

FLAG SALUTE & MOMENT OF SILENCE

ORAL COMMUNICATIONS

COUNCILLOR'S REQUESTS TO THE MAYOR

CONSENT AGENDA

• **MAYOR'S REPORT**

1. Letter to Mass. Highway re: A. Piatt Andrew Bridge
2. **Boards and Commissions Appointments**
Jeneth Fahey – Gloucester Cultural Council – TTE 2/14/09 (*Refer O&A*)

• **CHIEF ADMINISTRATIVE OFFICER PACKET**

1. City Auditor report on over-extended accounts (*Refer B&F*)
2. Responses to Council Requests

• **INFORMATION ONLY**

1. Letter from Paul T. Muniz, re: resignation from CIAB

• **APPROVAL OF MINUTES**

1. City Council Meeting: 03/20/2007 (Approve/File)

• **COMMUNICATIONS**

1. Mass. Div. of Energy Resources re: Energy Services Workshop
2. Gloucester Retirement Board re: FY07 Expense Budget (*Refer B&F*)
3. District Attorney's office re: complaint of Open Meeting Law violation.
4. General Counsel re: response to letter from District Attorney's office.
5. Senior Housing Options Task Force re: Assisted Living Residence in "Gloucester Crossing" Project. (*Refer P&D*)

• **ORDERS**

1. #2007-15: Investigate hiring a Public Safety Commissioner (*Foote*) (*Refer O&A*)

FOR COUNCIL VOTE

1. Clerical Correction of an SCP Decision for 26 Chestnut Street dated 04/15/2005

SCHEDULED PUBLIC HEARINGS

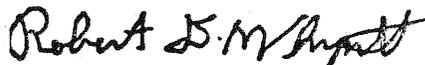
1. Proposed Beach and Park Regulations

COMMITTEE REPORTS

1. B&F (3/22/07)
2. O&A (3/26/07)
3. P&D (3/28/07) (under separate cover)
4. B&F (3/29/07) (under separate cover)

COUNCILLOR'S REQUESTS OTHER THAN TO THE MAYOR

ROLL CALL - Councillor James Destino



Robert D. Whynott, City Clerk

NEXT REGULAR CITY COUNCIL MEETING, TUESDAY April 17, 2007

Boards and Commissions Minutes filed in the City Clerk's Office through:

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

TO: City Council
FROM: John Bell, Mayor 
DATE: March 26, 2007
RE: **Mayor's Report for the April 3, 2007 City Council Meeting**

1. Included as **Enclosure 1** is a copy of a letter sent to John Blundo, Chief Engineer, Massachusetts Highway Department, regarding the A. Piatt Andrew Bridge.
2. **Boards and Commissions Appointments**

I am requesting that the Ordinance and Administration subcommittee approve the following reappointment:

Jeneth Fahey ~ Gloucester Cultural Council (2 years - to expire 2/14/2009)

Ms. Fahey's reappointment was inadvertently omitted from the previous list sent to Council. Pending Council approval, she has been issued a 90 day temporary reappointment (**Enclosure 2**) in order to attend and vote at meetings. *Please refer this matter to the Ordinance and Administration subcommittee for review and approval.*

3. **Chief Administrative Officer Packet**

Attached as **Enclosure 3** is a report from City Auditor Joseph Pratt, S 2-104, Duty When Appropriations Are Exhausted. *Please refer this report to the Budget and Finance subcommittee for review.*

4. **Responses to Council Requests**

Enclosure 4 contains responses to Council Requests from Joseph Parisi, Director of Public Works.

5. **For Information Only**

Enclosure 5 for your information only is a resignation letter from Paul T. Muniz from the Capital Improvement Advisory Board.

ENCLOSURE 1

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

March 14, 2007

John Blundo, Chief Engineer
Massachusetts Highway Department
10 Park Plaza
Boston, MA 02116-3973

RE: A. Piatt Andrew Bridge, Gloucester, Massachusetts

Dear Mr. Blundo:

We have reviewed the drawings of the proposed A. Piatt Andrew Bridge restoration prepared by Gill Engineers, and the additional renderings presented at the meeting of March 7, 2007 and coordinated these comments with City staff, volunteers and most notably, Robert Chandler, a design professional.

I first want to thank Mass. Highway for moving forward with this project. The current bridge is clearly a problem, and we appreciate your efforts to address the visual, historical and safety issues. The project as designed will significantly improve the historic memorial bridge.

Our area of greatest concern is the suicide deterrent fence—an aspect of the design that will have a substantial impact on the character of the bridge and on the experience of people using it. There are two things that the proposed suicide deterrent fence design is doing well. First, the structure of the fence is fully independent of the existing historic rail: it is attached directly to the bridge deck. Second, the spacing of the new posts at about twelve feet on center, directly outside of and aligned with the existing guardrail posts, reinforcing the rhythm that they establish across the bridge. Its design can be improved though- both to strengthen its contribution to the historic bridge, and reduce its visual presence as we travel across it.

Here are our concerns about the fence: the proposed design of the suicide deterrent fence, by duplicating the profile, detailing, and material of the historic bridge rail, blurs the distinction between the historic fabric and the proposed contemporary additions to it. The Secretary of the Interiors Standards for additions to historic structures calls for a clear distinction between the historic fabric and new additions. Another concern is with the impact the proposed design will have on the experience of using the bridge. The proposed design of the suicide deterrent fence, with its large closely spaced 1 1/4" square vertical bars will obscure the dramatic views from the bridge that are an important aspect of arriving at and entering the City and Cape Ann. We would advocate strongly for a revised design that addresses these two significant concerns.

John Blundo, Chief Engineer

March 14, 2007

Page Two

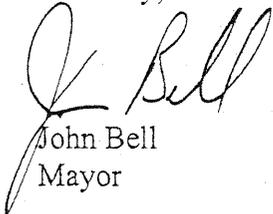
There are at least two alternative approaches to the design that should be evaluated. One is a fence that, rather than the proposed closely spaced vertical bars-sized to span 9'-6" from the bridge deck to the top of the rail, is a thin stainless steel mesh (too closely spaced to climb) stretched from post to post with a top rail as required. Because of the high strength of the stainless steel, the wire it is made up of is quite thin and barely visible.

A second strategy is closer in concept to the currently proposed design. Rather than having vertical members span over nine feet from a lower rail at the bridge deck to the top rail, that span could be reduced by moving the lower rail up to the height of the existing guardrail, reducing the span of the vertical pickets and their required thickness, making the rail more visually transparent. Thin, much less visible stainless steel rod could replace the proposed 1 1/4" square steel pickets. These rods could be threaded and attached with tamper-proof nuts rather than welding, reducing installation costs. Based on discussions we have had with a cost estimator, this system will be comparable to the proposed design.

Each of these alternatives is sympathetic to but clearly distinguishable from the historic fabric of the bridge-an important principle when making modern additions to historic structures. Each will be more visually transparent than the proposed design, dramatically improving the experience of entering and leaving Gloucester.

We are available to discuss these alternatives in more detail with you, and any other concerned parties. I have enclosed a letter from Margaret D. Rosa, Chair of the Gloucester Historical Commission.

Sincerely,



John Bell
Mayor

cc: Gloucester City Council
Gloucester Historical Commission
Senator Bruce Tarr
Representative Anthony Verga
Robert Chandler
Stephen Roper, Mass. Highway
Brona Simon, SHPO, Massachusetts Historical Commission

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-1871
maggierosa@comcast.net

26 Fort Hill Ave
Gloucester, MA 01930

CITY OF GLOUCESTER Historical Commission

Wednesday, March 14, 2007

Brona Simon
SHPO
Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, MA 02125

Dear Brona:

PROJECT NAME: GLOUCESTER BRIDGE PRESERVATION (604797)
A. PIATT ANDREW BRIDGE (G-05-017) ROUTE 128 OVER THE ANNISQU7AM RIVER

I am writing this letter is to provide you with an update on the bridge.

On March 7, the Mayor, members of his administration, the Gloucester Historical Commission, and other members of the community met with representatives of Mass Highway for an information meeting regarding the bridge.

Mass Highway presented their plans for the bridge, a copy of which had been received at the beginning of January and which the GHC commented on in my February 1st letter to Mass Historical Commission.

Robert Chandler, principal at Goody Clancy and a Gloucester resident, provided comments and suggestions to Mass Highway regarding the design of the suicide prevention fence. Mr. Chandler's suggestions are included in the accompanying letter from Mayor Bell.

The Gloucester Historical Commission is of the opinion that the original plans would have an adverse effect on the historic characteristics of the bridge. We are, however, pleased and appreciative that Mass Highway is willing to take the community's concerns and suggestions into consideration. It was very apparent that all who participated in the March 7 meeting had a common goal, namely to ensure that this opportunity to enhance the appearance of the bridge while also providing a security barrier.

We look forward to receiving modified plans from Mass Highway.

If you have any questions, please contact me.

Sincerely,



Margaret D. Rosa, PhD
Chair, GHC

cc: Mayor John Bell
Gloucester Historical Commission
Stephen Roper, Mass Highway
John Blundo, Mass Highway
J.J. Bell
Robert Chandler
Robert Heineman

ENCLOSURE 2

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

March 19, 2007

Ms. Jeneth Fahey
19 Grapevine Road
Gloucester, MA 01930

Dear Jeneth:

I am pleased to reappoint you to a two year term on the Gloucester Cultural Council. Your appointment will be sent to the City Council at their meeting of April 3, 2007. Appointment confirmations will be referred to the next Ordinance and Administration subcommittee meeting.

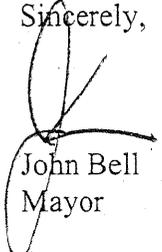
Please report to the City Clerk's office at City Hall to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

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

If you have any questions or if you require additional information, please feel free to call this office at 978-281-9700.

Thank you again.

Sincerely,


John Bell
Mayor

JB/c
Enclosure

As always many thanks Jen!

EFFECTIVE 2/15/2007

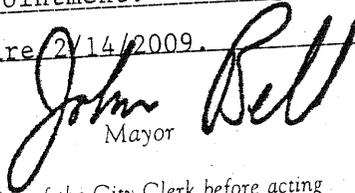
The City of Gloucester, Massachusetts

Dear Jeneth Fahey, 19 Grapevine Road, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you
to the Gloucester Cultural Council _____ of the City of
Gloucester, Massachusetts _____

This is a 90 day temporary appointment. Pending City
Council approval, term to expire 2/14/2009.

Respectfully,


Mayor

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

Sworn in _____ By: _____

ENCLOSURE 3

CITY OF GLOUCESTER AUDITOR'S OFFICE

FY2007

MARCH 16, 2007

MAR 23 2007

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 JOHN BELL; ADMINISTRATIVE ASSISTANT, STEVE MAGOON
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 16, 2007 THE FOLLOWING ACCOUNTS HAVE EXPENDITURES THAT EXCEED THEIR APPROPRIATIONS: CITY DEPARTMENTS

<u>ACCOUNT #</u>	<u>ACCOUNT TITLE</u>	<u>AMOUNT OVER</u>
101000.10.210.52000.052	POLICE ADMIN/CONTRACTUAL SERVICE	(\$1,450.31)
101000.10.220.51570.051	FIRE DEPT. WORKERS COMP.	(\$330.81)
101000.10.423.52970.052	DPW-SNOW/ICE REMOVAL	(\$22,703.25)
101000.10.423.55410.054	DPW-SNOW/ICE SALT/SAND	(\$4,004.75)
101000.10.470.51300.051	PUBLIC PROP. WAGE OVERTIME	(\$6,240.87)
101000.10.499.51300.051	DPW OTHER,. WAGE/OVERTIME	(\$9,114.76)
101000.10.541.51250.051	COUNCIL ON AGING WAGE/PART -TIME	(\$9,976.80))
101000.10.610.51100.051	LIBRARY ADMIN. WAGE/PERM	(\$39,579.71)

CITY OF GLOUCESTER AUDITOR'S OFFICE

MARCH 16, 2007

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 JOHN BELL; ADMINISTRATIVE ASSISTANT, STEVE MAGOON

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 16, 2007 THE FOLLOWING ACCOUNTS HAVE EXPENDITURES THAT EXCEED THEIR APPROPRIATIONS: SCHOOL DEPARTMENT

<u>FUNCTION CODE</u>	<u>TITLE</u>	<u>AMOUNT OVER</u>
3200	Medical & Health Services	(\$2093.11)
4120	Heating of Buildings	(\$6783.25)
5210	Benefits	(\$53,053.22)
9100	Out of Town Placement	(\$235,604.13)

City of Gloucester

SCHOOL FUCTION CODE REPORT

Fiscal Year: 2006-2007

From Date: 7/1/2006

To Date: 6/30/2007

Include pre encumbrance

Print accounts with zero balance

Filter Encumbrance Detail by Date Range

Account Number	Description	Y07 GL Budget	Adjustments	Adj Budget	Current	YTD	Balance	Encumbrance	Budget Bal	% Rem
101000.29.371.51101.3200.40.171.00.051	Nurses Salary	\$63,985.00	(\$2,380.00)	\$61,605.00	\$38,177.01	\$38,177.01	\$23,427.99	\$23,427.73	\$0.26	0.00%
101000.29.371.51201.3200.40.171.00.051	Nurses Subs Sal	\$800.00	\$1,449.00	\$2,249.00	\$2,174.69	\$2,174.69	\$74.31	\$0.00	\$74.31	3.30%
101000.29.371.55000.3200.40.271.00.054	Health Supplies	\$2,920.00	\$0.00	\$2,920.00	\$2,915.28	\$2,915.28	\$4.72	\$0.00	\$4.72	0.16%
101000.29.371.55804.3200.40.271.00.054	Nurse's Expense Account	\$558.00	\$0.00	\$558.00	\$194.00	\$194.00	\$364.00	\$0.00	\$364.00	65.23%
101000.29.371.57100.3200.40.271.00.057	Nurse's Travel Allowance	\$93.00	\$0.00	\$93.00	\$0.00	\$0.00	\$93.00	\$0.00	\$93.00	100.00%
101000.29.371.57300.3200.40.271.00.057	Nurse's Memberships	\$280.00	\$0.00	\$280.00	\$0.00	\$0.00	\$280.00	\$0.00	\$280.00	100.00%
101000.29.372.51101.3200.30.172.00.051	Nurses Salary	\$86,022.00	\$0.00	\$86,022.00	\$55,097.65	\$55,097.65	\$30,924.35	\$30,923.68	\$0.67	0.00%
101000.29.372.51201.3200.30.172.00.051	Nurses Subs Sal	\$806.00	\$0.00	\$806.00	\$921.80	\$921.80	(\$115.80)	\$0.00	(\$115.80)	-14.37%
101000.29.372.55000.3200.30.272.00.054	Health Supplies	\$1,056.00	\$0.00	\$1,056.00	\$680.82	\$680.82	\$375.18	\$0.00	\$375.18	35.53%
101000.29.372.55804.3200.30.272.00.054	Nurse's Expense Account	\$902.00	\$0.00	\$902.00	\$173.00	\$173.00	\$729.00	\$0.00	\$729.00	80.82%
101000.29.372.57300.3200.30.272.00.057	Nurse's Memberships	\$288.00	\$0.00	\$288.00	\$0.00	\$0.00	\$288.00	\$0.00	\$288.00	100.00%
101000.29.373.51101.3200.20.173.00.051	Nurses Salary	\$96,945.00	\$931.00	\$97,876.00	\$63,472.67	\$63,472.67	\$34,403.33	\$34,403.32	\$0.01	0.00%
101000.29.373.51201.3200.20.173.00.051	Nurses Subs Sal	\$672.00	\$0.00	\$672.00	\$0.00	\$0.00	\$672.00	\$0.00	\$672.00	100.00%
101000.29.373.55000.3200.10.273.00.054	Health Equipment	\$384.00	\$0.00	\$384.00	\$198.95	\$198.95	\$185.05	\$0.00	\$185.05	48.19%
101000.29.373.55000.3200.20.273.00.054	Health Supplies	\$720.00	\$0.00	\$720.00	\$707.15	\$707.15	\$12.85	\$0.00	\$12.85	1.78%
101000.29.373.55804.3200.20.273.00.054	Nurse's Expense Account	\$480.00	\$0.00	\$480.00	\$196.00	\$196.00	\$284.00	\$0.00	\$284.00	59.17%
101000.29.373.57300.3200.20.273.00.057	Nurse's Memberships	\$432.00	\$0.00	\$432.00	\$0.00	\$0.00	\$432.00	\$0.00	\$432.00	100.00%
101000.29.374.51101.3200.20.174.00.051	Nurses Salary	\$22,132.00	\$0.00	\$22,132.00	\$12,687.27	\$12,687.27	\$9,444.73	\$9,444.71	\$0.02	0.00%
101000.29.374.51102.3200.20.174.00.051	Health Aide Sal.	\$10,425.00	\$0.00	\$10,425.00	\$5,981.58	\$5,981.58	\$4,443.42	\$4,443.22	\$0.20	0.00%
101000.29.374.51201.3200.20.174.00.051	Nurses Subs Sal	\$404.00	\$0.00	\$404.00	\$4,384.07	\$4,384.07	(\$3,980.07)	\$0.00	(\$3,980.07)	-985.17%
101000.29.374.55000.3200.20.274.00.054	Health Supplies	\$500.00	\$0.00	\$500.00	\$444.62	\$444.62	\$55.38	\$0.00	\$55.38	11.08%
101000.29.374.55804.3200.20.274.00.054	Nurse's Expense Account	\$500.00	\$0.00	\$500.00	\$269.32	\$269.32	\$230.68	\$0.00	\$230.68	46.14%
101000.29.374.57100.3200.20.274.00.057	Nurse's Travel Allowance	\$150.00	\$0.00	\$150.00	\$120.00	\$120.00	\$30.00	\$0.00	\$30.00	20.00%
101000.29.374.57300.3200.20.274.00.057	Nurse's Memberships	\$150.00	\$0.00	\$150.00	\$0.00	\$0.00	\$150.00	\$0.00	\$150.00	100.00%
101000.29.375.51101.3200.20.175.00.051	Nurses Salary	\$44,264.00	\$0.00	\$44,264.00	\$25,374.44	\$25,374.44	\$18,889.56	\$18,889.52	\$0.04	0.00%
101000.29.375.51201.3200.20.175.00.051	Nurses Subs Sal	\$336.00	\$0.00	\$336.00	\$3,098.35	\$3,098.35	(\$2,762.35)	\$0.00	(\$2,762.35)	-822.13%
101000.29.375.55000.3200.20.275.00.054	Health Supplies	\$480.00	\$0.00	\$480.00	\$475.17	\$475.17	\$4.83	\$0.00	\$4.83	1.01%
101000.29.375.55804.3200.20.275.00.054	Nurse's Expense Account	\$456.00	\$0.00	\$456.00	\$98.00	\$98.00	\$358.00	\$0.00	\$358.00	78.51%
101000.29.375.57100.3200.20.275.00.057	Nurse's Travel Allowance	\$144.00	\$0.00	\$144.00	\$0.00	\$0.00	\$144.00	\$0.00	\$144.00	100.00%
101000.29.375.57300.3200.20.275.00.057	Nurse's Memberships	\$144.00	\$0.00	\$144.00	\$0.00	\$0.00	\$144.00	\$0.00	\$144.00	100.00%
101000.29.376.51101.3200.20.176.00.051	Nurses Salary	\$22,132.00	\$0.00	\$22,132.00	\$12,687.27	\$12,687.27	\$9,444.73	\$9,444.71	\$0.02	0.00%
101000.29.376.51102.3200.20.176.00.051	Health Aide Sal	\$10,425.00	\$0.00	\$10,425.00	\$5,981.58	\$5,981.58	\$4,443.42	\$4,443.22	\$0.20	0.00%
101000.29.376.55000.3200.20.276.00.054	Health Supplies	\$200.00	\$0.00	\$200.00	\$154.37	\$154.37	\$45.63	\$0.00	\$45.63	22.82%
101000.29.377.51101.3200.20.177.00.051	Nurses Salary	\$38,012.00	\$0.00	\$38,012.00	\$21,790.54	\$21,790.54	\$16,221.46	\$16,221.59	(\$0.13)	0.00%
101000.29.377.51201.3200.20.177.00.051	Nurses Subs Sal	\$403.00	\$0.00	\$403.00	\$504.00	\$504.00	(\$101.00)	\$0.00	(\$101.00)	-25.06%

