business	Contact Person	Title	Telephone
Description of Project			

Governmental Agency or Business	Contact Person	Title	Telephone
Description of Project			

Governmental Agency or Business	Contact Person	Title	Telephone
Description of Project			

Governmental Agency or Business	Contact Person	Title	Telephone
Description of Project			

Governmental Agency or Business	Contact Person	Title	Telephone
Description of Project			

Governmental Agency or Business	Contact Person	Title	Telephone
Description of Project			

Governmental Agency or Business	Contact Person	Title	Telephone
Description of Project			

Governmental Agency or Business	Contact Person	Title	Telephone
Description of Project			

This form does not have to be filled out in its entirety.

CERTIFICATE OF NON-COLLUSION

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

Bidder: _____ Address: _____

Authorized Signature _____ Title: _____

Telephone _____ Fax _____

TAX COMPLIANCE

IF A CORPORATION:

State in which Incorporated _____

President _____

Treasurer _____

Secretary _____

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

IF A PARTNERSHIP (Name All Partners):

<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State/Zip</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

IF AN INDIVIDUAL:

<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State/Zip</u>
_____	_____	_____	_____

IF AN INDIVIDUAL DOING BUSINESS UNDER A FIRM NAME:

<u>Name of Firm</u>	<u>Business Address</u>	<u>City</u>	<u>State/Zip</u>
_____	_____	_____	_____

<u>Name of Individual</u>	<u>Address</u>	<u>City</u>	<u>State/Zip</u>
_____	_____	_____	_____

ATTESTATION CLAUSE

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

<u>Social Security No. Or Federal Identification No</u>	<u>Signature or Individual or Corporate Name</u>
_____	_____

Corporate Officer (If Applicable)

SECTION 12.00 FORM TO BE COMPLETED & INCLUDED IN THE PRICE PROPOSAL PACKAGE

All proposers shall submit bids in strict accordance with the submission requirements listed below. Any proposers failing to provide all of the following submission requirements will be considered "not responsive" and their proposal may be rejected without further consideration

SECTION 12.01 PRICE SUMMARY FORM

	Total Cost
BASE BID: Consulting Services - Total All Inclusive Bid - AWARD LINE	

SECTION 12.02 PROPOSAL BREAKDOWN (SAMPLE FORMAT proposer may use their form, if in the format below)

Phase	Description	Team Member	Assignment	Total Hours	Hourly Rate	Total Labor Cost	Costs
Other	Expense	Description	Unit Cost	Quantity			
	Indirect Cost						
	Indirect Cost						
	Indirect Cost						
	Indirect Cost						
	Totals					Total Cost >>>>>>>>	

Enter in Section 12.01 ^^

SECTION 12.03 AUTHORIZED SIGNATURE

The undersigned hereby proposes to furnish all required services contained in RFP #10118 Tourism Consultant and for the bid price contained in Section 12.01. Signatory must provide evidence of authority to enter into this agreement.

<i>Company Name</i>	<i>Street Address</i>	<i>State & Zip Code</i>
<i>Authorized Signature</i>	<i>Print or Type Name</i>	<i>Title</i>
<i>E-mail Address</i>	<i>Telephone</i>	<i>Fax</i>

SECTION 13.00

BIDDER CHECKLIST

CHECK COMPLETION

TECHNICAL PROPOSAL

(ENVELOPE NO. 1)

TASK	COMPLETED
Proposal sealed, signed and marked as required	
Reference Form, completed	
Addenda Receipt Acknowledged	
Non Collusion Form, completed	
Resumes attached	
Questionnaire, completed	
Plan of Services, (schedules – remember no prices here)	

PRICE PROPOSAL

(ENVELOPE NO. 2)

TASK	COMPLETED
Price Proposal Form, completed	

**GLOUCESTER CITY COUNCIL MEETING
TUESDAY, December 15, 2009
7:00 P.M.
Kyrouz Auditorium – City Hall
Council Meeting 2009-030**

Present: Council President Bruce Tobey, Council Vice President Sefatia Theken, Councilor Steven Curcuru, Councilor John “Gus” Foote, Councilor Jackie Hardy, Councilor Jason Grow, Councilor Joe Ciolino, Councilor Sharon George, Councilor Phil Devlin

Absent: None.

Also present: Former Councilor Ab Khambaty Councilor-Elect Greg Verga, Councilor-Elect Mulcahey, Councilor- Elect Paul McGeary, Mayor Kirk, Jim Duggan, Linda L. Lowe, Marcia McInnis, Suzanne Egan, John Ronan, Sarah Garcia, Jeff Towne, Mike Hale, William Aubrey, Darin Strong, Herbert Wennerberg, Val Gilman, Sheree DeLorenzo, Chief Michael Lane, Christopher Farmer, Jonathan Pope, Larry Durkin, Peter Bent, Peter Hastings, David Anderson, Fred Shrigley, Michael and Mona Faherty, Paul Salah, David Lincoln, Nancy Papows, Gary Johnstone, Jim Caulkett, Captain Barry Aptt

City Council Meeting 2009-028 was called to order at 7:00 p.m.

Flag Salute and Moment of Silence

Council President Tobey advised that he will be leaving after the second public hearing and thanked the Council for his time serving the Council as President. He noted there were technical difficulties with the equipment to broadcast the meetings live and that the City Council needs to file with the City Clerk to ask the Mayor to work with IT to have the video equipment secured after each City Council Meeting because of tampering.

Oral Communications: No one spoke.

Councilor’s Requests to the Mayor:

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

Commendations:

Mayor Kirk spoke about the November 27, 2009 rescue of Mrs. Tina Cavanaugh and the search and rescue effort by all Emergency personnel; the Gloucester Police Department, the Gloucester Fire Department, the Coast Guard, the Environmental Police, all assisted in the rescue. But it took citizens of Gloucester to never give up and help make the rescue come to a happy conclusion. She asked Chief Lane to join her at the podium. The Mayor commended

the efforts of Incident Commander, Lt. Joseph Aiello of the Gloucester Police Department for his efforts that evening in coordinating the search amongst the emergency services and citizens involved. They were able to put a helicopter above the location of Mrs. Cavanaugh with a search light and bring her out safely in part because the extraordinary efforts of these three citizens. She read the commendations from her office (a copy of each are made a part of this file).

Commendations were presented to William Aubrey, Darin Strong and Herbert Wennerberg for their actions in the search and safe rescue of City resident, Tina Cavanaugh on November 27, 2009 by the Mayor, Carolyn A. Kirk and she added her personal thanks as well.

President of the City Council, Bruce Tobey, on behalf of the Gloucester City Council, presented commendations to Messrs. Aubrey, Strong and Wennerberg and congratulated them on their extraordinary search and rescue efforts in the safe recovery of Mrs. Cavanaugh to return her to her family and expressed the Council's gratitude (copies on file).

There was a prolonged ovation of the assembly.

A two minute recess was called so that all the City Councilors could personally congratulate the three gentlemen.

Council was called back to order.

Presentations:

1. John Ronan, Poet Laureate for the City of Gloucester:

Councilor Tobey introduced Poet Laureate John Ronan and also commended three other City Councilors, who are not returning in January 2010, for their service to the City of Gloucester in addition to the long tenure of Councilor John "Gus" Foote, serving longer than any other City Councilor in the City's history, and to whom Mr. Ronan would be addressing his remarks this evening.

Mr. Ronan recognized the other three Councilors for their service as well. He then made several personal observations regarding Councilor Foote, his integrity, his clear voice, his dedication to Gloucester no matter the particular issue. He also joked about how his respect was raised when Councilor Foote proposed him as Poet Laureate for the City. Mr. Ronan then read aloud the poem he composed on the occasion of Councilor Foote's retirement of service to the City of Gloucester, who was a key factor in the creation of the position of Poet Laureate (a copy of the poem is on file).

Councilor Foote received a standing ovation from the assembly.

Councilor Foote thanked Mr. Ronan for the poem in his honor. He stated this was a sad moment but a good moment, and that he would miss all of this (gesturing to the assembly). His heart was always in the fishing industry and with the seniors of the City. He has enjoyed

everyone here, and whether they all agreed or not. He appreciated the respect. And working together, he pointed out, was so important. He noted his good relationship with the emergency services and the other departments as well. He appreciated his being able to serve with all his fellow City Councilors and his work for his beloved City. At this the Councilor received another standing ovation.

2. Administration – Seaport Council \$800,000 Grant

Councilor Tobey noted that the B&F Committee meeting of November 30, 2009 voted in favor of accepting this money.

Mayor Kirk made an announcement that they received late yesterday afternoon the approval for the municipal harbor plan of 2009, which is a significant milestone. The last harbor plan approved was in 1999. There is a framework now going forward recognized by Secretary Ian Bowles of the Commonwealth of Massachusetts Office of Energy and Environmental Affairs. It will be emailed to each Councilor in the next day.

She highlighted several items in the Harbor Plan. The harbor plan has protections for the commercial fishing industry in ways that have not been there before. If a property owner on the harbor wishes to change their property under the DPA and displaces a fishing vessel they must find another place in the harbor for the vessel and must not displace any other vessel in the process. This is first time there is protection of dockage for the commercial fishing fleet. The property owners are now able to have 50% commercial supporting marine/industrial use of their property. Right now only 25% is allowed. This is a doubling of their opportunities to find different kinds of mixed uses. This is an affirmation of the DPA. This is giving property owners relief they have been looking for. Another item was the public access. It is required that anyone who wishes to develop their property, needs to engage with the City to have access for the public and to the working waterfront. This will give the City the framework for creating a Harbor Walk. There is a provision that temporary public access can be granted. In I4-C2 if it moves forward, there is an opportunity to have, for example, the Farmer's Market there, until the property is developed and firm plans are put together. That would be considered temporary access. Any property owner who is unable to conform to the specific marine/industrial use has the opportunity to contribute money to a fund that is used to only improve the infrastructure of the working harbor front or piers, etc. She thanked the Council for their work on this and helping to bring it to a successful conclusion. This provides a framework for investment in our City. Some rezoning needs to be done, and the new Council will be asked to work on these changes in the coming months. Sarah Garcia will take you through what the State heard in a presentation by her.

Sarah Garcia, Director of Community Development showed the power point presentation that was presented to the Port Professionals Meeting of the Seaport Advisory Council of May 13, 2009 in Boston, MA on the I4-C2 property, and why it was so important to the City's waterfront. She also described the history of the parcel including litigation involving the GRA and the developer over its use. She noted that the community conversations have all been very positive. This is to establish City ownership. They wish to issue an RFP for reinvestment if the \$800,000 award is accepted. The state asked the City to move this money right away, to be

put to use immediately, due to budget issues in the State. The Mayor has appraisals and has been negotiating with the owner of the parcel.

Mayor Kirk said the intention was to submit this as a package to the Council, but the Executive Director of the Seaport Advisory Council stated last month at a meeting in Salem that they wanted the entire amount moved as one as soon as possible. The only thing before you then is for the acceptance of the grant. In terms of completing the transaction, it will be up to the next Council. The Administration will submit the package on the price, appraisals and the terms of the transactions on it. All of it is still under negotiation with the property owner. Once the transaction is completed the Administration is anticipating working with the Council and stakeholders on an RFP that has the City's requirements. There has to be a payoff on the property, and a land lease and retention of the docks for the fishermen's use. There will be strict guidelines including the DPA guidelines and then have those proposals vetted by the community. They don't anticipate anything on the site for 2-3 years. The dialog with the community is so important on this critical parcel. It's been vacant for over 40 years. They wish to take time and care in the proper use of the property. They are trying to keep it cost neutral in the City budget.

Motion: On motion by Councilor Grow, seconded by Councilor Curcuru, the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept the \$800,000 grant of the Seaport Bond funding to the City of Gloucester to make a down payment necessary to purchase 65 Rogers Street, Map 9, Lot 1, otherwise known as I4-C2.

Discussion:

Councilor Grow stated that the B&F moved this forward because this was strictly a grant acceptance. They understood that there is a larger discussion regarding the mechanics of how this property will be purchased, the costs coming forward to the Council in the process in greater detail, the use of the parcel, etc.; so at the Committee level it was less of a concern, and wanted to take up tonight with an opportunity to ask questions regarding this grant.

Councilor Theken asked if this is a matching grant.

Councilor Grow said there will be some funding necessary to purchase the entire parcel. There is no match to the grant, but it doesn't cover the entire purchase price.

Councilor Theken asked about the purchase price. **Councilor Grow** responded he didn't believe there was an answer on that yet.

Mayor Kirk said they are not completed with their negotiations with the property owner and have not disclosed the purchase price because of this. They are working on the documentation and will place it before the Council before that is signed. She stated if it was the will of the Council they may need to go into Executive Session on this issue.

Councilor Theken commented that there are so many problems that we have no money for. She'd rather have money go for other essential things like the schools. She needs the price, the

details, etc. She can't make any decisions without the full price. Accepting a grant is one thing, but the City needs to come up with additional funding. She doesn't wish to go into executive session to learn this information.

Mayor Kirk said the transaction tonight is simply to have a transfer from the State account to a City account to shelter the money so it doesn't go away. If down the road the City changes their mind, we don't agree on price, we're not going to sign an agreement; they can reprogram the money again working with the Seaport Advisory Council. The City's hands won't be tied. They're just trying to get the money from the State to the City before the money disappears at the State level.

Councilor Theken said if we accept this grant we don't have to purchase the lot if the City can't afford another loan we can designate it to something else?

Mayor Kirk said the Waterways Board said they would support the reprogramming of the grant if it is needed. There is good coordination and cooperation on this.

Councilor Theken said we are voting to accept the grant we are just going to get the money. We can redirect it to other things on the waterfront?

Mayor Kirk said yes it can be redirected which would need to be worked out with the Seaport Advisory Council.

Councilor Foote stated he believes we should accept the grant. The lot is abandoned and is an eye sore. We need to keep our eyes open to the "sharks" that might change the harbor negatively. This is one of the greatest harbors in the world. We need to start to preserve something and make it work. He is glad how this is constructed in order to accept the grant.

Councilor Ciolino clarified that the \$800,000 didn't drop on the table tonight. It was allocated by the Seaport Bond money for the Harbormaster's Wharf. It is owned by Boston Gas, now National Grid, which is severely contaminated. If we leave this money sitting around, it will be taken away. We're just putting it on a different line item. Instead of working on the Harbormaster's Wharf which nothing can be done with until it is decontaminated and will take years; it is being moved over to I4-C2; it makes the money tied up and vibrant. We are limited when it comes to State and Federal money. We have a lot of privately-owned wharves. This will open up many avenues for the City if the sale goes through. He noted his history with the waterfront, and said that Ms. Garcia during her presentation, it was like recounting his own history. This parcel and its history end up being the poster child of the failures on the waterfront of the City of Gloucester. He congratulated the Mayor and that we all need to work together and work on the next phase when the money is 'harbored' in the City.

Councilor Grow said he has no problem in accepting the grant. Some of the questions that have been asked to him are: What sort of anticipated use would be done by a private developer who is limited? They won't be able to utilize the wharves. We're not selling the waterfront access, do you then severely limit the ability of whoever comes in for future development, and what about easements that would limit development? What about cost neutrality? How are we

going to keep it that way? We'll have to borrow the rest of the money to fund the rest of the purchase price. How is that cost neutral?

Mayor Kirk said that the key is to marry the parcels together - the land with the wharves. It is landlocked so it can never have a water dependent use. Alternatively, you could lift the parcel out of the DPA and put in local zoning, and then have a hotel go there, for example. They are not pursuing that option at this time. The Harbor Plan is an affirmation of the DPA. We need to give it a shot at putting in a marine/industrial use that is contemporary and maxes out what is allowed under the Harbor Plan, retaining the DPA, to support the working water front, retaining the commercial fishing industry. To lift the DPA is too much of a leap. That's the difference. A private developer is landlocked. By reuniting the water with the land it will allow a 50% marine use and 50% industrial use under the guidelines just enacted through the Harbor Plan. The arrangement could be, perhaps, a 99 year land lease or maybe nothing emerges through that process; and we are back at the drawing board. But at least we have movement and flexibility. It is at least a two or three year process with heavy community involvement. Regarding the easements, the goal of the City is just to get the deed in hand in order to clean up the property, remove the blight. Right now we're prohibited from trespassing. Once the deed is in hand through a transaction with the property owner, then the easements and the restrictions on that, it can be looked at closely to see what a developer would be able to do and comply with. Without going into negotiating strategy, some of the ideas for cost neutrality would be to have an agreement of a down payment of the \$800,000 in two or three years there is just a balloon payment at the end to pay off the balance; and in the meantime it gives us the time to put together a development plan requiring a payment of the successful bidder whoever that might be. There is a lot of complexity of putting the transaction together and of different alternatives being explored. The Legal Office has been bogged down on other matters and it's moving a little bit more slowly than the Administration would like.

Councilor Grow asked when they are going to come forward to fix the Harbormaster's wharf, Solomon Jacob's Pier. This is a public access pier. It is condemned. When are we going to get the funds to fix that?

Mayor Kirk said that project is delayed because of the contamination of that Wharf. The Waterways Board is one of the few departments that have money, and they can start to move their project along on their own. They have almost \$500,000 in their enterprise account. From the Seaport Advisory Council, they stated they want to help Gloucester. Salem is getting millions for their waterfront; New Bedford is getting millions and millions of dollars for theirs. The "asks" from Gloucester have been very modest. The City will go back and ask them to help with the Harbor Walk, with the Harbormaster's Wharf, to support the working waterfront. We want to be an example of what a DPA can be. We need State help for it.

Councilor Tobey asked Mr. Bent, Chairman of the Waterways Board to step forward and thanked him for being present this evening.

Peter Bent reiterated that the \$800,000 didn't just drop out of the sky. He said that this project has gone on a while. This marathon began with the Waterways Board using their own funds to do a concept, and got a grant for \$50,000 to do the design and permitting. This is the "public's

wharf” not the Harbormaster’s pier, not Solomon Jacob’s pier. This is the most important public access to the harbor that the City has. The Waterways Board will never give up on this project. It is central to the mission of their Board. They were right at the tape on this project; but unavoidably, there were a series of circumstances that caused the project to stall (to do with N-star). Testing has been done, pollution found. The site will be dredged. There will be no new pier on that site after the dredging. This will come before the Council in a big way because the project is extraordinarily complex. The site requires contaminate dredging which has its own process and issues. This is no longer a thing that will take a few months to do. This site can only be worked from October to February due to fishing regulations that are involved in the harbor regarding spawning season. It will take two years to do the work at best. They will need a lot of permits, and the process will be elaborate. When it is all done, they’re enthusiastic to have the City as a 30-year tenant which is good news to the Waterways Board. As to the redirecting of the monies, he stated he and the Mayor have come to an agreement and said this is the only practical thing to do with the \$800,000 at this time. I4-C2, several years ago, the City had the foresight to redraw with State permission, the harbor commission line particularly in front of this I4-C2 parcel. Knowing that the possibility of the City regaining control of the uplands, currently there are 12 slips, he believes he can increase it from 12 to 31. If there is water dependency there, no one will be kicked out to bring in someone new in. He reminds the Council, if that happens, they have funds on another Seaport grant for dockage for \$250,000. The Waterways Board does have money in their account, taking 15 years to build it. If they were to extend those funds on the project there, they would totally wipe out all of those funds, and they’d have to start all over again. They don’t wish to wipe it out and wish to honor their commitments the Board already has. A lot of that money is encumbered into maintaining the facilities that they have.

Councilor Devlin stated he commends Mr. Bent but asked Mayor Kirk if the intention to hang onto the property. He believes the Council should accept the grant.

Mayor Kirk said the start is to craft an RFP and to send it out and see what comes back, to set terms to whatever they want. She prefers a land lease, but people can weigh in on that. If no one responds then it’s back to the drawing board. It will not be a City park, it is not allowed in the DPA, and does not appear to be the best use of the property. They will work together to find a productive use for the property under the restraints it will have. It is premature to consider removal of the DPA. This is an opportunity to participate in the future.

Councilor Devlin pointed out about four years ago Councilor Tobey said that the City is not a very good landlord, and our track record with City property, property that is still sitting there and is blighted, is not good. The City isn’t very aggressive in selling properties, and even maintaining them. His concern is that the grant comes in, we grab the money, buy this piece of property; and two years down the line after the property is cleaned up then we’re back where we started and it’s no longer being maintained.

Mayor Kirk said she agrees. The last thing they want to do is take on more maintenance, more services in a declining revenue environment. She shares Councilor Devlin’s concern.

Councilor Hardy asked what timeframe we are looking at. When will it come back to the Council again, and when is an offer being made.

Mayor Kirk said the next step is to bring a full package to the Council, which would be at least another 60 days to get a full package to the Council. Then the Council would take up all the contents and that could take up another 30-60 days. End of April to be the best estimate to have this completed.

