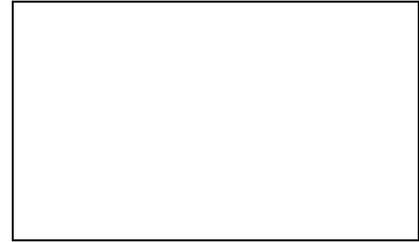


GLOUCESTER CITY COUNCIL CALENDER OF BUSINESS
TUESDAY, APRIL 1, 2008
7 P.M.
KYROUZ AUDITORIUM, CITY HALL
COUNCIL MEETING #2008-008



FLAG SALUTE & MOMENT OF SILENCE
ORAL COMMUNICATIONS
COUNCILLOR'S REQUESTS TO THE MAYOR
RECONSIDERATION OF VOTE

1. Special Budgetary Request to Fund Fire Dept. Overtime: Councillor Grow

PRESENTATIONS

1. General Counsel of Massachusetts State Lottery on Gloucester and Keno-to-Go

<u>CONSENT AGENDA</u>	<u>ACTION</u>
<ul style="list-style-type: none"> • <u>MAYOR'S REPORT</u> <ol style="list-style-type: none"> 1. Request from City Engineer to pay an invoice from FY2007 2. Memo and Supplemental Appropriation request from DPW Director 3. Memo from Recycling Coordinator requesting acceptance of a grant 4. Memo from City Auditor "Duty When Appropriations Are Exhausted" • <u>INFORMATION ONLY</u> <ol style="list-style-type: none"> 1. Copy of Letter to National Commander of the American Legion 2. Responses to Council Requests from 03/04/2008 city council Meeting 3. Copies of Thank You Letters to Officers of the Gloucester Police Department 4. Copy of Seaport Advisory Council proposal "Putting the Working Port Back to Work" • <u>APPROVAL OF MINUTES</u> <ol style="list-style-type: none"> 1. City Council Meeting: 03/18/2008 • <u>COMMUNICATIONS</u> <ol style="list-style-type: none"> 1. COM2008-005: Request from Lanesville Emergency Action Program for use of City Streets • <u>ORDERS</u> <ol style="list-style-type: none"> 1. CC2008-012- Amend 22-287 by adding 19 Granite Street 2. CC2008-013- Amend 22-287 by deleting 4 Sylvan Street 3. CC2008-014- Request State to codify decision to tax Telecommunications poles... 4. CC2008-015- Amend 22-283 "Main Street" 5. CC2008-016- Amend 22-287: 27 Pleasant Street 	<p>(Refer B&F) (Refer B&F) (Refer B&F) (Refer B&F)</p> <p>(File) (File) (File) (File)</p> <p>(Approve/File)</p> <p>(Refer P&D)</p> <p>(Curcuru) (Refer O&A, TC) (Curcuru) (Hearing to be Scheduled) (Tobey) (FCV 04/15/2008) (Ciolino, Foote) (Refer O&A, TC) (Foote) (Refer O&A, TC)</p>

SCHEDULED PUBLIC HEARINGS

- 08-006: SCP #2007-25: 33 Emerson Avenue: 5.22: Wind Turbine**
08-012: Loan Order 08-05-\$38,000.00 for beach equipment

ACTION
Continued from 03/18/2008

COMMITTEE REPORTS

1. P&D: 03/26/2008
2. B&F: 03/27/2008

Under Separate Cover

COUNCILLOR'S REQUESTS OTHER THAN TO THE MAYOR

ROLL CALL - Councillor Sefatia Romeo

Robert D. Whycott

Robert D. Whycott, City Clerk

NEXT REGULAR CITY COUNCIL MEETING, TUESDAY, APRIL 15, 2008

Minutes filed in City Clerk's Office: Jan. 3 to Mar. 26

Aging, Council on: 2/12; City Hall Restoration Cmsn: 11/5, 11/19, 12/10, jt w/Tower Proj Bldg Cmte: 8/13, 8/27, 9/10, 1/7, 2/25, 3/7; City Hall Tower Proj. Bldg. Cmte: 10/15, 11/19, 12/10, 1/7, 2/4, 2/25; Comm. Housing Coalition: 11/28; Conservation Cmsn: 1/17, 10/3, 12/5, 1/9; DDC: 10/10; EDIC: 8/22, 11/14, 12/12, 1/30; Gl. Cultural Council: 1/26; GRA: 8/22, 12/12; Health, Bd. of: 11/1, 12/6, 1/3, 2/7; Hist. Dist. Cmsn: 5/8, 11/27, 1/22; Historical Cmsn: 10/10, 11/14, 12/12; Hist. Cmsn. Paint Factory Subcmte: 4/25, 6/13, 7/31, 8/8, 9/4, 9/25; Licensing Bd: 1/8, 2/12; Planning Bd: 12/10, 1/28, 2/11, 2/25; GPS Mod. Class. Proj. Des. Sel: 1/22, 1/28, 2/12; GPS Mod. Class. Proj. Bldg. Cmte: 1/28, 2/12, 2/19, 2/26; Shellfish Adv. Cmsn: 12/12, 1/9, 2/13; Tourism Cmsn: 5/10, 9/13, 10/11, 12/20; Waterways Bd: 12/5, 1/9, 2/6; Safety subcmte: 2/11; O&F: 2/4, 2/4; Pub.Fac.Sub: 2/26; ZBA: 1/10, 1/31, 2/14, 2/28.

RECONSIDERATION OF VOTE

Councillor Grow has requested he be allowed to reconsider this vote taken at the City Council Meeting of 03/04/2008:

MOTION: On motion of Councilor Grow, seconded by Councilor Romeo the City Council voted by ROLL CALL 5 in favor, 2 opposed (George, Grow), 1 abstention (Hardy) a Supplemental Appropriation in the amount of \$26,801 from the Stabilization Fund to Fire Department overtime. MOTION FAILED.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

TO: City Council

FROM: Carolyn A. Kirk, Mayor 

DATE: March 26, 2008

RE: Mayor's Report for the April 1, 2008 City Council Meeting

Dear City Councilors,

On April 1st we have two exciting events during the day:

Historic Ports Presentation - Noon

The Seaport Advisory Council has commissioned a "Historic Ports" initiative. Gloucester is one of five historic ports in the Commonwealth (along with Salem, Fall River, New Bedford and Boston) and the coordinator will be presenting the final deliverable for the first time in Gloucester at the Gloucester House. Afterwards, there will be a round table discussion with representatives from the other ports on how to joint market the Historic Ports.

Seaport Advisory Council – 3pm

Lt. Gov. Tim Murray will be chairing the Seaport Advisory Council at Cruiseport. Gloucester has submitted proposals totaling \$672,000 and the Council will be voting on them during the meeting. For your information, I enclose the proposal that I submitted to the Seaport Advisory Council regarding economic revitalization of Gloucester Harbor entitled "Putting the Working Port Back to Work." Enlisting the Seaport Advisory Council as a partner in our efforts to expand economic development along the waterfront is an essential step towards the renewal of our beautiful city.

I hope you can attend both important events on April 1.

Matters requiring your consideration and action:

Enclosure 1 is a request from Richard Clarke, City Engineer, to pay an invoice to Felix A. Marino Co., Inc. for work performed in FY 2007. Please note that these funds will be reimbursed immediately with Chapter 90 funds. *Please refer this matter to the Budget and Finance subcommittee for review and approval.* Rick Clarke, or his designee from the Engineering Department, will be available to answer questions and provide further information as required.



CITY OF GLOUCESTER OFFICE OF THE MAYOR

Enclosure 2 is a memo from Joseph P. Parisi, Jr., Director of Public Works, as well as a Supplemental Appropriations Request in the amount of \$25,000 from the Highway Force Account Fund #294015. The supplemental appropriation will allow the Highway Division to continue efforts toward roadway maintenance throughout the remainder of this fiscal year. *Please refer this matter to the Budget and Finance subcommittee for review and approval.* Joe Parisi will be available to answer questions and provide further information as required.

Enclosure 3 is a memo from Recycling Coordinator Kathy Middleton requesting acceptance of a Municipal Sustainability Grant in the amount of \$1,877. *Please refer this matter to the Budget and Finance subcommittee for review and approval.* Kathy Middleton will be available to answer questions and provide further information as required.

Enclosure 4 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.* A representative from the Auditor's Department will be available to answer questions and provide further information as required.

Responses to Council Requests:

Enclosure 5 is a copy of a letter sent to the National Commander of The American Legion in response to Councilor Foote's Request #08-25.

Enclosure 6 contains responses to Council Requests to the Mayor from the March 4, 2008 City Council Meeting.

For Information Only:

Included as **Enclosure 7** are copies of thank you letters to Sergeant Joseph Fitzgerald and Officer Michael Gossom of the Gloucester Police Department.

Included as **Enclosure 8** is the copy of the proposal made to the Seaport Advisory Council for "Putting the Working Port Back to Work."

ENCLOSURE 1

City Hall Annex
Three Pond Road
Gloucester, MA 01930



TEL 978-281-9773
FAX 978-281-9725
rclarke@ci.gloucester.ma.us

CITY OF GLOUCESTER
ENGINEERING DEPARTMENT

March 11, 2008

MAR 18 2008

Dear Mayor Kirk,

I am writing to you to request city council approval to pay \$18,912.50 owed to Felix A. Marino Co., Inc. for work performed under Contract Number 66080, Purchase Order Number 660811. The work is for services performed in September and October 2006. The extent of the work was to crack seal various streets in Gloucester at the City of Gloucester's discretion. The contract manager at the time advised the contractor to complete an additional four days of extra work without the proper funding in place. Now the contract is over by at least a year and a half and there is not enough money left in the P.O. to make full payment to the contractor. The money to be spent to resolve this matter will be reimbursed immediately with Chapter 90 money since there is more than enough money in our approved Chapter 90 Project Cracksealing Citywide Locations. If you could please let me know if or when there is anything else I need to do to resolve this matter.

Sincerely,

Richard Clarke
City Engineer

City Hall Annex
Three Pond Road
Gloucester, MA 01930



TEL 978-281-9773
FAX 978-281-9725
fventimiglia@ci.gloucester.ma.us

CITY OF GLOUCESTER
ENGINEERING DEPARTMENT

August 8, 2007

Dear Mr. Marino:

Due to the small amount of failing crack sealing throughout the work performed in September 2006 and October 2006, the City of Gloucester is proposing to deduct 5% off the total amount billed for that time period. This 5% represents the linear feet of road that has failure on it compared to the total length of road for the work performed in September 2006 and October 2006.

The total amount billed was \$51,000.00. From that we subtracted \$4,250.00 which represents the work performed on invoice number 13088 and will be processed for payment. That leaves a total of \$46,750.00 for the work performed in September 2006 and October 2006. Of that total the City is proposing to deduct 5% or \$2,337.50. However, we still have not received *original invoices* for invoice numbers 13979 and 13980 which we must have to process for payment.

That leaves a total of \$44,412.50, for which the City is willing to pay. If you could send a letter confirming that you agree with this decision we will be pleased to process the invoices.

I apologize for the slow processing of your invoices and hope to hear from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard W. Clarke". The signature is stylized and written in a cursive-like font.

Richard W. Clarke
Acting City Engineer
City of Gloucester
Engineering Department

ENCLOSURE 2



CITY OF GLOUCESTER

Gloucester • Massachusetts • 01930

Department of Public Works

memorandum

To: Mayor Carolyn Kirk
From: Joseph P. Parisi, Jr., Director of Public Works
Subject: Highway Force Account Supplemental Appropriations Request
Date: March 24, 2008

This memo is to request a supplemental appropriation from the Highway Force Account Fund # 294015 in the amount of \$25,000 to supplement the Purchased Goods and Services Account # 101000.10.442.52180 of the Highway Division of the Department of Public Works. The funds in the Highway Force Account are derived from roadway permitting and is a reserve for appropriations account for road related services/improvements and associated roadway maintenance equipment.

The funds being requested will allow the Highway Division to continue efforts toward roadway maintenance throughout the remaining fiscal year. Maintenance work will consist mainly of pothole repairs and repairs to other larger sections of roadways that will require grinding and resurfacing of roadway sections such as utility trenches that have failed. The funding will pay for asphalt materials as well as other equipment service needs that may be required to perform the work.

Upon your review and approval, I request that you forward this supplemental funding request to the City Council for their review and approval. A supplemental appropriations form created by the Auditor's Office will be requested to accompany this request. I am available to answer any questions that you may have regarding this funding request.

CPK

CITY OF GLOUCESTER
SPECIAL BUDGETARY REQUEST- SUPPLEMENTAL APPROPRIATION
FISCAL YEAR 2008

****CITY COUNCIL APPROVAL- VOTES NEEDED 5 ****

AUDITOR'S INSPECTION _____

DEPARTMENT REQUESTING APPROPRIATION:

Account to appropriate from : **Highway Force - Receipt Reserved for Appropriation**

295015.10.175. 59600.0000.00.000.00.059 \$ 25,000

Balance Before Appropriation [88,350.00]

Balance After Appropriation [63,350.00]

Account in need of Appropriation : **Purchase Goods and Services**

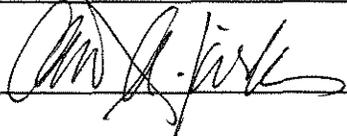
101000.10442.52180.0000.00.000.00.052 \$ 25,000.

Purpose : **To Fund Roadway Maintenance - Potholes and Failed Utility Trenches**

APPROPRIATION AMOUNT : \$ 25,000.