City of Gloucester

SCHOOL FUCTION CODE REPORT

Fiscal Year: 2006-2007

From Date: 7/1/2006

To Date: 6/30/2007

Include pre encumbrance Print accounts with zero balance Filter Encumbrance Detail by Date Range

Account Number	Description	Y07 GL Budget	Adjustments	Adj. Budget	Current	YTD	Balance	Encumbrance	Budget Bal	% Rem
101000 29 377 55000 3200 20 277 00 054	Health Supplies	\$580.00	\$30.00	\$610.00	\$597.39	\$597.39	\$12.61	\$0.00	\$12.61	2.07%
101000 29 377 55804 3200 20 277 00 054	Nurse's Expense Account	\$356.00	\$0.00	\$356.00	\$0.00	\$0.00	\$356.00	\$0.00	\$356.00	100.00%
101000 29 377 57100 3200 20 277 00 057	Nurse's Travel Allowance	\$144.00	\$0.00	\$144.00	\$0.00	\$0.00	\$144.00	\$0.00	\$144.00	100.00%
101000 29 378 51101 3200 20 178 00 051	Nurses Salary	\$43,134.00	\$0.00	\$43,134.00	\$24,726.54	\$24,726.54	\$18,407.46	\$18,407.08	\$0.38	0.00%
101000 29 378 51201 3200 20 178 00 051	Nurses Subs Sal.	\$404.00	\$0.00	\$404.00	\$1,316.14	\$1,316.14	(\$912.14)	\$0.00	(\$912.14)	-225.78%
101000 29 378 55000 3200 20 278 00 054	Health Supplies	\$480.00	\$0.00	\$480.00	\$454.66	\$454.66	\$25.34	\$0.00	\$25.34	5.28%
101000 29 378 55804 3200 20 278 00 054	Nurse's Expense Account	\$455.00	\$0.00	\$455.00	\$173.00	\$173.00	\$282.00	\$0.00	\$282.00	61.98%
Func: Medical & Health Service - 3200										
101000 29 368 52102 4120 20 273 00 052	Heating - Fuller	\$89,849.00	(\$1,577.86)	\$88,271.14	\$77,182.00	\$77,182.00	\$11,089.14	\$11,089.14	\$0.00	0.00%
101000 29 368 52102 4120 20 274 00 052	Heating - Beeman	\$17,688.00	\$5,558.26	\$23,246.26	\$23,246.26	\$23,246.26	\$0.00	\$0.00	\$0.00	0.00%
101000 29 368 52102 4120 20 275 00 052	Heating - East Gloucester	\$25,858.00	\$3,585.96	\$29,443.96	\$23,573.17	\$23,573.17	\$5,870.79	\$5,870.79	\$0.00	0.00%
101000 29 368 52102 4120 20 276 00 052	Heating - Plum Cove	\$13,305.00	(\$7,836.36)	\$5,468.62	\$4,695.84	\$4,695.84	\$772.78	\$7,556.03	(\$6,783.25)	-124.04%
101000 29 368 52102 4120 20 278 00 052	Heating - West Parish	\$40,927.00	(\$5,384.54)	\$35,542.46	\$28,759.21	\$28,759.21	\$6,783.25	\$6,783.25	\$0.00	0.00%
101000 29 368 52102 4120 30 272 00 052	Heating - O'Maley	\$71,639.00	(\$2,447.56)	\$69,191.44	\$69,191.44	\$69,191.44	\$0.00	\$0.00	\$0.00	0.00%
101000 29 368 52102 4120 40 271 00 052	Heating - GHS	\$85,498.00	\$16,270.42	\$101,768.42	\$88,108.04	\$88,108.04	\$13,660.38	\$13,660.38	\$0.00	0.00%
Func: Heating of Buildings - 4120										
101000 29 383 51703 5210 00 200 00 051	Health Insurance /Transp.	\$36,366.00	\$0.00	\$36,366.00	\$36,366.00	\$36,366.00	\$0.00	\$0.00	\$0.00	0.00%
101000 29 384 51701 5210 00 100 00 051	Workmens Comp Payroll	\$50,722.00	\$18,900.00	\$69,622.00	\$121,285.88	\$121,285.88	(\$51,663.88)	\$51,389.34	(\$103,053.22)	-148.02%
101000 29 384 51702 5210 00 200 00 051	Life Insurance	\$17,500.00	\$0.00	\$17,500.00	\$8,142.94	\$8,142.94	\$9,357.06	\$9,357.06	\$0.00	0.00%
101000 29 384 51776 5210 00 200 00 051	Workers Comp Settlement	\$50,000.00	\$0.00	\$50,000.00	\$0.00	\$0.00	\$50,000.00	\$0.00	\$50,000.00	100.00%
Func: Benefits - 5210										
101000 22 380 53201 9100 70 200 00 052	Tuition for Placements	\$2,155,884.00	\$0.00	\$2,155,884.00	\$1,292,148.06	\$1,292,148.06	\$863,735.94	\$1,099,340.07	(\$235,604.13)	-10.93%
Func: Out of Town Placements - 9100										
Grand Total:		\$3,109,389.00	\$27,098.30	\$3,136,487.30	\$2,058,926.17	\$2,058,926.17	\$1,077,561.13	\$1,375,094.84	(\$297,533.71)	

End of Report

ENCLOSURE 4



CITY OF GLOUCESTER

GLOUCESTER • MASSACHUSETTS • 01930

MAR 16 2007

TO: Steve Magoon, Adm. Assistant to the Mayor

FROM: Joseph P. Parisi, Jr., Director of Public Works

RE: Council Requests from 1/9/07

DATE: March 13, 2007

07-17 (Hardy) Request the Mayor instruct the DPW to have the fencing/railing along Hodgkins Street at the bottom of Wesley Street repaired. Further that the orange DPW "horses" be put into place so as to draw attention to foot traffic and vehicular traffic that the sidewalk falls off into the river. - Complete

07-18 (Hardy) Request the Mayor instruct the DPW to repair the wooden guard rail that was damaged at the dangerous section of the curve at 379 Washington Street. - Complete

07-19 (Hardy) Request the Mayor to instruct the DPW to investigate the possibility of reinstalling the 2nd street light across the street from the dangerous section of the curve at 379 Washington Street. - This area was investigated for roadway safety and it was determined that no additional lighting is needed.

07-20 (Hardy) Request the Mayor to instruct the DPW to clean the three storm drains in front of 379 Washington Street so as to stop the puddles that form which attribute to the multitude of cars hitting the wooden guardrails. - Complete

07-21 (Hardy) Request the Mayor to instruct the DPW to send the hot top truck to Wheeler Street for a multitude of pot holes that are too numerous to list but are very obvious. - Complete

07-22 (Hardy) Request the Mayor to instruct the DPW to report on the progress of the flooding problems at 18 High Street at the site of the easement the city holds on the property (2nd request). - High Street is part of the ongoing investigation by the DPW and Engineering of problem flooding areas. Information will be forwarded to the Council when plans to alleviate the flooding are completed.

07-23 (Hardy) Request the Mayor to instruct the DPW to schedule the replacement of the chain link fencing at the Plum Cove "ZEKE" Play Ground across from Plum Cove Beach. - The fence will be installed by mid April.

07-24 (Hardy) Request the Mayor to instruct the DPW to remove the bales of hay along both sides of Osmond Babson Road so as to allow foot traffic and vehicular traffic to pass without playing dodgems. - This request needs to be directed to the Conservation Agent to find out if all conditions have been met for removal of these hay bales. National Grid would then be notified by either the Conservation Agent or the Engineering Division to remove the hay bales.

07-25 (Hardy) Request the Mayor to instruct the DPW to repair the section of roadway on Cherry Street (from apx. # 27 to # 33) that the contractor has failed to return and repair (third request). - The Engineering Division is in the process of sorting out which contractors may be responsible for the repairs of the road. A plan has been prepared depicting repair responsibilities of various trenched areas. Confirmation of responsibility will be made and each contractor will be instructed to make repairs. Further information will be sent to the Council as soon as available.

c: June Budrow

Council: Req0703

ENCLOSURE 5

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

March 19, 2007

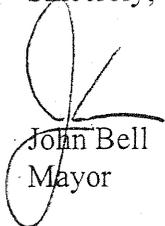
Mr. Paul T. Muniz
Burns & Levinson, LLP
125 Summer Street
Boston, MA 02110

Dear Paul:

Although I'm sorry to hear about your resignation from **the Capital Improvement Advisory Board**, please accept my sincere thanks for your dedicated service on this volunteer board.

On behalf of the City of Gloucester, I wish to express our great appreciation for all the time and energy you have devoted to this valuable public service.

Sincerely,



John Bell
Mayor

JB/c

Thank you Paul!

RECEIVED
MAR - 2 2007

BURNS & LEVINSON LLP

125 SUMMER STREET BOSTON, MA 02110
T 617.345.3000 F 617.345.3299
WWW.BURNSLEV.COM

March 1, 2007

PAUL T. MUNIZ
617.345.3494
PMUNIZ@BURNSLEV.COM

Mayor John Bell
Gloucester City Hall
Nine Dale Avenue
Gloucester, MA 01930

Re: Reappointment to Capital Improvement Advisor Board

Dear Mayor Bell:

It has been a pleasure to serve for the last several years with the very talented members of the Capital Improvement Advisory Board. Their dedication to the arduous task at hand has been nothing short of inspirational.

That said, I do not believe I can continue to give the committee and its important work the attention they deserve. Therefore, while I appreciate your vote of confidence, I feel I must decline my reappointment to another term.

Very truly yours,



Paul T. Muniz

J:\Docs\81019\00000\01108324.DOC

CITY COUNCIL
Tuesday, March 20, 2007 – 7:00 p.m.
Kyrouz Auditorium, City Hall

Attendance: Councilor Sefatia A. Romeo, acting Council President, Councilors Jason Grow, Jacqueline Hardy, Michael McLeod, Walter Peckham, Alphonse Swekla
Also: Mayor Bell, Shawn Bouchie, John Foote, Michael Williams, Dave Quinn, Joe Parisi, Anna Tenaglia, James McKenna
Absent: James Destino, President, John "Gus" Foote, Vice-President, Councilor Bruce Tobey

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

FLAG SALUTE & MOMENT OF SILENCE

ORAL COMMUNICATIONS

Shawn Bouchie, Vice President of Gloucester Police Patrolman's Association, joined by John Foote, President and Michael Williams, Secretary and Dave Quinn. Mr. Bouchie spoke on concerns about safety during firearms training, unnecessary training and unfair labor practice. (*copy in file*).

MOTION: On motion of Councilor Romeo, seconded by Councilor Hardy the City Council voted 6 in favor, 0 opposed to suspend the Council Rules of Procedure to allow for questions during oral communications.

Councilor Swekla hopes we are not in situation where we cannot operate properly because there are two opposing sides and asked how to get rid of this retaliation process.

Shawn Bouchie stated the training is military style with the equivalent of an M-16 rifle and the executive board brought to the attention of the administration that this wasn't state mandated training and should take low priority based on the financial condition of the city. We objected to the training and were completely ignored and they went ahead and schedule the training. We failed because we had tried to put a stop to the training. We felt the money would be better spent in other areas. How can we prevent retaliation? We can't even sit down and have a discussion. We need to have the sides sit down at the table and conduct a legitimate discussion about our concerns. Morale is low and the same people continue to be taken care of given unlimited overtime and time off; yet others have to scrounge to even get a day off. There is favoritism resulting from the training division and we need to sit down to see how we can resolve those differences.

Mayor Bell would be happy to meet with both unions at any time.

COUNCILLOR'S REQUESTS TO THE MAYOR

07-53 (Grow) URGENT Request the Mayor instruct the DPW to fill the potholes along Way and Page Roads. He has received a number of calls from residents and one resident complained of a broken axle and tire damage. A senior resident tripped and fell as a result of a pot hole.

07-54 (Grow) Request the Mayor have the DPW Water Department conduct flow tests on the hydrants on Way and Page Roads with an opinion from Chief McKay, so as to advise the residents of the results.

Response received from Chief McKay: The last flow test record I have for Way Road goes back to the 1980s when the volume available was 600 gallons per minute (gpm) at 20 pounds per square inch pressure (psi). The volume is what we depend on provided it is at 20 or greater psi. I would suspect the flow rate has not changed dramatically. While I'd like to see more volume, it should be adequate for all but the largest single family homes in the area.

The DPW water department does hydrant tests. That way if the hydrant "breaks" while testing they are on scene and can handle it. I'm hoping the DPW has a more current flow test record for the area..

If they do a flow test, I'd like to get a copy of the results as I do post them out to the Department members so they know what to expect for maximum flow going in.

07-55 (Hardy) Request the Mayor inform the DPW of a dangerous situation involving a telephone pole on Arlington Street (as you enter from Leonard onto Arlington, second pole on right – numbers are knocked off pole, but in sequence it would be pole #3775 – between #1 and #3 Arlington). This pole has been hit so many times that it has developed a very large splinter in the shape and size of a large sword in an upward direction. If anyone were to trip they may be impaled and seriously injured. **I know that National Grid owns the pole, but I am asking that a DPW crew be dispatched with a saw to immediately remove the sword shaped splinter.**

07-56 (Hardy) Request the Mayor inform National Grid via DPW that pole #3775 between #1 and #3 Arlington Street is in need of replacement due to the fact that it has been hit a number of times recently and is approximately one half the diameter it should be. Further request that National Grid NOT make this a double pole situation.

07-57 (Hardy) Request the Mayor instruct the DPW to fill potholes between #3 and #5 Arlington Street.

07-58 (Hardy) Request the Mayor instruct the DPW to replace a missing water (could be sewer) utility cover from a pipe in the middle of the street directly in front of #26 Leonard Street. This hole is wide and deep enough for a pet or child's foot to become lodged inside of.

07-59 (Destino) Request the Traffic Commission study the traffic patterns in the Angle Street area. A constituent is suggesting that trucks be prohibited from making that left turn. Please advise before a formal request is made.

07-60 (Destino) Request the Mayor instruct the DPW to fill the pot holes on Harvard Street, Morton Place and Washington Street where it intersects with Whittemore Street.