Councilor Hardy asked if there would be a Committee created for the gathering of ideas for the RFP.

Mayor Kirk said that would be a best course of action. It's too much about the future of Gloucester. It will take a collaborative effort, like the Charette, like Central Grammar, the Library, like the Temple.

Councilor Hardy said she looks forward to working on this.

Councilor Tobey thinks it is very commendable that the Administration is trying to find a solution to this problem. He would support the acceptance of this grant and vote yes. He'd like to propose some of the questions for the next Council to help set up an analytical framework if and when this goes forward. The current property owner is a good negotiator. And given the announcement tonight, the property owner might now have more development options open to him than he did yesterday and have renewed interest in the property. Councilor Tobey would want to be convinced that the public sector is better equipped at solving this than the private sector. He felt the Community Development Director's presentation was a little simplistic in a number of regards. There are property owners who abut that parcel with substantial maritime access and may have better ideas about its use, if in fact the owner, Metropolitan Properties, is not inclined to do so. He'd be concerned that it shouldn't come out of the DPA. There's never been a full conversation about that. This is the occasion to have that conversation. There was a hotel proposal down there many decades ago. We need a detailed history out there so we understand that it was owned by a variety of people. It took 25 years of public ownership, manipulations and RFP proposals to get this into the hands of the current owner, so that we could then spend 15 years to get out from under. It would be a mistake to not have a complete and full examination and to not go down that path. We don't want to leverage the state grant. It will probably only cover 1/3 of the cost of the purchase, this grant. How would we handle this with the regional vocational issue? He quoted George Santayana, "Those who can't remember the past are condemned to repeat it." It's not that we don't support the deal being done, but we need to do this with our eyes wide open with a full weighing of where the solution lies.

Councilor Theken thanked Peter Bent and Jim Caulkett, the Gloucester Harbormaster for being there this evening, and she believes the slip increase is important, going from 12 to 31. That's a big concern. She is glad with the returning Councilors having the same concerns. There is a lot of work to do, but she doesn't want to put the children aside and doesn't want this to be an either/or situation.

Motion: On motion by Councilor Grow, seconded by Councilor Ciolino, the City Council voted by roll call 9 in favor, 0 opposed to accept the \$800,000 grant of the Seaport Bond funding to the City of Gloucester to make a down payment necessary to purchase 65 Rogers Street, Map 9, Lot 1, otherwise known as I4-C2.

Old Business:

1. **City Council Minutes: 11/17/09 – Amend GCO re: Poet Laureate Established Sec. 2-514**

Re-affirmation of motion and vote for editorial correctness as follows by voice vote of the City Council:

MOTION: On motion by Councilor Tobey, seconded by Councilor Romeo-Theken, the City Council voted 7 in favor, 0 opposed to amend the November 17, 2009 City Council Minutes to reflect that the Poet Laureate Established (text as provided to the City Council by General Counsel for the 11/17/09 City Council Meeting) be referenced as sec.2-514 of the Gloucester Code of Ordinances Art. V, Div. 10.

Correction moved, seconded and voted unanimously to be accepted.

2. **City Council Minutes – 12/01/2009 – Amend GCO Sec. 22-287 re: 300 Main Street by Deleting One Handicapped Parking Space**

President of the City Council has deemed no action necessary on this item.

2 a. Re-affirmation of motion and vote for editorial correctness as follows by voice vote of the City Council:

MOTION: On motion of Councilor Tobey, seconded by Councilor Romeo-Theken, the City Council voted 5 in favor, 0 opposed to approve the appointment of Jeanne Boland to the Tourism Commission for a term to expire 2/14/12.

Correction moved, seconded and voted unanimously to be accepted.

Consent Agenda:

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| <ul style="list-style-type: none"> • MAYOR'S REPORT <ol style="list-style-type: none"> 1. 5-Year Revenue and Expense Forecasting Workshop Packet 2. Memo from Fire Chief re: Approval to Create A New Account 3. Memo from Fire Chief re: Special Budgetary Transfer Request (#10-19) 4. Memo from Recycling Coordinator re: Permission to Pay Portion of Invoice from FY09 with FY10 Funds 5. Two Special Budgetary Transfer Requests from Inspection Services (#10-17 & #10-18) 6. Report from City Auditor re: Accounts Having Expenditures which Exceed their Appropriations 7. Appointment: <ol style="list-style-type: none"> a) Kathryn W. Leahy Open Space Committee (TTE 02/14/2012) | <p><u>ACTION</u></p> <p>(Info Only)</p> <p>(Refer B&F)</p> <p>(Refer B&F)</p> <p>(Refer B&F)</p> <p>(Refer B&F)</p> <p>(Refer B&F)</p> <p>(Refer B&F)</p> <p>(Refer O&A)</p> |
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- **INFORMATION ONLY**
- 1. Administration Support for Local Option Taxes (Info Only)
- 2. Farewell to Outgoing Councilors (Info Only)
- 3. Letter from President and CEO, Ken Hanover of Northeast Health System (Info Only)
- **APPROVAL OF MINUTES**
- 1. City Council Meeting 12/01/09 (Approve/File)
- **APPLICATIONS/PETITIONS**
- 1. scp2009-013: Stacy Boulevard, Section 5.5.4 Lowlands
- **ORDERS**
- 1. CC2009-049 (Tobey) City Council Recognize and Commend Outgoing Councilors (FCV 01/05/2010)

Items to be removed from the Mayor's Consent Agenda: None.

The Consent Agenda was adopted without objection.

Councilor Tobey said the City Clerk has asked that the approval of the minutes be separate.

Ms. Lowe asked that within the context of the Consent Agenda, the minutes are approved by the City Council for December 1, 2009 by voice vote separately approved from the Consent Agenda.

The Council motioned, seconded and voted unanimously to approve the minutes by voice vote.

For Council Vote:

1. Charter Sec. 3-9: Veto by Mayor re: Essex North Shore Agricultural and Technical School District

Councilor Tobey asked for the will of the Council.

Councilor Ciolino wishes to make a motion to continue the motion into the next year. Councilor Theken seconded.

Councilor Tobey stated they would pause in place while the City Clerk reviewed the City Charter for allowing the continuation because he believed there was a time sensitivity, and further there is a concern by not acting it becomes fact.

Councilor Theken said that if the veto goes through, can the new City Council take this up again?

Councilor Tobey said if the Mayor's veto stands, for the time being the City is not joining the Regional Vocational School. The matter can be revisited by the next City Council and so long as State legislation doesn't shut the door on the City, it could, at a future date within the deadline set by the Legislation, reconsider the motion to join. Failure to override the veto does not end the discussion.

Ms. Lowe noted that under the City Charter, section 3-9 requires the City Council “**forthwith**” to consider the veto. “Forthwith” does not mean the Council can postpone it.

Councilor Tobey then called the motion by Councilor Ciolino out of order.

Councilor Grow Moved to override the veto as originally presented and was **Seconded** by Councilor Hardy [under Charter Sec. 3-9 re: Essex North Shore Agricultural and Technical School District membership to override the December 10, 2009 veto of the Mayor, to become a member of the Essex North Shore Agricultural and Technical School District as established by Chapter 463 of the Acts of 2004 and Chapter 9 of the Acts of 2006].

Discussion:

Councilor Grow stated that he’s clear on his concerns and justifications for coming around. He felt that the Council should revote and accept moving forward on joining the new school. He has concern of framing this as an issue by itself. The infrastructure issues are separate. Getting a seat at the table during the development is important to the City to have local oversight. He would worry about a plan that is a mirror of the last one. Joining now we can state our concerns and draft it to be beneficial to all communities. The district absorbing the costs if we don’t join will be great to the City. The costs will balance out. He wished that the City could spend on their students what the Vocational School District spends on those students. We need to make an investment in our youth in this community. We are going to lose opportunities for the youth by not joining. When it comes to unknown costs, getting back to the CSO and the water – recent collective bargaining has locked in unknown costs in terms of road details on new infrastructure projects that will cost hundreds of thousands if not millions of dollars in the next few years. He’d wager that’s an awfully big unknown. This is a good thing to move forward.

Councilor Foote said we don’t like the Mayor’s veto but we should have the guts to support it. Don’t just veto the Mayor’s veto to be contrary. We all stand for children. There is no money. We’re talking about \$300,000 each year. It is the time to wait. He noted the example of Peabody and their history with regional vocational education. He supports the Mayor’s veto. There wasn’t enough time and money. When the time comes, we don’t have the money, we’ll have to lay off teachers. We’ll have to do something that will hurt the education of our children.

Councilor Ciolino will support the Voke tonight. He noted all the misinformation that is out in the public. He’s explained its \$5 million for our part of the build out, but it’s amortized over 30 years. It might start out at \$249,000 but then it’s a declining balance. He hears all the time that we don’t have any money. This year when they passed the budget, the B&F Committee found \$200,000 that they gave to the School Department. This is an \$80 million plus budget. It is short sighted to come up with \$249,000 each year. The end result is, what are we doing for the future of our children. We will shortchange our children. It is a decision that people are against vocational training. He has said what do you think when you think of vocational training to groups of men. They responded - young boys. But it is young women. They need many more opportunities to do 21st century jobs – it opens up so much more that we can ever

offer in our programs here. These children go through our school system only once. They need to be offered the best they can have. To say the children of surrounding communities have more choices than our children are unfair. We are not talking about closing our High School vocational programs. Our children need this. If we get in early, we have an opportunity to divvy up the old equipment from the schools they're closing and get it for our programs. We're giving up scholarships and giving up writing the mission statement. We have to bus them, then buy buses and hire school bus drivers. Where will that money come from? Councilor Grow and I worked out the numbers. It's a wash. We're already members of the vocational schools. It's not a new expense. We need to look forward. He will vote for the vocational school and for our children.

Councilor Theken is impressed with the force of the commitment of Councilors Grow and Ciolino who said it so eloquently. She thanked Melissa Teixeira from the School Committee on her representation to the District and her emails and all her information she passed on to the Council as being exceptional. Councilor Theken is asking the City Councilors to work on this and not let it die. Both Councilors said it correctly in how the money is currently being spent. We should commend the teachers at the high school in the vocational program. What they do with so little. Where were we before? She is not going to let this die.

Councilor George feels that the young women of Gloucester are being disenfranchised, even discriminated against at the vocational program in Gloucester and supports this override.

Councilor Tobey said he can count that there are not likely six votes to override the veto. If the effect of the veto is that the City's participation of the new school dies, it would be shortsighted and shameful if it is the intention of the veto. If the intention of the veto is to engage the new Council in intensive conversations to create a solution for a new world of vocational opportunity for the kids of Gloucester who seek such an opportunity, then this is a beginning not an end and is commendable. We have to work to achievable goals. He hopes we can try to continue the conversation towards a compromise. He points out that when Councilors or Department heads talk about finding money he cringes. You don't find money. You make decisions. You chose priorities. You don't find money under a rock. In bad times when you look at the 5 year spread sheet the Administration shared with the School Committee last week, you see a gap between projected revenues and projected expenditures. He is also familiar with good times. When you do a five year projection there are gaps. There are always going to be gaps. Sometimes they hurt more in good times. You make priorities; you do trade-offs and you craft solutions. He is tired of conversations that we have to regionalize. Until we get an opportunity, this is not about 5 or 6 communities – it's about doing big things together and better – water, sewer, public works, public safety. These are the sacred cows we need to be looking at. We need to look at collaboration. Here we have an opportunity to engage regionalization and walk the walk. He hopes there is a way to do it.

Councilor Foote said that Councilor Ciolino believes we're shortchanging our children. We want to see our good vocational program. Now you're going to the new school. Things will get better if you go there. They'll get better if you look at your own system here. We did not shortchange our children through our program. We have good teachers, a good School Committee.

Councilor Grow thinks the hard work of the B&F did turn over a few rocks and did find money, but those rocks are gone. He's distressed about the disparagement of our own program. Our programs are not as well funded as they should be. But do not think those kids are getting less of an education there. They don't deserve to be slighted in the least. It is very important to remember, we are already in the vocational district now. Every child under the current agreement will finish through that program. The tuition costs won't change in the next four years. Once the district changes, we will not be paying non-resident rates. If we join later after the agreement we will be responsible to pay back that bonding. Pay it now or pay it later with a bill that will come, and we'll be expected to give our full share up. It will be very difficult to absorb all these kids back into the school system here. The Mayor said that we can't do both. Councilor Grow has a problem with that. We have 145 kids in limited space and can't increase the population. If we don't move forward, the young women of our community will suffer. We can't easily absorb these kids back into our schools. Seven kids are in programs now in the Voke district that we don't have. To do the maritime program that's being talked about, where is that money going to come from? We can help shape the agreement in the way that this moves forward. We'll be members of this school now or three years from now. Let's not lose this opportunity.

Councilor Hardy will support the Mayor's veto. She apologizes, but she won't change her mind. She will support another motion that comes forward to continue this after this vote. We don't know what the cut off date is. We still don't know what it is. What are the facts and figures? If she had them she might not vote this way. She wants to see the money. She actually went and saw the Voke School. As far as the women go, they have wonderful programs up there. She was amazed at how small the budget is at the local Voke program and how under funded it is. She believes this comes from a lack of understanding of the school budget, and she'd like to hear more about this when it comes back before the Council. She will be supporting the veto even though this is hard to do but it rises to the level of supporting the Mayor's veto. If we can get to the next Council meeting with this information she would possibly support this.

Councilor Tobey said the Clerk has shared with him a letter from School Committee member Teixeira who is also representative to the Regional Voke currently existing and read it aloud to the Council (a copy is on file) about any legal language in the district agreement or legislation for allowing the City of Gloucester to take another vote on the decision whether or not to join. Ms. Teixeira explained to the Regional District that an override may not be possible. The Regional School Committee's response was that there is a pending amendment request for the current legislation under Section 4 to July 2010. A decision is expected in January 2010 on that amendment. If approved, July 2010 will be the drop dead decision date; and a district can flip-flop all they want so long as they abide by Roberts Rules and make a decision by that date. The MSBA may reduce the size of the school. A press conference was held this week with the Governor who asked why the school wasn't larger commenting on the educational opportunities it would provide to our youth. Superintendent O'Malley wanted Ms. Teixeira to remind the Council that they will draft the charter in or around March, and Gloucester runs the risk of not being a part of that process.

Councilor Curcuru will support the Mayor's veto. He noted he has a plumbing business, and the trades are very important to him. But also the fiscal responsibility to the City is so important to him as well. By voting for the Mayor's veto this evening, he is not closing the door. He wants the discussion to continue. He doesn't think it will take until July. He thinks the Voke is a great opportunity. The rush to vote a couple of weeks ago was irresponsible. We didn't have the clear cut answers we were looking for. He's hoping the discussion continues and come to a resolution quickly after the new councilors come in.

Councilor Tobey takes exception to the use of the word irresponsible. This Council President tried to drive this issue through open discussion for months and was stonewalled. We would have done this a long time ago if they had the answers and the numbers were fleshed out. He assures it will be on the agenda for the next Council to revisit this matter, and vote on this matter again, to flesh it out in detail and get it out for the kids at the first meeting in January 2010 of the City Council.

Councilor Curcuru said there were a lot of mistakes made here. It should have come earlier but it should have come from the School Committee also. It was thrown in the Council's lap in a matter of months. That's why he said it was irresponsible of the Council.

Councilor Tobey explained that a yes vote is to override the veto. If you support the Mayor's veto, vote no.

MOTION: On motion by Councilor Grow, seconded by Councilor Hardy , the City Council voted by roll call 5 in favor, 3 (Hardy, Curcuru, Foote) opposed, 1 abstention (Devlin) under Charter Sec. 3-9 re: Essex North Shore Agricultural and Technical School District membership to override the December 10, 2009 veto of the Mayor, to become a member of the Essex North Shore Agricultural and Technical School District as established by Chapter 463 of the Acts of 2004 and Chapter 9 of the Acts of 2006.

FOR THE RECORD: Vote to override fails and the Mayor's veto stands as there are not six votes necessary to override it.

2. Decision to Adopt: SCP2009-012: 7 Norman Avenue, Sec. 3.2.2. (a)(e)

MOTION: On motion by Councilor Hardy, seconded by Councilor Ciolino, the City Council voted by roll call 9 in favor, 0 opposed voted to adopt the decision for the Special Council Permit pursuant to Gloucester Zoning Ordinance 3.2.2 (a)(e) for 7 Norman Avenue.

Scheduled Public Hearings:

1. PH2009-052: Acceptance of M.G.L. Chapter 64L Section 2(a) re: local sales tax of .75 percent on sale of restaurant meals

This Public Hearing is now open.

Speaking in Favor:

Jim Duggan, Administrative Assistant to the Mayor. The fiscal reality checks are daily. There are a number of financial challenges every single day. And this local meals option tax will help the City bridge the gap of declining revenues and to recognize in the last fiscal quarter approximately \$85,000 and going forward approximately \$350,000 minimum annually. It will help to maintain City and School services and urges the Council to move forward. Earmarks discussed before are withdrawn.

Councilor-Elect Greg Verga, 381 Essex Avenue spoke as a private citizen. He noted this is reasonable and important. He eats at a lot of restaurants in town and will continue to do so. He noted about the big revenue gap. He urges the Council to support this – it is a small step in the right direction.

School Committee member Val Gilman, 75 Revere St. spoke as a private citizen. She spoke of the finances of the City and the Schools and their budgets. She stated her concern at how they're going to manage all the items in the budget for the schools, and all the possible shortfalls. She is concerned about our potholes, our closed fire stations. This is an opportunity to gain back revenue for the City. 75 cents on a \$100 tab will not send her out of town to eat. She is looking ahead to approving something like the merger with the North Shore Voke School – there is a commitment here. We want to do both. She asks that the Council support this tax.

Superintendent Christopher Farmer, 27 Decatur Street, spoke as private citizen. He spoke about a local determination to raise revenues. There is an opportunity with this local tax and to take advantage of it. He visited a number of restaurants on line and figured what he might have spent, and at \$70, his liability would be 53 cents. Gas at \$2.75 a gallon, at 12 cents a mile, how far can you travel? If you do the math he can't see people changing their behavior in significant way. Given the financial difficulties this City faces, it should take advantage of this local tax.

Councilor-Elect Paul McGeary, 31 Eastern Avenue. He thinks that because the City is a tourist town, it is a chance to have those that take advantage of our city to be taxed for that right. Most other communities who have a tourism base have just such taxes. It is difficult to raise property taxes. We need this modest tax to raise revenues.

Speaking in Opposition:

Sheree DeLorenzo, General Manager and Co-Owner Cruiseport Seaport Grill and Gloucester Marine Terminal. She stated she is here on behalf of the other restaurant and function hall owners and has been in the business for 30 years. She is very upset about this tax. First, she can't believe it's going to the DPW and we can't find the money. She does her own marketing with the cruise ships. She went around the country to get these cruise ships into Gloucester herself. When the economy goes down the first business hit is the hospitality industry. Her clientele is local. Four months ago they were hit with a sales tax increase to 6.25% and now a .75% increase. The customer base will go out of

town. She serves 100, 200, 300 customers in one function. That is a huge increase on a tab of a wedding. She named larger venues of her competition and none of them are on this tax. They'll stay at 6.25%. Function customers, corporate, weddings and others shop around. What is going to stop a large function from going over the bridge? It will affect her business. At Seaport Grill they cater to the local clients. This will not serve her local clientele. She has 105 employees, mostly Gloucester residents. Anyone who is non-profit uses Cruiseport for free in Gloucester and Rockport. She gives this freely. If she's giving that out, the City should give something back to her. She's paying so much to the City in licensing, permitting, sewer and water. In the winter, she has a budget just like the City. She cuts the fluff. She cuts her labor down to half. She cuts her food costs. She cuts her liquor costs. She is on a freeze right now on spending. Why can't the City find it in their own budget and not come to the small business owner. She is here for the consumer not just herself. She hopes the Council will not vote for this tax.

Peter Hastings, 196 Main Street, Executive Director, Cape Ann Chamber of Commerce. The Chamber is formally on record against this tax. These restaurants are having a very difficult year between the boil water order which cost hundreds of thousands of dollars, a down economy, and the new sales tax. Please don't pass this tax this evening.