APPROVALS :

DEPT. HEAD _____ DATE _____

ADMINISTRATION  DATE 3/26/08

BUDGET & FINANCE _____ DATE _____

CITY COUNCIL _____ DATE _____

ENCLOSURE 3



CITY OF GLOUCESTER

GLOUCESTER • MASSACHUSETTS • 01930

MAR 24 2008

March 24, 2008

TO: Mayor Carolyn Kirk
FROM: Kathy Middleton *KathyM*
SUBJECT: Municipal Sustainability Grant

As you know, I applied for a Massachusetts Department of Environmental Protection (MassDEP) Municipal Sustainability Grant last year and was informed that the DEP has awarded Gloucester recycling products valued at \$1,877. I am requesting that you propose to the City Council the acceptance of this grant which includes 20 home composting bins, 26 kitchen scrap buckets, 1 public space container and 25 rain barrel discount vouchers to help our city build strong recycling and composting programs.

The compost bin award portion of the grant requires us to have a separate Revolving Account to work from. The City Council has previously established a Revolving Account for recycling programs that would satisfy this requirement. This account has a \$3,500 annual authorization expenditure that I will utilize towards this program.

Please include this request in your next Mayor's report to the Council for their action.

CAK

ENCLOSURE 4

CITY OF GLOUCESTER AUDITOR'S OFFICE

MAR 13 2008

FY2008

March 14th,2008

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 MARCH 14TH,2008. THE FOLLOWING ACCOUNTS HAVE
EXPENDITURES THAT EXCEED THEIR APPROPRIATIONS: CITY DEPARTMENTS

<u>ACCOUNT #</u>	<u>ACCOUNT TITLE</u>	<u>AMOUNT OVER</u>
101000.10.121.51100.051	Mayor-Sal/Wage Perm Pos	(\$1,805.99)
101000.10.151.51100.051	Legal Sal/Wage Perm Pos	(\$1,040.00)
101000.10.151.51250.051	Legal Sal/Temp Pos	(\$2,604.65)
101000.10.152.51100.051	Personnel/Sal/Wage PermPos	(\$7,031.54)
101000.10.152.51970.051	Personnel/Retirement Sick Buy-Back	(\$43,859.39)
101000.10.155.51100.051	Mgn Infor Services Sal Wage Perm Pos	(\$342.11)
101000.10.181.51100.051	Community Develop Sal/Wage Perm Pos	(\$25,974.66)
101000.10.211.51360.051	Police Uniform/Beach Over Time	(\$12,907.92)

CITY OF GLOUCESTER AUDITOR'S OFFICE

101000.10.220.51100.051	Fire Department/Sal /Wage	(\$1,102.82)
101000.10.220.51300.051	Fire Department /Sal Wage Over -time	(\$14,054.23)
101000.10.220.51570.051	Fire Department Workers/Comp	(\$69,618.19)
101000.10.423.51310.051	DPW Snow and Ice Overtime	(\$63,416.81)
101000.10.423.52970.052	DPW Snow and Ice Removal	(\$276,776.25)
101000.10.423.54120.054	DPW Snow and Ice Removal Diesel Fuel	(\$9,304.67)
101000.10.423.55410.051	DPW Snow and Ice Removal San/Salt	(\$135,515.82)
101000.10.423.54900.054	DPW Snow and Ice Removal/Food	(\$1,000.00)
101000.10.499.51570.051	Dpw Workers Comp	(\$1,265.82)

ENCLOSURE 5

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

March 13, 2008

The National Commander
The American Legion
1608 K Street, N.W.
Washington, DC 20006

Dear Commander:

I am writing this letter to request your help in keeping Post 3 of The American Legion in the City of Gloucester open.

I would like to provide you with background information regarding Post 3 and its recent struggles to maintain their current location. The Legion has leased their current location from the City of Gloucester since 1920. The Massachusetts Legislature enacted the "Nightclub Safety Act" which requires certain places of assembly with an occupancy load of 100 or greater to install automatic sprinkler systems by November, 2007. Orders to install were issued by the Gloucester Fire Department to several occupancies in the City of Gloucester, the American Legion Post 3 being one of them.

Several issues have come into play in the Legion situation. One is that for the City of Gloucester to renew their existing liquor license, plans for an approved system of automatic sprinklers were to have been submitted to the Fire and Building Departments by May 2006. The Legion could not comply with this request. They were reminded by the Gloucester Fire Department of this requirement. Unfortunately, the laws in the Commonwealth of Massachusetts do not allow for discretion by the local authorities, other than allowing for an extension of the installation of the sprinkler system if the plans were submitted and a contract had been signed for installation of said system.

The Legion is hampered by budgetary constraints in its ability to assume the costs (\$50,000+) associated with the installation of a sprinkler system. The City of Gloucester is not in a position to assume the costs for this required installation. We have met with members of the Legion and are attempting to work with them to find another suitable location; however, no resolution of the problem has been forthcoming. Under the laws of the Commonwealth of Massachusetts, we cannot allow the Legion to remain in the building without the required installation of a sprinkler system.

This letter is to request help for Post 3 of the American Legion in finding solutions to these challenges.

We look forward to hearing from you at your earliest convenience.

Thank you.

Sincerely,

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

Carolyn A. Kirk
Mayor

ENCLOSURE 6

TO: Mayor Carolyn Kirk
FROM: June Budrow, Clerk of Committees
RE: Action items for the Council meeting of 3/4/08

COUNCILLOR'S REQUESTS TO THE MAYOR

08-33 (Grow) Request that the Mayor direct the appropriate staff to create, on the City of Gloucester homepage/website, a prominent and informative message relating to the city policy on potholes, how and to whom they should be reported and documented - both by email and telephone, a link or a synopsis of the process necessary to apply for damage to vehicles and any other relevant information that would serve to explain this issue to the public at large, and that this be done in a timely manner to address the rising chorus of citizen complaints. **In process.**

08-34 (Grow) Request the Mayor instruct the DPW to install the appropriate street signage to at the intersection of Starknaught Rd and Oxford Rd. – **Complete.**

08-35 (Hardy) Request to the Mayor that the fleet of vehicles for the Fire Department, Police Department and other emergency response vehicles be maintained in full operating condition for which they were intended, including the full operation of the horns, lights sirens, brakes so as to provide the emergency response required by the citizens of Gloucester. Further that the Mayor provide the Council with a list of vehicles presently out of commission, in need of functioning equipment as well as those unable to be put on the road for any reason, and to list the reasons thereof. **The new DPW Director will be tasked with performing a complete fleet review.**

08-36 (Grow) Request the Mayor instruct the DPW add the corner of Mt. Pleasant and Haskell Streets as well as the length of Highland to the pothole to do list. – **A work order will be created and work scheduled for repair on Mondays in Ward 1.**

08-37 (Ciolino) Request the Mayor instruct the Police Department to provide a list to the City Council of outstanding vendor payments pertaining to police road details. **Complete.**

08-38 (Hardy) Request the Mayor... that the DPW, Engineering and or Fire Department investigate reports of little or **no water pressure** in the vicinity of **#59 Woodbury Street** (Lanesville) and the surrounding residences. The residents report that they are experiencing dramatic decreases in flow (pressure?) from their faucets - showers - etc. and are fearful that in the event of a fire that they will be in jeopardy of disaster. – **The Department of Public Works found the static pressure on Woodbury Street to be 58 pounds, which is more than adequate.**

08-39 (Grow) Request the Mayor...that the DPW update the City Council on the status of the moratorium on private sewer extensions in light of the recently approved amendments to the sewer ordinances. – **The new sewer regulations and a notice lifting the moratorium will be promulgated in the local newspaper as soon as the Engineering Division has done a final review of the regulations.**

08-40 (Grow) Request the Mayor...that the DPW remove the pile of ice and snow at the corner of Chapel and Davis Streets that is blocking safe access to the intersection for pedestrians accessing East Gloucester Elementary. This bank of ice makes the daily trek to and from school very dangerous as it forces children into the street instead of being able to safely use the crosswalks. - **Complete**

08-41 (Hardy) Request the Mayor seek answers from the appropriate departments and respond to the following questions posed by a resident group of Ward 4 Precinct 2 citizens and taxpayers: Regarding an incident on Friday evening February 22, 2008 between the hours of 6:30 pm and 9pm on Hickory Street, Lanesville -

1. Please advise what the staffing levels and vehicle assignments were for the Fire Department and Police Department.
2. Please advise what the response times were for the Fire Department and Police Department for the above mentioned incident.
 - a. Time call first came in
 - b. Time first vehicle on scene

Additionally please respond to general questions:

When the Bay View Fire Station is closed:

1. Is there a plan for the Fire Department to notify each shift of on duty Police Officers and dispatch?
2. Is the Police Department putting a squad car in N. Gloucester at all times?

Separate memorandum will be forthcoming in a future Mayor's Report.

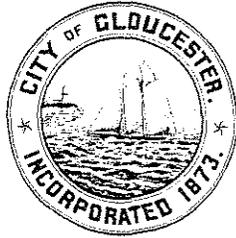
08-42 (Tobey) Request the Mayor for presentations from staff for an upcoming one item agenda O&A meeting (TBD) on the following topics regarding Civil Service.

1. The history of Gloucester's adoption of civil service processes for the selections of these two chiefs and a precise statement of what those processes are.
2. A statement of the legal processes by which we can change the current applicability of civil service to those positions, including but not limited to the home rule petition route and referendum.
3. A listing and assessment of alternative models we could consider for chief selection.

I am sure other councilors may desire information, too, and I would request that their input be solicited. Additionally, insofar as the home rule petition route is concerned, we can go down that path to the legislature only if the Mayor agreed with and signed a council-enacted request for a home rule petition; I would therefore request that Mayor Kirk join us at the O&A meeting so she can weigh in fully on this matter. **Items 1-3 are in process. Mayor requests that City Council complete its deliberations on the matter prior to weighing in.**

ENCLOSURE 7

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

March 13, 2008

Sergeant Joseph Fitzgerald
Officer Michael Gossom
Gloucester Police Department
197 Main Street
Gloucester, MA 01930

Dear Sergeant Fitzgerald and Officer Gossom:

Please accept my belated but sincere thanks for a job well done in conducting a safety course for the members of the Carlson GMAC real estate office. I know that Ruth Pino has already expressed her gratitude to you, but I wanted to be certain to pass along my thanks as well.

Again, thank you and keep up the good work!

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk". The signature is fluid and cursive, with a long horizontal stroke at the end.

Carolyn A. Kirk
Mayor

cc: Chief John Beaudette
David J. Bain, Jr., Personnel Director
Gloucester City Council

JAN 25 2008

January 21, 2008

John Beaudette, Chief of Police
Gloucester Police Department
Main Street
Gloucester, MA 01930

Dear Chief Beaudette,

I want to express my gratitude to Joe Fitzgerald and Mike Gossom for conducting a safety course for my office on January 10, 2008. As real estate agents, we are often working with complete strangers, taking them to empty homes and meeting them in remote areas. I asked Joe and Mike to help us understand how we can better protect ourselves and to be more aware of what is happening around us. They did that and more.

We most often come into contact with the Police Department after a situation, so it was nice to meet two of Gloucester's finest who could help us avoid those situations in the first place.

Sincerely,



Ruth E. Pino
Branch Executive

cc: Carolyn Kirk, Mayor of Gloucester

PREMIER SERVICE®

Carlson GMAC Real Estate
224 Washington Street
Gloucester, MA 01930

Office (978) 283-8600 | Fax (978) 281-6243
Web carlsoncapeann.com

ENCLOSURE 8

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

VIA FACSIMILE TO 508-999-6442
AND BY U.S. MAIL

February 19, 2008

Mr. Richard Armstrong
Director of Port Development
40 Center Street
Fairhaven, MA 02719

Dear Rick,

What a great pleasure to meet with you in my office on January 30, 2008 to discuss "doing better what we do best." There is no doubt that the Seaport Advisory Council with its resources and expertise can help turn the lights back on on Gloucester Harbor.

I have given much thought to our discussion, and concur that the best way to proceed would be to request support from the Seaport Advisory Council in the form of underwriting an economic development business plan for Gloucester Harbor.

As I mentioned, currently only 1% of the entire tax base of the city is derived from properties along the Harbor. Given the restrictions in use as a Designated Port Area (DPA) along with devastating limits placed on the commercial fishing fleet, our most valuable asset needs the lights turned back on for sure.

Putting the Working Port Back to Work

All DPAs' are different, and Gloucester is ready to unite around our distinction as a Working Port. The theme that I envision for the economic development plan is "Putting the Working Port Back to Work". We need to:

- Put the properties back to work for the city's tax base;
- Put the fishermen back to work;
- Put Gloucester residents back to work in the diverse businesses that represent the best of Gloucester Harbor from tourism to entertainment to fish handling to shore side services.

Gloucester's tendency is to discuss the Harbor from the point of view of zoning, dredging, ferries and floats. We need to start talking about inspired urban design, the creative juxtaposition of uses/needs and accommodation of interests, and positive economic impact. We need to identify the types of investments that make sense for our Working Port. We need to unleash the entrepreneurs and use the Harbor as the economic development engine for the revitalization of Gloucester.

*Rick -
looking forward to the 1st
of April.
Cand*

Components of the "Putting the Working Port Back to Work" Plan

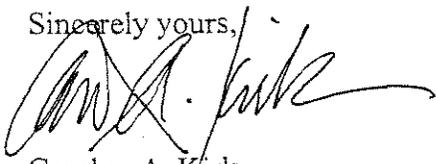
With underwriting from the Seaport Advisory Council, Gloucester's Harbor and economy can be re-energized. The components of the economic development plan should include:

1. **Vision** – what does it mean for Gloucester to be a Working Port?
2. **Community Outreach** – how will Gloucester become united around the notion of itself as a Working Port?
3. **Regulatory Environment** – what are the myths and facts about the regulatory environment that governs our Harbor?
4. **Market Characterization** – What is the potential economic development for Gloucester Harbor across industry segments? (Job potential. Potential increase in tax base.)
5. **Tools** – what tools are appropriate for achieving the vision and economic development goals? (Zoning. Alterations in DPA.)
6. **Infrastructure** – what are the limits placed on economic development as a result of the infrastructure? What is possible with infrastructure investment?
7. **Property Owners** – How does Gloucester engender confidence with the property owners so they make a further investment in Gloucester?
8. **Protection of Fishing Industry** – 2014 is the year that groundfish stocks are expected to rebound. The economic development plan should also consider:
 - a. How fishermen will be expected to compete in 2014;
 - b. Adequacy and capacity of the facilities supporting the fishing industry (dockage, fuel, repair, ice, processing, etc);
 - c. Expected labor pool of skilled fishermen in 2014.