07-61 (Destino) Request the Mayor instruct the DPW to make a major road repair on Granite Street.

07-62 (Destino) Request the Mayor instruct the DPW to repair the road and sidewalk adjacent to the bus stop on Lincoln Avenue.

07-63 (Destino) Request the Mayor instruct the Police Department to monitor the illegally parked cars during services at Greely's Funeral Home – corners of Washington Street and Riverside.

07-64 (Tobey) Request that the Mayor conduct a review of and provide a report to the council on the ownership, maintenance, and snow removal status of Carrigan Court and, if it proves to be a private way, define and undertake a process whereby it will be accepted as a public way, thereby adding to our roster of street miles for purposes of allocation of Chapter 90 funds.

07-65 (McLeod) Request the Mayor instruct the DPW to fill the potholes on Bond Street.

07-66 (Hardy) Request Mayor instruct DPW to add **1028 Washington Street** to the **tree stump removal** schedule. Quite some time ago the City removed **TWO** large city shade trees from the front yard at 1028 Washington Street. The property owners were told that the stumps would not be visible after removal of the trees. The two stumps are still above ground and the property owners are anxious to make serious landscaping improvements but are unable to do so because of said stumps. **NOTE: Please pull city records showing where sewer and water lines come into the yard at 1028 Washington Street – the connections and pipes are said to be in close proximity to said stumps.**

07-67 (Hardy) Request Mayor to instruct DPW to arrange for the removal of a **HUGE tree stump** (unattached) from the **Zeke Playground at Plum Cove**. The stump has been stored there until such time adequate removal can be arranged. (Third request)

07-68 (Hardy) Request Mayor to instruct DPW to consult with the Waterways Board to ascertain who is responsible for road and culvert maintenance of **Lanes Cove Road**. The road is in need of repair from pot holes and the road is falling into the water on both sides - the roadway is narrowing to the point where it is only wide enough for one vehicle to pass creating a dangerous situation – there is no lighting there and no guardrails to keep vehicles out of the water. (We are NOT asking for guardrails, just repair of the road) (second request)

07-69 (Hardy) Request the Mayor instruct the DPW to fill the potholes on **Bennett Street**. (City responsible for some and Contractor responsible for some)

07-70 (Hardy) Request the Mayor instruct DPW to repair storm drain that has *totally collapsed* at **31 Cherry Street**.

07-71 (Hardy) Request the Mayor instruct the DPW to repair the berm that a recent plow partially demolished along the **Lane Road** side of **Leonard Street**. This berm was constructed on the hottest day of last year at great expense to the city to fix a severe flooding issue not only affecting homeowners but it corrected the flooding of contaminated waters into Lobster Cove.

07-72 (Hardy) Request the Mayor to instruct DPW/Engineering to design a solution to the water falls flooding issue at the intersection of **Barberry Heights Road and Washington Street** (Ward 4) and to put orange cones or markers at this location to alert motorists of the defect in the street and to remove the dead tree from this location.**07-73 (Hardy)** Request the Mayor to instruct the DPW to relocate the grave stone (Steinberg) in **SeaSide Cemetery** that was dislodged by a snow plow. This stone is on the entry road one half way down on the right headed toward the water and is very close to the paved road and in danger of being lost or destroyed completely.

07-74 (Hardy) Request the Mayor instruct the DPW to place a sign behind the maintenance bushes at **SeaSide Cemetery** that says NO DUMPING and lists the fines.

07-75 (Hardy) Request the Mayor instruct the DPW to repaint the **SeaSide Cemetery** sign and trim the bushes that block it from view.

CONFIRMATION OF APPOINTMENTS

1. Chief Financial Officer: TTE 02/14/2008: Anna Tenaglia (*O&A 3/19/07*)

Mayor Bell spoke in support of the confirmation of Anna Tenaglia to Chief Financial Officer.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council appointment of Anna Tenaglia as Chief Financial Officer for a term to expire 2/14/08.

MOTION: On motion of Councilor McLeod, seconded by Councilor Grow the City Council voted 6 in favor, 0 opposed to appoint Anna Tenaglia as Chief Financial Officer for a term to expire 2/14/08.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council the reappointment of Charles Max Schenk to the Conservation Commission for a term to expire 2/14/10.

MOTION: On motion of Councilor McLeod, seconded by Councilor Grow the City Council voted 6 in favor, 0 opposed the reappointment of Charles Max Schenk to the Conservation Commission for a term to expire 2/14/10.

CONSENT AGENDA

• MAYOR'S REPORT

1. **90 Day Appointment:** Personnel Director- Donna Leete (*may be withdrawn*).
2. **Appointment:** Planting Committee- TTE 02/14/2010: John Feener (*Refer O&A*)
3. **Appointment:** Clean City Commission- TTE 02/14/2010: Bea Robbins (*Refer O&A*)
4. Report from City Managers re: City Vehicle usage (*Refer O&A*)

• CHIEF ADMINISTRATIVE OFFICER PACKET

1. Request to pay an invoice w/o a P.O.- City Auditor (*Refer B&F*)
2. Memo from City Clerk requesting approval to accept a donation. (*Refer B&F*)
3. Eight special budgetary requests from DPW Director (*Refer B&F*)
4. Memo from DPW Director requesting to transfer funds in the Sewer Enterprise Fund (*Refer B&F*)
5. Request to pay an invoice w/o a P.O.: Recreation (*Refer B&F*)
6. Memo from DPW Director re: Street Sweeping Services (*Refer B&F*)

- **INFORMATION ONLY**

1. Report from Newell Stadium Committee
2. Memo from DPW Director responding to Oral Communications of the 03/06 City Council Meeting
3. Responses to Council Requests from DPW Director
4. Final Report on City Hall Roof Repair Project
5. Quarterly Report from Health Department

- **APPROVAL OF MINUTES**

1. City Council Meeting: 03/06/2007 (*Approve/File*)
2. City Council Meeting: 03/13/2007 (*Approve/File*)

- **COMMUNICATIONS**

1. Letter from Joe Orange regarding his plaque
2. Letter requesting acceptance of part of Kondelin Road as a Public Way (*Refer P&D*)

- **ORDERS**

1. #2007-14- Amend 22-287 "Hampden Street" (*McLeod*) (*Refer O&A, TC*)

ITEMS REMOVED FROM CONSENT AGENDA

Councilor Hardy requested the 90 day appointment of Donna Leete, Personnel Director; the memo from City Clerk requesting approval to accept a donation; the report from Newell Stadium Committee and the memo from the DPW responding to oral communications of the 3/6th Council meeting.

Councilor McLeod asked that the final report of City Hall roof restoration project be removed.

Councilor Grow asked that the report on city vehicle usage be removed from the consent agenda.

MOTION: The consent agenda was adopted by UNANIMOUS consent of the full City Council with the exceptions of the 90 day appointment of Donna Leete, Personnel Director; the memo from City Clerk requesting approval to accept a donation; the report from Newell Stadium Committee; the memo from the DPW responding to oral communications of the 3/6th Council meeting; the final report of City Hall roof restoration project and the report on city vehicle usage.

Councilor Hardy requested the 90 day appointment of the Personnel Director be referred to O&A if it hasn't already been withdrawn by the Administration. The memo from the Clerk requesting approval to accept a donation has already been addressed at B&F. The report from the Newell Stadium Committee be referred to B&F for more information and the DPW Directors response to oral communications of 3/6 be referred to P&D for formulating a plan to do this work.

MOTION: The report from the Newell Stadium Committee was referred to Budget and Finance under unanimous consent of the City Council.

MOTION: The DPW Director's response to oral communications of March 6th was referred to Planning and Development under unanimous consent of the City Council.

Councilor McLeod asked that the report on the City Hall Roof Restoration project be referred to Budget and Finance.

MOTION: The report on City Hall Roof Restoration project was referred to Budget and Finance by unanimous consent of the City Council.

Councilor Grow asked that the report on city vehicle usage also be referred to B&F. Commented on the memo from DPW Director responding to oral communications and would like to make sure the following trouble areas not addressed in this oral communications are added to the list: 5 Marble Road, Caledonia Street, Neptune Place and Souther Road.

Mayor Bell withdrew the 90-day appointment of Personnel Director, Donna Leete. The 90-day appointment is unnecessary, as the Mayor has six months in which to appoint a new Personnel Director.

Councilor Hardy noted for the record that this particular item was removed from the consent agenda without Council action.

Joe Parisi, DPW Director stated City Hall was shut down at approximately 1 p.m. yesterday due to conditions determined in the tower. A structural inspection performed recently by Arthur McLeod, structural engineer inspected various elements of structure and noticed after removing some finished materials some rotted timbers at the bell level: On inspection of the timbers it was determined there was significant rot in three timbers stacked on top of one another. He recommended shoring those up as soon as possible. The timbers have settled about 1 ½". We spoke with the Purchasing Agent and got emergency permission to go out to bid for shoring of the timbers with bids due on Friday, but the shoring company selected couldn't meet the start date of Monday; so we went back out with the bid documents with a requirement that shoring would begin this Monday. We expect bids tomorrow at 10 a.m. and will know more. We are hoping they can start even sooner if possible. The concern is with the wind – if there are significant winds in excess of 40 mph the engineer would like to see the building closed until he can inspect the tower for changes. We will be meeting Mr. McLeod at 7 a.m. to inspect the timbers again and if conditions are the same we can reoccupy City Hall and will do so upon that call.

Councilor McLeod asked when the 40 mph determination was made.

Mr. Parisi stated when he initially sent the e-mail information that determination wasn't known but when it was determined by both the Building Inspector and Structural Engineer, he sent a memo to Mayor's office informing them.

Councilor Swekla asked if there is a contingency plan in place.

Mr. Parisi stated the details haven't been worked out but we would make accommodations for offices that need to function and shore up the building as quickly as possible.

Councilor Romeo asked when this beam became unsafe.

Mr. Parisi stated it has been there for a while but was covered and became evident when we went forward with the tower repair.

Councilor Romeo stated if we do have to evacuate under no circumstances should anybody return until it is repaired.

Mr. Parisi stated the previous truss repairs are totally separate from the tower and a cursory inspection of the tower did not reveal there were rotted timbers. This is totally a precautionary measure. It is the wind that is of concern to the structural engineer. The shoring is not as near as complicated as the other repairs.

Councilor McLeod asked what the major concern was in closing City Hall today.

Mr. Parisi stated quickly upon inspection we will know if things are of concern. He doesn't think we will have much movement; we will be back at 7 a.m. to reassure things are the same.

DECISIONS TO ADOPT

1.SCP- 9-11 Witham Street- 2.3.4(Sec 42) & 3.3

MOTION: On motion of Councilor Hardy, seconded by Councilor McLeod the City Council voted 6 in favor, 0 opposed to adopt the Special Council Permit decision for Cape Ann Petroleum, 9-11 Witham Street, pursuant to Section 2.3.4(Sec. 42) and Section 3.3 of the Gloucester Zoning Ordinance.

2.SCP-201-205, 233 Main Street – 2.3.4.49 & 5.7

MOTION: On motion of Councilor Peckham, seconded by Councilor Grow the City Council voted 6 in favor, 0 opposed to adopt the Special Council Permit decision for LLC 1907, (Main

Street Plaza), 201-205, 233 Main Street, pursuant to Section 2.3.4.49 and Section 5.7 of the Gloucester Zoning Ordinance.

FOR COUNCIL VOTE

1. Clerical Correction of an SCP Decision for 26 Chestnut Street dated 04/15/2005 (*vote in two weeks*)

2. Resolution to State Legislature re: Cable Franchising Authority

Councilor Grow read an e-mail communication from Councilor Tobey dated 3/19/07 read into the record. (*copy in file*).

MOTION: On motion of Councilor McLeod, seconded by Councilor Grow the City Council voted 6 in favor, 0 opposed to endorse the resolution urging Mass. Legislature to reject efforts by Telecommunications Companies to eliminate municipal control of cable franchising authority as presented.

3. Warrant for Election on April 24, 2007

MOTION: On motion of Councilor Hardy, seconded by Councilor Grow the City Council voted 6 in favor, 0 opposed to accept the warrant for the special election to be held on 4/24/07.

SCHEDULED PUBLIC HEARINGS

Public Hearing #1

SCP: 35 Dory Road: 3.2 (e) (*Continue until 05/15/2007*)

The public hearing is opened and continued to 5/15/07.

Public Hearing #2

SCP: Gloucester Crossing: 1.4.2.2, 2.3.1 (11A), 5.14, 3.2.3 footnote 2. (*Continue until 05/15/2007*)

The public hearing is opened and continued to 5/15/07.

Public Hearing #3

SCP: Gloucester Crossing: 1.4.2.2, 2.3.4 (49), 5.7, 3.2.2 footnote 3 (*Continue until 05/15/2007*)

The public hearing is opened and continued to 5/15/07.

Public Hearing #4

SCP: Gloucester Crossing: 1.4.2.2, 5.17 (*Continue until 05/15/2007*)

The public hearing is opened and continued to 5/15/07.

Public Hearing #5

SCP: Gloucester Crossing: 1.4.2.2, 2.3.1 (7) footnote 3, 5.7.1, 3.2.1, 3.2.1 (fnite 4) (*Cont. until 05/15/2007*)

The public hearing is opened and continued to 5/15/07.

Public Hearing #6

Land based Wind Energy Facilities (*Continue until 04/17/2007*)

The public hearing is opened and continued to 4/17/07.

Public Hearing #7

Amend GZO Section II Use Regulations "Contractors Yard" (*Continued from 02/06/2007*)

MOTION: On motion of Councilor Peckham, seconded by Councilor Grow the City Council voted 6 in favor, 0 opposed to accept Councilor Peckham's request to withdraw the proposal to amend GZO, Sec. II "Contractors Yard" without prejudice.

Public Hearing #8**SCP #2007-02: 95 Riverview Road- Lowlands Permit (Continued from 03/06/2007)****The public hearing is opened.**

Speaking in favor. James McKenna, representing John Adam, 95 Riverview Road met with P&D and reviewed the details of the plan. He provided a small plan showing a sketch of the proposed project - to construct an elevated pier where a flat pier exists as a result of a settlement with the Conservation Commission to establish marine habitat and increase shellfish. They are looking to encourage property owners to redesign floats that may have been in existence for years, which is the case with this one and in the spirit of cooperation Mr. Adam is basically lifting the fifth pier to elevate it so grass and the natural effect will increase habitation and marine life in the area. He is asking the council for the pier to be constructed and cement footings to enable the elevation of the pier. In accordance with Section 5.5.4 of the Zoning Ordinance this will not pose a hazard to health or safety and the applicant will be executing the application so as to conserve the shellfish and other wildlife resources in the city and further the application meets the six special council permit criteria as follows:

1. Social, economic, or community needs served by the proposal: Project maintains an active pier and float, preserving access to the waterfront.

2. Traffic flow and safety:

No impact to traffic and safety.

3. Adequacy of utilities and other public services:

No impact to public utilities.

4. Neighborhood character and social structure:

Pier and floats have been in existence prior to 1984 and have been in continuous seasonal use to the present. Pier and floats are consistent with other similar recreational docks and floats in the area.

5. Qualities of the natural environment:

The project to change one float to an elevated pier will improve the shellfish flats and encourage growth of sea grass and other marine habitat while decreasing overshadowing.

6. Potential fiscal impact: NA

Speaking in opposition. No one spoke in opposition.

Communications. There were no communications.

Questions. Councilor Grow asked for clarification that the Conservation Commission is fully on board with this; that it is a better alternative than what currently exists.

Mr. McKenna replied that is correct.

Councilor Hardy stated she spoke directly with Nancy Ryder about this and is quite pleased with the plan. In accordance with Section 5.5.4 she doesn't feel the placement of the piers will pose any type of a hazard to health or safety and the applicant is executing the application so as to conserve shellfish and was commended by the Conservation Commission on this. She will be supporting this.

The public hearing is closed.

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of an SCP to John Adam, 95 Riverview Rd., Map 93, lot 3, zoning R-3, pursuant to Section 5.5.4 of the Gloucester Zoning Ordinance with the condition that the applicant continue to comply with all State and local wetlands protection regulations and to abide by any conditions previously set by other regulatory or permitting agencies relating to this special permit.

MOTION: On motion of Councilor Peckham, seconded by Councilor Hardy the City Council voted by ROLL CALL 6 in favor, 0 opposed the granting of an SCP to John Adam, 95 Riverview Rd., Map 93, lot 3, zoning R-3, pursuant to Section 5.5.4 of the Gloucester Zoning Ordinance with the condition that the applicant continue to comply with all State and local wetlands protection regulations and to abide by any conditions previously set by other regulatory or permitting agencies relating to this special permit.

MOTION: The SCP for John Adam, 95 Riverview Rd., pursuant to Sec. 5.5.4 of the Gloucester Zoning Ordinance is referred to the Legal Department for a written decision to adopt.

Public Hearing #9

Amend 22-270, 22-291 "Sargent Street"

The public hearing is opened.

Speaking in favor. Bob Ryan, Chair of Traffic Commission stated the Traffic Commission unanimously recommended the order for safety reason to enhance visibility at that intersection.

Speaking in opposition. No one spoke in opposition.

Communications. There were no communications.

Questions. There were no questions.