David Anderson, 16 Middle Street, Retailer-Main Street shop owner). There are 18 vacant storefronts on Main Street. We are a depressed area. The problem here is not the 75 cents; it's a tax at a time when the merchants and restaurants can't survive. The two larger restaurants on his block had 5 customers in one, 9 customers in another. You can't pay your bills on that. The issue isn't just a tax. It's what you have been doing over the last year. The issues you are facing are not going to be solved with a meals tax. This City is in top 20 percent for what it costs for public safety in the State. When you negotiate with them, that's where you save money. Restaurants are just trying to survive. When we talk about tourists, there are none. There is no in comparison to Newburyport and Salem. In the middle of July 50 or 60 people are on the sidewalk if we're lucky. Tourism is the second largest revenue producer in the State, but in Gloucester it's about the 50th. This tax is just another nail in a very large coffin. Those rent signs are there because we can't survive in this City. First Impressions is closing because there aren't people coming in to generate money. He supports the new water treatment plant but you don't get the money for that by nickel and diming your citizens.

Fred Shrigley, 20 Centennial Avenue, proprietor of the Rhumb Line for 30 years. We have had it in Massachusetts with taxes; the Citizens of Gloucester have had it with taxes. When is it going to stop? The Council represents the citizens of Gloucester. This is taking nickel and diming to another level.

Ginger Attaya, 73 Rocky Neck Avenue, owner of the Rudder Restaurant. The restaurant business has the highest failure rate of all. It is a psychological effect. This will make staying in business more difficult.

Michael Faherty, 83 Mt. Pleasant Avenue. If you listen to the arguments as to why you pass this – it is such a small amount it won't hurt. That's the same justification a

shoplifter makes. That's what you're doing. It's not your money, but you're taking it from people. There is no cause and effect between the money you're taking and the service you're providing. This tax is on food. There's no one in the City Council or Government who's producing that meal. You're tithing on the common victualer's license, fee to the Board of Health, the liquor license; but the City is not providing any additional services. This has nothing to do with anything the City is providing us.

Paul Salah, 10 River View Road, owner of the Pilot House Restaurant. He implored the Council to listen to the restaurateurs this evening. He noted he's been in the business since 1954. If it's such a small amount, this is nickel and dimes. You're looking for big money. Every dollar that goes across the bridge doesn't come back. People will go out of town. Nobody will come to Gloucester if we insult them, and this is an insult. We're talking about a volunteer tax. We won't get money back. Say a few dollars do come back. It'll go in the General Fund, and we'll never see it. The State never holds up their end of the bargain. Let's not shoot ourselves in the foot. He asked Councilor Foote to not make this the last thing he is remembered for.

Communications:

Letter delivered by hand from Melissa Joy Teixeira, Esq., member of the Gloucester School Committee, resident of 8 Leighton Court urging the passage of the meals tax option, a copy of which is on file and was read for the record by City Clerk Linda Lowe.

Questions:

Councilor Ciolino asked Mr. Duggan if you go into a restaurant and you do \$50 of food and \$25 bottle of wine. Is the wine separate and not taxed under the meals tax?

Mr. Duggan said whatever tax that is on any prepared foods it will apply. If you go into a 7Eleven and buy a prepared sandwich, or McDonalds, you will see a Mass Meals Tax, and you will see an additional .75% tax.

Ms. DeLorenzo came forward and said it is on the whole bill.

Mr. Duggan stood corrected by the restaurateurs.

Councilor Theken asked for an explanation of procedure. The extra .75 goes to the State first in normal collection procedures and comes back to the City on quarterly basis. Is this local meals tax option established with the state?

Mr. Duggan said the numbers have grown. As of yesterday 69 communities are taking advantage of this tax option. Peabody just adopted this. Danvers, Beverly and Salem are also going to be sending this to their Councils for consideration.

Councilor Theken said did we reimburse or rebate or any give a break to the restaurants during the water problems this summer.

Mr. Duggan said there was an effort where the places that altered their systems they were reimbursed for the permits for the fees by the plumbers. We did not reimburse them for any other expenses.

Councilor Theken said in O&A Committee a percentage was going to go back to tourism and now earmarks are off the table?

Mr. Duggan said this is because there is no general consensus.

Councilor Curcuru asked if we pass this tax tonight when will it take effect?

Mr. Duggan said it would be in the last quarter of this fiscal year, April, May and June would then come back. \$89,000 is estimated.

Councilor Curcuru said so the room and meals combined tax would be \$480,000 and just the meals tax is approximately \$350,000 to 370,000.

Councilor Tobey asked Mr. Duggan at one point in O&A Committee the conversation was the use of money to deal with tax recap filing with the State and using it for the snow and ice deficit. The recap is filed. You were able to manage assets of the City to cover this.

Mr. Duggan said it was covered without the tax for snow and ice.

This Public Hearing is closed.

Motion: On motion of Councilor Tobey, seconded by Councilor Ciolino, the Ordinances and Administration Committee voted 0 in favor, 3 opposed (Tobey, Romeo-Theken, Ciolino) to recommend to the City Council to accept the provision of the Massachusetts General Laws, Chapter 64L sec. 2(a) to impose a local meals excise tax of .75%.

Discussion:

Councilor Foote said he's eaten in everybody's restaurants and sees a lot of tourists. He doesn't have a problem with this tax, and if that's he's going to be remembered for that, he's got to be remembered for something!

Councilor Grow stated he respects the businesses in the community and appreciates what they do for the non-profits, what they have to deal with on a daily basis. Five years ago he supported the Prop 2-1/2 override and it couldn't be supported. The CPA struggled to pass. We have fire stations closed. We have streets that we have trouble paving and fixing. The schools are on the edge. When will it end? We need every source of revenue we can get. We are millions of dollars under funded for the demands made on this City for services. We want these services, but we don't want to pay for it. Who's going to pay for them? Where will it come from? He will support the tax because

we have to take advantage of every revenue source we can. We tax kids to play football, to ride the school bus. You aren't being taxed as much as you think you are. If we want this community to be what it needs to be, we have to have taxes. There are areas we can work on, but we can't do this without money.

Councilor Devlin said knowing that everything that we need to pay for, he can't support this - not on the back of the service industry. An override, something will have to happen soon. The State and Federal government are not changing the way they do business, and it's affecting cities and towns. City governments have unions. We're cut to the bone right now. He won't vote for this tax. This is the most volatile industry. A refrigerator goes down in a restaurant, \$5,000. The inspections, the certifications, etc., the amount of money that is put out is non-stop. If you make it five years in the restaurant business, 90% fail. After 10 years it's 50%. The weather can kill you; a boil water order can kill you. They're paying their water bills, sewer bills, real estate taxes. Now you're taxing their customers. It leaves a bad taste in the mouth. These are small businesses which are the backbone of our country. This will make it more volatile for these businesses. We do have expenses, but this isn't the way to do it. You are nickel and diming the service industry.

Councilor Curcuru said he is a small business owner. He watched the federal government bail out the banks and automotive industry. The State gives us this tax option which isn't a good one. He has to think of the City and fiscal responsibility. He had to vote against the Voke. He will support this and will still eat at Gloucester restaurants.

Councilor Theken said this is very difficult. She noted her work with Mr. Duggan on this issue. She noted the confusion on the issue and recounted the recent history of how the local option tax came before the Council tonight. What changed her mind is the new State tax. It is psychological. It's not that it's going up .75%, it's that taxes went up just a few months ago. There's no help for small business. Now that 6.25% is going to be 7%. The other communities are laughing because they don't have this tax. Ultimately it will be 7%. She does drive out of town or out of state for a better deal. There is money to be found. We've found it before. She applauds the School Committee for coming forward to support the tax. But she noted they are reacting because of the five year plan they recently saw and the budget difficulties they face. Let's give the City's tourism industry a good year to go by before we try and tax them. Three weeks ago it was snow and ice and now it's off the table. \$300,000 that you might raise is not going to fix budget problems. The restaurants are so supportive of our community. They're saying right now they're hurting, so please don't do this [the tax]. Don't put this on the backs of people who are already giving.

Councilor Ciolino said something happened this evening that is extraordinary in all his years on City Council. He's never seen members of the School Committee and Superintendent of Schools come before the Council on taxes. This is the first time that they've come to this Council in this manner. He feels that this signifies that as a City we've hit rock bottom with regard to revenues. We need to think about where new

revenues will come from. It is not because the government in Gloucester is 'fat', and the City can chop here and chop there. The money shortage is not because the City hasn't chopped to the bone; it is due to being constantly shortchanged by the State. This local option tax is a tool from the State with them saying, 'we're going to cut your money, but we'll give you this'. When this came to Committee, we noted that we're all hurting; but since that meeting, everywhere he goes and explained the meals tax, no one really seemed to mind it. The average person doesn't feel because of the tax they'll go out of town to eat. It is inevitable that the meals tax will pass. There may be another room tax because that's where the State has put us. This is not the City's doing. We've been struggling with this in Budget and Finance Committee trying to make ends meet. The State is no good to us – they keep decreasing our money and increase our fees. The School Department has their back to the wall, and we need to raise revenue. He hates to raise real estate taxes; it would be the worst thing to do. This is a small tax. Business is tough at this time, but we have to be optimistic that it will change for the better. Revenue is revenue. Things need to happen. Potholes are ruining vehicles. We have to make our streets safe. Where will the money come from to do things like that? He said that he voted against this in Committee but is for it now.

Councilor Tobey handed the gavel to Councilor Theken in order to make the following statement:

Councilor Tobey said he wants to address the remarks of Councilor Ciolino because there is something there that he agrees with - that the problem is about the State. And it dovetails with something Mr. Anderson said, that you can't much trust the State. He was president of the Massachusetts Municipal Association and they advocated that the cities and towns should have the right to choose to add this tax. But the State took more and gave the cities less. They gave us a tool, snapped it in half and then left us with .75%. We did get some sort of leftover thing that we could use if we chose in an exercise of discretion. Bear in mind as Chief Justice John Marshall said, 'the power to tax is the power to destroy'. In a fragile economy in an at-risk business sector, we risk destroying some restaurants in this community now. It troubles him to be asked to approve this now without it being related to an overall spending plan so the Council can decide where the priorities lay. The earmarks changed. He doesn't know what it is for. So why vote for it. The current fiscal year's budget is in balance with the revenues now in place. He would argue the time to be considering this, as well as the other local option tax, is in the context of a whole years proposed budget. This will not open the Bay View Fire Station for a day; give a boost to the School Committee for the current fiscal year and so on. He is saying no tonight - no, not now, but not ever either. When there is a demonstrable recovery in this sector, then maybe, but believes this isn't the time.

The gavel was returned to Councilor Tobey.

Councilor Hardy will be supporting this tonight. If there is a chance of getting and keeping the Voke School the City needs to start somewhere. She looks forward to having the other tax brought forward so we can make a decision on that as well. "Show me the money" – even a little bit. She's glad the earmarks were taken off of this. She will be

supporting this. She's looking for reasons so bills can be paid that are coming down the road. She visits all the local restaurants and is downtown frequently and sees what is going on, and the City needs to start somewhere.

Councilor Tobey asked does this mean this will make the Mayor more amenable to a support of the Voke and not veto another vote of this Council if this money is on the table. Has she told you that?

Councilor Hardy said she has had no such conversation.

Councilor Theken said everyone knows what the tax means here. We're talking about the competition on either side of us. Remember this is 7% total.

Councilor Devlin said he understands this is the tool from the State – restaurants – service industry. If this was a different tool whatever it would be, this would be a whole different story. Fair and equitable, is his motto. He believes we'll all have to pay for this some day but why on the back of one sector of our City.

Councilor George said we're not in an economic recovery nor will we by mid-2010 either. It is reasonable to say between last quarter of 2008 and in 2009 it is the worst economy in years. Small businesses have taken the biggest hit from this downturn. She will not support this. She is tired of us trying to balance the money. We can't balance the budget, and we're taxing our residents more.

Councilor Tobey invokes 2-11C of the City Charter which moves this issue to the next regular City Council Meeting on January 5, 2010 at 7:00 p.m. No vote is taken at this meeting.

A five minute recess is called at 10:20 p.m. by Councilor Tobey.

Councilor Tobey left the meeting as he previously announced he would do, handing the gavel to Councilor Theken, Vice President of the City Council.

Councilor George left the meeting at 10:27 p.m. during the recess.

The meeting was called to order at 10:31 p.m. by Councilor Theken.

2. PH2009-053: Loan Order #10-02: \$6,000,000 for Improvements to the City's Water Treatment Plants and Distribution System

This Public Hearing is now open.

Speaking in Favor:

Mike Hale, DPW Director. This is the most important loan request, he believes, in his 10 years with the City. \$4 million is for the Babson filtration plant as mandated by the

State. The nature of the water crisis will pale in light of not getting Babson open. As summer approaches, demand rises. The failure to act on this matter evening will lead to catastrophic events. He noted in the last 18 months since he became director of the DPW, that if West Gloucester hadn't been paid attention to we would not be able to support the City's water supply now. His staff and the consultants have been going non-stop, giving up personal and family time, to have this all ready to go. The documentation is ready, and construction could start in January if this loan order is passed. Larry Durkin, City Engineer is here this evening and Mr. Towne, CFO for the City is here also.

David Lincoln, 7 Amero Court. He stated he knows a bit about the water treatment plant and sewer plant because he was on the Citizen's Committee to make the recommendation for the plant operator for both contracts. The plants are in dire need of help. The contractors competed with each other to tell us how much needed fixing. The City can't afford to not take this action. He asks that the City needs to make it clear that the Federal and State government needs to provide more support and financing of municipal projects like this.

Russell Hobbs, 1166 Washington Street. Mr. Hobbs said he knows his water rate will go up and he can't afford it; but the City can't afford not to fix this treatment plant. This water supply belongs to the people of the City, and it is vital. We demand it be fixed. We want clean water. We need to protect it. We can't wait.

Speaking in Opposition: None.

Communications: None.

Questions:

Councilor Ciolino asked that \$6 million is not just for the Babson treatment plant. There are other things that will be done and asked Mr. Hale to enumerate.

Mr. Hale said \$4 million, which is the bulk of the money is for Babson to be brought back on line; and the rest is system wide. The \$2 million is not for "emergency" issues but is high on the order of capital work on the distribution system, the connections for the two dead-end lines in and around Bond Street and Essex Avenue, which causes restricted flow also and water mains on Western Avenue. There's no good way to get water through all of West Gloucester or going out to East Gloucester with clean water from West Gloucester. That area is a difficult network of pipes. There are two water main breaks a year on Western Avenue. The water main on the Boulevard is the same water main in the Spooner tunnel. They are also looking at the Spooner Tunnel under the Blynman Canal - if one main broke under there - you'll lose the whole tunnel. It will cut off finished water from East Gloucester to West Gloucester. If one facility is down you could not produce enough water for the other side to support the needs of the City. There would be loss of natural gas service to the island also.

Councilor Devlin asked if the City is looking to recover anything from United Water

(former company responsible for maintaining the water treatment plants in the City of Gloucester).

Mr. Duggan said the Administration is taking all avenues to recover some of it from United Water. They are going for it all. The City is also exploring the issue with insurance companies.

Councilor Curcuru said \$4 million for Babson Reservoir is a patch. How long will that be good for before the State says let's do something different here.

Mr. Hale said certainly regulations change frequently. He explained about the standards to sampling of the water. As regulations change, and our facilities can't keep up, we could have to build a new facility. We need to look forward. If we had a big industry that required a great deal of water or clean water use, we would be in trouble. We have brown water issues in the City.

Councilor Curcuru asked about the \$4 million – this won't change the water quality more so than make us compliant. Or is it going to change the water quality?

Mr. Hale said the issue this summer was complex – it was immediate due to lack of attention; it was also historic. You can't just look at each individual problem – you have to look at the entire system. How will the water quality improve? Babson by far is the lesser quality source and needs more work as to how we process it and get it out in better condition. The water mains are unlined cast iron pipe. The minerals get released into the system if there is a water main break, and they happen frequently.

Councilor Curcuru said just because we do the work on Babson we still have all the old lines in the streets.

Mr. Hale said the City has tens of millions of dollars worth of work to do on the system. There are 120 miles of pipes and over 62% of that is outdated. He said that length of pipe is exceptional for the size of the City relative to our user base. There are 11,000 user accounts. That's why we have high water rates. Not because we don't invest in it, it's because we have a big system with few users. That costs a lot of money.

Councilor Hardy asked Mr. Towne will the City be borrowing on long or short term – what is the structure on this, and are we asking the Federal government for help.

Mr. Towne said it is short term first as the City typically does through a bond anticipation note (BAN). It will start as a BAN, depending on the timing of how much construction gets done, in FY2010 until 2011 and then permanently bond in FY2011 which is the way he has scheduled it. A portion of the 50 cent rate increase will hit in FY 2011 and completely in FY2012. He is not sure that the Federal government has been asked for help on this loan. In his opinion, the big push will happen if the City builds a new plant in the future. If you talk about a stimulus plan, the best thing at this point you can do is contribute towards local government because if local government can save

\$30,000 taxpayers' money, plus put people to work on a new treatment plant; it repays itself over and over again because you can reinvest the money saved on the plant improvement debt plus the savings of the interest and so forth, to keep people employed; to keep the taxes down, to help the businesses on Main Street. If you want to turn the economy around in this country, this is the type of project that is to be encouraged. He spoke to the Mayor just last week saying he wanted to design a concept plan that says this is what a stimulus plan could look like based on a \$40 million treatment plant. He would encourage anyone who wishes to help him with that thought process to work with him now because this is going to come up shortly, and we want to get moving on this as quickly as we can to plan for the future. He can be contacted at City Hall.

This Public Hearing is closed.

MOTION: On motion by Councilor Grow, seconded by Councilor Ciolino, the voted 3 in favor, 0 opposed to recommend to the City Council to order that \$6,000,000 is appropriated for the purpose of making improvements to the City of Gloucester's Water Treatment Plants and Distribution System including without limitation all costs thereof as defined in Section I of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow up to \$6,000,000 and to issue bonds or notes thereof under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws or any other enabling authority; that such bonds or notes shall be general obligations of the City unless the Treasurer, with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust ("Trust") established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or the financing thereof; and that the Mayor is authorized to enter onto a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

Discussion:

Councilor Grow said that this is a project that needs to get done now, and the DPW is dealing with a short timeframe.

Councilor Ciolino said that our DPW Director has a tall task to get this complete so we can have Babson up and running. If not, we would have a critical shortage this summer. He has faith in the DPW director that he can meet that deadline.

MOTION: On motion by Councilor Grow, seconded by Councilor Hardy, the City Council voted by roll call 7 in favor, 0 opposed to order that \$6,000,000 is appropriated for the purpose of making improvements to the City of Gloucester's

Water Treatment Plants and Distribution System including without limitation all costs thereof as defined in Section I of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow up to \$6,000,000 and to issue bonds or notes thereof under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws or any other enabling authority; that such bonds or notes shall be general obligations of the City unless the Treasurer, with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust (“Trust”) established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or the financing thereof; and that the Mayor is authorized to enter onto a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

3. PH2009-054: Amendments to GCO re: Community Preservation Ordinance Sec. 2-83 and Sec. 2-84

This Public Hearing is now open.

Speaking in Favor:

Nancy Papows, Principal Assessor. She supports these exemptions. It establishes a deadline for the exemptions and outlines the exemptions. Without an application deadline, they could get FY2010 applications in years that follow. It is important from an accounting aspect. The deadlines reflect others already in place. This timeframe allows for ample time to apply and is important to all accounting aspects of the CPA fund.

Mr. Towne said a good cut off date is needed to let people know when to apply by so that the accounting treatment of this is predictable. Without this it would be an accounting nightmare for his side as well as for the City Auditor’s office. This is good financial planning.

Speaking in Opposition: None.

Communications: None.

Questions: None.

This Public Hearing is closed.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Theken, the Ordinances and Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council to amend the Code of Ordinances to Section 2-83:

The City of Gloucester adopted M.G.L. Chapter 44B, section 1 et seq., the Community Preservation Act, which imposes a surcharge on real property. The act authorizes the property owner to file an application for an exemption on the basis of certain criteria. In adopting M.G.L. c. 44B, the City of Gloucester accepted the following exemptions: 1) for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the City; and 2) for \$100,000 of the value of each taxable parcel of residential real property. The Act does not establish a deadline for filing the application. The City of Gloucester hereby establishes a deadline which matches the time restrictions for filing an exemption pursuant to M.G.L. c. 59.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Theken, the Ordinances and Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council to amend the Code of Ordinances to Section 2-84:

An Application for an exemption from the Community Preservation Act surcharge shall be filed with the Board of Assessors by December 15 or 3 months after the actual bills are mailed for the fiscal year, whichever is later. An application shall be considered filed when (1) received by the assessors on or before the filing deadline, or (2) mailed by United States mail, first class, postage prepaid, to the proper address of the assessors, on or before the filing deadline, as shown by a postmark made by the United States Postal Service. All other procedures and deadlines for the consideration of the exemption shall be in accordance with the personal property exemption procedure as set forth in M.G.L. c. 59.