Basically, Gloucester needs a roadmap to revitalizing the Harbor and our city that is based on the values we hold dear as a community as well as good policy. Not only does the roadmap guide us, it can be used as a business development tool to attract new investment in the city.

In terms of assistance from the Seaport Advisory Council, underwriting of the economic development business plan as well as funding project management support of the project would be ideal. My sense is that it would be a \$400,000 undertaking, and I respectfully make this request of the Council. Gloucester has fallen on hard times, and above all else, we need to know that there is light at the end of the tunnel. It is my sincere hope that the Seaport Advisory Council will join us as a partner in the revitalization of our beautiful city.

Sincerely yours,



Carolyn A. Kirk
Mayor

**GLOUCESTER CITY COUNCIL CALENDER OF BUSINESS
TUESDAY, MARCH 18, 2008 - 7 P.M.
KYROUZ AUDITORIUM, CITY HALL
COUNCIL MEETING #2008-007**

Attendance: Bruce Tobey, Council President; Sefatia A. Romeo, Council Vice President (arrived late), Councilors Joseph Ciolino, Steve Curcuru, Philip Devlin, Sharon George, Jason Grow, Jacqueline Hardy

Also: Jim Duggan, Dale Brown, Barry McKay, Mike Faherty, Richard Noonan, Richard Gaines

Absent: Councilor John "Gus" Foote

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

FLAG SALUTE & MOMENT OF SILENCE

ANNOUNCEMENTS

Council President Tobey announced a special council meeting will be held on Tuesday, 3/25 at 7 p.m. in the Kyrouz Auditorium to review compliance of the conditions of the special council permit for Gloucester Marine Terminal, as well as a joint workshop with the Planning Board on zoning and the Harbor Plan. Secondly, at the request of the leadership of the Zoning Ordinance Review Group, a special council meeting will be held on Tuesday, 4/22 at 7 p.m., in the Kyrouz Auditorium to conduct a workshop on proposed amendments to first three sections of the Zoning Ordinance. Thirdly, citations are to be issued to all elected officials who served the City in 2006-2007, including former Mayor Bell and former Councilors Destino, McLeod, Swekla and Peckham. He read the citation into the record and noted that the plaques have been signed by all members of the Council and the Mayor and will be delivered by the City Clerk.

ORAL COMMUNICATIONS

COUNCILLOR'S REQUESTS TO THE MAYOR

08-43 (Curcuru) URGENT Request that the Mayor instruct the DPW repair the guardrail at the Fisherman's Wives statue that was temporarily repaired with a two by four and appears to now be disconnected. Can this be taken care of quickly as it is a presents a dangerous situation. Thank you.

08-44 (Grow) Request the Mayor provide for the Budget and Finance Committee a complete YTD budget update for the general fund -- complete with encumbrances, salary lag and over-expenditures, as well as an accounting of any/all positions where grant or other outside funds have been utilized to pay for budgeted salary. Finally, a list of any/all positions that have been vacated within this fiscal year and what the status is on whether those positions will be filled by the end of the fiscal year and whether their remaining budgeted personnel costs remain in their respective departmental budgets. (note, to contain unnecessary copy costs, this report should be delivered electronically as an excel spreadsheet file unless a councilor requires a hardcopy).

08-45 (Grow) Request the Mayor direct the DPW to add the length of Beach Road to the pothole repair list.

08-46 (Grow) (Preface -- Knowing well that the vast majority of dog owners are responsible and responsive, with the weather changing and an increase of folks enjoying Good Harbor Beach, calls are beginning to come in regarding problems having to do with unleashed dogs jumping on people and dog owners either not picking up after their pooches, or leaving the remains in bags at the foot of the Nautilus Road bridge or on the beach -- no one wants to curtail the enjoyment of the beach, but that works both ways -- folks without dogs should be able to enjoy the beaches as much as folks with dogs. I'm not even opposed to unleashed dogs, but the owner needs to have control of their animal at all times.)

Request that the Mayor direct the police department and the animal control officer to step up their presence at Good Harbor Beach to enforce regulations as they pertain to dogs on the beach. It would be beneficial to enact a public outreach campaign with flyers and/or signage that emphasizes the rules and responsibilities of having dogs on the beach. This is not a request to increase ticketing, but rather increase public awareness so that everyone, both dog owners and non-dog owners, can enjoy the beaches.

08-47 (Hardy) Request the Mayor provide the City Council with a current **compendium of fees** prior to the submission of the FY 09 Budget for review by the Council. Further, that said compendium be sorted by the associated department and be presented in spreadsheet format.

08-48 (Curcuro) Request the Mayor direct the DPW to paint both corners of the curbing “yellow”, 20’ from the intersection of Centennial and Washington Streets to delineate “no parking here to corner”.

SECOND REQUEST 08-49 (formerly 08-21) (Curcuro) Request the Mayor instruct DPW to repair the one way section of Granite Street which runs parallel with Blynman Avenue. There are many potholes that cars try to avoid, endangering high school kids as they walk there on their way home from school; it is a very unsafe situation. *(Contrary to the response this is not complete.)*

SECOND REQUEST 08-50 (formerly 08-24) (Curcuro) Request the Mayor instruct the DPW to repair the potholes on Foster Street. There is one at the Washington Street end on the right that is about 6 feet by 3 feet and is barely able to be avoided. *(Contrary to the response this is not complete.)*

EMERGENCY REQUEST - Councilor Devlin stressed the need for Concord Street, which is in disrepair and has become a safety hazard to be resurfaced from Andy’s Variety to Cedarwood Lane. He request the Mayor come up with a short term and long term plan, as well as a plan to deal with contractors who do shoddy work for the city. Concord Street leads to Wingersheek Beach, which provides an enormous revenue stream for the city.

Council President Tobey asked the Mayor’s office for an answer for the next council meeting of 4/1st.

Councilor Hardy noted this is an issue she has been fighting for over two years now. She asked how long these contractors are to be held responsible and the need to start a list of these contractors, denying road opening permits to those who do not comply with the regulations.

Council President Tobey requested the Mayor’s office add Cherry Street, in front of the O’Maley School, Washington Street and Witham Street to the report to be submitted to the council.

RECONSIDERATION OF VOTE

1. Special Budgetary Request to Fund Fire Dept. Overtime. Councilor Grow

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted by ROLL CALL 6 in favor, 0 opposed, 1 abstention (Hardy) to reconsider the vote taken on 3/4/08 to fund Fire Department overtime.

Discussion. Councilor Grow put forward a vote to reconsider as a good faith effort to allow time for negotiations to continue.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 7 in favor, 0 opposed to postpone the vote to fund Fire Department overtime until 4/1.

CONFIRMATION OF APPOINTMENTS1. Committee for the Arts TTE 02/14/2012 **Dale T. Brown**

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council the appointment of Dale Brown to the Committee for the Arts for a term to expire 2/14/12.

MOTION: On motion of Councilor Grow, seconded by Councilor Hardy the City Council voted 7 in favor, 0 opposed the appointment of Dale Brown to the Committee for the Arts for a term to expire 2/14/12.

2. Downtown Development Commission TTE 12/31/2009 **Joseph Ciolino**

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council the appointment of Joe Ciolino to the Downtown Development Commission for a term to expire 12/31/09.

Discussion. Councilor Hardy recommended a number of months ago to increase membership and to include a member of the Council on this committee. She supports this nomination. **Council President Tobey** stated this group use to be very dynamic and active and we need resurgence and supports Councilor Ciolino's appointment.

MOTION: On motion of Councilor Grow, seconded by Councilor Hardy the City Council voted 7 in favor, 0 opposed the appointment of Joe Ciolino to the Downtown Development Commission for a term to expire 12/31/09.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council the appointment of Christopher McCarthy to the School Modular Building Committee.

Discussion. Council President Tobey noted the Mayor has requested a hold on the appointment of Aaron Ciluffo to the School Modular Building Committee.

MOTION: On motion of Councilor Grow, seconded by Councilor Hardy the City Council voted 7 in favor, 0 opposed the appointment of Christopher McCarthy to the School Modular Building Committee.

CONSENT AGENDA***MAYOR'S REPORT***

1. Communication from EMS coordinator re: Ambulance Billing and Collection (*Refer O&A*)
2. Report from City Auditor "Duty When Appropriations Are Exhausted" (*Refer B&F*)
3. Memo from Health Department requesting Acceptance of a grant (*Refer B&F*)
4. **Appointment:** Downtown Development Commission: **John Orlando** (*Refer O&A*)
5. **Appointment:** Downtown Development Commission: **Roger Armstrong** (*Refer O&A*)

INFORMATION ONLY

1. Responses to Council Requests from 02/26/2008 (*File*)

APPROVAL OF MINUTES

1. City Council Meeting: 03/04/2008 (*Approve/File*)

APPLICATIONS/PETITIONS

1. **SCP #2008-003:** 30 Chestnut Street: 2 to 3 Family 2.3.1 (4) (a) (*Refer P&D*)

ORDERS

1. CC2008-011 Amend 22-270, 22-291 "Elm Street" (*Footnote*) (*Refer O&A, TC*)

ITEMS REMOVED FROM CONSENT AGENDA

No items were removed from the consent agenda.

MOTION: The consent agenda was adopted by UNANIMOUS consent of the City Council.

Council President Tobey asked that an invoice for legal services from Mackie, Shea and O'Brien be referred to Budget and Finance.

MOTION: On motion of Councilor Grow, seconded by Councilor Hardy the City Council voted 7 in favor, 0 opposed to refer the invoice for legal services from Mackie, Shea and O'Brien to Budget and Finance.

FOR COUNCIL VOTE

FCV2008-006: Dedication of Land to Anton J. Muller for his service to the City (*Devlin*) *Adopt*

Councilor Devlin stated personally he doesn't know Mr. Muller but the Magnolia neighborhood wants to show their appreciation for what he has done for them. He read a letter from a constituent into the record (*copy in file*) and noted the entire Magnolia neighborhood feels the same.

MOTION: On motion of Councilor Devlin, seconded by Councilor George the City Council voted 7 in favor, 0 opposed that the City owned property behind the Magnolia Fire Station (Shore Road) be dedicated to Anton J. Muller of 3 Flume Road for recognition of his service to the City of Gloucester and Magnolia.

Council President Tobey asked the Clerk to arrange an appropriate dedication ceremony as soon as possible.

SCHEDULED PUBLIC HEARINGS**Public Hearing #1**

08-003: SCP #2007-24: 91 Riverview Road: Lowlands permit 5.5.4 WITHDRAWN

The written request to withdraw was accepted by UNANIMOUS consent of the Council.

Public Hearing #2

08-004: SCP #2007-23: 71, 73, 79 Concord Street: Major Project, Shopping Center Cont from 1/22/08, *Cont to 6/10/2008*

The public hearing is opened and continued to 6/10/08.

Public Hearing #3

08-006: SCP #2007-25: 33 Emerson Avenue: 5.22 Wind Turbine Cont from 1/22/08, *Cont to 04/01/2008*

The public hearing is opened and continued to 4/1/08.

Public Hearing #4

08-010: RZ2008-001- Rear 82 Bass Avenue: R-3 to EB

The public hearing is opened.

Speaking in favor. Michael Faherty, Attorney representing Aran Patrican, 82 Bass Avenue proposes rezoning approximately 3,419 sq. ft. of a residential parcel measuring approximately 19,000 sq. ft. The transfer includes all of the paved parking area shown on lot 2 of the plan

provided, currently used by Cape Ann Coffees for parking. Cape Ann Coffees is in the process of purchasing the property and are asking the zoning be changed from R-3 to EB. The Extensive Business (EB) district is a district established to accommodate business, retail and service uses serving a city-wide clientele. The EB District is characterized by good highway accessibility and exposure afforded by location on collector streets. This rezoning will provide contiguous zoning to correct a non-conforming situation that has existed since at least 1972.

Richard Noonan, 131A Wheeler Street, co-owner of Cape Ann Coffees spoke in favor of this rezoning as the parking is crucial for allowing seating in the building and storage of the dumpsters.

Speaking in opposition. No one spoke in opposition.

Communications. There were no communications.

Questions. **Councilor Ciolino** asked for clarification that the house at #82 Bass Avenue is for sale and that this rezoning will help to make #86 Bass Avenue conforming to existing zoning.

Attorney Faherty replied the parcel at #82 Bass Avenue is single family home that will be sold less the 3419 sq. ft.

The public hearing is closed.

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council amending the Gloucester Zoning map and corresponding zoning districts by rezoning approximately 3,419 sq. ft. in R-3 medium-high density residential district to Extensive Business (EB) at 82 Bass Avenue, Assessor's Map 185, lot 46, pursuant to an application submitted by Aran Patrican.

Discussion. **Councilor Hardy** stated at their meeting of 2/25, the Planning Board voted unanimously to recommend this zoning be allowed. No one spoke in opposition at P&D. This is more or less a housekeeping issue and she recommended the council vote favorably on this

MOTION: On motion of Councilor Hardy, seconded by Councilor Ciolino the City Council voted by ROLL CALL 7 in favor, 0 opposed to amend the Gloucester Zoning map and corresponding zoning districts by rezoning approximately 3,419 sq. ft. in R-3 medium-high density residential district to Extensive Business (EB) at 82 Bass Avenue, Assessor's Map 185, lot 46, pursuant to an application submitted by Aran Patrican.