The public hearing is closed.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council amendment of Code of Ordinances, Ch. 22, Sec. 22-270, entitled "Parking prohibited at all times" and Sec. 22-291, entitled, "Tow-away zones" by ADDING Sargent Street, westerly side, beginning at its intersection with Cedar Street (pole #5395) and in a southerly direction to the intersection with Shepherd Street (pole #3440) and a second sign indicating "No Parking here to corner" be placed on pole #3440.

MOTION: On motion of Councilor McLeod, seconded by Councilor Hardy the City Council voted 6 in favor, 0 opposed amendment of Code of Ordinances, Ch. 22, Sec. 22-270, entitled "Parking prohibited at all times" and Sec. 22-291, entitled, "Tow-away zones" by ADDING Sargent Street, westerly side, beginning at its intersection with Cedar Street (pole #5395) and in a southerly direction to the intersection with Shepherd Street (pole #3440) and a second sign indicating "No Parking here to corner" be placed on pole #3440.

Public Hearing #10

Amend 22-269 "Nally Avenue @ Hodgkins Street"

The public hearing is opened.

Speaking in favor. Bob Ryan stated the Traffic Commission unanimously recommended this order in the interest of safety.

Speaking in opposition. No one spoke in opposition.

Communications. There were no communications.

Questions. There were no questions.

The public hearing is closed.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council amendment of Gloucester Code of Ordinances, Ch. 22, Sec. 22-269, entitled "Stop Intersections" by ADDING Nally Avenue, at its intersection with Hodgkins Street.

Discussion: Councilor Hardy stated this order slipped through the cracks and the stop sign being the most important part, appreciates any support to get this installed as quickly as possible.

MOTION: On motion of Councilor McLeod, seconded by Councilor Hardy the City Council voted 6 in favor, 0 opposed amendment of Gloucester Code of Ordinances, Ch. 22, Sec. 22-269, entitled "Stop Intersections" by ADDING Nally Avenue, at its intersection with Hodgkins Street.

Public Hearing #11

Amend 22-287 "Mason Street"

The public hearing is opened.

Speaking in favor. **Bob Ryan** spoke on behalf of the Traffic Commission. A representative from 16 Mason Street appeared before the Traffic Commission stating their needs and the Traffic Commission unanimously recommended this order.

Speaking in opposition. No one spoke in opposition.

Communications. There were no communications.

Questions. There were no questions.

The public hearing is closed.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council to Amend Gloucester Code of Ordinances, Section 22-287, entitled "Disabled Veteran, Handicapped Parking" by DELETING Mason Street, #18 (one space) and by ADDING Mason Street, #16 (one space).

MOTION: On motion of Councilor McLeod, seconded by Councilor Hardy the City Council voted 6 in favor, 0 opposed to Amend Gloucester Code of Ordinances, Section 22-287, entitled "Disabled Veteran, Handicapped Parking" by DELETING Mason Street, #18 (one space) and by ADDING Mason Street, #16 (one space).

Public Hearing #12

Amend 22-287 "Summit Street"

The public hearing is opened.

Speaking in favor. **Bob Ryan** spoke on behalf of the Traffic Commission who unanimously recommended this order. There is a definite need for the resident of #7 Summit Street.

Speaking in opposition. No one spoke in opposition.

Communications. There were no communications.

Questions. There were no questions.

The public hearing is closed.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council to Amend Gloucester Code of Ordinances, Section 22-287, entitled "Disabled Veteran, Handicapped Parking" by ADDING Summit Street, #7 (one space).

MOTION: On motion of Councilor McLeod, seconded by Councilor Hardy the City Council voted 6 in favor, 0 opposed to Amend Gloucester Code of Ordinances, Section 22-287, entitled "Disabled Veteran, Handicapped Parking" by ADDING Summit Street, #7 (one space).

COMMITTEE REPORTS

1.O&A: 03/05/2007

MOTION: On motion of Councilor McLeod, seconded by Councilor Swekla the City Council voted 6, 0 opposed to establish a fee to cover the cost of advertising public hearings for pawn shops and arcades and further TO ADVERTISE FOR PUBLIC HEARING. (pending language from Legal).

2.B&F: 03/14/2007 (Under Separate Cover)

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council acceptance of a \$3,000 donation from the Library for the purpose of the special debt exclusion election for the Library and that the Auditor establish a special fund to accept this.

MOTION: On motion of Councilor Swekla, seconded by Councilor McLeod the City Council voted 6 in favor, 0 opposed acceptance of a \$3,000 donation from the Library for the purpose of the special debt exclusion election for the Library and that the Auditor establish a special fund to accept this.

Councilor Swekla recused himself at this time (8:10 p.m.)

MOTION: The Budget and Finance Committee voted 2 in favor, 0 opposed to recommend to the full City Council Order 07-12 Ordered that, in accordance with the procedures set forth in, MGL Ch. 32b, Sec. 11e the City of Gloucester shall terminate participation in the State contributory Group Insurance plan for retirees currently covered under this program and incorporate said retirees and future retirees into the City of Gloucester health insurance program under the provisions governing municipal retiree and surviving spouse benefits and that the city notify all affected parties and a public hearing be held thirty days following such notification and direct the Clerk to advise the appropriated state agencies (GIC) and further TO ADVERTISE FOR PUBLIC HEARING.

Discussion. **Councilor Grow** stated there are a number of issues coming to fruition. He has included a packet called "Determination of participation in the GIC". We are dealing with issue of substantial savings for the city; comparity and equity for the rest of the municipal employees who currently pay 25% and whose surviving spouses pay 50% of their health insurance premiums. We the GIC program was adopted the split was set at 50/50. That has since changed to 90/10 and we have no say over the programs, the split or the premiums; we have given all control over to the state. He stated if this goes forward there will be a full public hearing.

Councilor Hardy asked Councilor Grow to discuss the process required.

Councilor Grow noted for the record that there are elderly governmental retirees (6) that entered the system in 1965 who will not be touched by this. The process begins with the City Council making a decision to vote to terminate the participation in the GIC. The Council would vote and then notify every participant by mail. Once notification is made we would schedule a hearing no sooner than 30 days from notification. Then we would hold a public hearing and would then have a straw vote of all the attending retirees and spouses. There is no legal authority of that vote but once that vote is taken and noted. The City Council would then vote and it only requires a majority to pass. At that point we would issue notification and in 30 days we would be moving out of the program. The retirees would be brought forward as essentially new employees in the Gloucester system. The split would be 25/75 and for surviving spouses it would go to 50/50. There is a fairly significant jump for those 18 surviving spouses and the fact their premiums may increase anywhere from \$112 to \$126 per month, the compassionate, responsible thing to do would be to set aside a portion of the savings for a trust to offset that or create a needs based trust based on their particular financial situation is; those are largely administrative issues. He doesn't have any desire to adversely impact any of our retirees and a good percentage of change is \$2.46 to \$30 per month, so the impact is somewhat moderated to an acceptable term. They would then be brought forward into the system and the phase in would happen as soon as possible. The reason for bringing this forward now is to meet as much savings as possible for the next fiscal year; we are looking at a savings upwards of \$600,000. He noted we have a great health care plan in the city. Donna Leete has assembled a comparative program charts that explain that in a lot of cases our coverage is actually better than the state coverage and that we are really only talk about bringing people back into the plan they had prior to retirement.

Councilor Hardy asked how we would notify the retirees.

Councilor Grow stated all would be notified by mail and Donna Leete, Personnel Director has secured all addresses from the GIC.

Councilor Hardy asked if there is an insurance committee in Gloucester and are they up to speed with this proposal.

Councilor Grow is under the assumption we would contact them but their participation isn't required to accept or reject but he fully intends to communicate with them. The 30 days doesn't start until the notifications are sent out. We are talking about no sooner than 30 days and probably looking at 5 weeks before we can hold a public hearing.

Councilor McLeod asked if back in the 70's didn't this have to go to the state before it was actually enacted.

Councilor Grow replied not to his understanding. The group responsible for accepting is also the group responsible for termination.

Councilor Romeo stated health care is her field and she will voice her concerns at the public hearing. She understands how the city needs to cut back but stated we have major employers that one day can all get together and have one health insurance. This is the time to do something because we are undergoing health care reform and she urged both the city and the schools to get reimbursement for SPED; in doing so that program could run itself.

MOTION: On motion of Councilor Grow, seconded by Councilor McLeod the City Council voted 5 in favor, 0 opposed Order 07-12 Ordered that, in accordance with the procedures set forth in, MGL Ch. 32b, Sec. 11e the City of Gloucester shall terminate participation in the State contributory Group Insurance plan for retirees currently covered under this program and incorporate said retirees and future retirees into the City of Gloucester health insurance program under the provisions governing municipal retiree and surviving spouse benefits and that the city notify all affected parties and a public hearing be held thirty days following such notification and further TO ADVERTISE FOR PUBLIC HEARING.

3.O&A 3/19/07

MOTION: It was voted to take up the Ordinances and Administration Committee report of 3/19/07 under unanimous consent of the City Council.

MOTION: The Ordinances and Administration Committee voted to recommend to the full City Council acceptance of the Beach and Park Regulations as presented and further TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion of Councilor McLeod, seconded by Councilor Grow the City Council voted 5 in favor, 0 opposed to accept the Beach and Park Regulations as presented and further TO ADVERTISE FOR PUBLIC HEARING.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council approval of the proposed conservation lighting ordinance as presented and further to ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion of Councilor McLeod seconded by Councilor Grow the City Council voted 5 in favor, 0 opposed to approve the proposed conservation lighting ordinance as presented and further to ADVERTISE FOR PUBLIC HEARING.

Councilor Swekla rejoined the meeting at this time.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council that we ask the Mayor on behalf of the Administration and the Council to communicate to the Executive Office of Transportation the city's desire to for planning dialogue on Grant Circle safety.

MOTION: On motion of Councilor McLeod, seconded by Councilor Grow the City Council voted 6 in favor, 0 opposed to ask the Mayor on behalf of the Administration and the Council to communicate to the Executive Office of Transportation the city's desire to for planning dialogue on Grant Circle safety.

COUNCILLOR'S REQUESTS OTHER THAN TO THE MAYOR

Councilor Hardy congratulated the Co-ed 2007 cheerleading team for winning the states held here in Gloucester. They also won the regional championship at UNH and in two weeks they will be competing in Florida for the National championships.

Councilor Peckham thanked all the Jacobs for showing up tonight to be involved in the public process. He thanked National Grid for removing double poles on Essex Avenue. He received calls on drainage issues and will put together a city meeting to address several areas around the city.

Councilor Grow stated the sewer work on Thatcher Road is rather late and he will work to get a Ward meeting together to outline the process and time line. There will be work at the pumping stations with some work going into the Good Harbor parking lot.

Councilor McLeod spoke on behalf of Councilor Foote who wished to say goodnight to the seniors. Councilor McLeod stated Councilor Foote's son was operated on up in Boston and came out of it very well. He also commended Councilor Romeo for her job undertaking the duties of Council President.

Councilor Hardy stated the Mayor submitted an addendum tonight requesting a matter be referred to B&F to establish an account for Comcast.

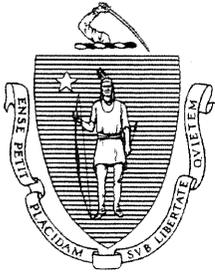
MOTION: On motion of Councilor Hardy, seconded by Councilor Grow the City Council voted 6 in favor, 0 opposed to accept the addendum to the Mayor's report and to refer the request to establish an account for Comcast to Budget and Finance.

Councilor Romeo knows this health plan initiative was hard to go through but also agreed we need to clean house. We are in a crisis in the city and she doesn't envy anyone running for Mayor – it is going to be a long, long road. She congratulated the West End Theatre for putting on wonderful performances during the Vagina Monologues, raising money for HAWK. She also thanked Sonny Robinson and Marcy Sylvester for a wonderful fundraiser at the City Hall and the talented Amero family. Senior deadline to enroll in any Medi-gap or HMO is 3/31st to enroll in any Medi-gap or HMO. She also warned seniors not to allow anyone in their homes trying to sell them something and do not give out any personal information over the phone.

It was moved and seconded to adjourn the meeting at 8:35 p.m.

Respectfully submitted,

June Budrow
Clerk of Committees



COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS
AND BUSINESS REGULATION
DIVISION OF ENERGY RESOURCES

100 CAMBRIDGE ST., SUITE 1020
BOSTON, MA 02114

Internet: www.Mass.Gov/DOER
Email: Energy@State.MA.US

CITY CLERK
GLOUCESTER, MA
MAR 26 PM 12:40

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Daniel C. Crane
Director, Office of Consumer Affairs
and Business Regulation

David L. O'Connor
Commissioner

March 23, 2007

TELEPHONE
617-727-4732

FACSIMILE
617-727-0030
617-727-0093

**The Massachusetts Division of Energy Resources
Presents an Energy Services Workshop**

Energy Savings Performance Contracting

Thursday, April 26, 2007 - 8:00 a.m. to 3:00 p.m.
Crowne Plaza - Worcester, MA

Discover what energy performance contracts are, how they work and what they can do for you!

Free ONE-DAY event for the public sector, including local government and public school departments, facility/energy managers, business managers, procurement agents and others interested in energy-efficient technologies.

Performance Contracting is an important aspect to energy savings. An Energy Services Company conducts an energy audit of selected facilities to determine the potential for saving energy through high-efficiency equipment replacement or upgrades. Based on the results, the ESCO makes recommendations that, when implemented, will generate enough energy, and cost savings to pay for the entire cost of the project over the term of the contract.

Experts will address the fundamentals of performance contracting, key steps in developing a successful performance contract, developing and negotiating contracts, benchmarking, and much more.

To learn more about this workshop and on-line registration please visit the Massachusetts Division of Energy Resources web site at www.mass.gov/doer. Registration deadline is **APRIL 19, 2007**. For more information, please telephone at 617-727-4732, extension 40105.

Sincerely,
Eileen McHugh
Public Procurement
Division of Energy Resources

GLOUCESTER CONTRIBUTORY RETIREMENT SYSTEM BOARD

6 Elm St. - P. O. BOX 114
GLOUCESTER, MA 01931-0114
(978) 281-9744

*Linda L. Geary, Executive Secretary
& Retirement Board Analyst
Elaine M. Tarantino, Asst. Retirement
Board Analyst*

*Chairman Douglas A. MacArthur
Board Members: Cindy Brown
Linda L. Geary
Edward Hardy
Joseph T. Pratt*

March 21, 2007

James Destino, Council President
Gloucester City Council
City Hall
9 Dale Ave.
Gloucester, MA 01930

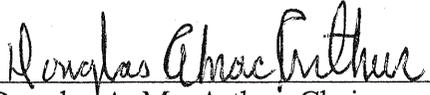
Dear Councilor Destino:

In accordance with section 36 of Chapter 306 of the Acts of 1996, the Gloucester Contributory Retirement System is required to file its annual Expense Budget with the Gloucester City Council. You will find enclosed the system's Expense Budget for calendar year 2007.

The Expense Fund of the retirement system is funded through its investment income account and does not require an expense appropriation from the City of Gloucester.

Please feel free to contact this office if you have any questions on this matter.

Sincerely,
GLOUCESTER CONTRIBUTORY RETIREMENT SYSTEM BOARD



Douglas A. MacArthur, Chairman

Enc. (1)

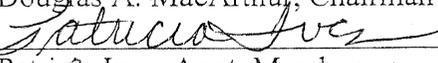
GLOUCESTER CONTRIBUTORY RETIREMENT SYSTEM

EXPENSE BUDGET

Calendar Year 2007

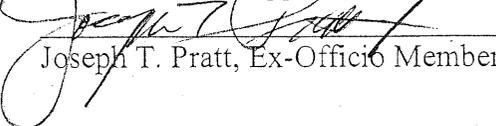
ACCOUNT		
5118	Board Stipend	\$ 15,000.00
5118	Treasurer Stipend	\$ 1,500.00
5119	Staff Salaries	\$ 91,147.16
5119	Staff Medicare	\$ 533.00
5119	Buy Back Sick	\$ 780.00
5304	Management Fees	\$350,000.00
5305	Custodial Fees	\$ 35,000.00
5307	Consultant Fees	\$ 40,000.00
5308	Legal Fees	\$ 10,000.00
5309	Medical	\$ 750.00
5310	Fiduciary Insurance	\$ 5,133.00
5311	Contracted Services	\$ 48,500.00
5312	Rent Expense	\$ 15,000.00
5589	Administrative Exp.	\$ 10,000.00
5599	Furniture & Equip.	\$ 15,500.00
5719	Travel	\$ 5,000.00
		\$643,843.16


Douglas A. MacArthur, Chairman


Patricia Iyas, Appt. Member


Linda Geary, Elected Member


Edward Hardy, Appt. Member


Joseph T. Pratt, Ex-Officio Member



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE
DISTRICT ATTORNEY FOR THE ESSEX DISTRICT
SALEM NEWBURYPORT LAWRENCE

JONATHAN W. BLODGETT
District Attorney

Ten Federal Street
Salem, Massachusetts 01970

TELEPHONE
VOICE (978)745-6610
FAX (978)741-4971
TTY (978)741-3163

March 6, 2007

Mr. James Destino, President
Gloucester City Council
9 Dale Avenue
Gloucester, MA 01930

RE: Open Meeting Law

Dear Mr. Destino:

This Office is in receipt of a complaint alleging a violation of the Open Meeting Law by the Gloucester City Council. It is alleged that the minutes of the February 6, 2007 executive session fail to meet the statutory requirements of M.G.L. Ch. 39, Sec. 23B. The complaint further alleges that the City Council in this executive session discussed and perhaps came to an agreement concerning a \$25,000 settlement with a Gloucester patrolman that led to his return to work.