Discussion:

A motion was made, seconded and voted unanimously to extend the meeting 30 minutes.

MOTION: On motion by Councilor Theken, seconded by Councilor Hardy, the City Council voted 7 in favor, 0 opposed to amend the Code of Ordinances to Section 2-83:

The City of Gloucester adopted M.G.L. Chapter 44B, section 1 et seq., the Community Preservation Act, which imposes a surcharge on real property. The act authorizes the property owner to file an application for an exemption on the basis of certain criteria. In adopting M.G.L. c. 44B, the City of Gloucester accepted the following exemptions: 1) for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the City; and 2) for \$100,000 of the value of each taxable parcel of residential real property. The Act does not establish a deadline for filing the application. The City of Gloucester hereby establishes a deadline which matches the time restrictions for filing an exemption pursuant to M.G.L. c. 59.

MOTION: On motion by Councilor Theken, seconded by Councilor Hardy, the City Council voted 7 in favor, 0 opposed, to amend the Code of Ordinances to Section 2-84:

An Application for an exemption from the Community Preservation Act surcharge shall be filed with the Board of Assessors by December 15 or 3 months after the actual bills are mailed for the fiscal year, whichever is later. An application shall be considered filed when

(1) received by the assessors on or before the filing deadline, or (2) mailed by United States mail, first class, postage prepaid, to the proper address of the assessors, on or before the filing deadline, as shown by a postmark made by the United States Postal Service. All other procedures and deadlines for the consideration of the exemption shall be in accordance with the personal property exemption procedure as set forth in M.G.L. c. 59.

Committee Reports:

Ordinances & Administration Committee 12/7/09

MOTION: On motion by Councilor Tobey, seconded by Councilor Ciolino, the Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that as required by amendments to the State Ethics Statute, City Clerk, Linda T. Lowe be appointed the liaison to the Commonwealth of Massachusetts State Ethics Commission for the City of Gloucester.

Discussion:

Councilor Ciolino has asked that more information needs to be gathered by the State and requires that the City keep these records and that the City Clerk be the right place for this to be kept.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Devlin, the City Council voted 7 in favor, 0 opposed that as required by amendments to the State Ethics Statute, City Clerk, Linda T. Lowe be appointed the liaison to the Commonwealth of Massachusetts State Ethics Commission for the City of Gloucester.

Councilor Hardy noted that on Page 1 first order of business should be the Gloucester City Ordinance (GCO) not GZO and to amend in the minutes on Item #1 on Page one and the motion that follows on the second page. **A motion was made, seconded and voted unanimously to amend the O&A minutes as well as the motion of December 7, 2009 as noted.**

Planning & Development 12/09/09

No motions to bring forward. All items were continued and will be brought up later in the Committee Reports.

Budget & Finance Committee 12/10/09

MOTION: On motion by Councilor Ciolino, seconded by Councilor Curcuru, the Budget and Finance Committee voted 2 in favor, 0 opposed to recommend that the City Council Request For a Proposal for a lease on 8 Washington Street for advertisement.

Discussion:

Mr. Duggan said two points that were incorporated into the updated RFP are with the heating system and boiler. Originally it was the responsibility of the lessee, but now the City will have the responsibility of the City. Once it is replaced, it will then revert to the tenant whoever it may be and they will then be responsible for maintenance. City use of the building, the upstairs in particular, will be free of charge with 48 hours notice, as long as the tenant has no scheduled event going on.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Curcuru, the City Council voted by roll call vote 6 in favor, 1 opposed (Grow), to recommend that a Request For a Proposal for a lease on 8 Washington Street for advertisement be done.

MOTION: On motion of Councilor Ciolino, seconded by Councilor Curcuru, the Budget and Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to accept the Staffing for Adequate Fire and Emergency Response grant from the Department of Homeland Security for a total of \$388,125.00. This money is to be used for overtime required to maintain current staffing and service levels that have not been met due to personnel reductions and budget restraints.

Discussion:

Mr. Duggan said this is to accept \$388,125.00 which will assist in formulating a spending plan to deal with peaks and valleys in staffing and when they need to back fill and to hire one full-time firefighter paramedic. It is not a matching grant.

Councilor Theken asked when the grant is over will the new firefighter paramedic still be employed by the City, and Mr. Duggan said yes.

Councilor Grow said we are required to maintain that position as a condition of the grant? Mr. Duggan said no.

MOTION: On motion of Councilor Ciolino, seconded by Councilor Devlin, the City Council voted 6 in favor, 0 opposed 1 abstention (Hardy), to accept the Staffing for Adequate Fire and Emergency Response grant from the Department of Homeland Security for a total of \$388,125.00. This money is to be used for overtime required to maintain current staffing and service levels that have not been met due to personnel reductions and budget restraints.

MOTION: On motion of Councilor Ciolino, seconded by Councilor Curcuru the Budget and Finance Committee voted 2 in favor, 0 opposed to recommend that the Gloucester Fire Department apply to the Department of Homeland Security (FEMA) for the Staffing for Adequate Fire and Emergency Response (SAFER) grant.

Discussion:

Councilor Ciolino said this particular grant has a match in the third year. Please remember that while we are starting the discussion that this is simply an application to apply. If we get it or some of it, we can decide whether or not to accept it. The Fire Department is looking for grants, and we want to encourage them to continue to do so.

Mr. Duggan stated the City looked at the number of positions and the City's ability to maintain the number of firefighters. In doing their due diligence and being fiscally responsible, the application would go forward for four firefighters. It would be a \$315,000 investment for the department, in Year 3 of the grant.

Councilor Ciolino said this is like getting the fire department personnel at 1/3 of the costs. He believes they all can agree they need to build up the fire department personnel so the City can cover some of these stations and maybe these grants can help to do that.

Councilor Theken said she commends them for going after these grants.

Councilor Curcuru asked Mr. Duggan in year 3 with 4 firefighters the Council can assume the Administration will commit to this. Mr. Duggan said yes. Councilor Curcuru continued, layoffs and retirements, how does it affect this? Or is it just what we hire under this grant. We don't have to backfill?

Mr. Duggan said Captain Aptt is here for correction, but he understood it has to do with the number of positions that are awarded. It doesn't have to do with the overall staffing, just those positions.

Councilor Theken asked for an explanation that if anyone retires during that 3 year period you have to fill those positions or you lose the grant.

Captain Aptt confirmed that if anyone retires during that three year, the position has to be filled or the grant is lost and you are penalized.

MOTION: On motion of Councilor Ciolino, seconded by Councilor Curcuru the City Council voted 6 in favor, 0 opposed 1 abstention (Hardy) to recommend that the Gloucester Fire Department apply to the Department of Homeland Security (FEMA) for the Staffing for Adequate Fire and Emergency Response (SAFER) grant.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Curcuru, the Budget and Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to approve the Special Budget Transfer Request by the Fire Department from the Fire Department, Pub. Safety Program, Unifund Account # 101000.10.220.53060.0000.00.000.00.052 to Fire Department, Sal./Wage-Overtime Unifund Account # 101000.10.220.51300.0000.00.000.00.051 to pay overtime for the

Deputies and Captains to attend a class on Firehouse Scheduling Module to utilize software to its fullest capacity in the amount of \$923.01.

Discussion:

Councilor Ciolino stated this is what we asked the Fire Department to do, which is to get more training on this software and that it was done on an on-line basis, and this covers the cost of that training.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Devlin, the City Council voted 7 in favor, 0 opposed to approve the Special Budget Transfer Request by the Fire Department from the Fire Department, Pub. Safety Program, Unifund Account # 101000.10.220.53060.0000.00.000.00.052 to Fire Department, Sal./Wage-Overtime Unifund Account # 101000.10.220.51300.0000.00.000.00.051 to pay overtime for the Deputies and Captains to attend a class on Firehouse Scheduling Module to utilize software to its fullest capacity in the amount of \$923.01.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Curcuru, the Budget and Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to approve the leasing of a Volvo L70F Wheel Loader for a period of five (5) years with the option to purchase at the end of the lease agreement at a cost of \$132,800.00 with an annual lease payment of \$29,683.60. The lease payment will be divided between the Water Enterprise, Sewer Enterprise and General Fund over the next five (5) years. For the rest of the Fiscal Year 2010, the funding will be between the Water and Sewer Fund only.

Discussion:

Councilor Ciolino explained that the piece of equipment we have now is on its way out and not worth repairing. This vendor is off the State list, which gives us the best deal because the terms are worked out in advance. It has a bucket in front, and arm that does the digging and is for digging really big holes. The cost is divided up among three funds.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Devlin, the City Council voted 7 in favor, 0 opposed to recommend to approve the leasing of a Volvo L70F Wheel Loader for a period of five (5) years with the option to purchase at the end of the lease agreement at a cost of \$132,800.00 with an annual lease payment of \$29,683.60. The lease payment will be divided between the Water Enterprise, Sewer Enterprise and General Fund over the next five (5) years. For the rest of the Fiscal Year 2010, the funding will be between the Water and Sewer Fund only.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Curcuru, the Budget and Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council the payment of Footie's Chimney Sweep service for the repair the chimney at the

Veteran's Office for \$4,400.00 from Public Properties Contract Services Account #101000.10.470.52000.0000.00.000.00.052.

Discussion:

Councilor Ciolino said the work was done before the paperwork was in place and stopped the leak that was a problem. The work was performed satisfactorily. He urged the passage of the motion.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Devlin, the City Council voted 6 in favor, 0 opposed, 1 abstention (Foote) to the payment of Footie's Chimney Sweep service for the repair the chimney at the Veteran's Office for \$4,400.00 from Public Properties Contract Services Account #101000.10.470.52000.0000.00.000.00.052.

Councilor Ciolino commended Councilor Grow along with Councilor Curcuru on his time on the Budget and Finance Committee and did a terrific job and that they will miss him. Whoever becomes the new Chair of the Budget & Finance Committee will have some big Crocs to fill. He did a great job.

Planning & Development Special Meeting 12/15/09

MOTION: On motion by Councilor Hardy, seconded by Councilor Devlin, the Planning and Development Committee voted 2 in favor, 0 opposed to recommend to the full City Council that the City of Gloucester accept ownership of and full responsibility for the approximately 5,230 foot long gravity sewer main and all existing laterals that lay within the streets known as Farrington Avenue, Edgemoor Road and St. Louis Avenue which was constructed by ELF Corporation and as shown on two sets of plans entitled "as Built Sewer Plan prepared by Gateway Consultants Inc and dated September 20, 2000 with revisions thereto dated October 2, 2000 and August 8, 2001" ; and the "as-built sewer plans" by Gateway Consultants Inc. showing only Farrington Avenue dated November 6, 2000; copies of which are attached.

With the following conditions:

1. That the existing, current rules and regulations pertaining to the city's acceptance of private sewers be adhered to.
2. That ELF and the City of Gloucester by its appropriate administrative staff coordinate the execution and exchange of all documents deemed necessary by the City of Gloucester legal office to effectuate the transfer of ownership and control of the ELF Corp. sewer main from ELF Corp to the City of Gloucester.

Discussion:

Councilor Ciolino said they put the feeder line for a lot of homes that stretch off of Farrington Avenue and Atlantic Road and everybody's been able to take advantage of it. A lot of homes would not have sewer now. It is a good thing and the right thing to do at this time.

Councilor Devlin said he wanted to make sure now that now the City is taking ownership of this that if anyone is hooking up to this that they will be charged a betterment to the system. Can we look into it to make sure that those hooked up are paying their fair share please?

Mr. Duggan stated he would see that it was looked into.

MOTION: On motion by Councilor Hardy, seconded by Councilor Devlin, the City Council voted 7 in favor, 0 opposed that the City of Gloucester accept ownership of and full responsibility for the approximately 5,230 foot long gravity sewer main and all existing laterals that lay within the streets known as Farrington Avenue, Edgemoor Road and St. Louis Avenue which was constructed by ELF Corporation and as shown on two sets of plans entitled "as Built Sewer Plan prepared by Gateway Consultants Inc and dated September 20, 2000 with revisions thereto dated October 2, 2000 and August 8, 2001" ; and the "as-built sewer plans" by Gateway Consultants Inc. showing only Farrington Avenue dated November 6, 2000; copies of which are attached.

With the following conditions:

1. That the existing, current rules and regulations pertaining to the city's acceptance of private sewers be adhered to.

2. That ELF and the City of Gloucester by its appropriate administrative staff coordinate the execution and exchange of all documents deemed necessary by the City of Gloucester legal office to effectuate the transfer of ownership and control of the ELF Corp. sewer main from ELF Corp to the City of Gloucester.

MOTION: On motion by Councilor Hardy, seconded by Councilor Devlin, the Planning and Development Committee voted 2 in favor, 0 opposed to recommend to the full City Council that the City of Gloucester accept ownership of and full responsibility for the approximately 2,880 foot long pressure sewer main and all existing laterals that lay within the streets known as Farrington Avenue and Atlantic Road, which was constructed by Atlantic Road Improvement Project LLC and as shown on plan entitled "as Built Sewer Plan" prepared by Gateway Consultants Inc and dated January 21, 2002.

With the following conditions:

1. That the existing, current rules and regulations pertaining to the city's acceptance of private sewers be adhered to.

2. That Atlantic Road Improvement Project LLC and the City of Gloucester by its appropriate administrative staff coordinate the execution and exchange of all documents deemed necessary by the City of Gloucester legal office to effectuate the transfer of ownership and control of the Atlantic Road Improvement Project LLC sewer main from Atlantic Road Improvement Project LLC to the City of Gloucester.

Discussion:

Councilor Hardy said this was fed off of the other project and recommended that Councilor Devlin's note on the other project to the Administration should apply here as well.

MOTION: On motion by Councilor Hardy, seconded by Councilor Devlin, the City Council voted 7 in favor, 0 opposed that the City of Gloucester accept ownership of and full responsibility for the approximately 2,880 foot long pressure sewer main and all existing laterals that lay within the streets known as Farrington Avenue and Atlantic Road, which was constructed by Atlantic Road Improvement Project LLC and as shown on plan entitled "as Built Sewer Plan" prepared by Gateway Consultants Inc and dated January 21, 2002.

With the following conditions:

1. That the existing, current rules and regulations pertaining to the city's acceptance of private sewers be adhered to.

2. That Atlantic Road Improvement Project LLC and the City of Gloucester by its appropriate administrative staff coordinate the execution and exchange of all documents deemed necessary by the City of Gloucester legal office to effectuate the transfer of ownership and control of the Atlantic Road Improvement Project LLC sewer main from Atlantic Road Improvement Project LLC to the City of Gloucester.

MOTION: On motion by Councilor Hardy, seconded by Councilor George, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend that the City Council GRANT, for nominal consideration, an electric easement for an overhead system at 401A Essex Avenue, Gloucester MA. to Massachusetts Electric Company and Verizon New England, Inc. as requested on Exhibit A Plan number WR# 6497578 dated December 14, 2009 for the purpose constructing and maintaining high and low voltage and intelligence and telephone lines to consist of one pole with wires and cables thereon, without any additional anchors guys, braces and appurtenances as shown on said plan. Said easement is to be located on the northerly side of Essex Avenue, to originate from Pole P-3935, then proceed in a northerly direction across Gloucester land to new Pole P-3935-1, to become established upon the final approval thereof by the Grantees. And to refer this to the General Counsel to draft the easement.

Discussion:

Councilor Hardy said this is for Cape Ann Animal Aid which is under construction for their new shelter on Paws Lane, and they need electricity. She noted the City will give this easement to put the project forward. She recommends that the Council vote favorably.

MOTION: On motion by Councilor Hardy, seconded by Councilor Ciolino, the City Council voted 7 in favor, 0 opposed to GRANT, for nominal consideration, an electric easement for an overhead system at 401A Essex Avenue, Gloucester MA. to Massachusetts Electric Company and Verizon New England, Inc. as requested on Exhibit A Plan number WR# 6497578 dated December 14, 2009 for the purpose constructing and maintaining high and low voltage and intelligence and telephone lines to consist of one pole with wires and cables thereon, without any additional anchors guys, braces and appurtenances as shown on said plan. Said easement is to be located on the northerly side of Essex Avenue, to originate from Pole P-3935, then proceed in a northerly direction across Gloucester land to new Pole P-3935-1, to become established upon the final approval thereof by the Grantees. And to refer this to the General Counsel to draft the easement.

Councilor's Requests Other Than To The Mayor:

Councilor Theken thanked Councilor Foote for how much he taught him; she respects him. She won't forget his seniors. She thanked Councilor Grow and how much she respects what he's done. In the long run he proved he really, really cares for the community. Everyone lost when we lost him from the Council. She will miss them both.

Councilor Foote said to all Merry Christmas, Happy New Year and it's been a pleasure. Goodnight.

Councilor Curcuru wished to say goodbye to the departing Councilors, Councilor Devlin for two years; a sharp fellow and a shame to see him go. To Councilor Foote he will miss him and his drawers of candy. He will miss Councilor Grow. He's probably the hardest working City Councilor there is. He is dedicated to this City. The time spent with him on the Budget & Finance Committee was worth it.

Councilor Theken thanked Councilor Devlin for being such an efficient Ward Councilor.

Councilor Devlin thanked the entire Council for what they taught him and the amount of the work they put in, and he appreciates that. He spent a great deal of his time with Councilor Hardy who he feels is unbelievable. She is looking into everything and appreciates all the work on behalf of the City and the same for Councilor Grow – they may not have agreed most of the time, but he has seen the amount of work he's put in; and it is formidable. To Gus Foote – he grew up in his Ward. He's been a Councilor almost all of Councilor Devlin's life. He has tremendous respect for him and for the time he put into the City. He wishes the best to the incoming Council.

Councilor Ciolino said goodbye to Councilor Devlin and Councilor Grow, but they will see them in the future. They have a lot to give this City. When you hear about Councilor Foote, which took three tries to win his ward, and look how long it stuck! Councilor Foote is not going away – he'll hold court at 153 Main Street every afternoon and will look forward to that. Councilor Foote will tell him how to vote and will give him heck for the way he voted. The end is bittersweet. They're a lot closer as a group. He is optimistic for the next Council. He wished a Merry Christmas and Happy Chanukah and a prosperous and peaceful New Year to the people of Gloucester.

Councilor Theken said also a thank you to Councilor George.

Councilor Hardy said she has tremendous respect for all the Councilors that are leaving and a thank you to all the councilors. They have all taught her something. She appreciates that. Happy Holidays and Happy New Year to everybody.

Councilor Grow wanted to reiterate his thanks to all the Councilors. He appreciates all the Councilors and the folks that served on the last Council. He appreciates all the effort, energy and time put in. At the end of the day, they're all thinking about the City and the willingness to put themselves out there and be part of this process. He thanks everyone in the Administration. People don't have a true appreciation of the fine folks who work for the City, from the top down – everybody works hard. There are a lot of challenges that are put in their way. He can't thank enough the department heads who took their time to explain and were generous with their time. Gloucester is lucky to have them. Thank you to the people of Gloucester for letting him serve. It's been an honor. Thank you.

ADJOURNMENT:

MOTION: It was moved, seconded and voted UNANIMOUSLY to adjourn the City Council Meeting at 11:40 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of the Committees**



CITY OF GLOUCESTER

GLOUCESTER, MASSACHUSETTS - 01920

City of Gloucester Special Council Permit - Application

3/8/2010

(Public hearing to be held no later than above date)

CITY CLERK
GLOUCESTER, MA
09 DEC 28 AM 8:52

In conformance with the requirements of the Zoning Ordinance of the City of Gloucester, the undersigned hereby applies for a Special Council Permit (CC or CCS) in accordance with Section 1.8.3 of the Ordinance and other Sections as listed below:

Type of Permit (Give specific section of Zoning Ordinance) Special Permit Sec 2.3.1 (12), Sec 5.5
Major Project, Sec. 3.1.6 (b) height excess 35 ft., low lands Sec. 5.5, lot area per two guest special permit 3.2.6

Applicant's Name: Gloucester Hotel, LLC

Owner's Name Alan G. Hill, Trustee of 79 Essex Avenue Realty Trust u/d/t dated 06/01/89
(if different from applicant) and 99 Essex Avenue Trust u/d/t dated 06/01/89

Location 79-99 Essex Avenue, Gloucester Map # 218 Lot # 1
(Street Address) 218 126
218 17

Zoning Classification: EB

- Attached is a list of owners (with complete addresses) of land directly opposite on any public or private street or way, direct abutters, and abutters to the abutters of land within three hundred (300) feet of the property line, as they appear on the most recent City of Gloucester Assessor's Maps and Tax list.
- Attached is a listing of criteria set forth in Section 1.8.3(e) of the Zoning Ordinance, including any supportive material or comments the applicant may wish to include (i.e. ZBA decisions, Order of Conditions, ect.) if necessary.
- Attached are the necessary plans as set forth in Section of 1.8.3(b) of the Zoning Ordinance, which at a minimum consist of an accurate plot plan (to scale) showing existing and/or proposed building or structures.