Councilor Hardy directed the Clerk's office to notify Engineering of this zoning change to get the map changed as soon as possible.

COMMITTEE REPORTS

1. O&A: 03/10/2008

MOTION: The Ordinances and Administration Committee voted 2 in favor, 1 opposed (Foote) to recommend to the full City Council granting an extension to the Committee for the Arts to June 2nd for the purpose of putting forward recommendations for the Poet Laureate.

Discussion. **Councilor Grow** stated the Committee for the Arts has had a difficult time coming up with a quorum and they only meet once monthly.

Council President Tobey stated the council has put a name forward and he urged Ms. Brown as representative of the group that the matter be completed by the committee by June 2nd.

Dale Brown, 37 Beacon Street replied after the Committee for the Arts received this request; the committee did meet and developed a process based on the handbook prepared for the committee

when John Ronan was Chair, which involves going through a request for applications from the public and we requested the extension in order to have time to complete that phase of the process.

MOTION: On motion of Councilor Grow, seconded by Councilor Hardy the City Council voted 7 in favor, 0 opposed the granting an extension to the Committee for the Arts to June 2nd for the purpose of putting forward recommendations for the Poet Laureate.

2. P&D: 03/12/2008

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council to allow the 2008 annual St. Peter's Fiesta commencing on Wednesday evening, June 25 through Sunday, June 29, use and control of St. Peter's Park on Rogers Street, the streets and sidewalks of Rogers Street, from Mansfield Way to the entrance of Commercial Street, Commercial Street up to the Chamber of Commerce Building, and from the intersection of Main and Washington Streets to St. Peter's Park; and on Friday, June 27, Saturday, June 28, and Sunday, June 29, only, the water side of Stacey Boulevard from the Tavern, to the Fishermen's Memorial (to the extent allowable by law) and the Ciaramitaro/Gemellaro Playground at Fort Square; for the purpose of conducting the St. Peter's Fiesta on the days and dates mentioned above. Further that vendors not be allowed on the right-hand side of Commercial Street nor on the streets and sidewalks from Tally's to the Chamber of Commerce and in addition, that all peddlers, canvassers, solicitors and others who encroach upon or occupy in any way these areas without the express consent of the St. Peter's Fiesta Committee are to be considered trespassers and to be in violation of Gloucester City Ordinances, Chapter 14, Section 14-6; Trespass.

Discussion. Councilor Hardy spoke in support. P&D had no concerns. The Fiesta Committee will meet with Lt. Aiello and P&D also suggested the Fiesta Committee speak with the City Engineering Department in case of street openings from the CSO project and that they reach out to the Building Inspector regarding the newly enacted lighting ordinance.

MOTION: On motion of Councilor Hardy, seconded by Councilor Ciolino the City Council voted 7 in favor, 0 opposed to allow the 2008 annual St. Peter's Fiesta commencing on Wednesday evening, June 25 through Sunday, June 29, use and control of St. Peter's Park on Rogers Street, the streets and sidewalks of Rogers Street, from Mansfield Way to the entrance of Commercial Street, Commercial Street up to the Chamber of Commerce Building, and from the intersection of Main and Washington Streets to St. Peter's Park; and on Friday, June 27, Saturday, June 28, and Sunday, June 29, only, the water side of Stacey Boulevard from the Tavern, to the Fishermen's Memorial (to the extent allowable by law) and the Ciaramitaro/Gemellaro Playground at Fort Square; for the purpose of conducting the St. Peter's Fiesta on the days and dates mentioned above. Further that vendors not be allowed on the right-hand side of Commercial Street nor on the streets and sidewalks from Tally's to the Chamber of Commerce and in addition, that all peddlers, canvassers, solicitors and others who encroach upon or occupy in any way these areas without the express consent of the St. Peter's Fiesta Committee are to be considered trespassers and to be in violation of Gloucester City Ordinances, Chapter 14, Section 14-6; Trespass.

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of s SCP to allow construction of a pier, seasonal gangway and float to Paul LeBlanc, 28 Kent Road, Map 220, Lot 6, Zoning Classification R-2,

pursuant to Section 5.5 (Lowlands) of the Gloucester Zoning Ordinance. This recommendation carries the following conditions:

1. That the Order of Conditions issued by the Conservation Commission dated 8-6-07 be incorporated into the conditions of this permit.
2. That the recommendations by the Shellfish Warden to the Gloucester City Council in a letter dated 7-16-07 become conditions of this permit namely:
 - a. The proposed floating dock is to be designed to rest on rocky/cobble substrate and will be secured by rope and chains to existing rocks in order to minimize impacts to shellfish habitat.
 - b. The floating dock and gangway must be removed seasonally from October 15th to May 15th and stored in an upland location
 - c. Construction materials must be non-toxic and specified before the start of construction
AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion of Councilor Hardy, seconded by Councilor Ciolino the City Council voted 7 in favor, 0 opposed the granting of s SCP to allow construction of a pier, seasonal gangway and float to Paul LeBlanc, 28 Kent Road, Map 220, Lot 6, Zoning Classification R-2 pursuant to Section 5.5 (Lowlands) of the Gloucester Zoning Ordinance. This recommendation carries the following conditions:

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 - b. **The floating dock and gangway must be removed seasonally from October 15th to May 15th and stored in an upland location**
 - c. **Construction materials must be non-toxic and specified before the start of construction AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council that as in accordance with the Gloucester Zoning Ordinance Section 1.4.2.2(f) that the City Council hold a public hearing after proper notice and advertisement in the matter of: ERS, Wash, Inc., d/b/a Jim's Bagel and Bake Shoppe, for a Special Permit issued on November 13, 2007 and pursuant to section, Sec. 5.17 of the Gloucester Zoning Ordinance to operate a Drive Thru Facility at 26 Railroad Avenue Gloucester as shown on Assessor's Map 125, Lots 11 & 12, and located in the Neighborhood Business (NB) Zoning District. Said hearing shall be to determine whether or not said special city council permit is in violation of the terms and conditions set forth in said permit including whether material representations made by the applicant in the 2007 public hearing have not been honored as required by the general conditions of the special permit. Further that written notice of said hearing be mailed by certified mail – return receipt requested - to all parties holding beneficial or financial interest, and so named in the above mentioned matter, if any, to their last and usual address on record preceding this motion, AND FURTHER TO ADVERTISE FOR A PUBLIC HEARING.

Discussion. Councilor Hardy stated this is a matter of accountability and transparency. This is just a vote to advertise.

Councilor Ciolino REQUESTED a response from the DPW on when they have scheduled the painting of the crosswalk and the relocation of the no parking sign.

MOTION: On motion of Councilor Hardy, seconded by Councilor Ciolino the City Council voted 7 in favor, 0 opposed that as in accordance with the Gloucester Zoning Ordinance Section 1.4.2.2(f) that the City Council hold a public hearing after proper notice and advertisement in the matter of: ERS, Wash, Inc., d/b/a Jim's Bagel and Bake Shoppe, for a Special Permit issued on November 13, 2007 and pursuant to section, Sec. 5.17 of the Gloucester Zoning Ordinance to operate a Drive Thru Facility at 26 Railroad Avenue Gloucester as shown on Assessor's Map 125, Lots 11 & 12, and located in the Neighborhood Business (NB) Zoning District. Said hearing shall be to determine whether or not said special city council permit is in violation of the terms and conditions set forth in said permit including whether material representations made by the applicant in the 2007 public hearing have not been honored as required by the general conditions of the special permit. Further that written notice of said hearing be mailed by certified mail – return receipt requested - to all parties holding beneficial or financial interest, and so named in the above mentioned matter, if any, to their last and usual address on record preceding this motion, AND FURTHER TO ADVERTISE FOR A PUBLIC HEARING.

3. B&F: 03/13/2008

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council the appointment of Marcia McInnis as Interim City Auditor to commence upon completion of Barry Boyce's contract.

Discussion. Councilor Grow stated we need an Auditor who understands our system to carry on and he feels Marcia McInnis, current Assistant Auditor is the logical choice and he encouraged the council to approve this.

Councilor Ciolino stated with Marcia taking over the Auditor's job there will be an empty slot that will need to be filled. The busiest time for the Auditor is coming up and we need to have the staff to do the work that needs to be done.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 7 in favor, 0 opposed the appointment of Marcia McInnis as Interim City Auditor to commence upon completion of Barry Boyce's, (current Auditor's) contract.

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council payment of an invoice without a purchase order to Guisti, Hingston and Company in the amount of \$1,238.56 for professional consulting services.

Discussion. Councilor Grow touched on this in discussions about the financial software. An offer to do this for free turned into a more involved process and Hingston felt compelled to charge for that service.

Councilor Ciolino stated we are building a file for our software company and the suggestion has been made that we may have the opportunity to deduct this charge at a later date.

Councilor Curcuru noted it may be a good idea to start tracking the man hours and money being wasted on this.

Councilor Hardy restated her dissatisfaction with Unifund. The reporting capabilities are not what they should be and she feels we should cut our losses.

MOTION: On motion of Councilor Grow, seconded by Councilor Ciolino the City Council voted 6 in favor, 1 opposed (Hardy) payment of an invoice without a purchase order to Guisti, Hingston and Company in the amount of \$1,238.56 for professional consulting services.

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council Transfer 08-26 in the amount of \$57,276.78 from Reserve for sick buy back to Retirement sick buy back. PERSONNEL

Discussion. Councilor Grow stated during the last budget review we reduced the sick leave buyback in the line items of certain budgets and put that into a reserve account for retirement sick leave buy back. A couple of the items on this transfer were for vacation buy back and he doesn't know if those should come out of this.

Councilor Hardy is concerned there may be two different line items, one for sick leave buyback and one for vacation buyback.

MOTION: Transfer 08-26 was referred back to Budget and Finance by UNANIMOUS consent of the City Council.

Discussion on FY08 Budget Challenges.

Councilor Tobey noted that money was appropriated to pay the MMA dues by the last administration; notwithstanding that it is a condition and requirement for the city's to hold property and casualty insurance at a discounted price.

Councilor George questioned the large insurance claim in the amount of \$426,847.

Councilor Grow outlined the items making up the \$808,407 in FY08 budget challenges as figures not factored into the budget. The health insurance claim was for a covered person who has since passed away. The claim was initiated while the city was self insured and needs to be paid. The Personnel Department is working on a payment over time plan with the insurance company, so we won't have to pay this all in one year.

Councilor George stated this doesn't include the snow and ice deficit; with that we are looking at a \$1.2 million deficit. We are ending the third quarter of our fiscal year and we have not received a report from Unifund. With all the money we have spent for this software; it cannot tell us what our expenditures are as of 3/31st.

Councilor Grow replied that is correct; these reports are not easily generated. The current Auditor, Barry Boyce has cobbled together a report for us.

Councilor George stated the Mayor discussed that she alone would be the one to provide a reference for Unifund. She herself would find it very difficult for this city to give Unifund a reference.

Jim Duggan, Administrative Assistant to the Mayor explained that any reference would have to go through the Mayor's office and nothing has come forward at this point.

Councilor Grow stated we expect to have a third quarter report the beginning of April to provide a clear indication of where we are.

Councilor George asked at what cost; the CFO should not have to spend hours on generating reports that this system was supposed to do.

Councilor Hardy joins Councilor George in her displeasure with Unifund and asked will we know when the Mayor will be giving a reference and will we have an opportunity to chime in also.

Mr. Duggan stated the Mayor is as disappointed with Unifund as you are and if a reference was requested she would make the Council aware of that.

Council President Tobey noted the \$300,000 collected in tax title goes to free cash as it is one-time money and will not be used to lower this deficit.

Councilor Ciolino recommended holding another meeting to discuss where we are and if there is any light at the end of the tunnel.

Council President Tobey stated the Mayor is committed to an action time line and feels another meeting at this time is premature.

Mr. Duggan concurs with the Council President.

Councilor Ciolino stated we need to start thinking if we should pull the plug on Unifund.

Councilor Grow shares everyone's frustration at not being able to obtain basic information from this system. We need to keep the pressure on but also allow the work to continue. He would consider changing software after getting through this budget process.

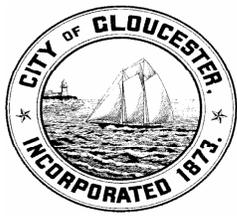
COUNCILLOR'S REQUESTS OTHER THAN TO THE MAYOR

Councilor Grow announced that the GHS Robotics Team will be attending a robotics science competition on 3/28 and 3/29; 8 a.m. to 6 p.m. at Boston University, Aganois Auditorium.

It was moved and seconded to adjourn the meeting at 8:15 p.m.

Respectfully submitted,

June Budrow
Clerk of Committees



GLOUCESTER CITY COUNCIL 2008

COMMUNICATION

RECEIVED:

NUMBER: COM2008-005

NUMBER OF PAGES: 2

SUBJECT: LEAP Road Race

ACTION: Refer P&D

March 3, 2008

Jackie Hardy
Councilwoman
Gloucester, MA

Dear Councilwoman Hardy:

On behalf of Lanesville Emergency Action Program (LEAP), I respectfully request a permit to host a 4 Kilometer road race and 1 Mile Fun Run on the morning of July 4, 2008, through the Lanesville community.

LEAP, who's mission is to mobilize neighbors in times of emergencies, and offer assistance to those in need, is hosting this event in conjunction with the Lanesville Community Center. Our goal is to start to raise money for an early warning system for the area of Lanesville. This 4th of July event, which we hope to continue for years to come, will be part of our fundraising effort.

The 4K race is scheduled to begin at 10:00am. The 1 Mile Fun Run is scheduled to begin at 10:15am. Both races should be completed no later than 11:00am. In our inaugural year, we anticipate no more than 50 participants total in both events.

Please see the attached map for the race route. As you'll notice, the races will both begin and end at the Lanesville Community Center. We will have approximately 20 race course volunteers stationed at all major intersections throughout the course, to help with the flow of the runners, and to keep the course safe. Our course volunteers will either have walkie talkies or cell phones, to communicate with the command center, the medical crew, or a volunteer at a major cross street, and will all be wearing a bright colored t-shirt so they can easily be seen by our runners. We are fully prepared to use several volunteers at the location where the race course crosses Washington Street (Rowley Shore to High Street), and anticipate stopping traffic in 1 to 2 minutes spurts at most, as runners cross. We will also have several volunteers as the runners round the corner of Washington Street onto Langford St. Again, we anticipate the inconvenience to any traffic to be minor. We do request that Washington Street (from the Langford St. intersection to the Andrews Street intersection) be turned into a 1-way street for 1 hour, as is done on Sunday's for the church traffic. This will allow runners to safely make the turn without crossing traffic.

The Fun Run will cross Washington Street at the Munsey St./Morgan St. intersection, but we will hold-up the walkers/runners and not stop traffic.

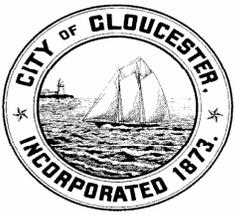
Two Medical Stations will be on the course; one near the halfway point of the race on Lanes Cove Rd., staffed with a nurse and trainer; the other at the Finish Line, staffed with an Emergency Room Physician. We will call 911, if necessary, to transport to Addison Gilbert Hospital. We will also alert the local EMS of the race. Two water stations will be alongside both medical stations, and one water station for the fun run will be located on the corner of Buttman Avenue and Langsford St.

This event will not allow any bicycles, skateboards, rollerblades, roller skates, or any use of headphones by runners.

There will be a clean-up crew, that will do a full sweep of the course, once the race is complete, to pick-up any litter and debris that may be dropped by our runners. We plan to notify all of the residents along the course, so they are aware of the event. We will also notify the houses close to the Start Line of our use of an airhorn to start the races (at 10:00am and 10:15am).

Our event will be sanctioned by the New England branch of USA Track and Field, and will provide us with \$2,000,000 General Liability Insurance coverage.

Thank you for your consideration of our request. If you have any questions or need further information, please don't hesitate to contact Beth Vasta, 4K Race Organizer, at BethVasta@aol.com or 978-281-7464.



**CITY OF GLOUCESTER 2008
CITY COUNCIL ORDER**

ORDER:	#CC2008-015
COUNCILLOR:	Joe Ciolino, Gus Foote

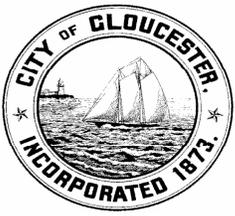
DATE RECEIVED BY COUNCIL:	04/01/2008
REFERRED TO:	O&A, TC
FOR COUNCIL VOTE:	

That Section 22-283, entitled “Bus Stops and Taxi Stands”, be amended by ADDING:

Main Street, Northerly Side, from a point 200 feet from its intersection with Pleasant Street for a distance of 75 feet in a westerly direction.

And by DELETING:

Main Street, Northerly Side, from a point 20 feet from its intersection with Center Street, for a distance of 40 feet in an easterly direction.

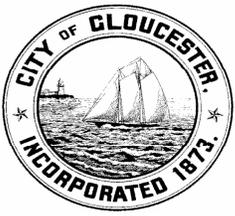


**CITY OF GLOUCESTER 2008
CITY COUNCIL ORDER**

ORDER:	#CC2008-014
COUNCILLOR:	Bruce Tobey

DATE RECEIVED BY COUNCIL:	04/01/2008
REFERRED TO:	
FOR COUNCIL VOTE:	04/15/2008

That the City Council request our State Legislative Delegation to support and promote efforts to codify the recent Appellate Tax Board decision that telecommunication wires and poles are subject to local taxation, so that the cities and towns of the Commonwealth can collect and expend in Fiscal Year 2009 the \$52 Million that decision requires to be collected.



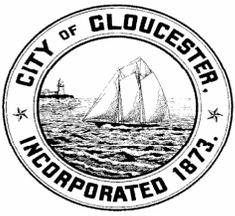
**CITY OF GLOUCESTER 2008
CITY COUNCIL ORDER**

ORDER:	#CC2008-013
COUNCILLOR:	Steven Curcuru

DATE RECEIVED BY COUNCIL:	04/01/2008
REFERRED TO:	Hearing to be scheduled
FOR COUNCIL VOTE:	

**That Section 22-287, entitled “Disabled veteran, handicapped parking” of the Gloucester Code of Ordinances be amended by DELETING:
Sylvan Street, 1 Space, In front of #4.**

*Note: A public hearing is required and will be scheduled - no referral required, and per ordinance, the sign can be removed immediately

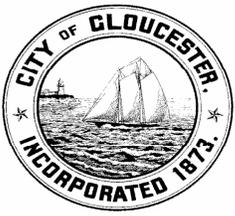


**CITY OF GLOUCESTER 2008
CITY COUNCIL ORDER**

ORDER:	#CC2008-012
COUNCILLOR:	Steven Curcuru

DATE RECEIVED BY COUNCIL:	04/01/2008
REFERRED TO:	O&A, TC
FOR COUNCIL VOTE:	

**That Section 22-287, entitled “Disabled veteran, handicapped parking” of the Gloucester Code of Ordinances be amended by
ADDING:
Granite Street, 1 space, in front of #19.**



**CITY OF GLOUCESTER 2008
CITY COUNCIL ORDER**

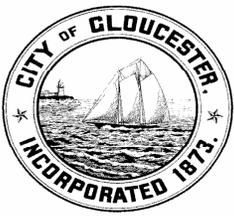
ORDER:	#CC2008-016
COUNCILLOR:	Gus Foote

DATE RECEIVED BY COUNCIL:	04/01/2008
REFERRED TO:	O&A, TC
FOR COUNCIL VOTE:	

That Section 22-287, entitled “Disabled veteran, handicapped parking” of the Gloucester Code of Ordinances be amended by ADDING:

Pleasant Street, 1 Space, in front of #27.

To be effective Tuesday through Saturday, 10 AM-5PM and Sundays 1PM through 4 PM. Signage to be clearly marked as to these hours, and the present parking meter is to remain in place.



GLOUCESTER CITY COUNCIL 2008 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2008-006
SUBJECT SCP #2007-25: 33 Emerson Avenue: 5.22: Wind Turbine
DATE OPENED: 12/11/2007
CONTINUED TO: 01/22/2008, 03/18/2008, 04/01/2008
CONTINUED FROM: 12/11/2007, 01/22/2008, 03/18/2008
COMMITTEE MEETING 11/28/2007, 01/16/2008, 02/27/2008, 03/12/2008, 03/26/2008

Legal Notice

NOTICE OF PUBLIC HEARING

In accordance with the provisions of MGL Chapter 40A, section 11, the Gloucester City Council will hold a public hearing on December 11, 2007 at 7PM in the Kyrouz Auditorium, City Hall relative to the following Special Council Permit Application:

APPLICANT: Dunfudgin, LLC

LOCATION: 33 Emerson Avenue

TYPE OF PERMIT: Section 5.22, Commercial Land Based Wind Facility

PRESENTLY ZONED: G-1, General Industrial

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

By Vote of the City Council
Robert D. Whynott, City Clerk

GT - 11/27, 12/03/07

COMMITTEE MINUTES

P&D 11/28/2007:

1. SCP 2007-25 – Dunfudgin, LLC, 33 Emerson Avenue – Sec. 5.22 Wind Turbine
Councilor Peckham disclosed that he is not in any business relationship with the principal of Dunfudgin, LLC, Mac Bell. **Attorney Lisa Mead, 30 Green Street, Newburyport** representing the applicant provided a overview of the proposed project. She is joined by **John Judd, Engineer Gateway Consultants and Richard Griffin, Architect**. **Attorney Mead** stated the Planning office has asked for additional information which she has provided in a supplemental filing dated 11/20/07 (*copy in file*). The additional filing addresses the comments from the City Planner dated 11/9th. Certification that abutters have been notified has also been provided for the file (*copy in file*). **Councilor Hardy** asked is the applicant aware the City Council will be changing and with the requirements and criteria that need to be met under Section 5.22 and there is a possibility that you will have to make another presentation to the new P&D. **Attorney Mead** replied yes, we are aware. Because the Council is the special permit granting authority, if we present evidence before the full Council and the Council changed we would have to under Ch. 40A resubmit an entire application. We would like to do a presentation and overview and hear feedback before making the determination to continue to the next meeting or wait until the next Council comes in and gather new information. The site is 33 Emerson Avenue in the General Industrial (GI) district for the proposed siting of a 250 kilowatt monopole wind tower; much smaller than what has been approved in the past. She provided a brief presentation of the application and noted it meets all the requirements under Section 5.22 with the exception of a request for a waiver of the setback to the nearest joining property line. The requirement is 150' but no less than 44.75' and we have 45'. The likelihood of any construction of a building between the building

proposed and the property line is unlikely at best. The Pathways building and play area is 345' away from the proposed tower; across the easement area or driveway road. She provided an acoustical report done in September, 2007 by Tech Environmental which states the tower complies with both DEP and the local noise ordinance at the nearest property located on Griffin Court. The supplemental filing also confirms there will be no lighting required by either FAA or Mass Aeronautics and we do not intend to light the tower. The proposed facility will not have an adverse impact or overbalance the beneficial effects on the neighborhood and the city. The use of alternative energy and the "green" design proposed will have beneficial impacts to the site and community, such as offering this as a science room for the Gloucester High School. **John Judd, Gateway Consultants** presented the site plan that has been approved by the Conservation Commission, showing the topography, site conditions and the proposed structure with dimensions from adjacent properties. The property is over 6.5 acres with an easement going through the property south to north that allows access for Gloucester Transit Mix. He noted the building at 29 Emerson Avenue is Pathways for Children and situated both north and south is the Gloucester High School. The property has a steep slope and the proposed building has been approved by the Conservation Commission as shown in the location on the plan and the wind tower will be located to the north of that, situated for the benefit of the wind.

Richard Griffin, Architect with offices at 37 Turner St., Salem stated proposed is a 250 kilowatt wind tower. The manufacturer of the wind turbine is Furlander, located in Germany the manufacture of the monopole done in Mass. He provided a brief description of the tower through photographs of the tower superimposed to scale. Safety wise the foundation for the tower is designed by STV Engineering, similar to building design, only the requirements are stringent and the foundation is designed to two times hurricane strength. Furlander has never had any failures in their wind towers and they are located all over the world. He also provided an overview of the technology. There are two speeds in the wind blade rotation controlled by the pitch of the blades with a maximum of 30 mph, top speed. It is a safety conscious design. He further illustrated that the wind tower would provide roughly one half the electricity for an 80,000 sq. ft. office building which is what they would like to put on this site. The extra electricity will be sent back into the Grid. This is the optimal tower for an 80,000 sq. ft. building.

Councilor McLeod asked if it will handle the building's electricity needs during the day.

Mr. Griffin replied it would have the capacity to handle the whole building during the day with a good prevailing wind. This is about one-third the height of the Varian wind towers and is an ideal location for prevailing winds in Gloucester.

Councilor McLeod asked if a study has been done on the wind speeds.

Mr. Griffin replied yes, and noted the average wind speed is 11 mph and we need 6.8 mph for output. We put an anemometer on the top of the Transit Mix building and have taken measurements.

Attorney Mead stated the Mass. Technological Collaborative gave the applicant a \$50,000 grant to undertake a study to make sure this was an appropriate location; the second grant is for \$500,000 to construct the tower.

Councilor McLeod asked if the waterfall shown in the artist's rendition of the building is purely esthetical.

Mr. Griffin replied there is a culvert going under the site to a wetland outflow, so he took a bit of imagination to turn that into a small stream going out to the river. It is basically channeled storm runoff. We will also have green roofs, using a succulent type plant which doesn't grow too much.

Councilor McLeod asked what would be the total cost of the project.

Mr. Griffin replied the tower alone will be roughly \$750,000 for both the purchase and installation of the wind tower.

Councilor McLeod asked what would be the cost of the building.

Mr. Griffin replied the office building as tentatively proposed is approximately \$9 million.

Councilor Peckham asked if they wouldn't begin construction of any tower until they have a tenant for the proposed building.

Mr. Griffin replied that is correct. He supposes it would be conceivable that another arrangement could be made, if the likelihood of the building was a lot less than the likelihood of the wind tower. For example, "Child Development Programs – Pathways for Children" (their building) may be interested in the electricity, if things completely feel through with the other.

Councilor Hardy asked would they then become the applicant or should they be a co-application.

Mr. Griffin replied he doesn't think so, he thinks it is premature. We are pretty committed to building the building; he is just speculating.

Councilor McLeod asked if that was because the article says he doesn't have a tenant right now.

Mr. Griffin nodded in the affirmative.

Attorney Mead stated right now the site is being permitted for the commercial building proposed. We are here to permit the site so it is a marketable site. At this time there are no other plans to sell wind to power another building. The permit is for this site, for this building; that's it.

Councilor Hardy stated the only possibility would be to sell the overage back to the Grid.

Attorney Mead stated they just take it back if it is generated.

Councilor Hardy asked if all residential units within 300' are sited on the plan.

John Judd, Gateway Consultants replied yes, the nearest residential property is Griffin Court which is approximately 700' from the actual structure.

Councilor Hardy asked how the tower will be anchored.

Mr. Griffin replied that the bottom section is embedded about 8' into the earth and has poles around the perimeter and through those pass the reinforcing steel and that is all poured into concrete. The base is locked into the ledge with rock anchors.

Councilor Hardy asked about the color of the tower and if there would be any advertising on the tower.

Mr. Griffin replied it would be off white and there will be no advertising on the tower.

Councilor McLeod asked about shadowing or flickering.

Mr. Griffin stated the conclusion of the study is that the tower can only cause flicker from the northeast through the northwest, so there is not much the flicker can fall on. Flicker would fall on the ground for several minutes a day, several weeks a year but there would be very minimal flicker.

Attorney Mead noted that in the supplemental filing the first diagram is the flicker study. The anchoring of tower is shown in Sec. 4 tab 4, S-2 of the original filing.

Councilor Hardy asked once the permit is granted when you will be ordering this piece of equipment.

Attorney Mead is not sure of the lead time but the goal is to permit the site. The building itself has been permitted. One of the follow up questions the Planning office asked was on the status of the Conservation Commission approval. There was an appeal on the order of conditions and we are expecting a super ceding order of conditions from DEP.

Mr. Griffin added the building is designed within the requirements of the zoning ordinance.

Councilor Hardy asked if they would perform a balloon or helicopter test.

Attorney Mead replied they could arrange a balloon test in short order.

Mr. Griffin added they own the meteorological balloons, so everything is ready to go.

Councilor Hardy would like a site visit.

A SITE VISIT was scheduled for Tuesday, 12/4 at 12:30 p.m. with the possibility of a balloon test.

Councilor Hardy asked about the wind monitoring meteorological tower.

Mr. Griffin stated that is already done and we have records.

Councilor Hardy suggested hiring a photographer to take photos from different vantage points in the City during the balloon test; to include the top of Commonwealth Avenue (Bellevue Avenue), Essex Avenue, the A. Piatt Andrew Bridge coming into Gloucester and from Stage Fort Park.

MOTION: On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to continue the SCP #2007-25 for Dunfudgin, LLC, 33 Emerson Avenue, Section 5.22 Wind Turbine to 12/5/07.

Planning & Development

Wednesday, January 16, 2008 - 7 p.m.

1. SCP 2007-25 – Dunfudgin, LLC, 33 Emerson Avenue – Sec. 5.22 Wind Turbine (continued from 11/28/07).

The application is complete, the fee has been paid and it has been signed off by the building inspector and planning director; includes an abutters list, exhibits, maps, photos, and reports.

Abutters have been notified. The committee agreed to waive the 30 days after application submittal requirement for a balloon test.

Attorney Lisa Mead, 33 Emerson Avenue provided an overview of the proposal to locate a Wind Energy Conversion Facility at 33 Emerson Avenue. The application was filed and supplemental information filed on 11/20/07 in response to a list of questions from the planning office. The height is 131' to the hub and 180' to the blade tip. The recently permitted Varian wind towers are over 500' tall. A pre-application conference was held on 7/10/07 with the City Council and complies with the ordinance requirements and set backs except for the setback from the joint property line. A section of Keyspan Energy property is abuts this property but does not have a building on it and is unlikely to be built upon; the reason being is (a) because of wetlands and riverfront statute and regulations and (b) because there is an easement directly in the middle of it and (c) if you were to treat it as a separate lot given dimensional requirements it is unlikely any building could be built there. The closest building is over 159' away (edge of Gloucester Transit Mix building). Another issue that came up at the preliminary meeting was the distance from the wind tower to the child play area at Pathways and that is over 345' away. Richard Griffin, Architect will address the visual impact from flicker issues and shadowing and a balloon test will be undertaken and pictures will be taken from three vantage points during that test. One of the requirements of the SCP ordinance is we present flicker and light effects from the turbine on surrounding properties. The local and DEP noise requirements have been met and the acoustical report clearly states the tower complies at the nearest residential property on Griffin Court with an ambient sound of 1-3 dbas at the nearest residence depending on the time of year. The 11/20th submission includes a confirmation from the FAA and Mass Aeronautical Comm. that no lighting is necessary on the tower

nor does the applicant propose any lighting on the tower. The proposed facility will not have an adverse impact which overbalances its beneficial effects on either the neighborhood or the city and provides a community benefit using “green” construction. Additionally, we propose that the GHS use the facility as part of its curriculum in particular to its close proximity to the school. Utilities will be underground and the mechanics of the tower will be located within the tower itself.

John Judd, Professional Engineer, Gateway Consultants is responsible for the site plan, including topography, location of wetlands and other natural resources and the proposed building adjacent to the wind tower.

Questions. Councilor Hardy asked if there will be any accessory buildings for any equipment.

Attorney Mead replied all the mechanics will be located within the base of the tower. This is a monopole, 250 kilowatt facility.

Councilor Hardy asked about anchoring the facility.

Richard Griffin, 37 Turner Street, Salem, MA, Architect explained that the foundation is a 16’ hexagon that is about 6’ deep and has rock anchors that drill 15’ into the ledge at various points. The tower is a series of large circular steel pieces. The tower itself is cast into the concrete and interwoven with the reinforcements, designed for at least R-2 to R-4 strength. The manufacturer is Furlander, a German firm with numerous installations worldwide. There is about a 9 month order time and construction would begin accordingly, with the proper site preparation. The tower is built in western Mass by Moss and Berkshire, North Adams. The pieces will be brought in by truck. The sections are 20 x 30’ long and the flanges are located on the inside, so outside the tower is smooth. He presented an aerial photo showing the maximum flickering and shadowing areas (*copy in file*). He noted that 90% of the sweep goes across fields and water. He explained that flicker is the effect of sun moving through a fan.

Councilor Hardy asked how many homes flickering will interfere with.

Mr. Griffin replied it may affect perhaps 12 homes off of Emerson Avenue only for a few minutes a day, a few weeks per year at any given location and is dependent upon the wind and sun on any given day. From a professional view it is really a non-issue.

Councilor Hardy asked if the blades spin and turn.

Mr. Griffin replied yes, they turn to maintain one of two speeds and a shutoff above 40 mph.

Councilor Hardy asked why you need to place this tower so close to the property line.

Mr. Griffin replied the proposed building is taking up the other part of the property. They felt this was a reasonable location for the tower. Gloucester Transit Mix and Keyspan don’t consider it an obstacle; it is 345’ away from any occupied building. It is the ideal location not to interfere with any neighbors.

No one else spoke in favor.

Speaking in opposition. Debora Taylor, 2 Griffin Court has owned her home for 3 years and has concerns of traffic, noise and safety. How does the applicant propose the traffic flow of an additional 250 cars on this site. She also has blasting and drilling concerns and is concerned about the noise level of the wind tower. She would like proof from other residences with wind towers nearby. She asked if there are underground utilities where the drilling would be.

Questions. Patty Pardee, 17 Holly Street representing Pathways asked to be part of the site visit being proposed and noted there are buildings on the adjacent property not shown and how far away the tower will be located from those buildings.

Councilor Hardy asked for clarification if there are existing buildings that are not shown on the map presented.

Mr. Griffin replied those buildings are located on the Keyspan property and are not shown on the map because they are very small and are inhabitable.

Mr. Judd stated those buildings are close to 300’ away from the proposed tower.

Ronn Garry, 209 Atlantic Road asked about the amount of power being generated and fluctuating amounts of wind. Varian will be returning 30% of their electricity generation back to the Grid and will this be a similar situation.

Mr. Griffin replied the size of this wind turbine is approximately one-quarter the size of one of the Varian towers, so doesn’t estimate as high a return.

Mr. Garry stated in thinking about renewable energy this would be an opportunity for the City of Gloucester to take advantage of getting some energy at wholesale.

Councilor Hardy asked a question as it relates to the proposed building.

Attorney Mead replied the building being proposed is allowed by right. We are in the permitting process with the Conservation Commission – there is an order of conditions on the building and has been extended at the request of the Conservation Commission and the applicant because laws regarding storm water and riverfront have changed. The order of conditions was appealed and we are waiting for a superceding order of conditions from DEP. There is no need for an order of conditions on the wind turbine because it is outside the buffer zone.

Councilor Hardy asked what would be done with the wind turbine if the building is not constructed.

Attorney Mead replied wind turbines are an accessory use and a condition could be placed on the SCP that the wind turbine could not be built unless the building is built. She clarified that the wind generation will be used for this building and will not be sold. She also asked for a three year permit given the lead time for ordering the wind turbine and to finish up the permitting for the building. With regards to concerns voiced about noise; the acoustical report was done on a Saturday

when Gloucester Transit Mix was not in operation. We used a conservative method while doing the test during when it was quietest.

Councilor Hardy asked how the comment made about an additional 250 cars relates to the wind turbine.

Attorney Mead replied it is not related to the wind turbine. The location the road and road reconstruction is permitted in the order of conditions for the building.

Councilor Hardy asked if safety plans will be initiated.

Attorney Mead replied an operations and maintenance plan will be provided by the contractor of the tower.

Mr. Griffin noted Furlander has had no failures with any of their wind turbines. The design against overturnment is more stringent than a 150' tall building. In terms of operations emergency response it is a fully computerized alarmed system that submits a signal to the company that is maintaining it.

Attorney Mead stated prior to issuance of a building permit we could provide an emergency operations procedure and at that time we will provide the manufacturer's operation and maintenance plan.

Councilor Hardy asked if the base of the tower would be fenced off with any posting of notices.

Mr. Griffin feels there is no need to fence it off, as everything is underground and there is a locked steel door at the base of the tower but agreed that after it is built and viewed they would install a fence upon request. He also noted the color of the tower will be an off white.

It is the applicant's responsibility for the legal advertisement. A Site Visit will be scheduled for Saturday, February 9th with an alternate (snow) date of 2/16th, at 11 a.m. The Balloon Test will also be done at this time and five photographs will be taken from various vantage points throughout the city; from the A. Piatt Andrew Bridge, Stage Fort Park at the basketball courts and from Bellevue Street, the Causeway between the two restaurants and the Heights of Cape Ann.

The SCP for Dunfudgin, LLC, 33 Emerson Avenue is continued to 2/27.

Planning & Development

Wednesday, February 27, 2008 - 7 p.m.

2. SCP 2007-25 – Dunfudgin, LLC, 33 Emerson Avenue – Sec. 5.22 Wind Turbine (*continued from 1/16/08*).

A site visit and balloon test was done on 2/9th.

Attorney Lisa Mead previously provided proof of advertisement, proof of notification and photographs of the five locations designated

David McCaleb, 7 Bellevue Avenue didn't see the balloon after the first 10 minutes.

Attorney Mead replied the balloon had popped.

Richard Griffin, Architect stated the tip of the crane is more representative of the tip.

Lee Ann E. Kowolski, 7 Bellevue Avenue was also at the site test and noted there was a lot of difficulty positioning the crane and it was her understanding they never quite got over the actual site.

Mr. Griffin stated we are about 20' away from the actual site. He provided representation of a photo superimposition to give an accurately scaled view of what the wind tower would look like.

Robert McKechnie, 10 Wolf Hill Rd is opposed to this; he presented a picture of this from his picture window and the crane is right in the middle of it. He is in the house across from Friendly's overlooking the river.

David McKechnie, 12 Wolf Hill Road stated although he is in favor of wind power, he feels this is the wrong location for wind energy and he is prepared to significantly fight this as this will affect hundreds of people's view and the entrance to the Annisquam River.

Attorney Mead noted the requirements under MGL, Ch. 40A to notify abutters to abutters within 300'. She also stated a neighborhood meeting on the matter was sponsored by the ward councilor. Another requirement of the ordinance is to present a flicker plan and the plan shows a very minimal affect for very few houses at minimal times during the year.

Speaking in favor. Tom Carpenter, 8 Griffin Court stated he did receive notice of the meeting and that based on the plans, he is one of the closest abutters. He is concerned about the decibel levels at various wind speeds. There are two large structures that we like in this town – Holy Family and City Hall. We don't mind those because they are part of the character. If you are going to fight this on aesthetics then it won't fit in anywhere in Gloucester. Visibly anything manmade is an issue and he feels we need to go to wind power and this is a small step towards that.

Attorney Mead addressed the noise issue; through the required acoustical report presented at one of the first meetings. She noted they can only up to 10 dba's above ambient.

Stevan Goldin, 14 Hodgkins Street represents 10 citizens who have an appeal in for the complex that is to be built. The wetlands permit is now under appeal with two main contentions, one is the large amounts of illegal fill there. That is how a buildable site was created; this was riverfront area that was legally protected.

Councilor George stated we are talking about the wind tower, not the building.

Mr. Goldin stated the wind tower is part of this whole complex and he is hoping the City Council will look into this. The other part of the appeal is mitigation. If you take riverfront property you have to do mitigation. The other thing that is important is he doesn't feel this can be turned down because every other special council permit has six broad criteria and he feels this ordinance was lobbied in with special criteria not allowing this to be turned down.

Councilor Hardy asked Attorney Mead to address the noise issue. How close would the nearest house be to this.

Attorney Mead replied the closest house is over 400' away. From the wind tower to the playground area is 345'. The location of the base of the wind turbine is outside the buffer and wetland area. She clarified the status of the Conservation Commission's order of conditions granted last spring – was appealed by 10 citizens to DEP who made a site visit with full access to site and then issued a superceding condition affirming the Conservation Commission's order of conditions and that is decision is now being appealed to the administrative law judge.

Tom Rittenger, 2 Gloucester Avenue stated at this point he is opposed to this. He is more concerned about property values.

Attorney Mead has not done a study on property values.

Councilor Hardy stated a report done in Hull was presented during Varian's presentation stating that property values went up as a result of the turbines.

Fred O'Dea 12 Bellevue Avenue is also opposed sunsets from his house are great what does this do to the value of his and the neighborhood houses.

Debra Taylor, 2 Griffin Court stated after the site test, she went to her house and sat where they barbecue and noted this turbine will be in direct view. It is also a very visible site from the rotary heading from the hospital toward town and it will be an eyesore.

Questions. Councilor Devlin read Section 5.22.3 paragraph (c) into the record and feels visually what hurts is the elevation on which it will sit looming large over a sacred area of the city.

Attorney Mead commented in the context of what is allowed in the ordinance; given you allow wind energy conversion facilities and given what those are then you apply this. The Council has already decided they will be allowed by special council permit in these areas and decided that those up to 500', taller with waivers are already allowed in the city by special council permit. The wind turbine is located where it is for optimal wind speed and distance from the nearest residential neighbors. We believe this meets the requirements of the ordinance.

Mr. Griffin stated as an architect he is interested in designing with nature. In his view because of the function of a wind tower, he is trying to get as much wind as possible. He took anemometer readings 50' up from the cement plant and that was the best location for catching prevailing winds. It is as far away as possible from residences and Pathways and borders the cement company which isn't bothered by it.

Councilor George noted the height of the wind tower off the Expressway and asked why this one has to be 180'.

Mr. Griffin stated this it is a slightly larger blade diameter and is the standard tower design for a 250 kilowatt tower. The amount of electricity provided will be about half of the building needs.

Councilor Hardy has grave concerns regarding the setbacks and referred to Section 5.22.6(b)(2)(3) and asked what is the distance from the base of tower to the property line.

Attorney Mead stated the ordinance requires 150' or a minimum of the length of the blade or a waiver from the Council. We are 48'-5" to the edge of the property line. The Keyspan property is 159' form the edge of the wind turbine to the edge of the Gloucester Transit Mix building. They have provided a fall area easement but to meet the 150' you are at the Keyspan property line. The likelihood of anyone ever being able to build on the abutting property is next to nothing for the reasons outlined in the past. Nothing has ever been built here so they have to comply with the 200' river bank set back and the gas line easement, as well as the side set back requirements.

Councilor Hardy stated you are presupposing they can't get a variance for their property line.

Attorney Mead replied the land is not unique compared to the rest of the area. She can't suggest what exceptions will be given but feels it is unlikely. Another reason for the locations is that it is furthest away from a residence, as well as to allow the building to be built and to meet other set backs and meets the needs of the wind energy production. We believe we meet the ordinance requirements for the waiver. The requirement we are supposed to meet is one set back from an adjacent property line we don't own and we are asking for the minimum.

Councilor Hardy feels the minimum is the 150'.

Attorney Mead stated we are allowed to ask for a waiver for the setback requirements under site specific considerations, Sec. 5.22.6(3).

Councilor Hardy asked if we have detailed engineering reports.

Attorney Mead replied those were provided in the initial filing stating we meet the needs for safety. The way this is written is for safety of construction of the facility with the location furthest away from a residence and a site specific location for wind energy productions.

Councilor Hardy is concerned about Section 5.22.6(b)(2)(i) – "which ever is greater".

Attorney Mead noted the waiver powers are in Sec. iii. The prior ordinance required fall area easements prior to submission, so we obtained a fall area easement from Gloucester Transit Mix. In the meantime, the ordinance changed and we have provided the insurance to this committee for fall areas.

Councilor Hardy would feel better if you could get an easement over the Keyspan property.

Attorney Mead noted that under this ordinance we believe what is required is insurance and that has been provided.

Councilor Hardy asked Gregg Cademartori, Planning Director if there was a formal TAG meeting held on this and asked him to address the fall zone, set back.

Gregg Cademartori, Planning Director replied there wasn't a formal TAG meeting held for this. When we began to draft the ordinance there were several options for addressing the siting of wind energy conversion facilities and we distinguished between residential and commercially designed wind turbines. Another decision was whether there would be an overlay district or whether these would be allowed in these districts by permit. It is allowed by special council permit but obviously there is a numerous page ordinance that goes over various criteria that has to be met in order to issue a special council permit for a wind turbine. Primary concerns are related to safety and noise. The standards for setback requirements vary considerably across the state and an ordinance was created that encouraged wind energy in appropriate sites. He feels we have some of the most conservative setbacks that are in line with the state ordinance on wind turbines with a minimum standard set back of 150' or no less than the rotary blade length.

Councilor Hardy asked is there any way the plans for the building could change so we could get the tower much further away from the property line.

Attorney Mead replied at one corner we just meet the 25' setback but we could get it to 70'

Mr. Griffin fails to see how a change profits the city or anybody except the cement company.

Councilor Hardy asked if the building plans are etched in stone.

Attorney Mead replied the proposed building location is due to the wetland constraints, the setbacks and the easement.

Councilor Hardy asked is the wind tower including the buffer zone for wetlands.

Attorney Mead replied it is outside the wetlands.

Councilor Hardy asked if the applicant has spoken with Keyspan to see if they can get an easement.

Attorney Mead has been talking with Keyspan for 3 years and there have been two takeovers since we began discussions on this. They have received notice; we actually had them out on the site and they recognize where all their facilities are.

Councilor Hardy is in favor of alternative energy and likes wind turbines. She has been to the site in Hull and has also seen the one on the Expressway. She does however have concerns about the setbacks.

Attorney Mead stated the practical reality is the size, geography and topography.

Councilor Devlin is concerned about the visual impact on the community and is trying to understand why it can't be lower and operated under a different size.

Mr. Griffin replied the prevailing wind and output will be less if the tower is placed lower.

Councilor Hardy asked would the applicant be agreeable to having the City of Gloucester install surveillance or monitoring equipment on the tower if it didn't interfere with the operation.

Attorney Mead replied we suggested in our memo that the school system could use this for its curriculum. She would have to ask the applicant about the monitoring cameras, etc.

Councilor Hardy asked would there be an agreement or an offering to help towards the City's Fire Department training.

Attorney Mead agreed to inquire about that.

Councilor George stated we are the recommending body to the full Council and she feels the applicant has complied with the ordinances and the ordinances are set up to protect our residents and neighbors.

Councilor Devlin agrees and asked what the response was to the neighbors on the sensitivity to them of losing their views.

Mr. Griffin replied at the neighborhood meeting some were for and some were against. Wind power can be viewed esthetically as a symbol of green energy at work.

Attorney Mead stated we happen to think this is an appropriate site. Sites have gotten funds from Mass Technology Collaborative and some of the biggest towers in the city have already been permitted in the city.

Councilor Hardy noted when the ordinance was written we chose which districts these could be located in and general industrial (GI) is one of those. She sees this meets the criteria of it being in the proper zone.

The four criteria in lieu of the SCP criteria outlined in 1.4.2.2e per the ordinance are entered into the record as follows:

All wind energy conversion facilities shall be constructed and operated in locations that minimize adverse visual, safety, and environmental impacts. No special permit shall be granted unless the special permit granting authority finds in writing that:

1. The proposed location is in an appropriate location on the site.
2. The use will not pose a significant adverse impact to the health or public safety of the neighborhood.
3. There will be no serious hazard to pedestrians or vehicles from the use.
4. Adequate and appropriate facilities will be provided for the proper operation of the use.

The applicant has provided proof of liability insurance and does comply with the state requirements; the height doesn't exceed 500'. She referred to the setbacks and asked if you could move away from the property line, she may be in favor of this. As far as the visual impact, that is tough to minimize; she feels they have done everything according to the ordinance. She stated they have met the equipment shelter provisions, there will be no signage and asked about utilities.

Attorney Mead replied all utilities will be below ground as required in the ordinance.

Councilor Hardy went on to say there has been no objection to the proposal made on land clearing and noise, shadow and flickering and hazardous materials have all been addressed. Notification and maps, including engineering maps have been submitted and site plan requirements are in order. A balloon crane test was performed according to the ordinance and photos have been submitted. An operations and maintenance plan is forthcoming and will merge into the condition of the permit. It is yet to be seen if there will be telecommunication aerials on this tower.

Attorney Mead replied there is no plan for that at this time.

Councilor Hardy stated an operations and maintenance plan will be provided on a yearly basis. The applicant has determined they are fully aware of the conditions within the ordinance.

Attorney Mead asked the committee to consider a motion for reconsideration to provide her an opportunity to address outstanding issues, specifically the setback, the height of the tower, monitoring devices and the Fire Department training.

Councilor Hardy is more than willing to hear these reconsiderations at the council level.

Discussion on the motion. **Councilor Devlin** reiterated that this has to go to the full Council for a public hearing where there will be other opportunities to speak.

Councilor Hardy is in favor of alternative energy; it is the wave of the future but she does have issues with the set backs. We did a lot of work to put this ordinance together and put a lot into the issue of safety; 150' is the requirement and you are looking for over a 100' waiver.

MOTION: On motion of Councilor George, seconded by Councilor Devlin the Planning and Development Committee voted 0 in favor, 3 opposed to recommend to the full City Council the granting of a Special Council Permit for a Commercial Land Based Wind Energy Conversion Facility pursuant to the Gloucester Zoning Ordinance, Section 5.22 to Dunfudgin, LLC, 33 Emerson Avenue, Map 21, lot 8, zoning classification G-I (General Industrial) - pursuant to the following conditions:

1. **Dunfudgin LLC agrees to indemnify and hold the City of Gloucester harmless from and of all debts, liabilities and costs associated with any municipal emergency response to incidents the above mentioned wind energy conversion facilities (“WECF”).**
2. **With respect to conditions numbered 1, 2 and 3 above, failure of Dunfudgin, LLC to comply with such conditions may be grounds for revocation of the Special Permit in accordance with procedural safeguards set out in both the State Zoning Act and the Gloucester Zoning Ordinance. MOTION FAILED.**

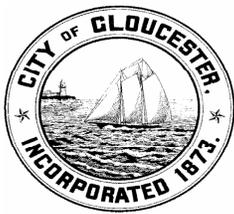
Planning & Development

Wednesday, March 12, 2008 - 7 p.m

3. SCP- 2007-25 – Dunfudgin, LLC, 33 Emerson Avenue, Sec. 5.22 Wind Turbine (*reconsideration of vote taken on 2/27*)
The applicant submitted a written request for a continuance of the “vote for reconsideration” until 3/26 and is fully aware that the public hearing will be continued as well.

The SCP for 33 Emerson Avenue is continued to 3/26/08.

***Please see Committee Report from 03/26/2008 for full Finding of P&D**



**GLOUCESTER CITY COUNCIL 2008
PUBLIC HEARING**

PUBLIC HEARING NUMBER: PH2008-012
SUBJECT: Loan Order 08-05 \$38,000.00 for Beach equipment
DATE OPENED: 04/01/2008
CONTINUED TO: _____
CONTINUED FROM: _____
COMMITTEE MEETING: 02/28/2008

**LOAN ORDER 08-05
LEGAL NOTICE**

The Gloucester City Council will hold a public hearing on Tuesday, April 1, 2008 at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall relative to the following: Loan Order 08-05: Ordered; that \$38,000 is appropriated for the purchase of a beach rake and tractor; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$38,000 and issue bonds or notes therefore under G.L. c.44, §7(9) or any other enabling authority; and that the Mayor is authorized to take any other action necessary to carry out this project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify any or all of the bonds under M.G.L. c44A and to provide such information and execute documents as such board may require for those purposes.

By Vote of the City Council
Robert D. Whynott, City Clerk

AD#11619383
Cape Ann Beacon 3/21/08

MOTION: On motion of Councilor Ciolino, seconded by Councilor Curcuru the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council a loan authorization for \$38,000 for the purchase of a beach rake and tractor (pending language from the CFO) and further to ADVERTISE FOR PUBLIC HEARING.

Budget and Finance

Thursday, February 28, 2008 – 7:00 p.m.

1. Request to purchase new beach cleaning equipment.

Councilor Grow thanked members of the CIAB for being here tonight on such short notice.

Joe Parisi, DPW Director stated the request is for both a tractor and a beach rake.

John Nicastro, beach machine operator takes care of all six beaches on a rotating basis, Good Harbor, Niles, Wingaresheek, Pavillion, Half Moon, and Cressy's. We start cleaning beaches three weeks before Memorial Day and it takes about three days to clean Good Harbor. This machine goes down 7" and cleans everything out. By Memorial Day the beaches are all done and then we rotate the cleaning from then on throughout the summer. The existing beach machine is a Barber, the best machines in the world, but it is also 20 years old and no longer works. With this machine beach cleaning is now a two man operation; before the machine it was a nine man operation.

Councilor Grow asked about delivery time and will they keep the old machine for parts.

Mr. Parisi thought it would be in time by Memorial Day.

Mr. Nicastro assumes they will keep the old machine for parts. This machine also rakes large fields such as Newell Stadium and Burnham's.

Councilor Ciolino spoke to the need to purchase a galvanized machine.

Peg Murtagh, CIAB Chair asked if the unit is sealed.

Mr. Nicastro replied yes, today everything is sealed so water cannot get into the parts.

Bill Kyrouz, CIAB asked if the machine will be used on a daily rotating basis.

Mr. Nicastro stated the machine will be used from about 7 a.m. to noon. Then we park it unless we need it for raking.

Mr. Kyrouz asked why we couldn't just purchase a new rake and tow it with the tractor we already have since the machine will be available after noon.

Mr. Nicastro stated the brush cutter will not fit down Half Moon Beach.

Mr. Fryklund stated when you aren't doing beach grooming the tractor sits for the rest of the year and it is a shame it can't perform other functions. There are pulling devices to supply enough hydraulics to satisfy this machine and asked have you looked at accessories for the tractor. He asked how fast it can go on the highway.

Mr. Nicastro replied 24 mph; he also noted it needs a front bucket.

Mr. Kyrouz agrees the beaches need to be clean and they generate a lot of money but asked if we will have two tractors that are under utilized; the Tiger and the beach machine.

Councilor Ciolino stated the brush cutter is operational in the winter.

Mr. Parisi explained that with good mechanics seasonal use increases the longevity of the equipment. The tractor can accommodate accessories to get more utilization out of the tractor.

Mr. Fryklund feels these machines need to be really worked or stored inside and all the oils changed.

Ms. Nicastro stated the mechanics winterize it in the off season.

Councilor Grow \$53,000 out of vehicles and only looking to borrow for \$38,000.

Mr. Parisi stated it is up to the CFO to determine the borrowing.

Ms. Murtagh, CIAB stated this was included in the CIAB plan as necessary piece of equipment.

Councilor Hardy is concerned where this will be stored and asked will it be stored in the DPW lot.

Mr. Nicastro replied it will be stored in the DPW yard during the summer and in the winter we will store it in the water barn which does not flood.

MOTION: On motion of Councilor Ciolino, seconded by Councilor Curcuru the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council to authorize the re-allocation of \$52,000 from the CIP06 CSO Construction Vehicles account #600000.10.442.58256.0000.00.000.00.058 to the beach rake and tractor purchase.

MOTION: On motion of Councilor Ciolino, seconded by Councilor Curcuru the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council a loan authorization for \$38,000 for the purchase of a beach rake and tractor (pending language from the CFO) and further to ADVERTISE FOR PUBLIC HEARING.

CITY COUNCIL
AND
CITY COUNCIL STANDING COMMITTEE
Planning & Development
Wednesday, March 26, 2008 - 7 p.m.
City Hall – Third Floor Conference Room

Attendance: Councilor Jackie Hardy, Chair, Councilor Sharon George, Vice Chair, Councilor Philip Devlin

Also: Councilors Joe Ciolino and Steve Curcuru, Brian Cassidy, Ralph Pino, Deb Kowalski, Lisa Mead, Richard Griffin, Mac Bell

Absent:

The meeting was called to order at 7:00 p.m. A quorum of the City Council being present a City Council meeting was also called to order.

1. 10 Lookout Street – violation of conditions of special council permit. (*cont from 2/13/08*)
Councilor Hardy asked Attorney Cassidy why he hadn't complied with the request to submit a legal brief on the matter of 10 Lookout.

Brian Cassidy, Attorney for the abutters stated he had spoke to Linda Lowe, General Counsel for the city and it was her opinion that any attempts to change the special council permit as modified would require a new application by the abutters to the council. He noted he briefed this issue on 8/13/2007 in a letter to the City Council that prompted seeking enforcement action for the cutting of the trees and an order has been issued that they would be replaced and the condo association has agreed that would be done this spring. Based on his conversation with Linda Lowe with regards to the enforcement of parking and subsequent modification of the parking, a modification to that special permit as modified would require a new application.

Councilor Hardy noted for the record that she has not received a written statement from Linda Lowe regarding the aforementioned statement made by Attorney Cassidy.

Ralph Pino, Attorney for the condo owners explained that the modification of the special permit did not include the restriction of the parking in a public way. Further, there is no public need for that and it would be the only project in Gloucester that he knows of where there would be such a prohibition. At the last meeting the owners were asked to look into the lights at the exit doors. He referenced meeting with the Building Inspector and the issue has been resolved. Included for the record is a memo from Bill Sanborn, Building Inspector (*copy in file*). There is no argument on the trees; the only issue is the on-street parking which was not included in the amended special permit.

Councilor George stated since the last meeting, she has been up to Bellevue and Conant at least 7 different times. She spent considerable amount of time up there and doesn't see a large volume of cars. She also noted that although in the past children have played on the dead-end of Bellevue; it is a street. It is not classified in the ordinance as a park or a playground and we are talking about two condo owners with two cars each, not a huge condominium development. The original special permit was granted in 1990, 18 years ago. She feels there is a difference between a tenant and an owner and it is her feeling that the people living in those two units are property owners and have every right to park on that public street.

Councilor Hardy agrees that the tree issue has been mitigated and the lighting issue has been addressed by the Building Inspector. As far as the parking goes - how can we pick and choose who can park on a public street? She feels that condition is unenforceable. She noted that under Section 1.4.2.2(e) of the Zoning Ordinance the Council has the right to review and modify

conditions to a special permit if those conditions no longer serve the public good. Therefore, she would like to recommend this go to the full City Council for a public hearing.

Discussion. Councilor Hardy spoke in support of removing condition #4 for the following reasons: Both Bellevue and Conant are public ways; she believes this condition was to be extinguished when the 1990 permit was modified in 2005; and she believes to condition no parking on a public way is discriminatory and impossible to enforce.

Councilor George also supports this motion. She also feels it is discriminatory against these two property owners.

MOTION: On motion of Councilor George, seconded by Councilor Devlin the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council amendment of the original special City Council permit adopted by the City Council on August 14, 1990 for 10 Lookout Street with regards to the condition for tenant parking by STRIKING condition #4 found on page 2 of said decision as follows: "Tenants' cars will not be parked on Bellevue Avenue or Conant Avenues." pursuant to Sec. 1.4.2.2(e) of the Gloucester Zoning Ordinance and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

Councilor Hardy discussed the possibility of another motion to refer the issue of the trees to the full City Council.

Attorney Pino doesn't want to create uncertainty.

Councilor George stated the condo association has agreed to replace the trees back and the lighting issue has been dealt with so she does not support a motion to send this to the council. Attorney Cassidy understands the concerns over legalities but explained that unless the condo association violates the agreement then it wouldn't be necessary to put this forward to the full council.

The matter of replacement of the trees at 10 Lookout Street is continued to May 21st.

2. SCP- 2007-25 – Dunfudgin, LLC, 33 Emerson Avenue, Sec. 5.22 Wind Turbine
(reconsideration of vote taken on 2/27)

Councilor Hardy read the reconsideration process into the record as follows: *(copy in file)*

The motion to reconsider is properly before us this evening. The maker of the motion was on the prevailing side of the previous vote and the motion was made in a timely manner.

In order for a motion to reconsider to be properly before us, the motion needs to be offered by a member of the prevailing side of a previous vote... the motion needs to be made in a timely manner... and the motion needs to be seconded in order to be placed on the floor for discussion (on the reconsideration). When a motion to reconsider is properly before a committee it will take a 2/3 vote to pass.

If the vote to reconsider fails (either by lack of a second or by negative vote) then the original vote on the original motion stands and it goes to the full city council as it was originally voted. If the vote to reconsider does pass it means that the vote on a previous motion is erased and we must then vote again on the original motion.

When we vote the original motion -- it is done so from the exact point in time that the original motion was made and already seconded.

That means that this committee will be at the point of discussion just before the new vote is to be taken.

This also allows only the committee members to continue asking questions and having discussion on the matter because the public comment period was closed prior to the original motion having been made and seconded.

There will be no additional input from anyone else unless a member of this committee asks for additional information – or at the discretion of the chair.

Once the discussion on the motion amongst our committee appears to be complete I will ask if we are ready for a vote on the original motion – and as Chair, I will use my discretion and ask that the clerk restate the original motion for purposes of clarity. Once the vote is taken, it will be the new vote that will move to full council for further review. Are there any questions of the committee?

MOTION: On motion of Councilor George, seconded by Councilor Devlin the Planning and Development Committee voted 3 in favor, 0 opposed to RECONSIDER the vote taken on 2/27/08 regarding the SCP for Dunfudgin, LLC, 33 Emerson Avenue, pursuant to Section 5.22 (Wind Turbine) of the Gloucester Zoning Ordinance.

The motion was restated by the Clerk as follows:

MOTION: On motion of Councilor George, seconded by Councilor Devlin the Planning and Development Committee voted 0 in favor, 3 opposed to recommend to the full City Council the granting of a Special Council Permit for a Commercial Land Based Wind Energy Conversion Facility pursuant to the Gloucester Zoning Ordinance, Section 5.22 to Dunfudgin, LLC, 33 Emerson Avenue, Map 21, lot 8, zoning classification G-I (General Industrial) - pursuant to the following conditions:

- 1. Dunfudgin LLC agrees to indemnify and hold the City of Gloucester harmless from and of all debts, liabilities and costs associated with any municipal emergency response to incidents the above mentioned wind energy conversion facilities (“WECF”).*
- 2. With respect to conditions numbered 1, 2 and 3 above, failure of Dunfudgin, LLC to comply with such conditions may be grounds for revocation of the Special Permit in accordance with procedural safeguards set out in both the State Zoning Act and the Gloucester Zoning Ordinance.*

Discussion on the original motion. Councilor George understands the view issues. She spoke on the need for alternative energy sources. Cape Ann is a good location for wind towers. In Nantucket \$50 million has been spent in litigation (\$30 million by the proponents and \$20 million by the opponents) and they still don’t have any turbines. We need to look at other alternative energy sources. She did ask the applicant for an explanation of the required setbacks.

Lisa Mead, Attorney for the applicant provided a handout (*copy in file*) showing the newly proposed setbacks.

Councilor George also thanked Mrs. Kowalski for the pictures and information.

Attorney Mead explained that the ordinance requires a 150’ setback from the adjacent property line, or in no event can it be less than the length of the blade, which in this case is 48’. The City Council can provide a waiver to that requirement. We propose moving the turbine back so it is 71’-4” from the adjacent property line owned by Key Span and still meets the required setback of 50’ from the building. In order to request a waiver the ordinance requires we meet certain safety standards, structural requirements and location. The Key Span property is only 11,640 sq. ft., 95’ wide and the only buildable portion of that property is to the east of the 200’ line over to the easement. The Ordinance also requires construction and engineering drawings to show this has been designed as safe as possible. We have provided engineered drawings for both the pole and

the foundation. She also noted that this turbine was designed by the same team that designed the Varian's turbines, already approved.

Councilor George asked if any of the other properties will benefit from the energy generated.

Attorney Mead replied the energy is only to be used for the building it was meant to serve. With regards to the best location on the site – this location is further from any of the residential uses and is 331' away from Pathways. With regards to esthetic requirements we have complied with the ordinance. We have also provided certificates of insurance to both Key Span and the Transit Mix.

Councilor Hardy stated they have obtained an easement from Transit Mix but asked if they are able to obtain an easement over the property of Key Span.

Attorney Mead explained they obtained the easement from Transit Mix prior to the change of the zoning ordinance. Key Span has gone through a number of new owners; they are friendly and we have negotiated language but can't get final sign off from them. There is no way we can get a sign off on an easement before the council meeting. We discussed with Gregg Cademartori, Planning Director what to do in place of an easement and we have provided certificates of insurance in lieu of an easement. It is extremely unlikely that the Key Span property will be built upon but the insurance covers any damage done to the properties by the wind turbine.

Richard Griffin, Architect noted with this modification we are now 150' back from the abutter and will no longer be infringing on that property.

Councilor Hardy asked what they would be looking for in relief.

Attorney Mead replied they are 71.4" away from the property line and will be looking for relief of 79'-6"

Councilor George asked if this is something that could in the future help the surrounding areas or will this be exclusively for this building.

Councilor Hardy replied it can only benefit the building on the site

Mac Bell, Principal of Dunfudgin, LLC stated the existing laws favor the utility company. We requested a variance so that in the future we could possibly share or sell some of that power to one of our neighbors. Senator Tarr is working on a bill in the State Senate to change the requirement that all excess power generated must be sold back to the Grid.

Councilor Hardy stated the way the ordinance is written now, the wind turbine is an accessory use.

Attorney Mead stated **Natalie Howlett of the Division of Energy Resources** is present and clarified that state law requires the power be sold back to the Grid.

Councilor Hardy feels when the ordinance was written, the 150' minimum distance was put there for safety purposes. She supports wind energy and would like to approve this but feels safety comes first and was hoping they could relocate the turbine so it was within the 150' or that they could get the easement from Key Span.

Attorney Mead has been working with Key Span since 2004.

Mac Bell added that Key Span is not in favor of wind power for obvious reasons.

Councilor Hardy appreciates the fact they are striving towards a solution but for safety reasons she can't support the motion tonight.

Councilor Ciolino asked about waiving the setback.

Councilor Hardy referred to page 131 of 169 in the Zoning Ordinance which she read into the record. Section 5.22.6(b)(iii) "The setbacks should be kept free of all habitable structures so long as the facility is in place; however, these areas need not be cleared of all trees or other vegetation. Setbacks shall be measured from the outside surface at the base of the turbine tower. The City Council may reduce the setbacks as appropriate, based on site specific considerations, and only after review of substantial evidence, including but not limited to detailed engineering reports or produce engineering certification, which demonstrate that safety concerns have been minimized and that setbacks have been complied with to the maximum extent practicable."

Councilor Devlin asked if they have looked into a smaller wind turbine.

Attorney Mead stated they did and noted there is only a difference of 30' in height and no cost benefit.

Councilor Devlin has been more concerned about public view and feels they have complied with the visual impact requirements of the ordinance and that they have worked with the neighbors; he does support this.

MOTION: On motion of Councilor George, seconded by Councilor Devlin the Planning and Development Committee voted 2 in favor, 1 opposed (Hardy) to recommend to the full City Council the granting of a Special Council Permit for a Commercial Land Based Wind Energy Conversion Facility pursuant to the Gloucester Zoning Ordinance, Section 5.22 to Dunfudgin, LLC, 33 Emerson Avenue, Map 21, lot 8, zoning classification G-I (General Industrial) - pursuant to the following conditions:

- 1. Dunfudgin LLC agrees to indemnify and hold the City of Gloucester harmless from and of all debts, liabilities and costs associated with any municipal emergency response to incidents the above mentioned wind energy conversion facilities (“WECF”).**
- 2. With respect to conditions numbered 1, 2 and 3 above, failure of Dunfudgin, LLC to comply with such conditions may be grounds for revocation of the Special Permit in accordance with procedural safeguards set out in both the State Zoning Act and the Gloucester Zoning Ordinance. MOTION CARRIES**

3. Other Business:

Councilor Hardy noted she will be meeting with Jen Fahey, Chair of the Planning Board to see what she has in mind for possible dates for joint meetings.

It was moved and seconded to adjourn the meeting at 8:00 p.m.

Respectfully submitted,

June Budrow
Clerk of Committees