A draft copy of the executive session minutes have been provided to this Office, a copy of which is enclosed herewith. I invite you to respond to the above allegations. Also, please provide this Office with a copy of the minutes of the City Council meeting held on February 6, 2007. Kindly enclose both open session and executive session minutes.

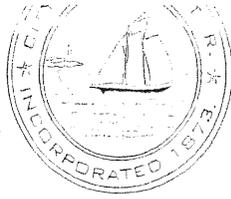
If you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

Thomas M. Donovan
Special Counsel

TMD/ahr

Enclosure



CITY OF GLOUCESTER
LEGAL DEPARTMENT

March 23, 2007

Thomas Donovan, Esq.
Special Counsel
Office of the Essex County District Attorney
10 Federal Street
Salem, MA 01970

Via Facsimile (978) 741-4971
and First Class Mail

Re: Open Meeting Law Complaint - Gloucester City Council

Dear Attorney Donovan:

This letter serves to confirm our phone conversation of earlier this week in which I advised you that I would be replying to your March 6, 2007 letter to City Council President, James Destino, concerning an Open Meeting Law complaint relating to an executive session held by the City Council during the course of their regularly scheduled February 6, 2007 meeting.

In your letter, you noted that you had received a copy of Draft minutes of the February 6, 2007 executive session. You advised Councilor Destino that it has been alleged that the executive session minutes fail to comply with the statutory requirements of MGL c. 39, §23B, and further alleged that "the City Council in this executive session discussed and perhaps came to an agreement concerning a \$25,000 settlement with a Gloucester patrolman that led to his return to work." You requested copies of the final minutes for the regular February 6 session and the February 6 executive sessions. An entire set of minutes for the February 6 City Council meeting is enclosed for your review.

As you will note in reviewing these minutes, the executive session began at 10:45 p.m. and concluded approximately one hour later at 11:50 p.m. The minutes of the regular session (see p. 19) and the executive session clearly show that the question of whether the City Council should vote to transfer \$25,000 to fund the settlement of the police patrolman disciplinary matter was thoroughly discussed during the regular session. I was present at this session and participated in the discussion and I can therefore assure you that the public discussion lasted more than 90 minutes before the executive session began. More importantly, the vote on whether to fund the settlement was made in the reconvened open session as the minutes clearly show.

The City Council also discussed this matter at its Budget and Finance subcommittee at a regularly scheduled meeting of February 1, 2007 where there was an in-depth open meeting discussion of the issue. The minutes of this meeting are also enclosed for your review (See pp. 10-14 of B. & F. minutes).

As is shown by the vote to go into executive session and by the minutes of the February 1 B. & F. committee meeting, the executive session purpose under MGL c. 39, §23B(2) “was to consider the discipline or dismissal of, or to hear complaints or charges brought against a(n)...employee...provided that the individual involved in such executive session...has been notified in writing by the governmental body...”¹ and also under MGL c. 39, §23B(3) “to discuss strategy with respect to...litigation...”

The disciplinary matter involved a police officer who had been on administrative leave for over one year while the police department investigated three separate disciplinary incidents. The officer, who is the sole black officer in the police department, was, as a result of this lengthy investigation, going to litigate a racial discrimination claim based on “disparate treatment.” The \$25,000 payment served to release the City from all such claims.

You note that there is a question as to whether the executive session minutes meet the standards of MGL c. 39, §23B, which provides:

“A governmental body shall maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. ...all votes taken in executive sessions shall be recorded roll call votes and shall become a part of the record of said executive sessions.”

As a participant in the meetings in question and as a municipal attorney, I can assure you that the City Council and those public officials participating in these meetings made every effort to respect both the legitimate statutory privacy concerns of the employee and the legitimate concerns and purposes of the open meeting law so that the matters were thoroughly discussed and voted in public. No votes were taken in executive session.

I hope these records and this letter address your concerns expressed in your March 6 letter to Councilor Destino. As I expressed in my phone conversation with you, I am available to provide any additional information which would help you to review this matter. Please feel free to contact me at your convenience.

¹ The employee involved was notified of the meeting and the executive session and did not wish to attend or participate.

Sincerely,



Linda T. Lowe
General Counsel

LTL/kml

Enclosures:

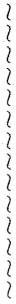
Minutes of Gloucester City Council B. & F. Committee dated 2/1/07

Minutes of Gloucester City Council dated 2/6/07

Minutes of Gloucester City Council Executive Session dated 2/6/07

✓ Cc James Destino, City Council President

WE INVITE YOU TO PARTNER
WITH US AS WE SEEK TO
EXPAND SENIOR HOUSING OPTIONS
SO WE MAY CONTINUE TO LIVE
IN THE COMMUNITY WE LOVE



PARTICIPANTS

Gloucester Health Department, -

Sunny Robinson, Public Health Nurse, Convenor

Action, Inc., HomeCare - GerryAnne Brown, Director

Adult Foster Care - Cynthia Bjorlie, MD

Comfort Keepers - Katherine Goodwin

Community Development Department

Council on Aging, Board of Health - Frederick Cowan

Housing Authority - William Dugan, Exec. Director

Julietta House - Susan Albiero Gadbois, Owner

SeniorCare, Inc. - Steve Turner, Elder Care Advisor

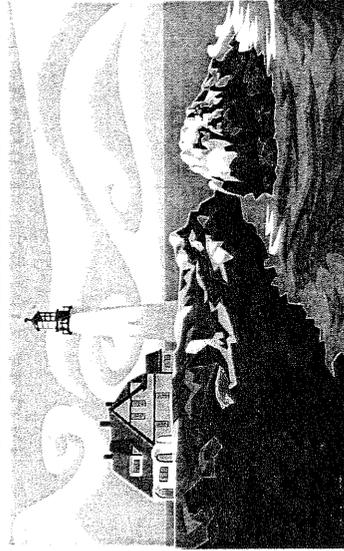
Produced by SHOP 2006.



HELPING
SENIORS STAY
ON CAPE ANN

SHOP
SENIOR HOUSING OPTIONS
TASK FORCE

Citizens
City Officials
Boards & Commissions
Department Heads
Senior Service Providers
Real Estate Agents
Investors
Developers... and you.



Contact: Sunny Robinson
978 281-9771
Gloucester Health Department

SHOP Task Force
Gloucester Health Dept.
3 Pond Road, City Hall Annex
Gloucester, MA 01930

SHOP arose from the Mayor's Health Needs Assessment of 1998, affirmed by Plan 2001, which recommends the creation of Assisted Living in Gloucester.

To achieve this goal requires ongoing collaboration between citizens, neighborhoods, officials, boards and commissions, and developers.

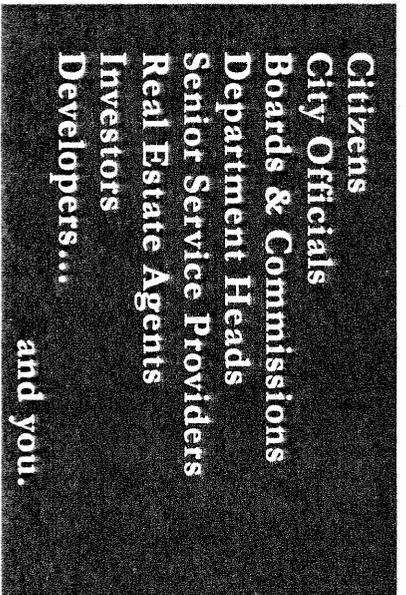
Since 2002, SHOP has helped to expand Senior Housing Options in Gloucester, including:

- Adult Foster Care
- Age-in-place Residences
- Assisted Living Residences
- In-home Supportive Services
- Olmstead CHOICE Amendment
- Ordinance Evaluation & Revision

~~~~~

WE INVITE YOU TO PARTNER  
WITH US AS WE SEEK TO  
EXPAND SENIOR HOUSING OPTIONS  
SO WE MAY CONTINUE TO LIVE  
IN THE COMMUNITY WE LOVE

~~~~~



CALL ON US FOR:

- Information
- Statistics
- Perspective
- Consultation & Advocacy

PLEASE, INFORM US WHEN YOU:

- Learn of potential funding sources
- Hear of housing or service initiatives
- Know of impending loss of existing supports for seniors
- Have a vision or plan for new senior options in Gloucester

Contact: Sunny Robinson
978 281-9771
Gloucester Health Department

VISION

Cape Ann Seniors of all income levels will remain in our community supported by a variety of housing options and related services

MISSION

Be a catalyst and a resource for private, public and non-profit sectors so that Senior Housing Options continue to expand

STRATEGIES

- Continuously identify local needs
- Advocate for desirable, dignified, affordable options
- Share information with citizens, policy makers and businesses
- Encourage added supportive services in existing housing
- Promote public participation in SHOP meetings

Meetings at Julietta House
84 Prospect St. Gloucester, MA 01930
for times check local newspaper,
call Susan Albiero Gadbois 978 281 2300
or Sunny Robinson 978 281 9771



CITY OF GLOUCESTER

GLOUCESTER • MASSACHUSETTS • 01930

March 23, 2007

Dear City Councilors and Planning Board Members,

We of the Senior Housing Options Task Force of the Community Health Plan Steering Committee write to express our support for an Assisted Living Residence in the "Gloucester Crossing" project.

We are delighted to see the inclusion of an Assisted Living Residence (ALR) within the over all plan and look forward to the opportunity for further and concrete discussion with the designated developer once the approval process has advanced to allow this. Central to our concerns will be that any proposed residence complies with regulations as defined by the State of Massachusetts and the Gloucester City Assisted Living Ordinance, including the provision that at least 20% of the units be affordable, and that such a residence provide a quality living opportunity in every way.

As a result of our ongoing research and involvement, it is clear that Assisted Living and other forms of Supportive Housing are both wanted and needed by the seniors of Cape Ann. Our area has a growing elderly population with diverse economic and social needs. Even with an increase in Supportive Living Options within the Gloucester Housing Authority, there are fewer housing options available to seniors than there were five years ago. The need for expansion of desirable options for housing and services continues. We remain ready and very interested in further discussion as to the specifics of an ALR for Gloucester and ask that City Council and Mr. Park keep us involved and informed as this proposal moves forward. It remains our commitment to encourage and promote housing options that will meet the needs of our unique socio-economic environment and the diverse population of elders who consider Cape Ann their home. This includes the vision that Cape Ann Seniors of all income levels will remain in our community supported by a variety of options and supportive services.

We believe that the Assisted Living Residence portion of the Gloucester Crossing proposal is central to the entire proposal and urge that it move forward in the first phase of construction, if approval is granted, as we are sorely in need of such a residence on Cape Ann.

We have enclosed copies of our Senior Housing Options brochure for each of you. Please feel free to contact us should you have any additional questions.

Sincerely,

Sunny Robinson, Public Health Nurse, Gloucester Health Department, Convener of SHOp for The Senior Housing Options Task Force:

Susan Albiero, Julietta House

Kay Bierwiler, Executive Director, SeniorCare, Inc.

Gerry Anne Brown, Director, HomeCare, Action, Inc.

Frederick Cowan, Member, Board of Health, Council on Aging, PIRC

William F. Dugan, Executive Director, Gloucester Housing Authority

Coral S. Grande, Executive Director, Council on Aging

Miriam E. Pett, Adult Care Solutions

Joseph Rosa, Chair, Board of Health

Carol Suleski, PACE, Elder Service Plan of the North Shore

Steve Turner, Elder Care Advisor, SeniorCare, Inc.

2007 GLOUCESTER CITY COUNCIL
COUNCIL ORDER

ORDER #:	2007-15
COUNCILLOR:	Gus Foote

DATE RECEIVED BY COUNCIL:	04/03/2007
REFERRED TO:	O&A
COMMITTEE MEETING:	
FOR COUNCIL VOTE:	

Ordered that the Mayor investigate the hiring of a Public Safety Commissioner, who will be in charge of both the Police and Fire Department.

2007 GLOUCESTER CITY COUNCIL
FOR COUNCIL VOTE
04/03/2007

Clerical Correction of an SCP Decision for 26 Chestnut Street dated 04/15/2005

A decision was approved and adopted by the Gloucester City Council for 26 Chestnut Street under 2.3.1 (4) at it's meeting on April 12, 2005,

That decision contains an error stating the property in question is 46 Middle Street, not 26 Chestnut Street. 46 Middle Street is the Attorney for the applicant's address.

General Counsel has informed the City Clerk's Office that clerical errors, of which this is one in her opinion, may be corrected by a vote of the Granting Authority for up to seven years. The intent of the Council was to award the permit to 26 Chestnut Street as was demonstrated consistently throughout the minutes of the application.

The complete SCP folder will be available at the City Council meeting on March 20th.

The vote to be taken should be to amend the decision to read:

Page 1 Second Paragraph, Second Sentence "The property is located at ***26 Chestnut Street***"

The rest of the decision does not need amending.

5
75



2005051200304 Bk:24284 Pg:314
05/12/2005 12:00:00 OTHER Pg 1/5

CITY CLERK
GLOUCESTER, MA

05 APR 14 AM 11:34

In Re:

Application of Joseph and Maria Grillo)
for a Special Council Permit)
Pursuant to City of Gloucester Zoning)
Ordinance Section 2.3.1(4))

DECISION OF THE CITY
COUNCIL OF THE CITY OF
GLOUCESTER

26 Chestnut St

The City Council of the City of Gloucester, Massachusetts, constituting the Special Permit granting authority under the laws of the Commonwealth of Massachusetts and the Zoning Ordinance of the City of Gloucester, hereby adopts the following findings and decision with regard to the application of Joseph and Maria Grillo for a Special Council Permit pursuant to Section 2.3.1(4) of the City of Gloucester Zoning Ordinance to convert an existing two-family dwelling to a three-family dwelling.

1. The applicants for the Special Council Permit and the owners of the property are Joseph and Maria Grillo. The property is located at 46 Middle Street, Gloucester and is shown on Assessor's Map 13 Lot 6. The zoning district is High Density Residential (R4). The applicants seek a Special Council Permit as required by Section 2.3.1 (4) to convert a two family structure into a three family structure.
2. The application was filed with the City Clerk on January 11, 2005. The application is incorporated herein by reference.
3. The City Council referred the application to its Planning and Development Standing Committee. The Committee hearing was properly noticed and a hearing was held by the Planning and Development Standing Committee on February 9, 2005.

Mr. Pino, attorney for the applicants, presented the project. The applicants have received relief from the zoning board of appeals. The current building is presently configured as a three family and has been since at least 1968. When the applicants purchased the property in 2002, they were unable to establish that it had been a three family before 1927. Therefore, the Building Inspector certified it as a two family dwelling. The applicants now seek a Special Council Permit to convert to a three family. No changes to the building are required and parking in the area is excellent. Mr. Pino went on to address how project meets the criteria for a Special Council Permit: 1) the social and economic needs of the community are met by providing a low cost residential unit in the downtown area; 2) traffic flow and safety is not impacted by the addition of one unit; 3) municipal water and sewer is already on-site; 4) the surrounding neighborhood consist of other multi-family units; 5) there is no change to the natural environment as the building will not change; and 6) the potential fiscal impact is positive.

Legal Notice

NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on **TUESDAY, April 3, 2007** at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall relative to the following:

• **The proposed Beach and park Regulations as submitted by the DPW**

(Copy on file at the City Clerk's Office)

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

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

GT - 3/26/07

MOTION: On motion of Councilor Tobey, seconded by Councilor Grow the Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council acceptance of the Beach and Park Regulations as submitted by the DPW and further TO ADVERTISE FOR PUBLIC HEARING.

lower wattage fixtures and lower energy costs. Planning Department, Legal Department and Building Department have all reviewed and contributed to this ordinance.

Councilor Grow asked how we will deal with existing properties and is there some mechanism by which we can strongly encourage compliance with this.

Dr. Motta stated it is much harder to deal with existing because they are grandfathered in.

Mr. Hersey stated it is good business sense to reduce your energy costs. He also noted that Virginia Rennahan who also serves on the Renewable Energy committee is present and thanked the administration for working with them on this.

Mr. Magoon stated in terms of moving forward

MOTION: On motion of Councilor Foote, seconded by Councilor Grow the Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council approval of the proposed conservation lighting ordinance as presented and further to ADVERTISE FOR PUBLIC HEARING.

- **Miscellaneous**

1. Beach and Park Regulations (*cont. from 3/5/07*)

Mr. Magoon stated Mark Cole has incorporated the language changes discussed except for the location of the dumpsters.

Councilor Tobey asked to finish up that review and report to the Council on 4/3rd.

Mark Cole referred to the changes marked in blue as changes discussed at the last O&A meeting. (*copy in file*).

Councilor Grow is concerned about accountability for that period of time of the reduced fee.

Mr. Cole stated a supervisor will be at the lot from opening to close.

Councilor Grow asked how close we are to hooking up the Good Harbor beach facilities to the sewer system.