City of Gloucester - Action

Fee: 5,000.00 cl# 1985

City Clerk (received): JMS 12/21/09

City Council (received): 1/5/2010

Public Hearing (ordered) _____

Public Hearing (opened) _____

Public Hearing (closed) _____

Final Decision _____

Disposition _____

(Approved, Denied, Approved w/conditions)

Applicant:

[Signature]
Name (Signature) Gloucester Hotel, LLC

501 Idlewood Avenue, Easton, MD 21601
Address

410-822-4223
Telephone

Certified for completeness
Building Inspector: [Signature] Date: 12/21/09

Planning Director: BMC Date: 12/21/09



CITY OF GLOUCESTER

GLOUCESTER, MASSACHUSETTS • 01930

City of Gloucester Special Council Permit - Application

(Public hearing to be held no later than above date)

In conformance with the requirements of the Zoning Ordinance of the City of Gloucester, the undersigned hereby applies for a Special Council Permit (CC or CCS) in accordance with Section 1.8.3 of the Ordinance and other Sections as listed below:

Type of Permit (Give specific section of Zoning Ordinance) Special Permit Sec 2.3.1 (12), Sec. 5.7 Major Project, Sec. 3.1.6 (b) height excess 35 ft., low lands Sec. 5.5, lot area per two guest special permit 3.2.6

Applicant's Name: Gloucester Hotel, LLC

Owner's Name Alan G. Hill, Trustee of 79 Essex Avenue Realty Trust u/d/t dated 06/01/89 (if different from applicant) and 99 Essex Avenue Trust u/d/t dated 06/01/89

Location <u>79-99 Essex Avenue, Gloucester</u>	Map # <u>218</u>	Lot # <u>1</u>
<i>(Street Address)</i>	<u>218</u>	<u>126</u>
	<u>218</u>	<u>17</u>

Zoning Classification: EB

- Attached is a list of owners (with complete addresses) of land directly opposite on any public or private street or way, direct abutters, and abutters to the abutters of land within three hundred (300) feet of the property line, as they appear on the most recent City of Gloucester Assessor's Maps and Tax list.
- Attached is a listing of criteria set forth in Section 1.8.3(e) of the Zoning Ordinance, including any supportive material or comments the applicant may wish to include (i.e. ZBA decisions, Order of Conditions, ect.) if necessary.
- Attached are the necessary plans as set forth in Section of 1.8.3(b) of the Zoning Ordinance, which at a minimum consist of an accurate plot plan (to scale) showing existing and/or proposed building or structures.

City of Gloucester - Action	
Fee: _____	
City Clerk (received): _____	
City Council (received): _____	
Public Hearing (ordered) _____	
Public Hearing (opened) _____	
Public Hearing (closed) _____	
Final Decision _____	
Disposition _____	
(Approved, Denied, Approved w/conditions)	

Applicant: _____

Name (Signature) Gloucester Hotel, LLC

501 Idlewood Avenue, Easton, MD 21601

Address

410-822-4223

Telephone

Certified for completeness: _____

Building Inspector: [Signature] Date: 12/21/09

Planning Director: [Signature] Date: 12/21/09

Section 1.8.3 (e) – (Use additional sheets, if necessary)

1. Social, Economic, or community needs served by the proposal:

See attached.

2. Traffic flow and safety:

The project will be an improvement over previous uses on the project site from a traffic, parking, and safety perspective. The project will generate 57 new trips on a weekday afternoon peak hour, compared to several hundred trips in the peak hours generated by the 400± space parking area for the Yankee Fleet that was housed on the site previously. In contrast to those 400 spaces, the project will provide only 105 parking spaces for the hotel users as well as 12 public parking spaces for access to the waterfront, as required by Chapter 91. The project will not adversely impact the traffic conditions around the site.

3. Adequacy of utilities and other public services:

Sewer and gas services are adequate as current. The electric service to the area will be upgraded for hotel needs and will then be available to the greater neighborhood. Water is not currently adequate. A ten-inch City line is needed to link Western Avenue to the Bond Street line – the applicant is coordinating with the City on this area need.

4. Neighborhood character and social structure:

The neighborhood is a mixture of marina, motel, retail, gas stations, movie theater, restaurants, residential, municipal sewer treatment plant, and the multi-family Heights development. This use would be consistent and benefit all other neighborhood businesses.

5. Qualities of the natural environment:

The current site provides low infiltration and no storm water treatment to the salt marsh or Annisquam River. The proposed project will provide extensive storm water management systems, with extensive landscape restoration. The proposed project will substantially improve wildlife habitat function and will substantially improve runoff water from the site to the salt marsh, shellfish beds, and the Annisquam River.

6. Potential fiscal impact:

See attached.

Application for Special Permit

The undersigned applicant hereby applies for a special permit under M.G.L. Ch. 40A, §9 as follows:

1. Applicant (includes equitable owner or purchaser on a purchase and sales agreement):

Name: Gloucester Hotel, LLC

Address: 501 Idlewood Avenue, Easton, MD 21601

Tel. #: Days 410-822-4223 Evenings

Check here if you are the purchaser on a purchase and sales agreement.

2. Owner, if other than applicant:

Name: Alan G. Hill, Trustee

Address: 43 Raymond Street, Manchester, MA 01944
c/o Michael Faherty, Esq.
111 Main Street
Gloucester, MA 01930

Tel. #: Days 978-283-9233 Evenings

3. Property:

Street Address: 79/99 Essex Avenue, Gloucester, MA 01930

Assessor's map: 218 **Lots:** 1, 126 and 17

Registry of Deeds where deed, plan, or both records:

Essex South District Registry of Deeds

Deed recording:	Book	13268	Page	86
		10039		296
		<u>12374</u>		<u>71</u>

Plan recording: **Plan #** _____

Property is located in the _____ **EB** _____ zoning district.

4. Nature of relief requested:

Special permit pursuant to Article/Section 2.3.1 (12), 5.7, 3.1.6 (b) and 3.2.6, lowlands Sec. 5.5 of the
Zoning Ordinance/By-Law which authorizes City Council Special Permit to permit
a hotel with over 30 rooms and height over 35 feet.

Detailed explanation of request:

Seeking to construct a 90 room hotel on a 49.7 ± acre parcel of land at 79-99 Essex Avenue, Gloucester
(the former site of Yankee Fleet parking). The hotel will have no full service restaurant, and no bar
(only a breakfast area). Proposal is fully described in attachments.

5. Evidence to support grant of special permit:

Because of reasons set forth below, the special permit requested will be in harmony with the intent and purpose of the Zoning Ordinance/By-Law:

The City of Gloucester has wanted a national chain hotel for 20+ years. This particular area would permit such a .
hotel to service the downtown area, with easy access to the Boulevard, Stagefort Park and other City attractions
and businesses. Traffic would be less than prior use on site. The environment would be improved by the
project. The City would obtain a significant benefit in taxes and fees. The hotel would bring new tourist
and business people to Gloucester who would stay in Gloucester rather than Danvers, Peabody, etc. as is
currently. The zoning is EB, the neighborhood is a mix of business, municipal and residential uses into
which this hotel would be consistent, and would benefit all the businesses and residences around. It would
provide Ch. 91 access through planned landscaped walk to the Annisquam River.

Because of reasons set forth below, the special permit requested will meet the additional requirements of the Zoning Ordinance/By-Law as follows:

The public good will be served by bringing a top-quality national chain hotel to the City to attract and keep tourists and business people in Gloucester for the benefit of the entire community. Submittals demonstrate conformance with criteria §1.8.3, 1.8.4 and §5.7.

If someone other than owner or equitable owner (purchaser on purchase and sales agreement) is the Applicant or will represent the Applicant, owner or equitable owner must designate such representative below.

Name of Representative: Ralph C. Pino, Esq.

Address of Representative: 46 Middle street, Gloucester, MA 01930

Tel. #: Days 978-283-3538 Evenings 978-283-8825

Relationship of representative to owner or equitable owner:
Attorney

I hereby authorize Ralph C. Pino to represent my interests before the

Special Permit Granting Authority with respect to this Special Permit Application.

(Signed by owner/equitable owner) *M. David Hill*
Gloucester Hotel, LLC

Because of reasons set forth below, the special permit requested will meet the additional requirements of the Zoning Ordinance/By-Law as follows:

The public good will be served by bringing a top-quality national chain hotel to the City to attract and keep tourists and business people in Gloucester for the benefit of the entire community. Submittals demonstrate conformance with criteria §1.8.3, 1.8.4 and §5.7.

If someone other than owner or equitable owner (purchaser on purchase and sales agreement) is the Applicant or will represent the Applicant, owner or equitable owner must designate such representative below.

Name of Representative: Ralph C. Pino, Esq.

Address of Representative: 46 Middle street, Gloucester, MA 01930

Tel. #: Days 978-283-3538 Evenings 978-283-8825

Relationship of representative to owner or equitable owner:

Attorney

I hereby authorize Ralph C. Pino to represent my interests before the

Special Permit Granting Authority with respect to this Special Permit Application.

(Signed by owner/equitable owner) Gloucester Hotel, LLC

I hereby certify under the pains and penalties of perjury that the information contained in this Application is true and complete.

W. David Hill 12/18/09
Signature of Applicant Date
Gloucester Hotel, LLC

Alan G. Hill 12/21/09
Signature of Owner, if other Date
than Applicant
Alan G. Hill, Trustee

W. David Hill 12/18/09
Signature of Equitable Owner Date
who is filing Application to
satisfy condition of Purchase
and Sales Agreement

**PROPOSED
HILTON WORLDWIDE
HAMPTON INN & SUITES PROJECT**

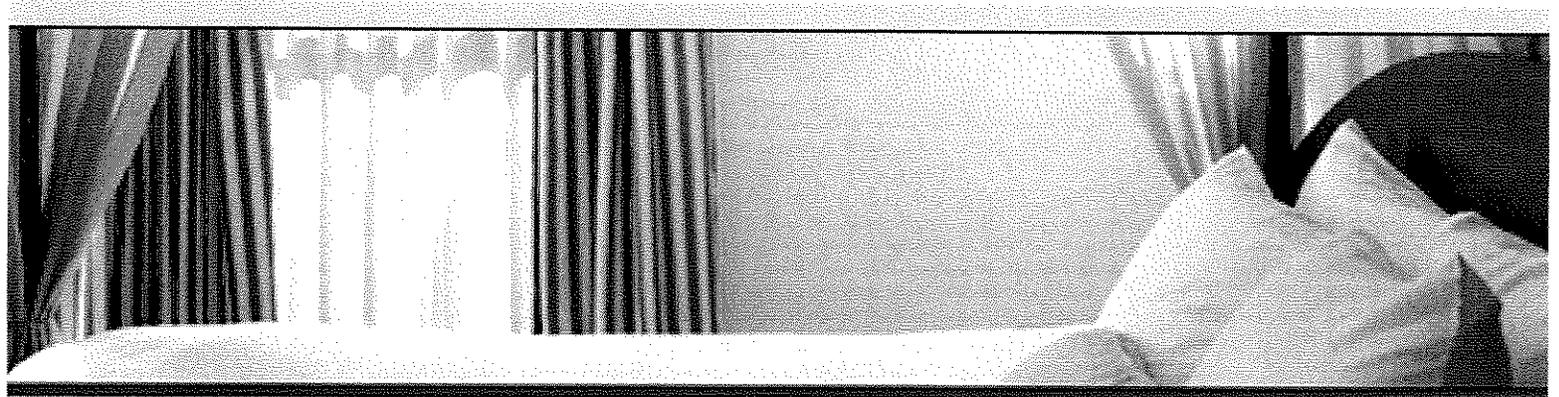
**DEVELOPER'S ANALYSIS OF POTENTIAL
ECONOMIC AND FISCAL BENEFITS**

**TO THE
CITY OF GLOUCESTER**

Prepared by:

CAULK MANAGEMENT COMPANY

December 2009



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2. Executive Summary3

3. Analysis4

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4. Additional Note7

1. Introduction

The City Council of the City of Gloucester is considering permitting the proposed Hampton Inn & Suites project at 99A Essex Avenue. One of the benefits of the proposed hotel project is the positive economic and fiscal impacts that it can potentially generate. As such, when evaluating the merits of permitting the Hampton Inn & Suites project to move forward, it is useful to present the City Council with an estimate of the benefits that the City could potentially receive as a result of the project.

The analysis in this paper is based on a 90-room Hampton Inn & Suites and projections of a \$139 Average Daily Rate and 67% Occupancy percentage in the projected year of stabilization (2014).

2. Executive Summary

- The estimated annually recurring revenues/fees to the City of Gloucester Government from the ongoing operations of the proposed hotel project exceed \$249,000 per year.
- The estimated one-time revenues/fees to the City of Gloucester Government during the year of construction exceed \$109,000.
- The estimated positive economic impact to the local economy from construction of the Hampton Inn & Suites may exceed \$4,550,000. In addition, numerous construction-related jobs would be created.
- The hotel would employ approximately 25 – 30 full and part-time employees, and generate in excess of \$500,000 in annual earnings.
- Direct spending by hotel guests in area businesses may exceed \$2,200,000 per year.
- The hotel would have numerous other indirect, tangible and intangible benefits to the City of Gloucester, as set out in this document.
- The project is not currently seeking subsidization by the City of Gloucester.

3. Analysis

3.1. City Government Recurring Revenues/Fees

The Estimated Recurring Revenues to the City Government May Exceed \$249,000 per year

Current estimates of the value of the proposed project (based on a 90 room hotel) are over \$10,500,000. Based on this figure and current property tax rates in Gloucester, potential property tax revenues at project completion are estimated at over **\$107,000 per year**.

The hotel will generate additional local receipts including hotel excise taxes, and a variety of other fees. Based on the projected occupancy of 67% in its first year of stabilization (2014) and average room rate of \$139 per night, the City may receive in excess of **\$122,000 per year** in room tax revenue.

In addition to tax revenues, annual fees will be generated via water and sewer billing. Based on analysis of our existing Hampton Inn branded hotel's water usage, we estimate that the project would generate over **\$20,000 per year** through water and sewer rate payments.

The total of the annually recurring fees to the City of Gloucester from the proposed Hampton Inn & Suites' operations is therefore estimated at **\$249,000**.

3.2. City Government One-Time Revenues/Fees

The Project May Generate Approximately \$109,000 in One-Time Revenues/Fees from Construction to the City Government

The revenues discussed in the prior section would be generated on an annual basis, once the hotel is operational. However, during the construction period there would be several one-time revenues to the City in the form of permit fees. With a currently estimated building construction cost of \$6,150,000, and based on current permit fee rates, the building permit fee for the project is estimated at **\$63,100**. The electrical permit is also based upon the estimated construction value and is therefore estimated at **\$24,600**. The plumbing permit fee is estimated at **\$18,400**. The sewer connection permit and inspection fees are estimated at **\$3,000**. The total of one-time permit fees during the construction period is therefore estimated at **approximately \$109,000**.

3.3. Economic Impacts

The Economic Impact from Construction of the Hampton Inn & Suites Hotel is Projected at \$4,550,000 during the Year of Construction

In addition to the fiscal (permit-related) benefits to the City of Gloucester Government during the project's construction, a one-time economic impact from construction of the property would also be generated to the City of Gloucester. In every hotel project that we develop, we endeavor to draw as much as possible on the sub-contractor and product vendor resources in the local community, so long as it makes economic sense for the project to do so. Analysis performed by the General Contractor of our last three hotel projects reveals that approximately 70% - 78% of the costs of the construction contract for these projects have been spent in the local economy. We currently estimate the construction contract cost (covering both labor and material) for the project at \$6,150,000. Assuming that 74% of the costs of the construction contract of the project are spent in the region's economy, then that would result in approximately **\$4,550,000** of positive local economic impact during the year of construction.

Based on past experience, construction-related jobs would be filled predominantly by existing and future local residents. Many of the jobs created could likely be filled by the existing population as additional means of income in the form of part-time or second jobs. There would be additional potential net impacts to the Cape Anne region in terms of spending, employment and earnings generated from construction.

Economic Impacts from On-Going Operations of the Proposed Hampton Inn & Suites Hotel

Direct Impacts

Jobs Created – The new Hampton Inn & Suites may create approximately **25 - 30 full and part-time positions**. It is estimated that these jobs would generate in excess of **\$500,000 annually** in total earnings. Many of the jobs created would likely be filled by the existing population as full time jobs, or as additional means of income in the form of part-time or second jobs.

Direct Spending by Hotel Guests – Once the Hampton Inn & Suites is in operation, one of the benefits generated would result from the impact of spending by hotel guests at area businesses. This would be facilitated by hotel shuttles that would be at the ready to transport hotel guests to and from Main Street Gloucester and elsewhere locally. If such spending were to amount to \$100 per day per room-night (a conservative estimate), then based on the assumptions set out above, the annual direct spending in the local economy by hotel guests would be estimated at over **\$2,200,000** per year.

Budgetary Spending by the Hotel – The proposed hotel is considered a business entity that purchases goods and services from the local economy that are not currently purchased without its existence. For instance, when the hotel uses the services of snow removal or food catering vendor, it directly impacts these vendors. Indirect impacts occur when these vendors in turn purchase goods and services from their vendors.

Indirect/Secondary Impacts

The economic activity that may be generated through the on-going operations of the proposed new Hampton Inn & Suites hotel affects more than just the property; rather, it would have ripple effects in the Gloucester and Cape Anne economy. In preparation for new spending in the economy, several other economic sectors are impacted and jobs are created. To further illustrate this point, for example, consider that local restaurants must hire employees before the hotel guest spending takes place at the restaurant. These impacts would significantly benefit area businesses and citizens.

3.4. Other Economic Impacts of the Project

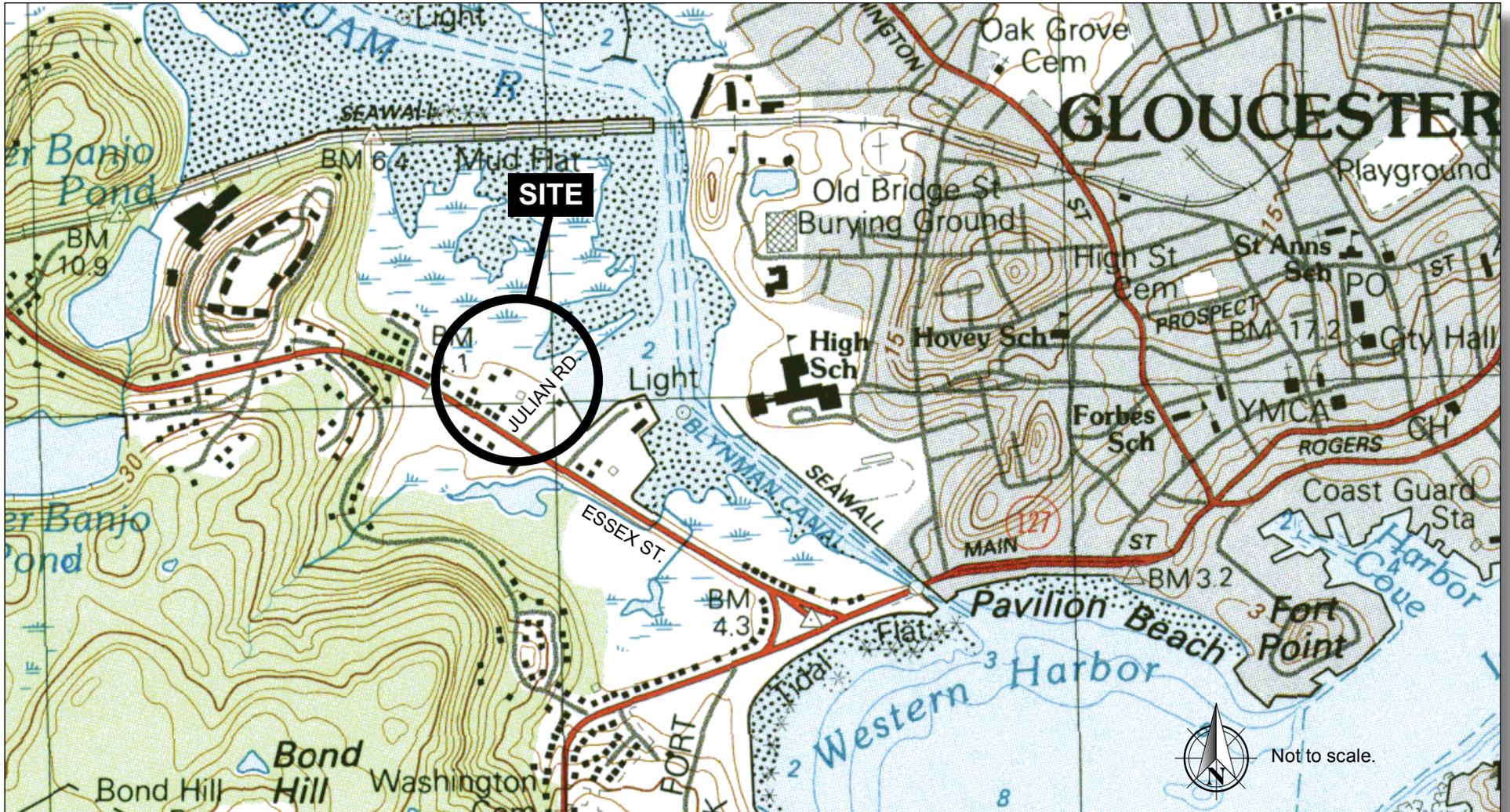
In addition to the above, the City could benefit from the proposed new hotel in a number of ways, including such tangible and intangible benefits as:

- Enhancing the mix of lodging services and amenities available to area businesses
- Enhancing the area's image as a business and tourist destination
- Receiving increased regional and national exposure through destination marketing via the national marketing arm of Hilton Worldwide
- Development of an upscale focused service hotel by a developer with a proven track record of developing and managing award-winning hotels
- Generating additional economic activity for local businesses and service companies and increasing related tax revenues
- Enhancing the land values of the surrounding properties and increasing property tax revenues

4. Additional Note

We are not currently seeking public subsidy of the hotel, as we do not plan to pursue tax credits or other incentive financing applications with the City of Gloucester. Therefore, there would be no potential loss in tax revenues to the City from any tax credits.

Figure 1. Site Location Map



SPECIAL CITY COUNCIL PERMIT #2010-001

**79-99 Essex Avenue, Sec. 2.3.1 (12), Sec. 5.7.3 Major Project, Sec. 3.1.6 (b) height
excess 35 ft., lowlands Sec. 5.5, lot area per two guest special permit 3.2.6**

**MAPS AND OTHER REQUIRED DOCUMENTATION ON FILE IN THE CITY
CLERK'S OFFICE**



CITY OF GLOUCESTER
GLOUCESTER, MASSACHUSETTS - 01930

City of Gloucester
Special Council Permit - Application

CITY CLERK
GLOUCESTER, MA
09 DEC 28 AM 8:55

3/11/2010

(Public hearing to be held no later than above date)

In conformance with the requirements of the Zoning Ordinance of the City of Gloucester, the undersigned hereby applies for a Special Council Permit (CC or CCS) in accordance with Section 1.8.3 of the Ordinance and other Sections as listed below:

Type of Permit (Give specific section of Zoning Ordinance) special permit pursuant to 2.3.4 (8) and 5.18

Applicant's Name: American Lobster, a d/b/a of Sakurabana, Inc.

Owner's Name East Gloucester Marine, LLC
(if different from applicant.)

Location 121 East Main Street, Gloucester Map # 59 Lot # 77
(Street Address)

Zoning Classification: MI

- Attached is a list of owners (with complete addresses) of land directly opposite on any public or private street or way, direct abutters, and abutters to the abutters of land within three hundred (300) feet of the property line, as they appear on the most recent City of Gloucester Assessor's Maps and Tax list.
- Attached is a listing of criteria set forth in Section 1.8.3(e) of the Zoning Ordinance, including any supportive material or comments the applicant may wish to include (i.e. ZBA decisions, Order of Conditions, ect.) if necessary.
- Attached are the necessary plans as set forth in Section of 1.8.3(b) of the Zoning Ordinance, which at a minimum consist of an accurate plot plan (to scale) showing existing and/or proposed building or structures.

City of Gloucester - Action	
Fee:	<u>350.00</u> <u>check 51476</u>
City Clerk (received):	<u>Jmc</u> <u>12/21/09</u>
City Council (received):	<u>1/11/2010</u>
Public Hearing (ordered)	_____
Public Hearing (opened)	_____
Public Hearing (closed)	_____
Final Decision	_____
Disposition	_____
(Approved, Denied, Approved w/conditions)	

Applicant: Sakurabana, Inc.
d/b/a American Lobster
 Name (Signature) [Signature] Hironori Koga, President
57 Broad Street, Boston, MA 02109
 Address c/o Ralph C. Pino, Esq.
46 Middle Street
Gloucester, MA 01930
 Telephone 978-283-3538

Certified for completeness:
 Building Inspector: [Signature] Date: 12/21/09
 Planning Director: [Signature] Date: 12/21/09



CITY OF GLOUCESTER
GLOUCESTER, MASSACHUSETTS - 01930

City of Gloucester
Special Council Permit - Application

(Public hearing to be held no later than above date)

In conformance with the requirements of the Zoning Ordinance of the City of Gloucester, the undersigned hereby applies for a Special Council Permit (CC or CCS) in accordance with Section 1.8.3 of the Ordinance and other Sections as listed below:

Type of Permit(Give specific section of Zoning Ordinance) special permit pursuant to 2.3.4 (8) and 5.18

Applicant's Name: American Lobster, a d/b/a of Sakurabana, Inc.

Owner's Name East Gloucester Marine, LLC
(if different from applicant)

Location 121 East Main Street, Gloucester Map # 59 Lot # 77
(Street Address)

Zoning Classification: MI

- Attached is a list of owners (with complete addresses) of land directly opposite on any public or private street or way, direct abutters, and abutters to the abutters of land within three hundred (300) feet of the property line, as they appear on the most recent City of Gloucester Assessor's Maps and Tax list.
- Attached is a listing of criteria set forth in Section 1.8.3(e) of the Zoning Ordinance, including any supportive material or comments the applicant may wish to include (i.e. ZBA decisions, Order of Conditions, ect.) if necessary.
- Attached are the necessary plans as set forth in Section of 1.8.3(b) of the Zoning Ordinance, which at a minimum consist of an accurate plot plan (to scale) showing existing and/or proposed building or structures.

City of Gloucester - Action

Fee: _____
 City Clerk (received): _____
 City Council (received): _____
 Public Hearing (ordered) _____
 Public Hearing (opened) _____
 Public Hearing (closed) _____
 Final Decision _____
 Disposition _____
 (Approved, Denied, Approved w/conditions)

Applicant: Sakurabana, Inc.
d/b/a American Lobster
 Name (Signature) Hironori Koga, President
57 Broad Street, Boston, MA 02109
 Address c/o Ralph C. Pino, Esq.
46 Middle Street
Gloucester, MA 01930
 Telephone 978-283-3538

Certified for completeness:
Building Inspector: _____ Date: _____

Planning Director: _____ Date: _____

City of Gloucester Special Permit Application

Sakurabana, Inc. d/b/a American Lobster
121 East Main Street, Gloucester

The various harbor plans and proposals recognize a need for supporting uses for the harbor front properties to prevent their decay and make properties economically viable. This property currently supports various water-dependent uses including a commercial lobster and sushi company, Yankee Fleet operations, boat dockage and storage. The existing building was formerly completely used as a restaurant (Bob's Clam Shack) and is currently a mixed use of retail, restaurant, Yankee Fleet office and retail, and vacant space. The building has not been viable for uses permitted by right. The proposed use as a seafood restaurant incorporating the on site lobster/sushi company's products and cook on site catch from Yankee Fleet would create exactly the type of mixed compatible use the harbor plans envision. The restaurant would both support and be benefited by the Yankee Fleet operation and the lobster/sushi company (as well as other fish suppliers).

Section 4.8.3(e) - (Use additional sheets, if necessary)

1. *Social, Economic, or community needs served by the proposal:*

See attached sheet

2. *Traffic flow and safety :*

The premises has fully conforming parking. The lot has wide frontage with good visibility on to East Main Street. The traffic associated with this use would be a minimal addition to that using East Main Street.

3. *Adequacy of utilities and other public services :*

Premises are served by municipal sewer and water -- all adequate for proposed use.

4. *Neighborhood character and social structure :*

There are no exterior modifications to the building. The neighborhood is mixed use with commercial, industrial, restaurants and residential. This use would be consistent and small than the former restaurant on site.

5. *Qualities of the natural environment :*

No exterior changes will be required and no change to the natural environment.

6. *Potential fiscal impact:*

Increased tax revenue, support of existing water-dependent businesses.

The applicant is advised that City staff is available to assist the applicant in preparing the application, including the Inspector of Buildings and City Planner.

Application For Special Permit

The undersigned applicant hereby applies for a special permit under M.G.G., Ch. 40A, § 9 as follows.

1. Applicant (includes equitable owner or purchaser on a purchase and sales agreement):

Name: Sakurabana, Inc. d/b/a American Lobster

Address: 57 Broad Street, Boston, MA 02109 (Lessee)

Tel. #: Days _____ Evenings _____

_____ Check here if you are the purchaser on a purchase and sales agreement.

2. Owner, if other than applicant:

Name: East Gloucester Marine, LLC

Address: 8 Norwood Court, Gloucester, MA 01930

c/o Ralph C. Pino, Esq., 46 Middle Street, Gloucester, MA 01930

Tel. #: Days 978-283-3538 Evenings 978-283-8825

3. Property:

Street address: 121 East Main Street, Gloucester

Assessor's map: 58 Lot: 34
59 71

Registry of deeds where deed, plan, or both records:

Essex South District Registry of Deeds

Deed recording: Book 27282 Page 210

Plan recording: Plan # _____

Property is location in the _____ MI _____ zoning district.

4. Nature of relief requested:

Special permit pursuant to Artical/Section 2.3.4 (8) of the
Zoning Ordinance/By-Law which authorizes City Council to permit
restaurant without outdoor seating with takeout less than 20%.

Detailed explanation of request:

Permit a seafood restaurant without outdoor seating and with takeout
constituting no more than 20% of the total business in the center/rear
portion of the building. No all alcohol license to be requested. To
encourage the cooking of Yankee Fleet's fishing catch and utilization of
local (including on site) fish/seafood product.

5. Evidence to support grant of special permit:

Because of reasons set forth below, the special permit requested will be in harmony with the intent and purpose of the Zoning Ordinance/By-Law:

See attached sheet

Because of reasons set forth below, the special permit requested will meet the additional requirements of the Zoning Ordinance/By-Law as follows:

See attached sheet

If someone other than owner or equitable owner (purchaser on a purchase and sales agreement) is the Applicant or will represent the Applicant, owner or equitable owner must designate such representative below.

Name of Representative: Ralph C. Pino, Esq.

Address of Representative: 46 Middle Street, Gloucester, MA 01930

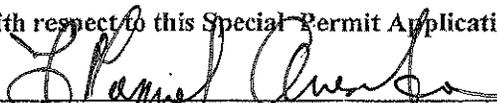
Tel. #: Days 978-283-3538 Evenings 978-283-8825

Relationship of representative to owner or equitable owner:

Attorney

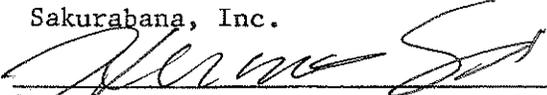
I hereby authorize Ralph C. Pino, Esq. to represent my interests before the Special Permit Granting Authority with respect to this Special Permit Application.

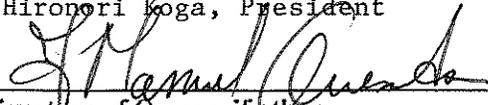
(Signed by owner/equitable owner)


East Gloucester Marine, LLC
Manuel Quesada

I hereby certify under the pains and penalties of perjury that the information contained in this Application is true and complete.

Sakurabana, Inc.

 12/3/2009
Signature of Applicant Date
Hironori Koga, President

 12-3-09
Signature of Owner, if other Date
than Applicant East Gloucester Marine, LLC
Manuel Quesada

Signature of Equitable Owner Date
Who is filing Application to
satisfy condition of
Purchase and sales agreement

SPECIAL CITY COUNCIL PERMIT #2010-002

121 East Main Street, Sec. 2.3.4(8) and 5.18

**MAPS AND OTHER REQUIRED DOCUMENTATION ON FILE IN THE CITY
CLERK'S OFFICE**



GLOUCESTER CITY COUNCIL 2010

COMMUNICATION

RECEIVED: 12/16/09

NUMBER: COM2010-001

NUMBER OF PAGES: 1

SUBJECT: High Popples – Links Road Sewer Project, LLC

MICHELE HOLOVAK HARRISON

Attorney at Law
63 Middle Street
Gloucester, MA 01930

CITY CLERK
GLOUCESTER, MA

09 DEC 16 AM 10:47

Telephone (978) 283-7432
Facsimile (978) 283-9966
Email harrisonlaw@verizon.net

December 15, 2009

Bruce H. Tobey, President
Gloucester City Council
c/o Linda T. Lowe, City Clerk
City Hall
9 Dale Avenue
Gloucester, MA 01930

RE: High Popples - Links Road Sewer Project, LLC

Dear Mr. President:

This office represents the High Popples – Links Road Sewer Project, LLC (Petitioner). The Petitioner caused to have constructed and installed in two phases a private sewer extension in High Popples Road and Links Road in 2006 and 2008. The Petitioner requests that the City formally accept the sewer extension which has been functioning without incident since its completion.

It is my understanding that although the City Charter provides that the Director of Public Works is responsible for all public works projects, the City Council must accept the private sewer works as public property prior to the release of the security for their construction.

Please refer this matter to the Planning and Development Standing Committee for its recommendation to accept this privately installed sewer system for further approval by the City Council.

It is my understanding that this request is supported by the Director of Public Works. If further information is requested, please feel free to contact this office.

Very truly yours,

Michele Holovak Harrison

cc: Michael Hale, AICP, Director of Public Works
Suzanne P. Egan, General Counsel
Kathleen Clancy, Manager, High Popples – Links Road Sewer Project, LLC



**GLOUCESTER CITY COUNCIL 2010
COMMUNICATION
RECEIVED: 12/29/09
NUMBER: COM2010-002
NUMBER OF PAGES: 8
SUBJECT: 43D Priority Development Site and 2009 Harbor Plan
Zoning Recommendations**



CITY OF GLOUCESTER

Planning Board

3 Pond Road, Gloucester, MA 01930
Tel 978-281-9781
Fax 978-281-9779

09 DEC 29 PM 3:35
CITY CLERK
GLOUCESTER, MA

**Date: December 29, 2009
To: City Council
From: Planning Board**

RE: 43D Priority Development Site and 2009 Harbor Plan Zoning Recommendations

As per Chapter 40A Section 5 and Section 1.11 of the Gloucester Zoning Ordinance, at a meeting of the Planning Board on December 28, 2009, the Board voted unanimously (7-0) to submit to the City Council the following series of proposed amendments to the Zoning Ordinance. The amendments are presented in order of appearance in the Zoning Ordinance by section. The submission includes proposed amendments to the following sections: Section 2.2.1, Section 2.3, Section 5.5, Section 5.8 and Section 5.18. New language or restructured language is presented in bold, except in the case where an entirely new section is proposed (Section 5.8 Site Plan Review). These proposals were presented to the Board by planning staff and are the result of the combined efforts of the 43D Priority Development Site permitting review, and as part of the implementation of the newly approved 2009 Harbor Plan. Additional annotated materials, "redline" copy, and presentations are anticipated at the public hearings of the Planning Board and City Council, and meetings of Planning and Development Standing Committee of the City Council.

PROPOSED AMENDMENTS

Section 2.2.1

New, or expansion of, commercial, industrial, or multifamily uses, and other site alterations, may be subject to Site Plan Review. See Section 5.8 for applicability.

Section 2.3 Use Tables

Section	Use	Current MI	Proposed MI ¹
2.3.2(14)	Airport, heliport	CCS	N
2.3.3(1)	Agriculture, horticulture, floriculture on lots < 5 acres	Y	N
2.3.3(3)	Sale of products grown pursuant 3.2.3(1&2)	Y	N
2.3.4(10)	Motor vehicle sales or rental	Y	N
2.3.4(11)	Motor vehicle service, fueling, storage or repair	CC	N
2.3.4(13)	Marine related service, storage, or repair limited in the MI primarily to commercial vessels and recreational vessels	CC	Y
2.3.4(26)	Facilities for water transportation loading and unloading	-	Y
2.3.7(2)	Parking or storage of agricultural machinery used on the premises	Y	N

(1) In the MI District, Supporting Designated Port Area (DPA) Uses, as defined in 310 CMR 9.02, shall not in the aggregate occupy more than 50% of the ground level area on filled tidelands and uplands of a lot within the DPA. Such uses shall also be subject to dimensional requirements of 310 CMR 9.0. Within the water-dependent use zone, as defined in 310 CMR 9.02, in the MI District no use shall be permitted unless it provides access to water-borne vessels.

Section 5.5 Lowland Requirements

5.5.1

No person shall remove, fill, dredge or build upon any bank, marsh, swamp, or flat bordering on coastal or inland waters or any other land subject to tidal action or coastal storm flowage without a special permit from the City Council. Such permit shall be issued only upon determination that the requirements of the *Wetlands Protection Act* (G.L. Ch. 131, Sec. 40) and the Gloucester Wetlands Ordinance have been satisfied, and that such removal, filling, dredging or 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.

5.5.4

Sections 5.5.1 through 5.5.3 shall not apply to commercial or industrial projects bordering Gloucester Harbor north and east of a line from the mouth of the Blynman Canal to the intersection of Farrington Avenue and Eastern Point Boulevard.

5.8 Site Plan Review

5.8.1 Purpose

The purpose of this section is to facilitate individual detailed review of development proposals which have an impact on the natural or built environment of the City in order to promote the health, safety and general welfare of the community; to ensure adequate parking, safe and accessible pedestrian and vehicular circulation; and to minimize traffic impact on city streets.

5.8.2 Applicability

The following types of activities and uses require site plan review by the Planning Board:

- A) Any new industrial or commercial construction or expansion over two thousand (2,000) gross square feet, or any new or expanded industrial or commercial use which requires more than five (5) additional parking spaces;
- B) In the MI district and new industrial or commercial projects or additions, change of use, or project requiring a special permit or variance.
- C) The construction or creation of any new parking lot or the expansion, or redesign of any existing parking lot.
- D) New multiple family residential construction of three (3) or more units or expansion of existing multi-family residential structures resulting in the creation of one or more additional units.
- E) New two-family dwellings, with the exception of Cluster Developments.
- F) Driveways in residential districts, which propose more than one curb cut.

5.8.3 Pre-Application

Applicants are invited to submit a pre-application sketch of proposed projects to the Planning Division and are encouraged to schedule a pre-application meeting with the Planning Director and the Inspector of Buildings.

5.8.4 Procedures

Applicants for site plan approval shall submit five (5) copies of the site plan and a digital copy including any supporting materials, to the Planning Board. Application materials shall be distributed to City departments their review and comment. The Planning Board shall review and act upon the site plan at a regularly scheduled meeting within forty five (45) days of the meeting a project appears on a Planning Board agenda. The Planning Board may impose such conditions as may be deemed appropriate. The decision of the Planning Board shall be a vote of a majority of a quorum of the Planning Board. A written decision reflecting the vote of the Planning Board shall be filed with the City Clerk within 14 days of the vote.

No building permit or occupancy permit, for activities requiring site plan approval, shall be issued by the Inspector of Buildings without the written approval of the site plan by the Planning Board. Any work done in deviation from an approved site plan shall be a violation of this Ordinance. Approval of a site plan pursuant to Section 5.8 et seq. shall be in addition to any required special permit or other forms of relief as required by the Zoning Ordinance.

5.8.4.1 Relation of Site Plan Approval to Applications for Special Permit or Variance

Applications for projects requiring special permit or variance which also requires site plan approval, shall be accompanied by an approved site plan. In the alternative, any special permit or variance granted also requiring site plan approval shall contain the following condition:

“The work described herein requires the approval of a site plan by the Gloucester Planning Board pursuant to Section 5.8 of the Zoning Ordinance. Any conditions imposed in such site plan approval shall be incorporated herein by reference.”

5.8.4.2 Where the Planning Board approves a site plan with conditions, and said approved site plan accompanies a special permit or variance application to the City Council or Zoning Board of Appeals, the conditions imposed by the Planning Board shall be incorporated into the issuance, if any, of a special permit or variance.

5.8.4.3 Where the Planning Board shall consolidate its site plan review with special permit procedures including but not limited to Major Project reviews.

5.8.4.4. The applicant may request, and the Planning Board may grant by majority vote, an extension of the time limits set forth herein.

5.8.4.5 No deviation from an approved site plan shall be permitted without approval of modifications by vote of the Planning Board.

5.8.4.6 Site plan approval does not constitute a certification that the proposed plan conforms to applicable zoning regulations, wetland regulations and/or any other City, State or Federal requirements that must be obtained prior to implementation of the elements of the site plan.