Mr. Cole replied that is on going but we found out from the engineers that we can't run anything in that ditch. Has talked to the Highway Department and they feel we can dig our own ditch to run the electricity to install a cash register and/or camera by Memorial Day. With regards to Carry-in/Carry-out, we are going to need a site visit to determine the placement of dumpsters and he will report back to the Council on that at the April 3rd meeting.

MOTION: On motion of Councilor Tobey, seconded by Councilor Grow the Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council acceptance of the Beach and Park Regulations as submitted by the DPW and further TO ADVERTISE FOR PUBLIC HEARING.

2. Order 06-59 (Destino) Petition Mass Highway re: Grant Circle (*cont from 1/8/07*)

- a. Letter from Sec. of Transportation re: Grant Circle Crosswalk

- b. Memo from resident re: Safety of Grant Circle Rotary

Councilor Tobey stated the matter before us is based on several events; an order filed by Councilor Destino, a communication from the Secretary of Transportation and a lot of communications generated by citizens. Joie Busby has been drawing attention to this and he asked her to frame the issue.

Joie Busby, 14 Gloucester Avenue has lived there 18 years and started recognizing the problem with the pedestrian crosswalk and looking at speeding vehicles impeding onto the rotary. People say it is worse now with the lights installed. She feels the lights are a great idea and she supported the lights going in but only because the crosswalks that were there didn't meet Mass. Highway standards. Paul Stedman of Mass Highway has been in contact with her from day one and has been out there monitoring the lights. She pointed out this would work if motorists would

BEACH & STAGE FORT PARK REGULATIONS

Revised February 15, 2007

I. Schedule of Operations:

A. Good Harbor & Wingersheek Beaches

1. Access to Parking Lots:
 - a. Seasonal: Gates opened April 1 to October 31 annually
Gates closed November 1 to March 31 annually
 - b. Daily in Season: Gates opened at 8:00am and locked at 9:00pm
 - c. Vehicles in beach parking lots shall be placed only within areas designated by the Director of Public Works or his agents.
 - d. Vehicles (except City vehicles engaged in beach maintenance) including off-road vehicles, motorbikes, mopeds, motorcycles, trucks, dune buggies, and snowmobiles are prohibited on beaches or dunes at Good Harbor and Wingersheek beaches without authorization.
2. User Fees:

Parking fees may be collected from May 1 to September 15 annually and shall be collected daily from Memorial Day to Labor Day, in accordance with the schedule of fees established in Appendix A.
3. Certified Lifeguards:

Red Cross certified lifeguards shall be on duty daily, weather permitting, from 9:00am to 5:00pm from Memorial Day to Labor Day. Weather permitting, lifeguards may also be on duty weekends during May and September.
4. Snack Bars:

Snack bars may be open weekends during May and September and shall be open daily from Memorial Day to Labor Day, weather permitting.
5. Rest Rooms:

Rest rooms may be open weekends during May and September and shall be open daily from Memorial Day to Labor Day. Hours of operation will be from 8:00am to 8:00pm. The rest rooms may be closed early during periods of inclement weather..
6. Bike Racks:

At Good Harbor Beach, bicycles are allowed only at the bike rack on Nautilus Road and not on the footbridge.

B. Stage Fort Park

1. Access to Parking Lots:
 - a. Seasonal: Gates opened April 1 to October 31 annually
Gates closed November 1 to March 31 annually.
 - b. Daily in Season: Gates opened at 8:00am and locked at 9:00pm.
 - c. Vehicles in parking lots shall be placed only within areas designated by the Director of Public Works or his agents.
 - d. Vehicles (except City vehicles engaged in beach maintenance) including off-road vehicles, motorbikes, trucks, dune buggies, and snowmobiles are prohibited on beaches and within the enclosed areas of Stage Fort Park without authorization.
2. User Fees:

Parking fees may be collected from May 1 to September 15 annually, and shall be collected daily from Memorial Day to Labor Day, in accordance with the schedule of fees established in Appendix A.
3. Certified Lifeguards:

Red Cross certified lifeguards shall be on duty daily, weather permitting, from 9:00am to 5:00pm, Memorial Day to Labor Day at Half Moon Beach only.

4. Snack Bars:

Not applicable

5. Rest Rooms:

Rest rooms may be open weekends during May and shall be open daily from Memorial Day to Labor Day, 8:00am to 8:00pm; and during special events as required. The rest rooms may be open during the months of September and October from 8:00am to 6:00pm daily.

6. Permits – Group Functions and Picnic Areas:

- a. Groups of 25 persons or more shall be required to obtain a group permit for the general use of park facilities.
- b. Individuals shall be required to obtain a permit for the dedicated use of the Bandstand (Gazebo), Rose Garden and beach areas.
- c. Designated group picnic areas may be reserved in conjunction with the issuance of a group permit. Group picnic areas are designated as: Area A – the hollow area to the rear (east) of the rest facility building, Area B – the area to the south of Tablet Rock, Area C – the upland area to the far west of the volleyball court.
- d. Catered events may be conducted in the designated picnic areas in conjunction with a group permit.
- e. User fees: see Appendix A.

C. Niles, Pavilion, and Plum Cove Beaches:

1. Parking Restrictions:

There shall be resident sticker parking only in designated areas at Niles and Plum Cove beaches.

2. Open Parking:

Pavilion beach

3. Certified Lifeguards:

Red Cross certified lifeguards shall be on duty daily, weather permitting, and starting Father's Day weekend through Labor Day 9:00am to 5:00pm, Pavilion beach excepted.

D. Closing of Beaches & Parks:

The Director of Public Works, as well as legally-authorized public health or other law enforcement officials, shall have discretion to close city beaches and parks to the public should questions of public health or safety arise. Parking fees will not be refunded. Signs shall be posted during times when beaches are open but there are no lifeguards on duty.

E. Beach and Park Rental:

1. Beaches, parks, playgrounds and other outdoor recreational facilities may be rented out in whole or in part for commercial use and social activities when such use does not conflict with permitted use.
2. User fees: see Appendix A

II. Beach Parking:

A. Sticker Eligibility:

1. RESIDENT STICKER criteria:

- a. Domiciled Residents of Gloucester, verified with vehicle registration and other supporting documentation if required.
- b. Non-Domiciled Residents who own residential property in Gloucester, verified with a copy of their tax bill and vehicle registration. Limit of two (2) stickers per household.
- c. Non-Domiciled Residents who rent property, must be for a minimum of 60 days and verified with a lease agreement and vehicle registration and other supporting documentation, if required.

- d. A residential taxpayer having no residency in Gloucester, verified with a copy of their tax bill and vehicle registration.
 - e. Servicemen stationed in Gloucester, verified with vehicle registration and an official note from their Commanding Officer confirming permanent residency.
 - f. Domiciled and Non-Domiciled Senior Citizen Residents of Gloucester, verified with their vehicle registration and driver's license and a copy of their tax bill or lease agreement if they are a Non-Domiciled Resident.
2. NON-RESIDENT STICKER criteria:
- a. Domiciled Residents of Essex and Rockport, verified with vehicle registration and copy of their driver's license.
 - b. All other Non-Residents of the City of Gloucester, no more than 200 stickers to be sold annually.
 - c. User fees: see Appendix A
3. GUEST VOUCHERS
- a. Motel, hotel, guest house, camp ground owners, and licensed innkeepers only may receive bulk issue of beach parking guest vouchers for the current season as needed for issue to guests that are actually booked into accommodations at their establishments.
 - b. Vouchers will only be issued to establishments that show State Room Tax #, valid Federal Employer ID Number or Social Security Number, which ever applies. This procedure is subject to review by the Director of Public Works and abuse may result in revocation of Vouchers.
 - c. Vouchers shall be valid for one day only.
 - d. User Fees: see Appendix A.

B. Issue restrictions:

- 1. All stickers will be issued to a vehicle based on registration and not to a person or residence, except senior citizen stickers.
- 2. Senior citizen stickers will be issued to a qualifying vehicle (based on registration), together with the qualifying individual (based on age) for his/her exclusive use. The qualifying individual must be present in the vehicle for the vehicle to receive exempted admittance. There is a limit of one senior citizen sticker per qualifying individual / vehicle combination.
- 3. A resident can get a sticker for a company owned car if they have a letter, on company stationary, signed by an officer of the firm, stating the employee has exclusive use of the vehicle.
- 4. Non-Domiciled Gloucester residential property owners may receive a beach sticker for the owner(s) of record only, with a maximum of two stickers per owner.
- 5. All stickers shall be permanently affixed to the approved vehicle at the time of issuance. Loose stickers will not be honored.
- 6. To prevent confusion, misunderstanding and delays at the parking lot entrance gate, all patrons will be asked to remove all expired stickers.
- 7. Commercial property owners do not qualify for Resident Stickers without proof of residency.
- 8. All stickers and guest vouchers are non-transferable and non-negotiable.
- 9. Stickers expire at the end of the calendar year in which issued, except senior citizen stickers which shall expire in year dates ending in zero and five.

C. User Fees:

- 1. Parking fees: see Appendix A.
- 2. Sticker and voucher fees: see Appendix A.
- 3. All user parking fees, once paid, are nonrefundable.
- 4. Parking user fees shall routinely be collected at the full applicable rates from 8:00am to 4:00pm daily at all locations. The daily collection hours may be extended and the daily parking user fees adjusted downward at the end of the day, 3:00pm to 5:00pm, to accommodate late arrivals.
- 5. Parking user fees may be adjusted downward on weekends after Labor Day, in order to provide a reduced fee for reduced services.

6. Buses and vans that drop off passengers within the park or beach parking areas shall pay the applicable parking fee regardless if the parking lot is used or not.
7. Exemptions: resident senior citizens, age 65 and older.
8. Special Events: The Director of Public Works may establish nominal parking fees for special events to cover the expenses of conducting the event.

D. Parking Restrictions:

1. Parking restrictions posted in and around beaches and park areas will be strictly enforced. Violators may be tagged and towed at owners expense.
2. Unattended children and pets shall not be left in vehicles in the beach and park parking lots.
3. All City beach and park employees (collectors, lot attendants, lifeguards, etc.), contract concession personnel, and contract rest room personnel that are residents of Gloucester, must have a current beach sticker for entrance into the parking lot. Any non-resident employee will need to purchase an "employee pass for non-residents" at the price of a Resident beach sticker. This pass will be valid only on day the employee is working at the beach or park.
4. Employee and contractor vehicles shall be parked in the general use parking lot areas and will not be parked adjacent to concession facilities.
5. Vehicles, public and employee, shall not be parked closer than 30 feet to a collector booth.
6. Reserved parking areas for "resident sticker use only" may be established and made available for dedicated resident use from lot opening time up to 1:00pm daily, at which time the reserved parking areas will revert to unrestricted use.
7. There shall be "resident sticker parking only" on Witham Street, west side, from Thatcher Road to the beach; Niles Beach, westerly side, fronting on the beach; Plum Cove Beach parking lot, adjacent to the ball field; and Folly Cove Beach, between poles #356 and #357.

III. Miscellaneous Restrictions:

A. Horses:

Horseback riding is prohibited on city beaches and in Stage Fort Park, year round.

B. Games & Sports:

Baseball, softball, football, archery, frisbee tossing, horseshoe pitching, golfing or any other rough-game sports or play is permitted only in areas designated by the Director of Public Works.

C. Inflatable Objects:

Use of inflatable toys, rafts, tubes, mattresses or other inflated objects and the use of all floating objects, except "boogie boards", in the water of all public beaches is prohibited. Boogie Boards will be permitted within the boundaries of a designated area to be located at the far eastern end of the public portion of Good Harbor Beach. A "boogie board" will be defined as a small 19" to 44" soft board comprised of foam, polyurethane, polystyrene, etc., with an attached wrist leash. Floating boards that do not meet this definition are prohibited from use on the beach.

D. Umbrellas, Tents, & Shelters:

Umbrellas must be properly anchored to prevent wind-caused accidents. No tents or shelters are allowed with the exception of sun shades and umbrellas.

E. Airplanes & Helicopters:

No airplanes or helicopters shall be permitted to take off or land from City beaches or park land (other than on official Government business). Violators will be reported to the Federal Aviation Agency.

F. Model Airplanes (Radio Control Aircraft):

Good Harbor Beach Parking Lot

1. Permitted to fly only when beach parking lot is not in operation (no attendant on duty).
2. Restricted to times when pedestrian and vehicle traffic are at a minimum.
3. Not permitted before 8:30am.
4. Shall fly over the parking lot and marsh areas, not the road or beach.
5. Noise levels will be restricted to an acceptable level (non-flow thru, expansion chamber mufflers only).
6. Pilots shall fly in a safe and responsible manner at all times.

7. Pilots will be responsible and liable for their actions.
8. Pilots will abide by regulations in effect and maintain a safe environment.
9. Pilots will be considerate of wetlands and wildlife.

G. Scuba or Skin Diving:

1. At no time will Scuba or skin divers be allowed to use underwater weapons of any type in waters off city beaches.
2. Snorkeling paraphernalia used by non-scuba or skin divers shall be restricted at the discretion of the lifeguards.

H. Boat Launching & Surfing:

1. Boat launching and landing are prohibited at all public beaches between the hours of 9:00 a.m. and 5:00 p.m., from Memorial Day to Labor Day, without the permission of the lifeguard.
2. Surfing is prohibited at all public beaches between the hours of 9:00 a.m. and 5:00 p.m., from Memorial Day to Labor Day, without the permission of the lifeguard.
3. Boardsailing shall be prohibited at all Gloucester City public beaches subject to the following exceptions:
 - a. At Niles beach, boardsailers may access the southeastern most 75 feet of public beach and shall be prohibited from the harbor channel.
 - b. At Cressey's beach, boardsailers may access only a 75 foot section of the beach located immediately to the west of the drive-through ramp in the seawall and shall be prohibited from the Harbor channel.
 - c. At other public beaches boardsailing is prohibited between 9:00am and 5:00pm daily from Memorial Day to Labor Day.

I. Sand Dune Protection:

Motor vehicles of any kind are prohibited from driving on sand dunes at City beaches. Pedestrian or animal access to Dunes Conservation Areas is strictly prohibited.

J. Audio Devices:

Radios, portable stereos, so-called "boom boxes", etc., are prohibited at City beaches and parks. Personal systems with individual speaker outlets (i.e. ear pieces, walkman, ear phones) are permitted.

K. Pets:

1. Dogs and other pets shall be prohibited from being on all public beaches from May 1 to September 15 of each year. Dogs on public beaches from September 16 to April 30 of each year shall be under direct control of the owner or keeper in accordance with the local Animal Control Ordinance.
2. Dogs and pets in Stage Fort Park shall be under direct control of the owner or keeper by leash at all times in accordance with the local Animal Control Ordinance.

L. Alcoholic Beverages Prohibited:

In accordance with state law and local ordinance, the unpermitted use of alcoholic beverages on all City beaches, parks, playgrounds, ball fields, and parking lots is prohibited. Bottles and glass of any kind are prohibited on city beaches, parks, playgrounds, ball fields, and parking lots.

M. Litter Control:

Rubbish and litter shall be deposited in trash receptacles, dumpsters, and / or bags provided by the City. Disposal of rubbish or litter on city beaches, parks, playgrounds, ball fields, and parking lots is prohibited and punishable by fines up to \$100 per violation. Good Harbor, Wingersheek, Niles and Plum Cove beaches have instituted a "Carry In - Carry Out" policy. Beach goers must be prepared to take away all trash as there are no longer any trash receptacles on the beach or in the parking lot for public use.

N. Conduct and Behavior:

All persons destroying public property or engaging in disorderly conduct will be prosecuted to the full extent of the law. Sleeping or camping on city beaches, parks, playgrounds, ball fields, and parking lots between 9:00pm and 8:00 am is strictly prohibited.

O. Open Fires Prohibited:

Open fires of any type are prohibited on city beaches and Stage Fort Park. Cooking is allowed with either gas or charcoal grills at Stage For Park only. All hot coals must be deposited in designated containers.

APENDIX A

PARKING AND RENTAL FEES ESTABLISHED

1. Parking fees

Passenger car, SW, mini-van	
GHB/Wing	\$15.00 weekdays \$25.00 weekends, holidays
SFP	\$10.00 weekdays \$10.00 weekends, holidays
Motorcycle	\$5.00 each
Van (+7 seats) (weekday only)	\$15.00 each
Bus (+12 seats) (weekdays only)	\$20.00 each
Bus (+25 seats) (weekdays only)	\$25.00 each

2. Sticker fees:

Domiciled Resident sticker	\$20.00
Non-Domiciled Resident sticker	\$20.00
Senior Citizen sticker (65+)	No Charge
Non-Resident sticker – Essex and Rockport	\$100.00
Guest Voucher – SFP	\$5.00 all days
Good Harbor	\$10.00 discount off the daily rate
Wingaersheek	\$10.00 discount off the daily rate
Non-Resident sticker – summer rental (200)	\$100.00

3. Beach and Park Rental fees:

Beach fee: off season	\$150.00 daily
Beach fee: in season (Memorial to Labor)	\$250.00 daily
Stage Fort Park: group area use permit – non catered	\$25.00 daily
Stage Fort Park: group area use permit – catered	\$75.00 daily
Stage Fort Park: Bandstand (Gazebo)	\$50.00 2 hr max
Stage Fort Park: Rose Garden	\$50.00 2 hr max
Stage Fort Park: off season, commercial	\$150.00 daily
Stage Fort Park: in season, commercial	\$250.00 daily

4. Special Events:

The Director of Public Works may establish nominal parking fees for special events to cover the expenses of conducting the event.