5.8.5 Preparation of Plans

Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1"=40'.

5.8.5.1 Plan Contents. Plan sheets prepared at a scale of one (1) inch equals forty (40) feet or such other scale as may be approved by the Planning Board. Composite plans may be submitted provided details can be easily analyzed. In the case of change of use permits with limited site alterations, the required submission of one or more plans may be waived by the Planning Board upon recommendation by City department staff. Minimum plan requirements shall be outlined on the Site Plan Review Application. The plans to be submitted are as follows:

(A). **Site layout plan**, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, general circulation plan for vehicles and pedestrians, drive-thru windows, curb cut locations, parking, fences, walls, walkways, outdoor lighting including proposed fixtures, loading facilities, solid waste storage locations, and areas for snow storage after plowing. The plan shall contain an inset locus plan, at a scale of one (1) inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and

roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the Planning Board.

(B) Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling storm water runoff drainage.

(C) Utility plan, which shall include all facilities for refuse and sewerage disposal or storage of all these wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site, all proposed recreational facilities and open space areas, and all wetlands including floodplain areas.

(D) Architectural plan, which shall include the ground floor plan, proposed exterior building materials, treatments and colors and architectural elevations of all proposed buildings and a color rendering where necessary to determine the proposal's affect on the visual environment. Such plan shall also include the design of any freestanding signs.

(E). Landscaping plan, showing the limits of work, existing tree lines as well as those tree lines to remain, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures during construction.

(F) Lighting plan, showing the location and orientation of all existing and proposed exterior lighting, including building and ground lighting. The plan shall note the height, initial foot-candle readings on the ground and the types of fixtures to be used.

5.8.5.2 The site plan shall be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.

5.8.5.3 A written summary of the contemplated projects shall be submitted with the site plan indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land or provide public access, and any other evidence necessary to indicate compliance with this ordinance.

5.8.5.4 The site plan shall be accompanied by drainage calculations by a registered professional engineer as well as wetland delineations, if applicable. Water utilities, sewer infrastructure and stormwater drainage shall be design to conform to Gloucester Subdivision Rules and Regulations and standards of the Department of Public Works.

5.8.5.5 Certification that the proposal is in compliance with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.

5.8.6 Waivers

The Planning Board may, upon written request of the applicant and recommendation by City department staff, waive any of the submittal or technical requirements of Section 5.8.5 where the project involves relatively simple development plans.

5.8.7 Review Guidelines and Approval

Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following objectives. The Planning Board may impose reasonable conditions at the expense of the applicant to promote these objectives. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as follows:

- A) A reasonable effort shall be made to conserve and protect natural features that are of some lasting benefit to the site, its environs and the community at large.
- B) Slopes, which exceed ten (10%) percent, shall be protected by appropriate measures against erosion, runoff, and unstable soil, trees and rocks. Measures shall be taken to stabilize the land surface from unnecessary disruption. Such stabilization measures shall be the responsibility of the property owner.
- C) The placement of buildings, structures, fences, lighting, signs, and fixtures on each site shall not interfere with traffic circulation, safety, appropriate use and enjoyment of adjacent properties.
Adequate illumination shall be provided to parking lots and other areas for vehicular and pedestrian circulation. All illumination shall be directed and/or shielded so as not to shine beyond the perimeter of the site or interfere with traffic.
- D) All areas designed for vehicular use shall be paved with a minimum of either a three (3") inch bituminous asphalt concrete, a six (6") inch Portland cement concrete pavement, or other surface, such as brick, cobblestone or gravel, as approved by the Department of Public Works.
- E) All parking spaces shall be arranged and clearly marked in accordance with the design and layout standards contained in Section 4.14 of the Zoning Ordinance.
- F) All utility service transmission systems, including but not limited to water, sewer, natural gas, electrical and telephone lines, shall, whenever practicable, be placed underground.
- G) All surface water runoff from structures and impervious surfaces shall be disposed of on site; but in no case shall surface water drainage be across sidewalks or public or private ways. In no case shall surface water runoff be drained directly into wetlands or water bodies. Drainage systems shall be designed to minimize the discharge of pollutants by providing appropriately designed vegetated drainage channels and sedimentation basins that allow for adequate settling of suspended solids and maximum infiltration. Dry wells, leaching pits and other similar drainage structures may be used only where other methods are not practicable. Oil, grease, and sediments traps to facilitate removal of contaminants shall precede all such drainage structures. All calculations shall be for a one hundred (100) year storm. Drainage design shall be in accordance with Department of Public Works regulations as amended.
- H) In the MI district development proposals shall comply with the standards and requirements with regard to the placement and dimensions of structures as regulated by G.L. c.91 and 310 CMR 9.00 et seq.

- D) Pedestrian safety and vehicular safety to and from the site shall be maximized provided it does not interfere with the proposed use.
- J) Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.
- K) Ensure compliance with the provisions of this Zoning Ordinance.
- L) Promote orderly and reasonable internal circulation within the site so as to protect public safety and not unreasonably interfere with access to a public way or circulation of pedestrian or vehicular traffic on a public way.

5.8.8 Lapse

Site plan approval shall lapse after one year from the final approval if a substantial use in accordance with such approved plans has not commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant, within this one year period.

5.8.9 Regulations

The Planning Board may adopt, and from time to time amend, reasonable regulations for the administration of this Site Plan ordinance.

5.8.10 Fee

The Planning Board may, from time to time, adopt reasonable administrative fees and technical review fees for site plan review.

5.8.11 Appeal

Any person aggrieved by a decision of the Planning Board rendered pursuant to section 5.8 may appeal such decision to the Zoning Board of Appeals as provided in G.L. c. 40A section 8.

Section 5.8 Freight, Transportation Terminal Facilities (OLD) to be relocated to a footnote to Section 2.3.

5.18 Marine Industrial District

For all uses requiring a special permit in the Marine Industrial (MI) district, and located within 200 feet of the water's edge, in addition to the requirements for the issuance of special permits contained in Sections 1.5.3, 1.5.4, and 5.7 herein, the Special Permit Granting Authority in approving the project must find that:

1. **The proposed use will not displace an existing water-dependent use with a non water-dependent use;**
2. **The proposed use will not, by virtue of its location, scale, duration, operation, or other aspects, pre-empt or interfere with existing or future development of water-dependent uses of the project site or surrounding property;**
3. **The proposed use is compatible with the working waterfront character of the zone;**
4. **The proposed project will not displace existing commercial fishing vessel berthing in Gloucester Harbor, without providing equivalent space and draft at a suitable alternative site not already used by commercial fishing vessels;**
5. **The proposed use will not adversely affect the preservation of water-dependent uses on surrounding properties.**

In exercising its power under this section, the Special Permit Granting Authority, may impose reasonable modifications, conditions, or limitations as are necessary or appropriate to ensure that the presence of the proposed development does not result in any of the above adverse impacts or otherwise adversely affect the primary character of the area as a working waterfront.



GLOUCESTER CITY COUNCIL 2010
COMMUNICATION

RECEIVED: 12/30/09

NUMBER: COM2010-003

NUMBER OF PAGES: 1

SUBJECT: Extension of Special Permit re: 14 Cliff Avenue



GLOVSKY & GLOVSKY LLC

ATTORNEYS AT LAW

Miranda P. Gooding
mgooding@glovskyx2.com
Direct Dial (978) 720-3122

December 29, 2009

Gloucester City Council
Gloucester City Hall
9 Dale Avenue
Gloucester, MA 01930

CITY CLERK
GLOUCESTER, MA
09 DEC 30 PM 1:50

Re: *Multi-Family Major Project Special Permit dated February 14, 2008*
Property: 14 Cliff Avenue
Applicant: Windover Properties, LLC

Dear Honorable Council:

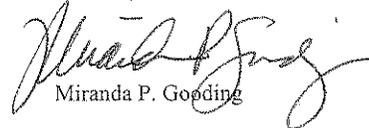
I am writing on behalf of the above-referenced Applicant, Windover Properties, LLC ("Windover"), to request an extension of the term of the above-referenced Special Permit, which will otherwise expire on February 14, 2010. The Special Permit authorized the construction of a twelve-unit, luxury condominium project on approximately two acres of shorefront property in Magnolia. Shortly after the Special Permit was issued in February 2008, the real estate market, and economic conditions generally, declined precipitously. As a result, the development of the approved project has not been feasible during the past two-year period.

During the interim, Windover has explored the possibility of developing a more modest, six-unit project on the site. Earlier this month Windover obtained a special permit and variances from the Zoning Board of Appeal authorizing the smaller project (the written decision has not yet been issued). The modified project does not require further City Council approval, but may require additional review and approval by the Conservation Commission.

Due to the unpredictability of the remaining permitting process, the possibility of appeal of the new permits and the continued economic uncertainty, Windover wishes to preserve its rights under the existing Special Permit. Accordingly, Windover respectfully requests the Council to grant an eighteen (18) month extension of the term of the Special Permit to August 14, 2011.

Kindly place this request on the agenda for consideration at the first opportunity in the Council's new session in January. Thank you very much for your consideration.

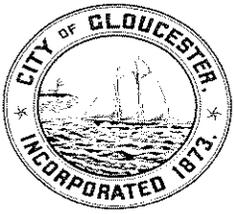
Sincerely,



Miranda P. Gooding

MPG/dt

cc: Gregg M. Cademartori, Planning Director
William Sanborn, Building Inspector
Lee R. Dellicker, President



**CITY OF GLOUCESTER 2010
CITY COUNCIL ORDER**

ORDER: #CC2010-001
COUNCILLOR: Bruce Tobey and Joe Ciolino

DATE RECEIVED BY COUNCIL: 01/05/2010
REFERRED TO: O&A & B&F
FOR COUNCIL VOTE:

Ordered that City Council continue to consider whether Gloucester should become a member of the Essex North Shore Agricultural and Technical School District as established by Chapter 463 of the Acts of 2004 and Chapter 9 of the Acts of 2006.

Councillors Bruce Tobey and Joe Ciolino

Office of the City Clerk

9 Dale Avenue • Gloucester, Massachusetts 01930

Office (978) 281-9720

Fax (978) 282-1350

E-mail: llowe@gloucester-ma.gov

December 17, 2009

Wayne Marquis, Chairman
Merger Oversight Board
N. Shore Regional Vocational School District
30 Log Bridge Rd.
P.O. Box 806
Middleton, MA 01949

Re: Vote by Gloucester City Council to Join New Regional School District

Dear Mr. Marquis:

This letter is written in response to your December 7, 2009 letter to this office in which you requested that we send a certification of the vote to join the new North Shore regional school district under Chapter 463 of the Acts of 2004 to the state Commissioner of Education. We have not sent the certification following a December 1, 2009 City Council vote for the reasons explained below.

The Gloucester City Council, on December 1, 2009 did vote to join the new school district. Under the Gloucester City Charter that vote was required to be approved by the Mayor who had ten days to approve or veto the vote. On December 10, 2009 the Mayor vetoed the vote to join the new district. Under the City Charter this veto was returned "forthwith" to the City Council at its next meeting on December 15, 2009. In order to override the veto the City Council was required to have a 2/3 vote of the full council (six votes) in favor of override. The override of the veto failed as there were only five votes in favor.

The City Council understands that under the special acts governing the new district and the anticipated amendments to the acts by the state legislature that the vote to join may be considered again by the new council when its term begins in January 2010 up until July 2010. City Council President, Bruce Tobey, has asked me to advise you that this issue will be returned to the new City Council in January 2010 for review, debate, and vote with the intention of completing the vote before the deadline for municipalities to join. We will inform the office of the Commissioner of Education of any further votes to join by the Council and approved by the Mayor.

Sincerely,



City Clerk

Copy: Bruce H. Tobey



NORTH SHORE REGIONAL VOCATIONAL SCHOOL DISTRICT

30 Log Bridge Road, Post Office Box 806
Middleton, Massachusetts 01949-2806
Telephone (978) 762-0001
Fax (978) 777-8403
www.nsths.mec.edu

Amelia P. O'Malley
Superintendent-Director

December 7, 2009

City Clerk
Gloucester City Hall
Nine Dale Avenue
Gloucester, MA 01930

CITY CLERK
GLOUCESTER, MA
09 DEC 14 AM 8:50

Dear City Clerk:

The merger of the North Shore Regional Vocational School District and the Essex Agricultural and Technical School, as defined in Chapter 463 of the Acts of 2004, calls for the Town or City Clerk to send a certified copy of the vote to join the new District to the Commissioner of Education.

Therefore, we respectfully request that you send said certification to Commissioner Mitchell D. Chester at the Department of Elementary and Secondary Education, 75 Pleasant St, Malden, MA, 02148 at your earliest convenience.

Upon receipt of this, Commissioner Chester will, in turn, certify the local adoption of this chapter to the Secretary of the Commonwealth and fix a time and location for the initial meeting of the new school committee.

If I, or either of the Superintendents, (Roger Bourgeois, Essex Agricultural School, 978 774 -0050, Amelia O'Malley, North Shore 978 762-0001) can be of assistance, please do not hesitate to call.

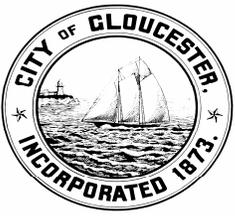
Sincerely,

Wayne Marquis, Chairman
Merger Oversight Board

cc: Mitchell Chester, Commissioner of Education
Secretary of State Galvin
Senator Frederick Berry
Superintendent Roger Bourgeois, Essex Agricultural
Superintendent Amelia O'Malley, NSRVSD

Participating Communities:

Beverly	Danvers	Gloucester	Lynnfield	Marblehead	Nahant	Salem	Topsfield
Boxford	Essex	Hamilton	Manchester-by-the-Sea	Middleton	Rockport	Swampscott	Wenham



CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER

ORDER: #CC2010-002
COUNCILLOR: Bruce Tobey

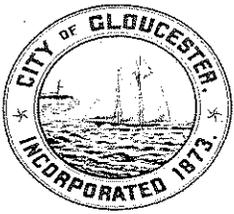
DATE RECEIVED BY COUNCIL: 01/05/2010
REFERRED TO: O&A
FOR COUNCIL VOTE:

ORDERED that the City Council enact an ordinance that institutionalizes the role, membership, duties and responsibilities of the Citizen Participation and Public Information.

Councilor Bruce Tobey

**2-11© City Charter Matter re: local sales tax of .75 percent on sale of
restaurant meals**

See Attached



GLOUCESTER CITY COUNCIL 2009 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2009-052
SUBJECT: Acceptance of M.G.L. chapter 64 section 2(a) re : local sales tax of .75 percent on sale of restaurant meals.
DATE OPENED: 12/15/09
CONTINUED TO:
CONTINUED FROM:
COMMITTEE MEETING O&A 8/3/09, 8/17/09, 11/09/09, 11/17/09

HEARING

LEGAL NOTICE Notice of a Public Hearing

On Tuesday, December 15, 2009, the City Council will hold a public hearing at the Kyrouz Auditorium, City Hall, Gloucester, MA at 7:00 pm to consider whether it will vote to accept M.G.L. chapter 64L section 2(a) which authorizes the City of Gloucester to impose a local sales tax of .75 percent on the sale of restaurant meals.

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

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

AD#12129819
CX 12/4/09



Bulletin

2009-15B

LOCAL OPTION EXCISES

TO: Assessors, Accountants, Auditors, Clerks, Mayors, Selectmen, City/Town Managers, Finance Directors, City/Town Councils, City Solicitors and Town Counsels

FROM: Robert G. Nunes, Deputy Commissioner & Director of Municipal Affairs

DATE: July 2009

SUBJECT: New Local Meals Excise and Amended Local Room Occupancy Excise Rate

This *Bulletin* provides preliminary information about the procedures for implementing sections of the Fiscal Year 2010 state budget regarding local option excises on restaurant meals and room occupancies. The Department of Revenue (DOR) collects the local excises in addition to the state taxes on the occupancies or meals and distributes the collections on a quarterly schedule.

The FY10 state budget:

- Adds a new local option excise of .75 percent on sales of restaurant meals originating within the municipality.
- Increases the maximum rate of the existing local option room occupancy excise from four to six percent (four and one-half to six and one-half percent for Boston).

Local excises become operative only if accepted by a city or town. Acceptance is by majority vote of the municipal legislative body, subject to local charter. G.L. c. 4, § 4. Questions about the charter requirements in your community should be referred to municipal counsel. As further explained in this *Bulletin*, acceptance of either local excise, or amendment of the local room occupancy excise rate, must occur at least 30 days in advance of the first day of a calendar quarter in order to become operative for that quarter. **Communities must report their acceptance or amendment of these local excises to the Division of Local Services (DLS) in the manner prescribed by this *Bulletin*.**

Additional guidance on implementation issues and procedures will be issued in the future.

If you have questions about these notification requirements, please contact the Municipal Data Bank at databank@dor.state.ma.us.

LOCAL OPTION MEALS EXCISE
Chapter 27, §§ 60 and 156 of the Acts of 2009
Adding General Laws Chapter 64L
Effective for sales of restaurant meals on or after October 1, 2009

A city or town may now impose an excise of .75% on the sales of restaurant meals originating within the municipality by accepting G.L. c. 64L, § 2(a). As with the existing local option room occupancy excise, the DOR will collect the local meals excise at the time it collects the state tax on the sale. Therefore, the local excise applies to all meals subject to the state sales tax. A community may not vary the rate or the meals subject to the excise.

The DOR will distribute the collections to the city or town on the same quarterly schedule that applies to the local room occupancy excise. G.L. c. 64L, § 2(b). The distribution schedule is found in Attachment A. A community may dispute its distribution by notifying the DOR, in writing, within one year of the distribution. G.L. 64L, § 2(b).

To assist in the administration of the excise, the DOR may provide cities and towns with certain information, including the total collections in the prior year and the identity of vendors collecting the tax locally. G.L. c. 64L, § 2(d).

Acceptance Procedure

Acceptance of the local option meals excise is by majority vote of the municipal legislative body, subject to local charter. To accept G.L. c. 64L, § 2(a), the following or similar language may be used:

VOTED: That the city/town of _____ accept G.L. c. 64L, § 2(a) to impose a local meals excise.

Acceptance Effective Date

A community's acceptance of the local meals excise becomes operative on the first day of the next calendar quarter after the vote, provided that date is at least 30 days after the vote to accept. If not, the acceptance becomes operative on the first day of the second quarter after the vote. **As a result, October 1, 2009 is the earliest an acceptance can become operative for FY10. A community must accept on or before August 31, 2009 in order for the DOR to begin collecting the excise on that date.**

For the start dates of each quarter and last date an acceptance vote will take effect for that quarter, please see the schedule in Attachment A.

A city or town may make the acceptance operative at the start of a later quarter by including the later start date in the vote ("to take effect on January/April /July/October 1, 2____.")

Notification Requirements

(1) Notice of Acceptance

The city or town clerk must notify the Municipal Data Management/Technical Assistance Bureau within the DLS whenever the statute is accepted or rescinded. (“Notification of Acceptance/Rescission–Meals Excise”). The notice is to be submitted **within 48 hours** of the vote. **Without timely notice, the DOR cannot begin collecting the excise for the city or town.**

(2) List of Restaurants

After the clerk notifies the DLS of the community’s acceptance, the local licensing board or official will be asked to verify the restaurants or other establishments that serve meals in the community. The verified information will be used by the DOR to notify vendors of their obligations to collect and pay over the local excise and to ensure that sales are properly sourced to the community. More detailed instructions will be provided, but local officials should be prepared to review and verify this information on an expedited basis.

Revenue Estimates

Within the next few weeks, the DOR expects to **release estimates** of the amounts each city or town could collect from imposing the local meals excise. At that time, we will provide further information about the use of meals excise revenue as an estimated receipt in the FY10 tax rate. **No community will be allowed to use new local meals excise revenues in the FY10 tax rate, however, unless it has accepted the statute before the rate is set.**

LOCAL OPTION ROOM OCCUPANCY EXCISE

Chapter 27, §§ 51, 52 and 154 of the Acts of 2009

Amending General Laws Chapter 64G, § 3A

Effective for occupancies on or after August 1, 2009

A city or town may impose, up to a maximum rate, a local excise on the rental of rooms in hotels, motels, lodging houses and bed and breakfast establishments by accepting G.L. c. 64G, § 3A. The maximum rate communities may now impose is 6% (6.5% for Boston). Previously, the maximum rate was 4% (4.5% for Boston). The local excise applies to all room occupancies subject to the state room occupancy excise. A community may not vary the occupancies subject to the excise, but may adopt any rate up to the maximum. A city or town that accepts the local room occupancy excise may also amend its excise rate, but it can only revoke or amend the rate once a year.