CITY COUNCIL
AND
CITY COUNCIL STANDING COMMITTEE
Budget and Finance
Thursday, March 22, 2007 – 7:00 p.m.
City Hall – Third Floor Conference Room

Attendance: Councilor Alphonse Swekla, Chairperson, Councilor Jason Grow, Vice Chairperson, Councilor Jackie Hardy

Also: Joe Pratt, Barry McKay, Everett Brown

Absent: Councilor James Destino, Steve Magoon, Joe Parisi

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

1. Memo from Fire Chief regarding acceptance of grant.

Chief Barry McKay is requesting acceptance of both the fire fighters grant application and the grant reward. There is no match required from the city and the actual reward letter has not been received.

Councilor Swekla asked what type of equipment lacking is considered a necessity.

Chief McKay replied very ordinary equipment like shovels, nozzles, hoses, hydrant wrenches, hydrant gates, basic fire fighting tools.

Councilor Hardy asked if when we order and receive a new fire truck, we order the tools to go on it.

Chief McKay stated a new fire truck comes equipped with basic equipment such as ladders, axes, extinguishers, hose adapters, etc. With the next group of apparatus we buy, we will ask to go fully equipped but you are talking at least \$100,000 to fully equip a \$750,000 piece of equipment.

Councilor Hardy asked if a truck and the equipment are capital expenditures.

Joe Pratt, City Auditor replied yes, with the initial purchase.

MOTION: On motion of Councilor Hardy, seconded by Councilor Grow the Budget and Finance Committee voted 3 in favor, 0 opposed to table acceptance of the Fire Fighters Grant pending receipt of the award letter.

2. Proposal from Fire Chief for fees for monitoring private businesses.

Everett Brown, Purchasing Agent stated in the early 90's the city used the laws created at that time with a unique request for a Request for Proposal of the city's leased equipment to them and then we allowed outside businesses to join the network. Over the course of 26 or 27 years, the most recent changes in the law have made that impossible. The company that has been doing the repair work does no monitoring – there never was any monitoring – the monitoring is done by our fire department. The only thing this outside network does is the repairs. The way they funded it was to say that every location had a box and they paid one price for having that box. Even the city is paying the outside company for our own fire alarms. When we noticed they were jumping over the limit we contacted the vendor and seeing we were only 30 days into the contract we wanted to cancel that lease and agreed we would award them the contract for repairs. But to do that we cancelled his PO's and everyone was paid back. Now there is no money except the money that was in the individual account to pay for the box charge. Now the companies need to pay the city. The fee normally billed from the outside company is now coming back to the city. The outside company lost money this year because they can only draw on the account.

Chief McKay stated in the initial contract the company agreed there would be no charge to keep those we chose to keep running.

Councilor Grow asked will our own municipal departments be paying into this.

Mr. Brown stated it won't be a charge; it will be a line item in their budget.

Councilor Grow asked how many of these 61 boxes will be paying the fee.

Chief McKay stated when they instituted this practice many companies questioned the monitoring fee. All but the city side pay and there are 18 city side properties. With 41 boxes we are going to get revenue out of or about \$11,000. One of the issues have to look at is how do we bill for this and make sure the money becomes available to repair this system. He is requesting establishment of a legitimate account to receive these fees to be used to do the repair work. We are competing against the outside monitoring companies but the advantage of our system is it is instantaneous to the fire department. Our system is totally redundant in the sense it is a loop. We have a panel that is currently watching those loops and if anything happens to those wires, we call the repair company. Our system is designed to monitor itself.

Councilor Grow stated a year from now you are going to re-analyze the fee and will you adjust this fee at some point.

Chief McKay stated the direct answer is yes; we have had to make a radical change in the system.

Mr. Brown stated the technology this system was built on is ancient. There are more modern systems out there.

Councilor Hardy asked how much we are charging now.

Chief McKay stated \$275 was what the private company was charging and we are adopting that fee.

Councilor Hardy asked if we shouldn't think about going up on the fee, considering the prior company will lose money this year.

Chief McKay stated this is an interim step to keep this system functioning so can propose to put in a radio box system and keep the existing system functioning for one or two years allowing those companies to put in the radio boxes.

Councilor Hardy asked what about the liability issue.

Chief McKay would not want to be in that situation but anything mechanical or electrical can fail.

Councilor Hardy asked is the Magnolia Fire station having problems with any wires etc.

Chief McKay is requesting a transfer to a newly established account, to provide funds until the fees come in. The intent is that once we get closer to the end of the year and if this money hasn't been used up he plans to use the extra funds towards the cost of pulling that cable, which is \$5,000 and will continuing to patch something that is antiquated.

Councilor Hardy stated the current contractor knows where the breakage is and she asked do we have a history or a track record as to where the problems are located.

Chief McKay replied unfortunately no; when they took over the alarm system they spent incredible amounts of time learning the systems.

Councilor Hardy requested that when we do go forward with the RFP that we want to know the current state of each box.

Mr. Brown will see if there is any provision in the State board.

Chief McKay will be proposing going to a whole new technology and what he is asking for is the current status report. The system is antiquated and it would cost \$1.2 million to replace all the cable and about \$300,000 for a radio box system. From the investment prospective if you continue to charge a monitoring fee; the bigger corporations and new buildings can strongly recommend that they put in a radio box. What you will see over time is an increase in boxes and when you start doing that.

Councilor Hardy asked will it cover training.

Chief McKay replied it would be general fund money. Bill Sanborn is a huge advocate of the master radio box systems. It is an instantaneous alarm system and insurance companies take that into consideration.

MOTION: On motion of Councilor Grow, seconded by Councilor Hardy the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council Transfer # _____ from Fire Department Capital to Fire Department Ordinary in the amount of \$7500 pursuant to MGL Ch. 44, Sec. 53e. FIRE DEPARTMENT

MOTION: On motion of Councilor Grow, seconded by Councilor Hardy the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council to authorize the establishment of a Special Revenue Account pursuant to MGL Ch. 44, Sec. 53e for fire alarm system maintenance and repair.

MOTION: On motion of Councilor Grow, seconded by Councilor Hardy the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council the establishment of a \$275 annual monitoring fee for non-municipal participants for fire alarm monitoring.

3. Memo from Purchasing Agent re: lease option on American Legion building.

The lease option on the American Legion Building was continued to 3/29/07.

4. Lease agreement for disposition of Witham Street Parking Area.

Everett Brown, Purchasing Agent stated this parking area is on the Witham Street side of Good Harbor Beach. It is a small sliver of land the City has leased to the Good Harbor Beach Inn for adequate parking. A few years ago we based the lease on beach parking rates and what money would anticipate taking in. The letter from Mark Cole is the updated version of that based upon recent experience. They were paying \$4,000 annually or \$8,000 for total two year lease. The Administration is recommending a 10% increase to \$4,400 and \$8,800 for the full term, because this is done every two years - this is a contract; not an RFP.

Councilor Hardy asked is this parking just for people who visit the hotel or do they charge for beach parking.

Mr. Brown would doubt it because they only have 5 or 6 parking spaces in the front of their building; it amounts to the equivalent of 11 legal parking spaces.

Councilor Hardy stated if we do notice they do that wouldn't they have to come before the City Council.

Mr. Brown stated there are terms in the lease agreement.

Councilor Hardy stated if they were running a parking lot; they would have to come before the City Council for an open air parking permit.

Councilor Grow stated the letter from Nancy Papows, Principal Assessor recommended between \$4,500 and \$6,500 and he asked would there be some merit in bringing up the cost. We are looking at all the leases coming before us and trying to get more of a market value and he asked do you feel.

Mr. Brown stated the current lease went up considerably from the one before and he provided a recommendation to the Mayor to increase the lease by 10% and he knows they are eager to sign whatever the City Council decides upon because they are selling the building.

Councilor Hardy suggested something in between the low and high end.

Mr. Brown stated the Administration recommends and the City Council awards the lease.

Councilor Grow stated to be consistent in how we look at these leases; we should be looking at something higher. The lease is assignable to the owner of the property.

Councilor Hardy stated the lease is payable yearly.

Mr. Brown replied yes; April of each year.

MOTION: On motion of Councilor Hardy, seconded by Councilor Grow the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council acceptance of the two year lease agreement between the City of Gloucester and Koshari Corporation d.b.a. Good Harbor Beach Inn for disposition of the Witham Street Parking Area; the first year beginning 4/1/07 in the amount of \$4,800 for 11 parking spaces and the second year beginning 4/1/08 in the amount of \$5,760 for 11 parking spaces.

5. Memo from DPW Director re: Street Sweeping Services

The matter of the Street Sweeping Service was tabled until 3/29/07.

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

Respectfully submitted,

June Budrow
Clerk of Committees

CITY COUNCIL
AND
CITY COUNCIL STANDING COMMITTEE
Ordinance & Administration
Monday, March 26, 2007 – 7:00 p.m.
Third Floor Conference Room - City Hall
Location moved to Friend Room – Sawyer Free Library

Attendance: Councilor Bruce Tobey, Chairperson, Councilor Sefatia A. Romeo, Vice Chairperson, Councilor Gus Foote

Also: Mayor Bell, Steve Magoon, Councilors Destino, Grow, Hardy, McLeod, Peckham, Donna Leete, Gary Goelitz, Susannah Leigh, Joe Pratt, Joe Parisi, Mark Cole, Bernie McDonald, John Frost, Bill Gillis, Richard Gaines,

Absent:

A quorum of the full City Council was present and both a City Council meeting and the Ordinances and Administration Committee meeting were called to order at 7:00 p.m.

Matrix – DPW Audit Presentation

Councilor Tobey provided a brief introduction and stated that before this term ends we need to have a process of implementation in place.

Susannah Leigh, Manager and project analyst provided an overview of the audit process. She stated they looked at the public works department staffing and productivity, work load level and service delivery model. The initial kickoff included background information and looked at community issues, as well as operating and financial constraints. They conducted interviews, collected data and provided a descriptive profile of the “as is” picture of DPW. They only received a 40% response rate on the employee survey, which is on the low side. The comparative survey they conducted looked to establish benchmarks. They then conducted a diagnostic assessment or best practices assessment using both national standards and those developed as a firm. This gave a good picture of where the DPW was underperforming, as well as areas of strength. Some of big pictures issues found in the surveys in terms of the positive were the high level of service, quality and organization in contracting out the right types of services. The less positive aspects were the lack of administrative support and proper tools and equipment, tools in training and career advancement skills development. They found the positives and the negatives to be about 50/50 with a little more on the negative side.

Gary Goelitz, Vice President and lead analyst of Matrix Consulting Group stated there were incredible negative responses in terms of improvement issues and going forward and they need to look at and evaluate those responses and effectively integrate those into the body of the report

Ms. Leigh stated with regards to the percentage of employees per division, highway was a little higher considering the higher number employees and lower in the water and central services. Lead time was related to the percentage of employees but was within the benchmark. They looked at compensatory time and overtime for all the different divisions and found it averaged 10%, but was higher in the winter months with 35 or 36% overtime.

Mr. Goelitz stated there are concerns about the levels of overtime.

Ms. Leigh stated there are opportunities to improve and strengthen management systems through automated systems and the use of technology.

Mr. Goelitz stated out of any department in the city GIS is suited to the DPW.

Ms. Leigh stated they recommend looking at implementing an asset management plan to provide real data and a structured employee safety program.

Mr. Goelitz stated engineering is the primary asset manager for the city, particularly in terms of CSO system in terms of implementation of replacement planning management. He does see good things being done in trying to deal with assets but in terms of pavement management the rating system currently in place shows that by in large overall the city streets are in good shape. He finds it hard to find that credible and would say the streets are significantly challenged according to APWA standards. Matrix recommends validating the legitimacy of the rating system. Engineering is planning to rate the system this summer using a college intern and Matrix would not recommend that – they recommend that someone from Engineering and someone from DPW Highway be trained to work together to develop a more accurate description of the status of city streets.

Matrix suggests payment restoration fees to pay for water, sewer, and electric. Research shows that a utility cut is the single source of the most critical road deterioration. In addition to the utility cut fee, Matrix is recommending adopting a payment restoration fee designed to pay for the cost of reconstructing that street, using that as a funding source from water and sewer to pay for preventative maintenance of streets. The city cannot rely solely on Chapter 90 funding. They city receives about \$400,000 annually for road work and currently has a 20 year backlog of repairs. Payment restoration fees are not an uncommon way to generate additional revenue and Matrix suggests that after the streets are reconstructed they be micro-surfaced every 5 to 7 years, so that the streets are maintained in good condition. It is a lot more expensive to reconstruct a street, then to micro-surface it and Matrix suggests a preventative maintenance program to make sure that backlog doesn't grow. He talked about using a design authorization form before a project is initiated and stated there is an opportunity to improve on capital management of projects.

Matrix suggested eliminating the Junior Civil Engineering position. There are different costs of construction of projects in terms of status and making sure they are accurately reported. The Junior Civil Engineer is the person to make the GIS happen; so Matrix needs to have discussions with the DPW Director on that.

With regards to highway, sewer and water, Matrix recommends in-sourcing street sweeping and a large part of that recommendation is based on vendor bids. They went from an initial cost of \$26,000 to a cost of \$93,000. The lower cost was based on the DPW providing support but the recent RFP included terms that the vendor had to supply all the services, and therefore the costs tripled. They are looking at a brand new regenerative air machine and a used broom machine but don't want to buy a regenerative air machine without a stainless steel drum. Matrix recommends increasing the street sweeping from once a year to twice a year. They also recommend reducing the pothole patching crew from 3 to 2 and that elimination is based on the work program.

One of challenges Matrix faced was the lack of data provided. They had to use estimates developed elsewhere throughout the United States when evaluating how many staff would be needed for highway operations and they feel the highway department could do with five less positions than they have now, including four labor positions and a mason. Staff needs to be focused on asphalt repair for the 8 months beginning April through November.

They also should establish a comprehensive maintenance program for the water system. There are basic recommendations that come out of the American Waterworks Association and the city is not meeting those standards and that is a concern. Preventative maintenance in water distribution is a concern. There should be a leak detection program implemented. Data shows that 22% of

the water usage is unaccounted for and that figure is extremely high; it is typically 10% or lower. The city is basically paying for water they are not selling and it is leaking out of the mains. The mains are leaking a lot of water and need a more aggressive plan to address that; the challenge being to come up with dollars to do that and it can't be done until the location of the water leaks are determined. In developing a work program for water, Matrix is suggesting eliminating three staff on the water crew. Matrix compared benchmarks of highway operation systems to other communities, including Falmouth and Beverly and a lot of what they are suggesting is in line with those cities. Matrix recommends more aggressively cleaning mains and catch basins in order to comply with the NPDES permit and should be able to reduce the level of staffing in waste water operations by two staff. In all, the city needs a formal work plan and management systems, with a weekly schedule that identifies what the staff is going to do on a daily basis, while recognizing that emergencies will arise.

Matrix suggests more staff is needed for public properties with 200,000 sq. ft. of preventative maintenance and recommends adding a skilled craftsman position and reduce the extended contracts. There needs to be an inventory of building assets with periodic assessments and both a formal plan and scheduling system need to be developed, as well as a better plan for recovering cost of leasing facilities. The perspective is if that is what the city council wants to do, then that is okay but it should be an informed policy decision made by the city council.

In central services there are service delivery concerns and Matrix is suggesting additional seasonal staff be hired. The ratio of staff maintaining cemeteries is higher than to parks and Matrix recommends reallocating additional staff from cemeteries to parks. Matrix recommends the recreation department manage the lifeguards as part of one of their seasonal programs because it is a more natural match.

Matrix is suggesting fleet services are adequate but there is a need to upgrade to a full skilled mechanic and there should be a desktop for maintenance of the fleet management system. Automated management systems operate as a whole package and are largely paid for and funded by utility funds. Matrix also suggests the need for a more formal replacement policy of fleet vehicles and tighter controls of the stock room. There is a very high level of value in the stock room and it isn't moving, so Matrix recommends a risk assessment of those things that are readily attainable and moving some of that stock. There is also a need to track and monitor performance data. The city auditor should do audits of the stock room looking at inventory practices.

Matrix would not recommend the automated meter reading systems, but since the city has made a choice to move to an automated meter reading system and is 98% complete, they would recommend eliminating one water reader after full implementation of the system and moving that position out of central services into water distribution to assist the other employees in water distribution, since meter reading can be accomplished in two or three days.

Matrix recommends comparing custodial service costs to the private sector. They find custodial costs on the high side but really need to test the marketplace.

Matrix suggests refocusing the solid waste coordinator position to provide department wide analytical support and that solid waste be operated as an enterprise fund supported by a mix of trash sticker revenue and annual fees. This can be revenue neutral and Matrix suggests if the city increases trash sticker fees, they should back down property taxes on a one to one basis. Matrix suggests the city be wholly funded by fees and there should not be a net tax increase.

In terms of environmental engineering, Matrix recommends consolidating the responsibilities of cross connection inspection with the administration of industrial pre-treatment program; there is not enough workload there to support two dedicated positions, particularly given how long it takes to test cross connection devices and recommend eliminating the cross connection inspector position.

Matrix recommends in their organizational plan moving building maintenance to the central services function, so central services is responsible for both custodial services and building maintenance. Matrix suggests reallocating environmental engineering into the engineering department, so the city engineer is responsible for all engineering staff. Matrix suggests collapsing two divisions, public properties and operations into one division, establishing a maintenance division and eliminating one of the division head positions. Matrix suggests collapsing water and sewer into one section eliminating one foreman craftsman position and reclassifying the solid waste coordinator position as a management analyst position. This is in response to the spans of control and management layers. People on the street don't typically notice the number of managers; they notice the number of street sweeper operators, highway and water maintainers, etc. As it stands Matrix has identified a cost savings of about \$500,000 with additional costs of a maintenance management system and the cost savings of out sourcing custodial services, based upon invitations to bid.

Questions. **Councilor Tobey** asked for a procedural time frame.

Mr. Goelitz stated they need to follow up with the DPW Director's feedback and concerns over the next two weeks with a report back to the audit committee and would consider a meeting with the union representative.

Joe Parisi, DPW Director stated he wanted to get input from all of the managers and the union.

Councilor Foote stated this audit was well needed and there is a lot in it that hopefully will be implemented; he hopes we don't put this on the shelf. Pot holes have destroyed our streets and we need to implement a good street maintenance program.

Mr. Goelitz stated the city doesn't have any easy choices; they face fiscal constraints and relying on Ch. 90 funding has been insufficient. The city needs to evaluate where the money is being spent and try to find ways to free up some of that money, as well as focusing in house crews on pothole patching, so they are out there looking for pot holes, not waiting for phone calls; using a proactive process to try to address some of the street problems.

Councilor Romeo is glad Matrix is going to take the next two weeks to talk to management, employees and the DPW Director. A lot of the concerns are concerns everyone has as a community. We don't have all the funding but some things can also be changed in house and she feels that can be done without too much cost to the city. We need to work together on a plan.

Mr. Goelitz stated the city has been under investing in some of assets and must look at revenues and reducing costs. The city needs to spend more money on street overlay and reconstruction. Matrix also recommends an analytical basis for what proportion of a position gets billed to an enterprise fund, while recognizing this isn't going forward for the next fiscal year.

Councilor Tobey asked if there is any objection to posting this on the city website for public inspection, including the summary and asked the City Clerk's office to post the documents to the city website by close of business tomorrow.

Mr. Goelitz stated an executive summary will be provided next week.

Councilor Tobey stated a trench inspection fee program has been put in place to begin to deal with trench work and asked if the city is allowed by state law to recapture any of that.

Mr. Goelitz stated the city operates its own water and sewer utility but that will require further exploration and he will get back on that.

Councilor Tobey asked what is the reason Gloucester's water loss is so high (22%) compared to other communities and what is the standard.

Mr. Goelitz stated it is an easy fact to determine what are you pumping and what are you selling. He will provide the AWWA benchmark as reference, but 4% is a best practice as opposed to the norm.

Councilor Tobey asked how non-revenue municipally used water factors in and to what extent.

Mr. Goelitz stated that does factor into it. Schools and other departments, such as parks should pay for water even if there is a way to credit them. You want to know accurately how much water is being used city wide.

Joe Pratt, City Auditor stated we have metered all of the school buildings and their water usage is between 12 and 15%. The one we haven't metered is the fields. He agreed that 22% sounds high and thinks it is related to the city's non-usage.

Mr. Parisi stated the DPW performs leak detection annually and haven't discovered any significant things. He doesn't believe there is a huge leak out there we are not capturing and feels a lot of it has to do with tracking the non-metered things, such as fires and all other departments using water that somehow has to come back to us in a standardized form. He doesn't know if the 22% was coming out of the most recent report. They have been phasing into a new water software system which may not be the same type of accounting they had before.

Mr. Goelitz stated recommended focusing on those areas using water that isn't metered, so you get down that portion you can't account for, while trying to find out through a leak detection program where the leaks are. Technology is increasing and he is raising the concern that the 22% is high and the city needs to focus on how to get it lower.

Councilor Tobey asked if in the body of the report they didn't dig into more extensive reorganization with regards to water and sewer.

Mr. Goelitz stated there are a variety of different alternatives; one is to pull it all out of public works and create a utility department with a utility director; put your environmental engineering function, treatment plants, water and waste water field operations there. That is one alternative that Matrix can look at and price out. If there are other alternatives the O&A committee would like to have, Matrix needs to hear back on that. The city wants to make sure the assets are well maintained and managed to keep repairs and maintenance to a minimum. Matrix will look at what other cities have done, whether that would be appropriate and what the cost would be for Gloucester.

Councilor Tobey asked if they were able to come to any conclusions based on the quantity and quality of focus on the manner of water and waste water are being accomplished.

Mr. Goelitz replied systems are not being preventatively maintained and the assets are not being replaced and he would say the same thing about the highways.

Councilor Destino asked Gary Goelitz and Susannah Leigh to leave e-mail address, so after reading this people could offer comments. He questioned that in the comparative study they cite 15 town and cities, yet only six responded and noted that they mentioned some cities more than once.

Mr. Goelitz agreed that needs to be cleaned up.

Councilor Destino is concerned about these employee surveys and how you develop opinions with such a low response rate. The ones who responded felt strongly on their opinion and he asked what they attribute such a low response to.

Mr. Goelitz replied he is also concerned about the response rate but stated they don't develop recommendations based on employee surveys, but use those to identify the issues.

Councilor Destino stated the first response was even lower.

Ms. Leigh stated that was administered through the department; an envelope survey was provided to each employee. With such a low response rate, O&A thought it was important to try again. The second time around she explained the survey to the employees and that resulted in not even a handful more.

Mr. Goelitz stated it certainly raises questions but it is a little hard to answer without validation. It is hard to identify the true cause; he would say there is a problem but is not sure what it is.

Councilor Destino stated Matrix is recommending a lot of quality assessment policies be put in place and he asked how they expect the departments to get that done, while cutting in some instances.

Mr. Goelitz stated Matrix is recommending staffing levels based on available data and projections are used where data is not available. Most of those recommendations cannot be accomplished by city staff and most likely will have to be accomplished through reconstruction and resurfacing of city streets. There are always going to be peaks and valleys, but we need to focus on the valleys and try to turn them into plusses.

Councilor McLeod understands the mission and agrees the streets are not in good condition, but asked wouldn't you look at reallocating people. We don't have the money and we are lucky we get the Chapter 70 funding. We know the streets are deplorable and we are looking to reallocate these people to do this maintenance.

Mr. Goelitz stated that is a policy decision that ultimately has to be made by the city council. Matrix can only make a recommendation. You do not need the level of staffing to do what you are doing right now. If you decide to get into construction work, you will be faced with some challenges in terms of equipment and asphalt and the city needs to be aware of the ramifications. The alternative to a loss of positions is to try to find work for those staff that brings value to the city.

Councilor McLeod asked does the DPW have dedicated staff and do they just need some guidance.

Mr. Goelitz stated the issue isn't staff; it is the volume of work and the work they are doing. If you change the type of work they do, that changes the equation. He would make sure there are good management systems in place for using that dedicated staff resources for getting that work done. There are a variety of ways to deal with that and we are not suggesting a rift, but perhaps attrition over time, or another alternative is to change the type of work they do.

Councilor McLeod asked about the custodial services cost savings recommendation.

Mr. Goelitz stated the savings would be about \$100,000 per year, but the market place will have to be testing for that. There have been vacant positions and the choice there would be to gradually move it to out sourcing.

Councilor Tobey stated the city has experienced conducting its own construction program and that is the STEP system which not everyone is smiling about.

Councilor Grow stated he is disappointed in the survey response rate because it has a direct bearing.

Mr. Goelitz stated it is probably the lowest response they have had.

Councilor Grow asked them to talk about the lack of data.

Ms. Leigh stated it wasn't so much an unresponsiveness but availability of data. For example, they couldn't get an annual work hour program for pot hole patching

Mr. Goelitz referred to page 126 of the audit.

Councilor Grow stated there is a question of whether or not we ought to be keeping that data.

Mr. Goelitz replied absolutely, data should be kept in order to identify a level of expectation. How do you know what the level of service is without the data. With regards to street sweeping, Matrix is suggesting a policy be adopted for sweeping residential streets once or twice per year. They are starting to put GPS systems on sweepers and the table on page 126 shows this should be coming out in an automated maintenance system. The City Council sets policy in service levels and set expectations in terms of service levels and systems to point out how well we are doing.

Councilor Tobey asked Mr. Goelitz to sit down in the next two weeks with the Mayor and Steve Magoon.

Mayor Bell asked why the Mayor and Administrative Assistant were left out of this process.

Ms. Leigh stated we met with Steve Magoon at the beginning of the process.

Steve Magoon, CAO stated he doesn't recall any substantive discussions.

Mayor Bell stated this is a Mayor and City Council form of government and we are one city and we work well together. The Mayor's office wasn't even provided a copy of this study prior to tonight. This is about producing a management audit, to make it the best possible tool that we can have for continuous improvement of the city and we have to focus on how we can get better as a city. We were introduced to the roads program and had the spirit and the will but not the funding. We have been provided the framework for healthy discussions and hopefully after reading through it we will be able to sit down to talk about areas of disagreements and agreements and he hopes tonight isn't looked at as the end of the process.

Mr. Goelitz replied no, it is the beginning of the process.

Mayor Bell stated this is a hard working force that just hasn't had the resources and sometimes the direction. He doesn't know why the low response percentage but with a background in the direct response business he might have been of some help if he had the ability to way in with the work force.

Mr. Goelitz made a make a commitment to sit down with the Mayor and his office within the next two weeks. He noted this is a discussion draft.

Councilor Grow stated other this Council is looking at these audits as productive tools, so it is critical that this be absolutely credible. We need something we can use as a proactive and productive tool.

Mr. Goelitz stated we all want the best product and that is where we want to go with this. There are no easy choices and the city has some pretty significant infrastructure challenges. He referred to the table on page 126 and the fact that there is no data available. This is something for the Mayor's office to be concerned about because you can't manage a department day-to-day without data. Technology is available for five figures and the sewer and water fund should be paying for part of that.

Councilor Grow referred to the recommendation to use GPS on the city's entire fleet to help monitor usage.

Mr. Goelitz stated the city needs to make specific decisions where it has value. Personally, he feels that GPS is more practical in identifying asset locations, then trying to locate staff.

Councilor Grow stated during budget discussions last year it was found that the policies for employee reviews were not consistent and a sense that there was no point in conducting those reviews.

Mr. Goelitz recommends employee evaluations in order to have a back up. They are seeing a lot of cities using it as career development and for cross training.

Councilor Grow stated there is a consistent statement here that there are not clear directives of employee plans of action; what is expected of employees and whether those achievements are being met and direction is being given. He asked if that is a fair assessment. We need to have greater clarity of job descriptions and a clear understanding of both employee's and management's long term goals.

Mr. Goelitz stated overall management systems are not in place and that is one of the challenges we face. Matrix suggests the solid waste coordinator position can be used to install some of those management systems. The city has to identify a resource within the department to help the DPW Director install those systems.

Councilor Hardy asked if this report would be posted on the internet and can we provide hard copies for the public to view.

Councilor Tobey requested a draft set of the DPW Audit and Summary be provided at the Library and the Clerk's office for public reviewing.

Councilor Hardy asked if any suggestions on how to save money were given by those 40% who responded to the employee surveys and will there be opportunity for them to come forward after they review the draft document.

Ms. Leigh stated we will provide our e-mail address on the website where people can directly comment.

Councilor Tobey asked what about trust.

Mr. Goelitz stated everything will remain confidential and we will not disclose who said what.

Councilor Hardy asked if the union contracts hinder cross training.

Joe Parisi, DPW Director stated it isn't the norm but certainly when there is a need due to lack of resources or emergencies. He also noted they are focusing on streets this spring. They have new grinding equipment they will be readily using and he wants to put in as much asphalt as possible. They will have to have discussions on whether to increase fees for repairs.

Mr. Goelitz expects permitting fees to pay for actual permitting costs, not for asphalt overlay.

Mr. Parisi stated the city is requiring they come back after one year to resurface the road.

Mr. Goelitz stated even with the repair that payment degrades.

Councilor Hardy agreed there has been a forward momentum and stated this Wednesday at P&D Mr. Parisi will come forward to tell us his plans to deal with the flooding issues and is starting to establish a data base.

Mr. Goelitz reiterated that the automated maintenance management system is an essential tool.

Mayor Bell stated it has been 25 to 30 years since the city have had this kind of focus and it is important to note that this is not an attempt to blame; we must validate this and be on the same page. During the last 25 to 30 years this city has seen the biggest public works projects and we are in the midst of a \$60 million CSO project. That means this city has been focusing on enforcement orders from EPA and DEP and this is an opportunity to step back from that in a program way to put changes in place that will make up for 25 to 30 years without that kind of structure in place. He stressed that everyone needs to be on board with this.

Councilor Tobey asked if the unions wanted to weigh in on this.

A Union Representative stated they would like to take advantage of the two week window.

Bernie MacDonald, DPW employee stated if you want truthful answers he believes they ought to ask the men that do the job.

Councilor Tobey asked if that can be accommodated in the two weeks.

Mr. Goelitz stated it would make sense to do that in groups rather than try to interview each member of each division.

John Frost, DPW Foreman stated they were given that opportunity to speak one on one and asked why the rest of us can't get that opportunity. If people want to speak they should be able to do so.

Mr. Goelitz will do most in a group but if we have specific people who want one on one, we will try to accommodate them.

Ms. Leigh will leave their contact information including phone number on the website.

Councilor Romeo stated Mr. Parisi has been pulled through the wringer by the City Council and a lot of these issues are being addressed or trying to be addressed. Our hands are tied in a lot of situations. She also stated that a lot of our people are cross-trained and a lot of this has to do with money. We know the DPW has been scrutinized. It isn't like we aren't working together or we aren't already doing these things; it is lack of funding. That is what is happening in this community - we are all being pulled apart and lack of funding is hurting all of us but we are working to the best of our ability. No one is to blame - this is a first phase and she noted that a 40% response is not bad because she has worked on plenty of surveys and what is concerning is who responded. She urged Matrix to do one on one interviews with staff in order to get a true response. She did not agree with hiring outside services. When you hire outside services there are no CORI checks, while our men go through CORI checks. When you hire outside services you might save but these days she doesn't know what you are saving.

Mr. Goelitz stated in-house staff can be just as unproductive as outsourced staff. It comes around to the management of those resources. What we are trying to suggest is there are no easy choices and you are under funding your assets, streets in particular. You have to find additional revenues and cost reductions to reallocate some of those resources; and can't rely on Ch. 90 only with a 20 year backlog.

Councilor Tobey stated for clarification that the current system is not managing its resources and not planning what it is going to do and not measuring what it is doing. That is not about layoffs or not enough money. It is about using what we have got, smart. If there is a takeaway from this and is the first 60% of the report - that is what it is. He asked if that was correct.

Mr. Goelitz replied yes.

Bill Gillis, DPW asked if the comparative studies take into consideration the age of the water distribution system of comparable towns.

Mr. Goelitz replied yes, it is based on a comparative infrastructure. We are comparing to cities with the same infrastructure. Every city faces the same kind of challenges and how to resolve those tough choices.

Councilor Destino referred to the comment made that Matrix couldn't justify proportioning salary to the water and sewer enterprise funds.

Mr. Goelitz stated he can't justify it to the extent it has been done and suggested the Mayor office needs to work with the DPW and B&F to do a cost allocation study position by position. We recognized that was a concern from discussions early on and is a concern we have often found before in other cities that have general fund challenges often find they are shifting costs to the water and sewer enterprise funds because it is easier to raise rates than raise property taxes. He is not suggesting that is what has happened here but it is an easy trap to fall into.

Councilor Destino was hoping Matrix would do that work.

Councilor Tobey stated that is a cost allocation study.

Mr. Goelitz stated that would require us to interview each and every employee and measure against time sheets. It is not a good time to raise the issue because the general fund already faces challenges. The city needs to do a cost allocation study so you are aware in order to make informed policy decisions.

Mayor Bell stated DPW management is so much by the numbers and asked if Matrix felt that the biggest missing component of this is the lack of data.

Mr. Goelitz stated top priority is to develop a Metric and make tough choices regarding assets, The issue is going to be the streets and you need to look for additional revenues and cost reductions. The streets are in bad shape but metrics is one of the top five.

Councilor McLeod asked if an analysis to review this is going to be built into this report.

Mr. Goelitz suggests the Mayor and Council need to agree on where they are going to go. We typically find about 80 to 85% agreement on our recommendations and we would suggest the DPW Director needs to do a quarterly report to the Mayor and the City Council with the recommendations, the timeframe agreed upon and where they actually are. If you don't want this to sit on the shelf you need accountability systems built into the process.

Councilor Tobey summarized that this meeting will be followed by two weeks of intense conversation with Matrix reaching out to the administration and employees. He asked when we would reconvene.

Mr. Goelitz needs to confer with his colleague and will get back on a date by the end of the week.

It was moved and seconded to adjourn the meeting at 9:20 p.m.

Respectfully submitted,
June Budrow
Clerk of Committees