Acceptance or Amendment Procedure

Acceptance of the local option room occupancy excise, or amendment of the local excise rate, is by majority vote of the municipal legislative body, subject to local charter. To accept, the city or town must vote to accept G.L. c. 64G, § 3A and specify the local excise rate. The following or similar language may be used:

VOTED: That the city/town of _____ accept G.L. c. 64G, § 3A to impose a local room occupancy excise at the rate of _____ percent.

The following or similar language may be used to amend the local rate:

VOTED: That the city/town of _____ impose the local room occupancy excise under G.L. c. 64G, § 3A at the rate of _____ percent.

or

VOTED: That the city/town of _____ amend its local room occupancy excise under G.L. c. 64G, § 3A to the rate of _____ percent.

Acceptance or Amendment Effective Date

A community's acceptance of the local room occupancy excise, or amendment of its excise rate, becomes operative on the first day of the next calendar quarter after the vote, provided that date is at least 30 days after the vote to accept or amend. If not, the acceptance or amendment becomes operative on the first day of the second quarter after the vote. **As a result, October 1, 2009 is the earliest an acceptance or amendment can become operative for FY10. A community must accept or amend on or before August 31, 2009 in order for the DOR to begin collecting the excise or new excise rate on that date.**

For the start dates of each quarter and last date an acceptance vote will take effect for that quarter, please see the schedule in Attachment A.

A city or town may make the acceptance or amendment operative at the start of a later quarter by including the later start date in the vote (“ to take effect on January/April /July/October 1, 2____.”)

Notification Requirements

The city or town clerk must notify the Municipal Data Management/Technical Assistance Bureau within the DLS whenever the statute is accepted or rescinded, (“Notification of Acceptance/ Rescission-Room Occupancy”) or the excise rate is amended (“Notification of Acceptance-Room Occupancy Rate Change”). The notice is to be submitted **within 48 hours** of the vote. **Without timely notice, the DOR cannot begin collecting the excise or new excise rate for the city or town.**

Revenue Estimates

Within the next few weeks, the DOR expects to **release estimates** of the amounts each city or town could collect from imposing or increasing the local room occupancy excise. At that time, we will provide further information about the use of room occupancy excise revenue as an estimated receipt in the FY10 tax rate. **No community will be allowed to use new local room occupancy excise revenues in the FY10 tax rate, however, unless it has accepted the statute or amended its excise rate before the tax rate is set.**

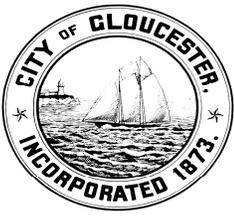
ATTACHMENT A

LOCAL OPTION EXCISE TIMETABLE

FY QUARTER	QUARTER START DATE	ACTION DEADLINE	DISTRIBUTION DATE	REVENUE COLLECTED DURING
Q1	July 1	May 31 ¹	September 30	June, July, August
Q2 ²	October 1	August 31	December 31	September, October, November
Q3	January 1	December 1	March 31	December, January, February
Q4	April 1	March 1	June 30	March, April, May

¹ Latest date to accept or amend in order to implement for full fiscal year. In first year, community will receive collections from July – May (11 months). Community will receive full year collections thereafter.

² Earliest Quarter acceptances or amendments can become operative for FY10. If community implements in this quarter, it will receive collections from October – May (8 months) during FY10.



**CITY OF GLOUCESTER 2009
FOR COUNCIL VOTE #FCV2009-013**

DATE RECEIVED BY COUNCIL: 12/15/09
REFERRED TO:
FOR COUNCIL VOTE: 01/05/2010

Ordered that the City Council recognize and commend City Councillors John “Gus” Foote, Jason Grow, Sharon George and Philip Devlin for their dedicated service as City Councillors.

Councillor Bruce Tobey

**COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH**

Essex, SS.

To the Constables of the City of Gloucester:

GREETING:

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

WARDS/PRECINCTS

- 1-1
- 1-2
- 2-1
- 2-2
- 3-1
- 3-2
- 4-1
- 4-2
- 5-1
- 5-2

POLLING PLACES

- East Gloucester School, 8 Davis St. Ext.
- Veterans Memorial. School, 11 Webster St.
- Our Lady's Youth Center, 142 Prospect St.
- McPherson Park Bldg., 31 Prospect St.
- Veteran's Center, 12 Emerson Ave.
- First Baptist Church, 38 Gloucester Ave.
- Beeman Memorial School, 138 Cherry St.
- Lanesville Community Center, 8 Vulcan St.
- Magnolia Library Center, 1 Lexington Ave.
- West Parish School, 10 Concord St.

on **TUESDAY, THE NINETEENTH DAY OF JANUARY, 2010**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Special State Election for the candidates 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 **5TH** day of **JANUARY, 2010**.

CITY COUNCIL FOR THE CITY OF GLOUCESTER

CITY CLERK

January 5, 2010

Warrant must be posted by **January 12, 2010**, (at least seven days prior to **January 19, 2010** **Special State Election**)



GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2010-001
SUBJECT: Amend Gloucester Code of Ordinances Sec. 22-284 "Service or loading zones" re: 62-64 Main Street

DATE OPENED: 01/05/2010
CONTINUED TO:
CONTINUED FROM:
COMMITTEE MEETING O&A 12/07/09

GLOUCESTER ORFINANCES
LEGAK NOTICE
NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on TUESDAY, January 5, 2010 at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall relative to the following changes to Gloucester Code of Ordinances:

Amend Sec. 22-284 "Service or Loading Zones", Main Street, northerly side, from a point 132 feet from the intersection of Short Street, for a distance of 25 feet in an easterly direction in front of 62-64 Main Street with a time limit of 60 minute parking to be placed on the sign.

At the Public Hearing, all interested persons will have the opportunity to be heard

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

AD#12138125
CX 12/18/09

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
December 7, 2009 – 7:00 PM
Council Conference Room-1st Fl., City Hall

Present: Councilor Bruce Tobey, Chairman, Sefatia Theken, Vice Chair, Councilor Joseph Ciolino

Absent: John “Gus” Foote

Also Present: Bob Ryan, Police Chief Michael Lane, Suzanne Egan, Councilor-Elect Anne Mulcahey, Jim Duggan, Linda Lowe

The meeting was called to order at 7:00 p.m. Items may be taken out of order.

1. Order: CC2009-47 (Theken) Amend GZO Sec. 22-284 “Service or Loading Zones”
Re: 62-64 Main Street

Councilor Theken stated at the December 3, 2009 Traffic Commission meeting, the Commission voted 2 in favor, 4 opposed. She said she had been going down Main Street section by section and brought this matter forward because people are complaining that delivery trucks are parking more than two hours in some loading zones. The closest to this area being referred to is at Virgilio’s, Pisces and at the Cape Ann Savings Bank. She spoke with businesses - Stone Leaf, the bookstore next to them, Mark Adrian Shoes, Dog Bar, and Jalapeños. These businesses know that it would be a shared loading zone. Most of their adult beverages are provided by the same distributor. They have to park very far away at CVS. It’s going to be more to the center. It can’t be in front of Pallazola’s because of the curb. If you do further down [on Main Street] there’s not a way to make a corner. Passports is two doors down from Pisces. It has to rotate. The businesses need to talk to each other. We can always put a time limit on it. And there has to be a time limit. She wishes to go against the Traffic Commission on this matter. In the summer, Main Street is totally clogged without this available to the merchants.

Mr. Ryan stated last Thursday when the Traffic Commission met, a couple of the members didn’t have a problem with it, but the majority felt that there would be requests from other businesses. It was not so much that they didn’t want to create the loading zone; it was more to the effect that down the road it could be viewed as discriminatory and set a precedent. He pointed out the example of handicapped parking and its history.

Councilor-Elect Mulcahey and member of the Traffic Commission noted the example of Pine Street and the need to set a limit. She made note of the fact that business owners needed to heed the fact that loading zones are not personal parking spaces.

Councilor Theken said because of the limited space downtown no one wants to take parking away. Whether a loading zone is created or not, the trucks are going to park there for their deliveries regardless.

Mr. Ryan said he doesn't have a problem with this. It will be ideal for UPS or FedEx.

Councilor Ciolino asked in order to use unloading and loading you must have commercial plates?

Mr. Ryan stated he didn't see that in the regulations.

Councilor-Elect Mulcahey stated she thought that was the case.

Councilor Theken stated that why not make it 60 minutes for all loading zones.

Councilor Ciolino stated he wanted to see the 60 minute time limit on this loading zone to prevent it being taken advantage of, and they could start with this spot on the limit and move to others if it worked well.

It was agreed by those present that the loading zones would have to be taken one at a time to change the time limit.

Councilor-Elect Mulcahey stated that she agreed with the 60 minute time limit. They do that at the Brewery. They're parking there on their own because they have commercial plates. They're not loading, they're simply parking.

Mr. Ryan asked for a ruling on commercial plates of General Counsel.

Ms. Egan said she didn't know at this time and would be able to look into it for the Committee.

Councilor Theken didn't think you needed it specifically to load and unload as in the instance of taking items into or out of a business from or to a private vehicle.

Councilor Ciolino said that the argument can be made that a customer could also need the loading zone to get something loaded into their vehicle.

Mr. Ryan said that is legitimate whether you have commercial plates or not.

Councilor Theken said the police will take this into account.

Councilor Tobey stated that he will vote for a public hearing. He'd be curious to see what the public has to say and does respect the vote of the Traffic Commission.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Tobey, the Ordinances and Administration Committee voted 3 in favor, 0 opposed to advertise for public hearing on the matter of Order #CC2009-047 (Theken) to amend GCO Sec. 22-284 "Service or Loading Zones", Main Street, northerly side, from a point 132 feet from the intersection of Short Street, for a distance of 25 feet in an easterly

direction in front of 62-64 Main Street with a time limit of 60 minute parking to be placed on the sign.

2. Order: CC2009-48 (Curcuru) Amend GCO Section 22-280, "Fifteen Minute Parking" 38 Railroad Avenue, in front of Audrey's Flower Shop

Mr. Ryan stated at the December 3, 2009 Traffic Commission meeting the members of the Commission voted unanimously to support the Order from Washington Street all the way down to in front of Audrey's Flower shop as there is no regulation there. This is just to make it consistent for that whole side of Railroad Avenue. People who are taking the train are parking legally all day right in front of this shop. This amendment brings it into alignment with the rest of the street. Mr. Latham was at the meeting to speak on behalf of Audrey's Flower Shop and Ms. Peterson as well.

MOTION: On motion of Councilor Tobey, seconded by Councilor Ciolino, the Ordinances and Administration Committee voted 3 in favor, 0 opposed to advertise for public hearing to amend the Gloucester Code of Ordinances Section 22-280, "Fifteen Minute Parking" Railroad Avenue, southerly side, from a point 85 feet from its intersection with Washington Street, for a distance 25 feet in an easterly direction at 38 Railroad Avenue in front of Audrey's Flower Shop. The time frame for the 15 minute zone is to read: *Monday through Saturday from 9 a.m. to 5 p.m.*

3. COM2009-036: Letter from Sandulli Grace, PC re: Gloucester Superior Officers Assoc. Attempt to Remove Chief from Civil Service

Councilor Theken noted that Ms. Egan of the Legal Department, Chief of Police Michael Lane and Mr. Duggan from the Mayor's Office were here to discuss this matter with the O&A Committee.

Ms. Egan received this letter (on file) and received a telephone call for Martha O'Connor from the Commonwealth of Massachusetts Human Resources Department for a response from the City to whom she provided back up documentation the City had on putting this matter on the ballot. She spoke with her; and at the end of the conversation, she stated the City did it correctly. Ms. Egan explained the law, how it was adopted, how the Chief's position was put into the Civil Service through the 1976 referendum. She explained the charter, and cited the School Committee votes and explained the process that was gone through in Gloucester. She submitted this all to Ms. O'Connor who will be reviewing this information and will respond.

Councilor Theken said we have nothing yet and Ms. Egan stated that is correct.

Councilor Ciolino said we don't have anything to deal with because they sent this letter to the Human Resource Division. What does this have to do with the City?

Ms. Egan said we don't have to respond, but we don't have to do anything. She believed the response should be in shortly.

**CITY OF GLOUCESTER
TRAFFIC COMMISSION**

A meeting will be held on Thursday, December 3, 2009 at 6:00 p.m. in the third floor conference room at Gloucester City Hall

Please conduct your own site visits when convenient

Meeting was opened by Chairman Robert Ryan at 6:00 p.m. Also attending were members Anthony Bertolino, Larry Ingersoll, Robert Francis, Michael Mucahey and Ann Mulcahey. Also City Councilor Steven Curcuro, Dennis Latham and Sal Cusenza.

AGENDA

Order #CC2009-044 (Councilor Curcuro) Ordered that the GCO sec. 22-292 (Fire Lanes) be amended by ADDING:

Granite Street, a private way between numbers 58 and 62 Granite Street and extending approx. 90 feet to the end of the private way.

NOTE: This Order has been withdrawn by the Councilor.
No action was taken on this order.

Order #CC2009-047 (Councilor Theken) Ordered that the GCO sec. 22-284 (Service or Loading Zones) be amended by ADDING:

Main Street, northerly side, from a point 132 feet from the intersection of Short Street, for a distance of 25 feet in an easterly direction (in front of 62-64 Main Street)

*After a discussion and speaking to the requestor, a MOTION was made and seconded but **DID NOT PASS.** (Vote was 2 for [Ryan & Ingersoll], 4 against) The majority of the TC is concerned about additional loading zones being requested on Main Street if this was approved, and also the location on a curve in the road. The order is being NOT RECOMMENDED by the majority of the TC.*

Order #CC2009-048 (Councilor Curcuru) Ordered that the GCO sec. 22-280 (15 Minute Parking) be amended by ADDING:

38 Railroad Avenue, in front of Audrey's Flower Shop.

*After a discussion and speaking to the requestor, a MOTION was made, seconded and PASSED to APPROVE the order. The TC recommends that the time frame for the 15 minute zone should be **Monday through Saturday from 9am to 5 pm**. The location of the sign would be Railroad Avenue, southerly side, 85 feet from its intersection with Washington Street, for a distance of 25 feet in an easterly direction. (In front of Audrey's Flower Shop)*

TC Member Anthony Bertolino requested the City Council look into the installation of a STOP sign in the Flannagan Square area, specifically the intersection from Rogers Street to Prospect Street. There are three STOP signs already there and this would make the intersection a 3-way stop intersection where Prospect Street and Main Street intersect.

The TC also discussed a request from Jim Santo (DBA Donut Jim's) about the feasibility of possible angle parking in front of his business. At this time no recommendation is being made because of the pending improvements and remodeling of that area of Railroad Avenue.

The Traffic Commission would also like to thank City Councilor-elect Ann Mulcahey for her many years of service as a member of the Traffic Commission.

ROBERT RYAN, Chairman

LARRY INGERSOLL, Secretary



GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2010-002
SUBJECT: Amend Gloucester Code of Ordinances Sec. 22-280 "Fifteen Minute Parking" re: 38 Railroad Avenue

DATE OPENED: 01/05/2010
CONTINUED TO:
CONTINUED FROM:
COMMITTEE MEETING O&A 12/07/09

GLOUCESTER ORDINANCES

LEGAL NOTICE NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on TUESDAY, January 5, 2010 at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall relative to the following changes to Gloucester Code of Ordinances:

Amend Section 22-280, "Fifteen Minute Parking" Railroad Avenue, southerly side, from a point 85 feet from its intersection with Washington Street, for a distance 25 feet in an easterly direction at 38 Railroad Avenue in front of Audrey's Flower Shop. The time frame for the 15 minute zone is to read: Monday through Saturday from 9 a.m. to 5 p.m.

At the Public Hearing, all interested persons will have the opportunity to be heard

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

AD#12138101
CX 12/18.09

CITY COUNCIL STANDING COMMITTEE
Budget and Finance
Friday, December 18, 2009 – 9:00 a.m.
1st Fl. Council Conference Room – 9 Dale Avenue, City Hall

Attendees: Councilor Jason Grow, Chair, Councilor Joseph Ciolino, Vice Chair, Councilor Steve Curcuru

Absent: None

Also in Attendance: Councilor Jackie Hardy, Marcia McInnis, Sarah Garcia

The meeting was called to order at 9:01 a.m. Items may be taken out of order.

1. Other Business

A. FY10 Seaport Bond Fund grant of \$50,000 for the Harbor Plan Coordinator position

Sarah Garcia, Community Development Director asked the Budget & Finance Committee to accept a \$50,000 from the Seaport Advisory Board for the purpose of funding the position of the Harbor Plan Coordinator.

Councilor Ciolino asked is this part of Ms. Garcia's salary and the Harbor Plan Coordinator?

Ms. Garcia responded yes.

Ms. Garcia said the vote by the Advisory Board is for four communities. We are always deficit reporting. All the charges are eligible from June to June even though it's voted in December.

MOTION: On motion by Councilor Grow, seconded by Councilor Ciolino, the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the acceptance of the FY10 Seaport Bond Fund grant in the amount of \$50,000 for the Harbor Plan Coordinator position.

B. DOR Determination re: \$231,000 to be paid to the State

Ms. McInnis spoke to the DOR determination of \$231,000 to be paid to the State. She stated that a Council vote is needed because they have recommended that the money come from the Stabilization Fund. They know there is little flexibility and a lean budget for the City.

Councilor Grow said before this goes further – administration needs to respond to make a recommendation.

Councilor Curcuru is surprised - now the DOR wants satisfaction on this at this moment. We have these three deficits, one being school lunch program?

Ms. McInnis said a special revenue fund a revolving fund. This kind of fund runs as a deficit. A point of discussion between the School Department and the City and does the City have a right to tell the School that they can deficit spend in those funds. The position is that has been strongly taken by the School that the City doesn't have the authority to tell the school not to deficit spend those revenue funds. The City of Gloucester is not unique in this dilemma; others are in the same situation. They are cracking down, (Jerry Perry of the DOR) to be very concerned about the deficits in revolving funds in schools like athletic funds and food funds. This year they were very vocal, and now requiring us to raise one third of the deficit. They are requiring the same thing of Salem. The DOR is starting to say that those school revolving funds with deficit balances have to be resolved.

Councilor Curcuru asked how much is the deficit?

Ms. McInnis said she doesn't know exactly at this moment.

Councilor Grow suggested that until the Administration comes forward with a recommendation to deal with this, there isn't much the Council can do.

Ms. McInnis said they talked internally and knew this possibly, that the Medicare amount was going to need to be raised of \$133,000. Taking from the Overlay Fund and avoiding a big conundrum of trying to get everyone together to get a vote, but this is more than they expected. They didn't expect that the school lunch program which is \$43,000, and \$55,000 for health insurance. Every deficit they have revolves around health insurance issues and school lunch. It's not things that we say we will do or not do.

Councilor Grow reiterated they need something out of the Mayor's office and can't call a Council meeting until that time.

Councilor Curcuru asked can we have a meeting and just go to the City Council.

Councilor Hardy asked does it have to be referred out to the City Council.

Councilor Grow says this is not an emergency. A special meeting would have to be called; it would have to be referred out to B&F and then to the City Council and have a "ping pong" meeting.

Councilor Ciolino asked does the Administration know about this.

Ms. McInnis said she expected this would be an issue right along. We have had discussions of having to get the Council together and get the votes done. The \$231,000 is a surprise.

Councilor Curcuru said all of a sudden we're hearing about this by the DOR and that we have to satisfy it so quickly.

Ms. McInnis said there was no indication from them; and this is the way it works. This is why it's so stressful. Trying to dovetail the audit and audit entries drive what goes on - as well as a combined audit sheets goes into the recap. When you finish the audit process you go into an important process to set the tax rate. We never know what their determinations are going to be; and they could send out indications that they're going to crack down, but then they just do.

Councilor Grow said they have to set this matter aside as there has been no referral out from the Administration.

2. Review of City Auditor

Councilor Grow, Chair of the Budget & Finance Committee called for an Executive Session and to comply with Chapter 39: Section 23B.(1) Open meetings of governmental bodies made the following motion:

MOTION: On motion by Councilor Grow, seconded by Councilor Ciolino, the Budget & Finance Committee voted by roll call 3 in favor, 0 opposed to move the meeting into Executive Session for the purpose of a personnel performance/review of the City Auditor.

At 9:20 a.m. the public portion of the meeting was closed.

MOTION: On motion by Councilor Grow, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to move out of Executive Session at 10:28 a.m.

At 10:28 a.m. the Budget and Finance Committee reopened the public portion of the meeting and was noted that no votes were taken during the Executive Session.

By unanimous vote the Budget and Finance Committee meeting was adjourned at 10:30 a.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees