

GLOUCESTER CITY COUNCIL MEETING
Tuesday, November 9, 2010 – 7:00 p.m.
Kyrouz Auditorium – City Hall
Council Meeting 2010-24

- MINUTES -

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

Absent: None.

Also Present: Linda T. Lowe; Jim Duggan; Kenny Costa; Jeff Towne; Robert Ryan; David Spaulding; Brian Tarr; Amy Donnelly; Michelle Sweet; Val Gilman; Melissa Teixeira; Ann McCarthy; Ellen Sibley; Tammy Morgan; Barry Pett; James George; Nunzio Morretti; Fire Chief Phil Dench; Deputy Fire Chief Miles Schlichte Gregg Bach

The meeting was called to order at 7:02 p.m. Items were taken out of order.

Flag Salute and Moment of Silence.

Councilor Theken announced and apologized that the City Hall elevator was non-functioning this evening. Anyone who has a public hearing regarding handicapped parking spaces they will take up the matters and that the Council will hear the matters regardless and will not require requestors to be present.

Oral Communications: None.

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

Confirmation of Appointments:

Councilor Theken related that the two potential appointees were questioned as to their background and qualifications, desire to serve the community as well as their familiarity with the Open Meeting Laws. They were also asked if they had taken their State Ethics exam, and filed appropriately with the City Clerk's office. She expressed her thanks to the volunteers for the City. Both Ms. Markell and Mr. Pundt had noted their extensive background in the arts.

Committee for the Arts

TTE 02/14/2013

Barbara Markell

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Barbara Markell to the Committee for the Arts, TTE 02/14/2013.

MOTION: On motion by Councilor Theken, seconded by Councilor McGeary, the City Council voted 9 in favor, 0 opposed to appoint Barbara Markell to the Committee for the Arts, TTE 02/14/2013.

Gloucester Cultural Council

TTE 02/14/2013

Hans Pundt

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Hans Pundt to the Gloucester Cultural Council, TTE 02/14/2013.

MOTION: On motion by Councilor Theken, seconded by Councilor Mulcahey, the City Council voted 9 in favor, 0 opposed to appoint Hans Pundt to the Gloucester Cultural Council, TTE 02/14/2013.

Board of Registrars

TTE 02/14/2013

Judith A. Peterson

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Judith A. Peterson to the Board of Registrars, TTE 02/14/2013.

Councilor Whynott noted Ms. Peterson's tenure of 17 years in the City Clerk's office as a valuable employee and endorsed her appointment.

Councilor Hardy also endorsed Ms. Peterson's appointment.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Hardy, the City Council voted 9 in favor, 0 opposed to appoint Judith A. Peterson to the Board of Registrars, TTE 02/14/2013.

Newell Stadium Building Committee: Mark Cole, Bill Sanborn, Joe Guzzo, Dr. Bill Goodwin, J.D. MacEachern, Mike Carrigan, Dick Wilson

Jim Duggan, CAO requested that the appointments to the Newell Stadium Building Committee be amended; that there should be three at-large members. Currently only two were appointed. He asked the Council to withdraw the name of City employee, J.D. MacEachern. The Administration would bring forward, through the Mayor's Report, a proposal of a new at-large member. He also gave the Council the terms of expiration which are now staggered per the City Charter Sec. 5-5.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Mark Cole, Bill Sanborn, Joe Guzzo, Dr. Bill Goodwin, J.D. MacEachern, Mike Carrigan, and Dick Wilson to the Newell Stadium Building Committee, with terms of expiration to be determined by the November 9, 2010 City Council meeting pursuant to the City Charter Section 5-5.

MOTION: On motion by Councilor Theken, seconded by Councilor Tobey, the City Council voted 9 in favor, 0 opposed to appoint Dr. Bill Goodwin to the Newell Stadium Building Committee, TTE 11/2011.

MOTION: On motion by Councilor Theken, seconded by Councilor Tobey, the City Council voted 9 in favor, 0 opposed to appoint Joe Guzzo and Dick Wilson to the Newell Stadium Building Committee, TTE 11/2012.

MOTION: On motion by Councilor Theken, seconded by Councilor Tobey, the City Council voted 9 in favor, 0 opposed to appoint Mark Cole, Mike Carrigan, and Bill Sanborn to the Newell Stadium building Committee, TTE 11/2013.

Presentations:

Councilor Hardy introduced School Committee Chair, Val Gilman, Vice Chair, Melissa Teixeira, School Committee member, Michelle Sweet; Suzanne Testaverde of State Senator Bruce Tarr's staff; and Assistant Superintendent Brian Tarr and many school principals.

1 of 2: Mayor Carolyn Kirk: State of the City Report to the City Council

The Mayor gave her speech of the State of the City to the City Council. Documentation of the speech is available in full in the City Clerk's office and on line at the City's website, www.gloucester-ma.gov. The report focused on infrastructure, finances and education. She stated all progress that is made is done by collaboration of the Administration and the City Council. When they have a plan and work it, then they have progress and accomplishments in the City. The financial management and Harbor Plan, the Babson Emergency Plan, Capital Plan and Repair and Maintenance of School Buildings and Capital Plan for municipal buildings are all key to the City's future.

Councilor Whynott noted there may not be a current plan for use of Fuller School, but it is not out of the realm of possibility.

Councilor Curcuru was very encouraged.

Councilor Tobey thanked the Mayor for her presentation believing it would lead to good dialog. However, with the School system, he believed there is a disagreement of what the right path forward will be. "Good process yields good product." He commended the School Committee on their Strategic Plan work. He wanted the folks to be wary of the focus on test numbers. In the 1990's MCAS was meant to be diagnostics; now they teach to the test. With regard to infrastructure, he felt dialog was absolutely critical and that the City Council should be front and center and need to be a part of the strategic planning. As for secondary waste water treatment, he contended if they can build effective partnerships and advocate; it could lead to hundreds of jobs on the harbor and reinvestment in the community. The lack of secondary waste water treatment "killed the packing and processing of fish" in the City. It is a jobs program and exciting for the Administration to work with the Council on it. The Administration is posting jobs; and he asked what their philosophy was for this current fiscal year in filling openings given the potential backdrop of layoffs.

Mayor Kirk responded there is neither hiring freeze nor spending freeze in place. FY11 is in good shape. They are filling with part-time positions with no benefits. They lost 10% of the City's workforce 2 years ago and offered early retirement schemes. The schools had no layoffs. The City staff has shrunk. They're building back strategically, as with Fire and Police. Many positions are supplemented with grants with the understanding that when grants go away the jobs go away. The \$750,000 that is supporting the Schools, when it goes away, the City can't backfill that ARRA money. They were clear when it goes away the jobs go with it. They'll see jobs in jeopardy as they are tied to their funding source. Health insurance will be a factor. This year it will be jobs or concessions on health insurance; settlements on contracts will be another choice. Layoffs, she felt, were a last resort. Two years ago they utilized retirement strategies to thin the workforce. Retirement strategies will not be as good an option this year. She thought the budget would come late for comparative purposes.

Councilor McGeary asked if the Mayor could tell them about Plan Design and what it might save; pointing to the \$1.8 million increase in health insurance.

Mayor Kirk stated they don't yet have Plan Design legislated, so she can only predict. It allows them to run scenarios, if you increase a co-pay by \$5.00, what would it do to the premiums. It's getting inside the mechanics of a specific health care plan. She anticipates their talking to their healthcare provider to look at different programs depending on how far and/or deep they go inside the plans. It is subject to collective bargaining.

Councilor McGeary noted they'd have more freedom to craft a design.

Mayor Kirk stated the Senate plan for "plan design" required binding arbitration. They're working with the Mass Mayor's Association to get the language crafted. It's giving management more authority than management has today.

Councilor McGeary thought layoffs could be second to the last resort. They could ask for the citizens to pay more. There is Prop 2-1/2 and wondered if there was any thought to try and organize such a venture. **Mayor Kirk** stated “no”, that it would not come out of the Mayor’s office. The feedback she has gotten in her State of the City talks is that people are tapped out. Water rates and sewer rates went up; there’s a meals tax increase, hotel tax increase, stormwater fee. People are struggling. People have payment plans on their property taxes. The City has taken more property through the foreclosure process. They’ve been aggressive. She asked, “When do you get to the point where pockets are empty?” It would have to be driven by the community. They’ve done enough already to “drain the well”; which is what she is hearing “out on the road”.

Councilor McGeary thought it was something that should be looked at in a difficult year. He spoke of graduated tax rates for those in difficult straights. They should be looking at the revenue side even though it is difficult times.

Mayor Kirk noted there has been \$550,000 tax revenue yielded pointing out that equated to \$50 million in growth. She highlighted the proposed Birdseye project, the Hampton Inn as part of the equation. It is a mix, not a single source. She felt they have to hit economic development hard with a framework to do it. **Councilor McGeary** observed they’d need \$300 million in economic development to close the gap in FY12, based on the Mayor’s report.

Councilor Ciolino observed the City has a plan and will work the plan. He thought that was important to stick with that. In the past the City moved aimlessly without one. He asked about free cash and if the DOR had certified anything by now.

Mayor Kirk stated the DOR was at City Hall that day. It will take another week or two for it to be certified. She asked for patience. Together they need to figure out what they do with it. Her advice was to put it in the stabilization fund which has had no addition in quite some time.

Councilor Ciolino thought that the free cash was a milestone; and couldn’t remember the last time the City had free cash.

Mayor Kirk noted it was 10 years ago.

Councilor Mulcahey expressed that the first few months of being a City Councilor was rough but working towards tonight was important. Thinking about the picture of what has happened so far she was proud of what they have accomplished and looked forward to the future.

Councilor Theken noted health insurance is ‘tough across the State’. The insurance providers are being hurt. She didn’t understand why they don’t have their own cooperative municipalities plan. They should be able to “rule the insurance companies” and not the other way around, to make a broad base to bargain with them. There is single or family with three different plans. She applauded Councilor Hardy and Chairman Val Gilman in putting the City Council and School Committee together for joint meetings. She wanted to see more information from the School Committee such as a presentation at a joint meeting. She applauded the Gloucester teachers. She also mentioned the Central Fire Station being replaced and to put in a parking garage. She appreciated that the Mayor noted the tapping out of the citizens. She didn’t want to see the free cash, if certified, go into budgets. She noted the City side employees haven’t received a raise in quite some time; that it is the team below the directors and supervisors are doing a very good job.

Councilor Hardy noted the partners at the State level, Senator Tarr and Representative Ferrante who were unable to come here this evening due to previous commitments. She asked School Committee Chair, Val Gilman to introduce the school principals.

Val Gilman, School Committee Chair introduced Tammy Morgan; Plum Cove principal, Ellen Sibley, Beeman principal; Anna McCarthy Director of the Pre-School, Debra Lucy, O’Maley School, Joanne Reis, Director of Special Education, and Brian Tarr Assistant Superintendent.

Councilor Hardy thanked the School Committee for coming and showing their support. She looked forward to more joint meetings. She agreed they need to grow their way out of these tough times and look at the financial straits. The growth needs to be sensible. She mentioned conversing with the Mayor regarding applications to appoint people to Boards, Committees and Commissions to streamline the application process; and also streamlining the applications for builders as well.

The City Council recessed at 8:21 p.m.

The Council reconvened at 8:31 p.m.

2 of 2: NeedyMeds Drug Discount Program Update – Dr. Richard Sagall

Dr. Sagall updated the Council for a one year report on the current status of the NeedyMeds Drug Discount Program Highlights:

- NeedyMeds cards were presented 5,473 times
- Generated a savings to cardholders 4,044 times
- Saved card users \$115,537.94
- Average savings was approximately 45%
- Average savings per prescription was \$28.57.
- Money is donated to the Gloucester Fund each time the card is used. Total donation has been over \$1,000.00
- Over 71 cities have the card presented

They hope to increase usage in the coming year and educate the health care community on the card. Sometimes people have to be persistent in their presentation of the card to pharmacies. On the whole he believes the program has been successful.

Councilor Verga noted one of the big issues is that if pharmacies have put the medication through already to insurance, they aren't willing to rerun with the NeedyMed cards to assist in obtaining the discount.

Dr. Sagall suggested when they bring in the prescription to show the card and ask for the discount. Some pharmacies accept the card easily, some not. There is no expiration date on the card.

Councilor McGeary thanked Dr. Sagall for the work they're doing. He asked if it can be used for the "donut hole".

Dr. Sagall stated it can. However, what one spends does not count towards getting out of the donut hole. In the part D plan, and go outside of it, it doesn't count. If you've fallen into the donut hole it is unlikely they'd get out of the donut hole and spend less and maintain in the donut hole.

Councilor Whynott asked for an explanation of the "donut hole".

Dr. Sagall stated it applies to people who are on Medicare Part B. The numbers change on each level. When you get to 100% payment, it's called the "donut hole".

Barry Pett, on behalf of the Gloucester Fund accepted a check in contribution from Dr. Sagall. He also noted the checks went out last week from the Celebrate Gloucester concert on I4-C2.

Councilor Theken thanked the Gloucester Fund and Barry Pett. She asked when the NeedyMeds check goes to the City; she would like a letter about what the first check went to.

Mr. Pett stated it would be a decision by the Board of Health how the funds are spent from NeedyMeds. They give him documents to pay bills, and he does so. It is what the Board of Health decides to do directly for the benefit of all the City's citizens.

[**Note:** Further information on Dr. Sagall's update to the Council is on file in the City Clerk's office.]

Consent Agenda:

- **MAYOR'S REPORT**

1. Letter and documentation from Deputy Fire Chief Aiello re: enactment of ordinance to bill for certain Fire Dept. responses (Refer B&F)
2. Memo and Grant Application from Police Chief re: permission to apply for automated License Plate Reader Grant (Refer B&F)

- **APPLICATIONS/PETITIONS**

1. SCP2010-016: New Way Lane #50, GZO Sec. 5.13 PWSF (Refer P&D)
2. Request from Pursuit Racing, LLC for use of City Land for half-marathon May 15, 2011 (Refer P&D)

- **APPROVAL OF MINUTES**

1. City Council Meeting 10/26/10 (File/Approve)
2. Standing Committee Meetings: B&F 10/27/10, O&A 11/01/10, P&D 11/03/10, B&F 11/04/10 (under separate cover) (File/Approve)

By unanimous consent the City Council accepted the Consent Agenda.

For Council Vote: CC2010-077 (Tobey) City terminates forthwith all business relationships with TD Bank North

Councilor Ciolino recused himself from the Council vote by stepping away from the dais.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary the Budget & Finance Committee voted 3 in favor, 0 opposed that the City Council and the Budget and Finance Committee strongly recommend and advocate that the City of Gloucester terminate its banking relationship with TD Bank at the earliest date feasible but no later than March 19, 2011.

Discussion:

Jeff Towne, CFO stated the City is under contract with TD Bank North that was put out to bid in 2007 that 3 major banks responded to. He allows for a transition period in order to set up an account, and to allow for outstanding checks to clear before you close the account, as if in a personal account. He would appreciate the reasonable amount of time for the closure of the account.

Councilor Curcuru thanked Mr. Towne for keeping them updated.

Councilor Tobey asked under the contract with the City, when TD Bank North would see this contract run out.

Mr. Towne believed was March of 2011.

Councilor Tobey stated that they'd be done as of March 2011. He asked who the other two bidders were.

Mr. Towne believed it was Eastern Bank and Citizen's Bank.

Councilor Tobey asked if this was structured so a local bank could participate.

Mr. Towne stated some of the collateralization and on-line banking may have stymied their participation.

Councilor Tobey asked specifically what efforts did he intend to make to encourage and invite local banks who can use these monies in our communities rather than like Toronto (TD Bank North).

Mr. Towne stated his intention to solicit quotes for any bank with a local branch. The last RFP requested banks be within ¼ mile of City Hall. They intend to solicit any branch in the City. That would give all the local banks and downtown banks an equal opportunity. It would include on-line banking. They would make reasonable accommodations. They do have money in different institutions. Bank Gloucester has a significant portion of investment, Cape Ann Rockport National, has investments. Century Bank has contacted him and had the best rates. Citizens Bank has the ambulance and beach accounts. As they go along they'll work to do what they can. He felt they should not have all their money in one bank. There is a quarterly report check on the well being of the banks ranked by the industry. A green star bank is in good standing and he does check that. He has had meetings with banks whose status goes down. They will solicit information from local banks. He felt they'll be on a better stand to compete.

Councilor Tobey asked Mr. Towne whether in his professional opinion, did TD Bank North in the dispute on beach deposits, meet service standards; did they do right by the City.

Mr. Towne expressed he was not satisfied.

Councilor Whynott asked for a list of banks that are able to bid. He had heard that one local bank didn't like to take cash. That is a trademark of a non-commercial bank.

Mr. Towne stated he went to two local banks. One told him no; that they'd have to add staff. He had to make a decision and moved it to a bank in town that solicited through the RFP in 2007 and were able to accommodate the City.

Councilor Hardy asked if the RFP is advertised in the paper.

Mr. Towne stated he writes personal notifications to bank branch presidents and lets them know as well as publishes the RFP in the paper

Councilor Hardy asked where the payroll account is.

Mr. Towne stated it is with TD Bank North.

Councilor Hardy asked what will be process [to end the banking relationship].

Mr. Towne stated sometimes it does take months. They would allow the account to stay open and create a new account. Even though they may stop business with them, they'll stop new transactions well in advance.

Councilor Hardy asked if they would put a flyer in the payroll for the City employees.

Councilor Tobey offered an amendment to the motion on the floor that the City terminate "forthwith" all business with TD Bank North.

Councilor Tobey respected everything the CFO has said but felt this enables the bank that treated the City poorly to continue the contract to the day it ends. Would they as individuals tolerate this kind of behavior; he believed "no". He felt this was necessary to stop the contract now.

Councilor Verga supported Councilor Tobey's amendment and would vote for it.

Councilor Curcuru asked if this would be able to be done immediately.

Mr. Towne stated if the vote is enacted tonight he has to cancel a contract with a 30 days notice and by doing that it he would have to instantly to pick new banks to move 13 or 14 accounts to be closed out. Payroll, a main account, school food services and one other small depository account. He would have to establish them all within a week. There would be no RFP process. Some banks have fee structures. All of it can be done but it is a timing issue.

Councilor Curcuru agreed with Councilor Tobey but thought it is putting too much stress on the CFO and his department, he thought they could pick a date like January 1st.

Councilor Whynott stated this is to request the Administration. If it means they have to do it in that kind of timeframe, he thought it as that the Administration would do the best they can and was good enough for him.

Councilor Mulcahey understood as an accountant what it takes to change accounts over and felt it should be done after the New Year.

Councilor Theken asked about people with direct deposit and their information and thought the only burden is to the Treasurer's office.

Mr. Towne stated that would be the case.

Councilor Theken wanted an RFP to go out and appreciated Mr. Towne's explanation. If they stop immediately they would place a burden. "Stop it; work on it and let them know the process and do an RFP." She thought there should be a 30 day notice at least.

Mr. Towne stated realistically it is 60 days; January 9th.

Councilor Tobey stated this is an Administration decision. If they pass this motion they're telling the Administration to do it "forthwith"; that is telling them to get it done.

Councilor Theken stated their vote today will give the CFO the time to do what needs to be done.

Councilor Hardy asked the meaning of "forthwith".

Councilor Tobey stated there is a process will cause things to happen; he didn't expect it to be done tomorrow. It has to be done in a commercially responsible way. "It just means let's get started now."

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGearry the City Council voted 8 in favor, 0 opposed, 1 recused (Ciolino) that the City Council strongly recommend and advocate that the City of Gloucester terminate forthwith all business relationships with TD Bank North.

Councilor Ciolino returned to the dais.

Public Hearings:

- 1. PH2010-061: Amend Gloucester Zoning Map and GZO re: 33 & 47 Commercial Street (Birds-**

eye Mixed use Overlay District

Councilor Hardy opened the public hearing and stated that the Council received an email from the applicant's attorney, Lisa Mead requesting a continuance of the public hearing. She then continued the public hearing until the December 7, 2010 City Council Meeting.

This public hearing is continued to December 7, 2010.

[**Councilor Ciolino** asked that PH2010-096: SCP2010-014: Cherry Street #32, GZO Sec. 5.13 be taken early in the hearing roster.]

2. PH2010-085: Amend GCO Sec. 22-271 "Parking Prohibited from May 1 to September 15- Generally" re: Lexington Avenue (Cont'd from 10/26/10)

This public hearing is opened.

Councilor Hardy announced this public hearing had no action taken.

This public hearing is closed.

3. PH2010-086: Amend GCO Sec. 22-291 "Tow Away Zone" re: Lexington Avenue (Cont'd from 10/26/10)

4. PH2010-099: Amend GCO Sec. 22-270.1 "Resident Sticker Parking Only, Seasonal" re: Lexington Ave. (Cont'd from 10/26/10)

These public hearing is open.

Those speaking in favor:

Kelly O'Brien 27 Shore Road stated he is in favor of the ordinance change.

Robert Ryan, Chair Traffic Commission brought several photographs to show the Council of the affected area. At their meeting of August 26th, they unanimously voted both orders that it would help alleviate the situation there and they are in support of them. Mr. Ryan reiterated that it is resident only May 1-September 15.

Brenda Fogerty, 27 Shore Road also spoke in favor of the ordinance change.

Those speaking in opposition: None.

Communications: None.

Questions:

This public hearing is closed.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) by ADDING Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction to its intersection with Shore Road.

Discussion:

Councilor Verga thanked the residents for this patience on this also.

MOTION: On motion by Councilor Theken, seconded by Councilor Verga, the City Council voted **BY ROLL CALL 9** in favor, **0** opposed to Amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) "by ADDING Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction to its intersection with Shore Road."

[Signage for seasonal resident sticker parking and tow away zone to be combined]

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend the Gloucester Code of Ordinance Sec. 22-270.1 “residential sticker parking only” (Seasonal-May 1 to September 15) by **ADDING** Lexington Avenue both sides from its intersections with Cliff Avenue and Oaks Avenue in a southerly direction to its intersection with Shore Road.”

Discussion:

Councilor Theken stated they now were clear that this is the will of the Committee and that of the residents of the affected area and urged passage of the motion.

Councilor Verga thanked the O&A Committee for their patience.

Councilor Hardy stated this is similar to what happened in Lanesville recently and would support it.

MOTION: On motion by Councilor Theken, seconded by Councilor Verga, the City Council voted **BY ROLL CALL 9 in favor, 0 opposed to Amend the Gloucester Code of Ordinance Sec. 22-270.1 “residential sticker parking only” (Seasonal-May 1 to September 15) by ADDING Lexington Avenue both sides from its intersections with Cliff Avenue and Oaks Avenue in a southerly direction to its intersection with Shore Road.”**

5. PH2010-100: SCP2010-015: Kirk Road #9, GZO Sec. 5.5.4 Lowlands

This public hearing is opened.

Those speaking in favor:

Daniel Ottenheimer, Mill River Consulting representing the applicants Mr. and Mrs. Dennis Silva who are hoping to build a pier, seasonal gangway and floating dock on the Mill River. They have received the Conservation Commission approval (on file). The project was also reviewed by the Shellfish Warden who assented but also listed some conditions (letter on file). They’re proposing to pour a concrete pad in the yard to be used as an anchoring for the gangway. There are two outcropping of rocks that exist in the river already near the land; and they will pour concrete posts on those rocks which will minimize the impact to the clam flat and salt marsh grass that is there. The float will be used for swimming and occasionally for boat tie up. Jim Caulkett, Gloucester’s Harbormaster, did not have an issue with regards to boating navigation. He pointed out on the locus map (on file) the location. Mr. Ottenheimer stated the project is in harmony with the Mill River area. The pier, seasonal gangway and floating dock can only be used with a 2/3 tide or higher of the tide cycle, typical of the ramps and piers in the immediate area. He pointed out on the locus map vacant land where there is a City-owned pump station; and a parcel of property owned by the Riverdale Neighborhood Association and the location of the pier, seasonal gangway and floating dock.

Those speaking in opposition: None.

Communications: None.

Questions:

Mr. Ottenheimer, at Councilor Ciolino’s request, noted the location of Kirk Road is off of Wheeler Street, Kirk Road is the first right as you come off the first corner.

This public hearing is closed.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant the application of Dennis Silva for a Special Council Permit 2010-015, Lowlands Permit under Gloucester Zoning Ordinance Sec. 5.5.4, at Kirk Road #9, Map 101, Lot 52, zoning district R-3, for a pier, seasonal gangway and floating dock on Mill River. The Committee further recommends that the City Council find

that the requirements of the Hatch Act (M.G.L c.131 sec. 40) have been satisfied and that the project will not pose a hazard to health or safety and will be executed to conserve shellfish and other wildlife resources of the City. The Committee determines that the application has met the six (6) factors of Sec. 1.8.3(e) of the zoning ordinance especially as regards to the natural environment. Granting of the Special Council Permit shall be subject to the following CONDITIONS:

1. Applicant shall construct the project subject to the August 31, 2010 Conservation Commission Order of Conditions; and,
2. Applicant shall comply with the conditions set out in the August 15, 2010 report of the Shellfish Constable which are incorporated into the Special Council Permit; and,
3. Approval of the application and granting of the Special Council Permit is based upon the site plan drawn by Mill River Consulting dated/revised August 10, 2010.

Discussion:

Councilor Ciolino stated the Planning and Development Committee finds that in accordance with Gloucester Zoning Ordinances, section 5.5.4 for lowlands special permit are met; the project has been designed to satisfy the requirements of the Hatch Act as there are no hazards to health and safety, and the project will be executed as to conserve shellfish and other wildlife resources of the City. In addition, the application met the six factors of Sec. 1.8.3(e) of the zoning ordinance especially in regard to the natural environment. For those reasons, the Planning & Development Committee can endorse this Special Council Permit.

Councilor Hardy stated it is in her ward and there are many other homes in the area that have similar ramps and piers; the property is well kept and will be an asset to the neighborhood.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to recommend to the City Council to grant the application of Dennis Silva for a Special Council Permit 2010-015, Lowlands Permit under Gloucester Zoning Ordinance Sec. 5.5.4, at Kirk Road #9, Map 101, Lot 52, zoning district R-3, for a pier, seasonal gangway and floating dock on Mill River. The City Council finds that the requirements of the Hatch Act (M.G.L c.131 sec. 40) have been satisfied and that the project will not pose a hazard to health or safety and will be executed to conserve shellfish and other wildlife resources of the City. The Council determines that the application has met the six (6) factors of Sec. 1.8.3(e) of the zoning ordinance especially as regards to the natural environment. Granting of the Special Council Permit shall be subject to the following CONDITIONS:

1. Applicant shall construct the project subject to the August 31, 2010 Conservation Commission Order of Conditions; and,
2. Applicant shall comply with the conditions set out in the August 15, 2010 report of the Shellfish Constable which are incorporated into the Special Council Permit; and,
3. Approval of the application and granting of the Special Council Permit is based upon the site plan drawn by Mill River Consulting dated/revised August 10, 2010.
6. PH2010-094: SCP2010-014 Kondelin Road #16, Sec. 5.13 Personal Wireless Service Facilities (PWSF)

This public hearing is open.

Those speaking in favor:

David Spaulding, President, USAi.net, applicant, resident of Haverhill stated his company is an internet service provider who will be bringing internet service to the City for the Schools and the City itself as well as reaching out to key businesses. He appreciated the support of the Gloucester Fire Chief and his staff. He noted they started their business doing wireless internet connectivity in Haverhill and have assets now in 13 major cities. They are about economic development and are here to aid businesses. They would be willing to work with residences as well.

The Council called for a recess at 9:39 p.m.

The Council reconvened at 9:41 p.m.

Mr. Spaulding resumed by stating At Kondelin Road #16, they will install or co-locate a standard antenna to an already existing tower facility owned by American Tower to bring internet connectivity from Boston to Beverly to Kondelin Road to be redistributed to Gloucester. It will repeat to Fuller School to Gorton's. In order to support economic development for retaining businesses like Gorton's and Varian that have increased internet needs as well as further economic development and growth to encourage new business to come here, their company was encouraged to come to this community to provide new service. The antenna is simply a way to bring bandwidth here without "dragging" fiber up Rt. 128 to get conductivity to Gloucester with microwave technology. The antenna installation is for wireless, point-to-point internet connectivity coming from Beverly to this tower and individual connections onto the roofs of the schools, Fuller School mainly for connecting to the internet. Their first effort was to assist the Schools. He had submitted a letter to Planning & Development (on file) stating that his company aware of areas of the City that have little or no connectivity with the current technology available.

Fire Chief Dench stated that for approximately 15 years the Fire Department has been trying to get internet access to the outlying stations. The original idea was for internet access to share information and provide training without them coming into town. More recently with the failure of the City's fire alarm system, it is very important to get the Bay View Station connected, which is the last leg of the old system. Should it fail, they will have no communication with that station. For USAi.net to provide internet service to Bay View and back up for the other fire stations he believed was important. He thanked Mike Wells, IT Director, Deputy Chief Miles Schlichte and Firefighter Francis for their help.

Mr. Spaulding expressed that USAi.net can provide a greater service to the City's fire stations by offering, in lieu of cash payment to the Fire Department training fund, to connect all their stations to high speed wireless internet service which has a fair market value of up to \$20,000.00. They have agreed with the Planning & Development Committee and the Fire Department to do this. He also noted that the Committee waived the need for an RFR filing as the information has been previously provided by prior PWSF applicants.

Those speaking in opposition:**Communications:****Questions:**

Councilor Mulcahey asked if this is for telephone.

Mr. Spaulding stated this is point to point telecommunications systems. It does not affect cell phone communications. He understood cell phone companies aren't addressing the City's need and they will address that to help get carriers to come here.

Councilor McGeary stated that these are not wi-fi hot spots but thought they could.

Mr. Spaulding stated they could. It is point-to-point down to the schools and then uses that as a springboard to reach out to other areas where bandwidth is needed.

Councilor McGeary asked how much bandwidth can be shared out.

Mr. Spaulding stated at Kondelin Road it is 600 Mg's and that the schools have 20 Mg, and Gorton's has asked for 50 Mg service. That would ordinarily be \$4,000 to \$5,000 a month from wired service; however, the cost will be significantly lower from them as it is wireless.

Councilor Verga noted that the accommodation made with the Fire Department was in lieu of \$5,000 contribution to Fire Department training as provided in Sec. 5.13 of the Zoning Ordinance.

Mr. Spaulding agreed.

Councilor Verga stated at first that Community Development Director, Sarah Garcia, wanted a hot spot on the new Harbor Walk.

Mr. Spaulding replied they are willing to do what the City needs to get things moving and would work with her to do that.

Councilor Hardy asked if they are co-located on the tower.

Mr. Spaulding stated yes.

Councilor Hardy asked what their maintenance obligations are.

Mr. Spaulding stated that is done by American Tower. They might climb the tower every couple of years to check on it.

Councilor Hardy asked that he address the RFR.

Mr. Spaulding stated they are FCC approved and have three independent licenses and meet all requirements.

Councilor Hardy asked if they had the report of the City's expert regarding radio frequency radiation.

Councilor Ciolino stated that microwave technology is totally different and the Committee felt there was no need to require a report from Dr. Weinstrup. He felt they would have to rewrite the zoning cell tower ordinance to catch up with the technology. There are no big equipment cabinets, etc. It is all run by laptops.

Councilor Hardy stated under section 5.13.5(h) that they are meeting this requirement here and is allowed to be waived. The emissions are less and less each year and are insignificant now.

This public hearing is closed.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant the Special Council Permit (SCP2010-012) for a Personal Wireless Service Facility (PWSF) to USAi.net at Kondelin Road #16, Map 198, Lot 39, zoned G-I on the existing tower owned by American Tower Management with the following FINDINGS AND CONDITIONS:

1. In accordance with Gloucester Zoning Ordinance Sec. 5.13.5(h), the Planning & Development Committee recommends that the City Council find that the RFR filing required by Sec. 5.13.5.4(f) is WAIVED as such information is not needed for a thorough review of the Kondelin Road #16 USAi.net PWSF since the information has been provided previously; and,
2. The Committee recommends that the applicant be allowed to meet the requirements of Sec. 5.13.12.1 to "contribute toward improving the adequacy of the City of Gloucester's emergency Response" by establishing connectivity to an outlying district of the City with establishment of such service to have a financial value of up to \$20,000.00; and,
3. The Committee recommends that the applicant, USAi.net has met the requirements of the Zoning Ordinance Sec. 1.8.3 and the proposed use will be in harmony with the general purpose and intent of the ordinance.

Discussion:

Councilor Ciolino noted that Gorton's Inc. is behind this and is their solution to their connectivity issue and also looks to be the way to solve the problem of connectivity to the outlying fire stations with Central Station. The Committee believed it would be a tremendous asset to the City. He stated that the applicant, USAi.net has demonstrated that they have met the requirements of the GZO, Sec. 5.13 PWSF. Further, it is the Committee's recommendation that the requirements under Sec. 5.13.5(h) for the RFR filing required by Section 5.13.5.4 (f) be waived. Such information is not needed for a thorough review of the Kondelin Road #16 USAi.net PWSF since the information has been provided previously. They further recommend that the applicant be allowed to meet the requirements of Sec 5.13.12.1 to "contribute toward

improving the adequacy of the City of Gloucester's emergency response by establishing connectivity to an outlying district of the City with a financial equivalent of up to \$20,000.00. And finally, the applicant, USAi.net has met the requirements of the Zoning Ordinance Sec. 1.8.3 and the proposed use will be in harmony with the general purpose and intent of the ordinance.

By unanimous consent the motion was amended in Condition #2 to read” ...financial value of \$10,000.00; and”

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott , the City Council voted BY ROLL CALL 9 in favor, 0 opposed to grant the Special Council Permit (SCP2010-012) for a Personal Wireless Service Facility (PWSF) to USAi.net at Kondelin Road #16, Map 198, Lot 39, zoned G-I on the existing tower owned by American Tower Management with the following FINDINGS AND CONDITIONS:

- 1. In accordance with Gloucester Zoning Ordinance Sec. 5.13.5(h), the City Council finds that the RFR filing required by Sec. 5.13.5.4(f) is WAIVED as such information is not needed for a thorough review of the Kondelin Road #16 USAi.net PWSF since the information has been provided previously; and,**
- 2. The applicant is allowed to meet the requirements of Sec. 5.3.12.1 to “contribute toward improving the adequacy of the City of Gloucester’s emergency response” by establishing connectivity to an outlying district of the City with establishment of such service to have a financial value of \$10,000.00; and,**
- 3. The applicant, USAi.net has met the requirements of the Zoning Ordinance Sec. 1.8.3 and the proposed use will be in harmony with the general purpose and intent of the ordinance.**

Councilor Ciolino explained this motion is to accept and track with the City Auditor the in-kind donation and to comply with State law.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted 9 in favor, 0 opposed to accept an in-kind services donation under M.G.L. Chapter 44, Sec. 53A-1/2 with a fair market value of \$10,000.00 to the Gloucester Fire Department for the purposes of service and installation of high speed internet microwave equipment for the West Gloucester, Magnolia, Bay View and School Street Fire Station locations for SCP2010-012 Kondelin Road #16 Sec. 5.13 Personal Wireless Service Facilities (PWSF).

- 7. PH2010-095: SCP2010-015 Rogers Street #127, Sec. 5.13 Personal Wireless Service Facilities (PWSF)**

This public hearing is open.

Those speaking in favor:

David Spaulding, President, USAi.net stated that this is the second piece of the connectivity ‘puzzle’. Once the Kondelin Road antenna is in place, they will be able to then connect to the Rogers Street location thereby bringing greatly increased internet capacity to Gorton’s, Inc. which they are in great need of. This would be accomplished by adding two side-mounted antennas to a Gorton’s, Inc. Building. The antenna will be positioned to receive the signal and in a manner that it won’t be seen by the public. The antenna will be attached to the building on the Rogers Street side of the building which has enough height. The signal will come from the Kondelin Road antenna. From there it would then be beamed to the downtown in order to do the wi-fi for the Harbor Walk. He stated the same things apply to provide a telecommunications service no matter the weather. The impact is as with Kondelin Road and that there is no affect that if they add wi-fi to other buildings. This is to keep and retain business and add new business.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor Tobey asked about the lack of Verizon service downtown.

Mr. Spaulding stated they aim to improve the service to the City.

This public hearing is closed.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant the Special Council Permit (SCP2010-013) under Gloucester Zoning Ordinance Sec. 5.13 for two antennas, side mounted Personal Wireless Service Facility (PWSF) located at Gorton's, Inc., Rogers Street #127 attached to the Gorton's Seafood Center Building with the following FINDINGS AND CONDITIONS:

1. In accordance with the Gloucester Zoning Ordinance, Sec. 5.13.5(h), the Committee recommends that the Council FIND that the RFR filing required by Sec. 5.13.5.4 (f) is WAIVED as such information is not needed for a thorough review of Rogers Street #127, Gorton's, Inc./USAi.net PWSF since the requested information is not applicable; and,
2. The Committee recommends that the applicant be allowed to meet the requirements of Sec. 5.13.12.1 to contribute toward improving the adequacy of the City of Gloucester's emergency response by establishing connectivity to an outlying district of the City with the establishment of such service to have a financial value of up to \$20,000.00; and,
3. The Committee recommends that the Council FIND that the applicant, USAi.net has met the requirements of the Zoning Ordinance Sec. 1.8.3, and the proposed use will be in harmony with the general purpose and intent of the ordinance.

Discussion:

By unanimous consent the motion was amended in Condition #2 to read" ...financial value of \$10,000.00; and"

Councilor Ciolino noted they fast tracked this as far as they could at P&D. Gloucester needs to be business friendly and Gorton's is a cornerstone business for the City. They need it now. The antennas are up and ready to go and this is one instance where they can say Gloucester is business friendly and urged his fellow councilors to vote in favor.

Councilor Hardy noted this was submitted in the City Clerk's office at September 17th. It went through the process with no delay. The need for this community to get more connectivity is paramount to have businesses to come here and stay here, like Gorton's. She would like to get a panel together with the Administration with Community Development to get this sort of thing moving forward.

Councilor Ciolino explained this motion is to accept and track with the City Auditor the in-kind donation and to comply with State law.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted **BY ROLL CALL 9** in favor, **0** opposed to grant the Special Council Permit (SCP2010-013) under Gloucester Zoning Ordinance Sec. 5.13 for two antennas, side mounted Personal Wireless Service Facility (PWSF) located at Gorton's, Inc., Rogers Street #127 attached to the Gorton's Seafood Center Building with the following FINDINGS AND CONDITIONS:

1. In accordance with the Gloucester Zoning Ordinance, Sec. 5.13.5(h), the Council

FINDS that the RFR filing required by Sec. 5.13.5.4 (f) is WAIVED as such information is not needed for a thorough review of Rogers Street #127, Gorton's, Inc./USAi.net PWSF since the requested information is not applicable; and,

- 2. The applicant is allowed to meet the requirements of Sec. 5.13.12.1 to contribute toward improving the adequacy of the City of Gloucester's emergency response by establishing connectivity to an outlying district of the City with the establishment of such service to have a financial value of \$10,000.00; and,**
- 3. The Council FINDS that the applicant, USAi.net has met the requirements of the Zoning Ordinance Sec. 1.8.3, and the proposed use will be in harmony with the general purpose and intent of the ordinance.**

Councilor Ciolino explained this is to accept and track with the City Auditor the in-kind donation and to comply with State law.

Councilor Hardy stated this is the result of the City Councilors doing their due diligence and attending other Committee meetings, in this case, B&F and was able to make an agreement that will benefit the City in so many ways and she would support this.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted 9 in favor, 0 opposed to accept an in-kind services donation under M.G.L. Chapter 44, Sec. 53A-1/2 with a fair market value of \$10,000.00 to the Gloucester Fire Department for the purposes of service and installation of high speed internet microwave equipment for the West Gloucester, Magnolia, Bay View and School Street Fire Station locations with regard to SCP2010-013, Rogers Street #127 Sec. 5.13 Personal Wireless Service Facilities (PWSF).

8. PH2010-096: SCP2010-014: Cherry Street #32, GZO Sec. 5.22, Commercial Land Based Wind Energy Conversion Facilities

Councilor Hardy recused herself from the discussion and vote on the matter as she was an abutter to the property in question and left the dais.

Councilor Tobey recused himself from the discussion and vote on the matter as his brother was an abutter to the property in question and left the dais.

This public hearing is opened.

Those speaking in favor:

Brian Tarr, Assistant Superintendent of Schools stated that this wind turbine is to be used strictly for educational purposes as a part of their science program. Funding is from the Gloucester Education Foundation. This does not come out of the School budget. It is to be installed on the old smoke stack on the school and with the stack height will rise, in total, to 30 ft. This unit is virtually silent. They do not work on a cup theory like you would with an old style anemometer. They are air foils which work off of lift; and the turbine is being dragged around by the wind. The sound level is virtually silent. The turbine's output would just about run the equivalent of a pencil sharpener. It comes with a program that is wireless with a transmitter; so that students can monitor what is going on in real time. They can see the rpm's of the turbine, the watts it is putting out and show the accumulation and change the accumulation time from hours to days and produce a graph of that production. It is a tremendous opportunity for the students as a learning opportunity.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor Theken asked if the Clean Energy Commission was consulted.

Mr. Tarr stated Susan St. Pierre from the Community Development Department had been a part of the project from the beginning.

Councilor Mulcahey commented she thought this would be a good thing for the schools.

Mr. Tarr encouraged the Councilors to drive by and see the pole attached to the stack above the school to get a sense of what the turbine height and location would be.

This public hearing is closed.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to grant the Special Council Permit (SCP2010-014) for a rooftop Wind Turbine to the applicant, Gloucester Public Schools for 32 Cherry Street/The O'Maley Middle School, to install a 1.2 KW vertical axis turbine mounted on a roof with overall height of 30 ft. shown on plans by the City of Gloucester Community Development Department dated September 15, 2010; the following FINDINGS AND CONDITIONS apply:

1. The Committee finds that the applicant, Gloucester Public Schools for 32 Cherry Street/The O'Maley Middle School has shown the wind turbine will meet the requirements of Sec. 5.22.6 concerning height; setbacks; visual impact; color (non-reflective matte finish); equipment shelter; lighting/signage; utility connections; and support towers; and further the applicant has shown the wind turbine will comply with the environmental standards of Sec. 5.22.7 to the extent applicable with particular note to flickering should be non-existent.
2. The Committee recommends waiver of the balloon/crane test as not applicable;
3. The wind turbine shall be used solely for educational purposes and an appropriate sign be erected at ground level for educational purposes.

Discussion:

Councilor Ciolino stated that the applicant, Gloucester Public Schools for the O'Maley Middle School, has demonstrated that they have met the requirements of Gloucester Zoning Ordinance Sec. 5.22 Wind Turbine/Land-Based Wind Energy Conversion Facilities. Further, that the applicant has also met the requirement of Sec. 5.22.6 regarding height, setbacks, visual impact, color, equipment shelter, lighting/signage, utility connections and support towers. The applicant also has shown the wind turbine will comply with the environmental standards of Sec. 5.22.7; that flickering should be non-existent. The Committee also waived the balloon/crane test finding it not applicable. And finally, this wind turbine is to be used solely for educational purposes.

Councilor Verga stated it will be generating some electricity while small, he suggested the City explore how they could use more of these in the City to generate electricity, not just for educational uses.

Councilor Theken congratulated the school for coming forward with this. She would like to see this across all the schools for clean energy.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the City Council voted **BY ROLL CALL 7** in favor, **0** opposed, **2** recused (Hardy, Tobey) to grant the Special Council Permit (SCP2010-014) for a rooftop Wind Turbine to the applicant, Gloucester Public Schools for 32 Cherry Street/The O'Maley Middle School, to install a 1.2 KW vertical axis turbine mounted on a roof with overall height of 30 ft. shown on plans by the City of Gloucester Community Development Department dated September 15, 2010; the following FINDINGS AND CONDITIONS apply:

1. The applicant, Gloucester Public Schools for 32 Cherry Street/The O'Maley Middle School has shown the wind turbine will meet the requirements of Sec. 5.22.6 concerning height; setbacks; visual impact; color (non-reflective matte finish); equipment shelter; lighting/signage; utility connections; and support towers; and further the applicant has shown the wind turbine will

comply with the environmental standards of Sec. 5.22.7 to the extent applicable with particular note to flickering should be non-existent.

- 2. The Council waives the balloon/crane test as not applicable;**
- 3. The wind turbine shall be used solely for educational purposes and an appropriate sign be erected at ground level for educational purposes.**

Councilors Hardy and Tobey returned to the dais upon the completion of the vote.

- 9. PH2010-101: Amend GCO Sec. 287 “Disabled Veteran, handicapped parking” re: DELETING Addison Street, opposite #28**

This public hearing is opened.

Those speaking in favor:

Robert Ryan, Chair of the Traffic Commission endorsed the deletion of this handicapped parking space.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

Councilor Verga stepped away at 10:16 p.m.

MOTION: On motion by Councilor Theken, seconded by Councilor Tobey, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 absent (Verga) to DELETE “Addison Street, opposite #28, one (1) handicapped parking space.”

Councilor Verga returned to the dais at 10:18 p.m.

- 10. PH2010-102: Amend GCO Sec. 22-287 “Disabled Veteran, handicapped parking” re: adding Harvard Street #2**

This public hearing is opened.

Those speaking in favor:

Mr. Ryan stated at the Traffic Commission meeting of September 23, 2010 the requestor attended and satisfied the requirements and it was unanimous to support their request.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinance & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING “one (1) handicapped parking space, in front of Harvard Street #2”.

Discussion:

Councilor Theken explained all the disabled parking, all of them this evening have all been vetted and all documentation is in place. This request was by the resident.

MOTION: On motion by Councilor Theken, seconded by Councilor Mulcahey, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING “one (1) handicapped parking space, in front of Harvard Street #2”.

11. PH2010-103: Amend GCO Sec. 22-287 “Disabled Veteran, handicapped parking” re: adding Main Street #46

Councilor Tobey stepped away from the dais at 10:21 p.m.

This public hearing is opened.

Those speaking in favor:

Mr. Ryan stated at the Traffic Commission meeting of September 23, 2010 the Commission was presented with two Council Orders. They do not have a handicapped parking space from Hancock Street to Washington Street. He noted that the two requests that came forward from Councilor Mulcahey were for the West End and the East End of Main Street. They worked with the City Clerk and Councilor Theken to find the ideal spots. They proposed to put it in front of #46, the old Whitmarsh Building. They picked the best locations to accommodate handicapped individuals.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor Ciolino asked if the gallery in the Whitmarsh Building knew of this space to be in front of them.

Mr. Ryan responded that Mr. Ingersoll did speak with the gallery. They would have to take out Meter #10 to put the space there.

Councilor Ciolino was surprised to hear that the business owner would agree to this. They've had numerous problems there with parking in that area. He had never voted against a handicapped parking space but that parking is so close there, they need to remove the loading/unloading space perhaps but that if you have a placard for handicapped you can park at any meter without paying the meter. He could support this that it be a two hour parking space because it is such a congested area so that no one person could park there all day long providing the people on the gallery have signed off on this and is a good solution.

Councilor Theken agreed and wanted it closer to the Mystery Train. They do need handicapped parking. They never planned for handicapped accessibility in the West End. They did debate this issue at O&A. The Commission made the recommendation. But there is a sidewalk cut there. If you put a two hour limit on this you have to do it for all the Main Street handicap spaces.

Councilor Mulcahey felt the problems were settled in that area and noticed there were no handicapped parking spaces. She told the Traffic Commission to find the appropriate place for it, and they did. These are her constituents and she was looking out for them. The chair car could not access that area for the handicapped citizens.

Councilor Whynott felt they put handicapped parking spaces in different neighborhoods. Downtown handicapped parking spaces he did take issue with. He agreed with Councilor Ciolino that Main Street handicapped parking spaces should be a two hour limit.

Councilor Verga thought it was a good idea for a two hour limit. It would be the same at the meters with a placard. Technically every space is a handicapped spot with a placard.

Mr. Ryan confirmed that.

Councilor Theken agreed the Main Street two hour limit was fine and had no objection. She wanted this so that chair vans can have access to the area.

Mr. Ryan thought that would be a good idea for all handicapped parking for all of Main Street.

Councilor Curcuru supported the two hour limit.

Councilor Hardy stated they didn't advertise for a two hour limit. This would be combining two ordinances and wondered if they should advertise for public hearing for the two hour limit. She recommended they should send this back to the O&A Committee without objection.

Councilor Whynott asked that this also be sent also to the Legal Department to see if a two hour time limit was able to be done for handicapped parking.

This public hearing was continued to November 23, 2010 and was referred back to the O&A Committee.

12. PH2010-104: Amend GCO Sec. 22-287 "Disabled Veteran, handicapped parking" re: adding Main Street #287

This public hearing is opened.

Councilor Hardy recommended they should send this back to the O&A Committee without objection and also be sent also to the Legal Department to see if a two hour time limit for handicapped parking was able to be done.

This public hearing was continued to November 23, 2010

13. PH2010-105: Amend GCO Sec. 22-287 "Disabled Veteran, handicapped parking" re: Summer Street #26

This public hearing is opened.

Those speaking in favor:

Mr. Ryan stated at the Traffic Commission meeting of October 14, 2010 the order was approved. The requestor was there and presented her plaque and met all the criteria.

Those speaking in opposition:

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinance & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING "one (1) handicapped parking space, at #26 Summer Street".

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING "one (1) handicapped parking space, at #26 Summer Street".

14. PH2010-106: Amend GCO Sec. 22-270 "Parking Prohibited at all Times re: Summer Street

15. PH2010-107: Amend GCO Sec. 22-291 "Tow Away Zones" re: Summer Street.

These public hearings are opened.

Those speaking in favor:

Mr. Ryan stated at the Traffic Commission meeting of October 14, 2010 the order was approved unanimously to prohibit parking on the westerly side of Summer Street from Granite Street in a northerly direction to Orchard Street.

Those speaking in opposition: None.

Communications: None.

Questions: None.

These public hearings are closed.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinance & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-270 (Parking Prohibited at all Times) by ADDING “Summer Street, westerly side from Granite Street in a northerly direction to Orchard Street”.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Sec. 22-270 (Parking Prohibited at all Times) by ADDING “Summer Street, westerly side from Granite Street in a northerly direction to Orchard Street”.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinance & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-291 Tow Away Zone by ADDING “Summer Street, westerly side from Granite Street in a northerly direction to Orchard Street”.

Discussion:

Councilor Mulcahey understood that when you call the Police Department comes and tickets the offending vehicles; and after a while then you call again, should the car remain, and then the car is towed. She wondered why they put all the tow away zones in place.

Councilor Hardy stated unless it is posted the police won't tow.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Sec. 22-291 Tow Away Zone by ADDING “Summer Street, westerly side from Granite Street in a northerly direction to Orchard Street”.

16. PH2010-108: Amend GCO Sec. 22-270: “Parking Prohibited at all Times re: Hesperus Avenue At Rafe’s Chasm

17. PH2010-109: Amend GCO Sec. 22-291 “Tow Away Zones” re: Hesperus Ave. at Rafe’s Chasm

These public hearings are opened.

Those speaking in favor:

Mr. Ryan stated at the Traffic Commission meeting of October 14, 2010 unanimously supported the order was approved to amend the hours no parking is allowed in the parking area at Rafe’s Chasm. The time was originally 9 p.m. to 9 a.m. and now it is going to 7 p.m. to 9 a.m. The neighbors felt this was a reasonable compromise in order that there would be quiet during evening hours as it has been very difficult there. They suggested 7 p.m. and the times would apply to non-residents and residents.

Those speaking in opposition:

Communications:

Councilor Verga read an email from Barbara Ferraro, 135 Hesperus Avenue highlighting the issues occurring at the Rafe’s Chasm parking lot as she could not be at the meeting that evening. She had previously expressed her support of the proposed changes. The Councilor noted that signs have been added also.

Questions: None.

These public hearings are closed.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinance & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-270 (Parking Prohibited at All Times) Hesperus Avenue at Rafe’s Chasm (4), by DELETING

“Parking Prohibited between 9 p.m. and 9 a.m. and ADDING “Parking Prohibited between 7 p.m. and 9 a.m.”

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Sec. 22-270 (Parking Prohibited at All Times) Hesperus Avenue at Rafe’s Chasm (4), by DELETING “Parking Prohibited between 9 p.m. and 9 a.m. and ADDING “Parking Prohibited between 7 p.m. and 9 a.m.”

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinance & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-291 (Tow Away Zone) Hesperus Avenue at Rafe’s Chasm (4) by DELETING “Parking Prohibited between 9 p.m. and 9 a.m. and ADDING “Parking Prohibited between 7 p.m. and 9 a.m.”

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Sec. 22-291 (Tow Away Zone) Hesperus Avenue at Rafe’s Chasm (4) by DELETING “Parking Prohibited between 9 p.m. and 9 a.m. and ADDING “Parking Prohibited between 7 p.m. and 9 a.m.”

18. PH2010-110: Amend GCO Sec. 22-270 “Parking Prohibited at all Times” re: Maple Street

This public hearing is opened.

Those speaking in favor:

Mr. Ryan stated at the Traffic Commission meeting of September 23, 2010 unanimously recommended the order. With the recent addition of sidewalks on both of this street, being one way; it has narrowed the street considerably. Current parking has vehicles with two wheels on the sidewalk, which is illegal and negates the idea of a sidewalk. Further, if they park on the street, there isn’t enough room for vehicles to get through. There are more driveways on the northerly side than the southerly side.

Those speaking in opposition: None.

Communications: None.

Questions: None

This public hearing is closed.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinance & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-270 (Parking Prohibited at All Times) by ADDING “Maple Street, northerly side from Warner Street to Mt. Vernon Street”.

Discussion:

Councilor Ciolino asked if the residents of the street know if the parking situation is changing and thought they were to have at least a 50% notification rate of the residents of the streets to be affected.

Mr. Ryan noted he spoke to three or four of the residents as well when he was surveying the area.

Councilor Whynott also noted that parking was very difficult on the street you really can’t park on the street; and that the residents are aware of the situation. With this order, there will be parking on one side.

Councilor Mulcahey spoke to several people on the street; that the sidewalks were in and being parked on because the road is narrowed and one side will have parking.

Councilor Theken noted that all of these meetings are open meetings and posted in several venues and on line and yet no one has shown up at the meetings about this matter. She didn’t know how you would get a rate of 50%.

Councilor Ciolino noted he would be satisfied as long as the ward councilor has checked with the residents and let them know.

Councilor Verga thought at issue was there were people parking on both sides of the street halfway on the sidewalk from one end of the street to the other. Even parking that way there would still be only five feet in between and emergency vehicles would not be able to get through.

Councilor Mulcahey spoke with the Fire Department as well, and stated they agreed this was not how it was planned. They couldn't bring safety equipment down there.

Councilor Hardy expressed her support of the ordinance amendment.

MOTION: On motion by Councilor Theken, seconded by Councilor , the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Sec. 22-270 (Parking Prohibited at All Times) by ADDING "Maple Street, northerly side from Warner Street to Mt. Vernon Street".

19. PH2010-111: Amend GCO Sec. 22-270 "Parking Prohibited at all Times" re: Oak Street

This public hearing is opened.

Those speaking in favor:

Mr. Ryan stated at the Traffic Commission recommended the order, as the conditions on Oak Street are the same as on Maple Street, taken up in the previous public hearing. For safety reasons they supported the ordinance amendment.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-270 (Parking Prohibited at All Times) by ADDING "Oak Street, southerly side from Warner Street to Mt. Vernon Street".

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Sec. 22-270 (Parking Prohibited at All Times) by ADDING "Oak Street, southerly side from Warner Street to Mt. Vernon Street".

20. PH2010-112: Amend GCO Sec. 22-270 "Parking Prohibited at all Times" re: Centennial Ave.

21. PH2010-113: Amend GCO Sec. 22-291 "Tow Away Zones" re: Centennial Avenue

These public hearings are opened.

Those speaking in favor:

Mr. Ryan stated at the Traffic Commission at their October 14th meeting voted unanimously to approve the order as requested on Centennial Avenue, westerly side, in a northerly direction from Perkins Road to Leslie O. Johnson Road. This is similar in that the sidewalks are extended further into the street. He submitted a photograph of the area for the Council to view. He noted vehicles park on these sidewalks.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

By unanimous consent the City Council extended the meeting at 11:00 p.m. for a half hour.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinance & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO

Sec. 22-270 (Parking Prohibited at All Times) by ADDING “Centennial Avenue, westerly side, in a northerly direction from Perkins Road to Leslie O. Johnson Road”.

MOTION: On motion by Councilor Theken, seconded by Councilor Tobey, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Sec. 22-270 (Parking Prohibited at All Times) by ADDING “Centennial Avenue, westerly side, in a northerly direction from Perkins Road to Leslie O. Johnson Road”.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinance & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-291 (Tow Away Zone) by ADDING “Centennial Avenue, westerly side, in a northerly direction from Perkins Road to Leslie O. Johnson Road”.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend GCO Sec. 22-291 (Tow Away Zone) by ADDING “Centennial Avenue, westerly side, in a northerly direction from Perkins Road to Leslie O. Johnson Road”.

Mr. Ryan noted the composition of the Traffic Commission and that at every meeting; they ask the requestor to come to the meeting. If they don't come to the meeting, they table the matter. Councilor Verga thanked Mr. Ryan for staying late into the evening.

**22. PH2010-114: Amend GCO Ch. 11 entitled “Hawkers and Peddlers and Transient Vendors”
Sec. 11-5 Fixed Vending site specific locations-subsection 2**

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor Ciolino felt this location, at the intersection of Washington, Rogers and Commercial Streets is such a busy intersection in the City that it was the wrong spot to put any type of vendor and thought it wise to eliminate this vendor spot.

Councilor Mulcahey agreed with the Councilor that people parking to buy at the vendor's stand park everywhere, making the intersection even more hazardous.

This public hearing is closed.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend the GCO, Chapter 11, Hawkerc And Peddlers, And Transient Vendors of the GCO, Sec. 11-5 Fixed vending: site specific locations “(2) to DELETE “Rogers Street – Ten (10) feet east of its intersection with Commercial and Washington Streets, with the exception of St. Peter's Fiesta weekend and renumber accordingly”.

MOTION: On motion by Councilor Theken, seconded by Councilor Mulcahey, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to Amend the GCO, Chapter 11, Hawkerc And Peddlers, And Transient Vendors of the GCO, Sec. 11-5 Fixed vending: site specific locations “(2) to DELETE “Rogers Street – Ten (10) feet east of its intersection with Commercial and Washington Streets, with the exception of St. Peter's Fiesta weekend and renumber accordingly”.

Committee Reports:

Budget & Finance: 11/4/10

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to ADVERTISE FOR PUBLIC HEARING as follows: As in accordance with M.G.L. Chapter 40, Section 56 and pursuant to the Gloucester Code of Ordinances Section 2-26 the Gloucester City Council will hold a public hearing on Tuesday, November 23, 2010, at 7:00 p.m. at City Hall, 9 Dale Avenue in the Fred J. Kyrouz Auditorium, relative to TAX CLASSIFICATION to determine the percentage of the local tax levy to be borne by each class of real and personal property.

MOTION: On motion by Councilor Curcuro, seconded by Councilor Verga, the City Council voted 9 in favor, 0 opposed to ADVERTISE FOR PUBLIC HEARING as follows: As in accordance with M.G.L. Chapter 40, Section 56 and pursuant to the Gloucester Code of Ordinances Section 2-26 the Gloucester City Council will hold a public hearing on Tuesday, November 23, 2010, at 7:00 p.m. at City Hall, 9 Dale Avenue in the Fred J. Kyrouz Auditorium, relative to TAX CLASSIFICATION to determine the percentage of the local tax levy to be borne by each class of real and personal property.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend to the City Council to pay \$91.30 in expenses incurred in FY2010 with FY2011 funds to New England Office Supply.

Discussion:

Councilor Curcuro explained this was a rare oversight by the Treasurer's Office and that the Committee voted to approve the payment of the invoice as a purchase order was not opened.

MOTION: On motion by Councilor Curcuro, seconded by Councilor Verga, the City Council voted 9 in favor, 0 opposed to pay \$91.30 in expenses incurred in FY2010 with FY2011 funds to New England Office Supply.

Ordinances & Administration: 11/01/10

There are no matters to be brought forward from this meeting for Council action.

Planning & Development: 11/03/10

Councilor Ciolino recused himself from the discussion and vote on the matter of the Downtown Gloucester Holiday Parade.

MOTION: On motion by Councilor Whynott, seconded by Councilor Verga, the Planning & Development Committee voted 2 in favor, 0 opposed to permit the Downtown Gloucester Holiday Parade to proceed on City streets on Sunday, November 28, 2010 with a weather date of Sunday December 5, 2010. The parade will assemble at the Jodrey State Fish Pier on Parker Street with a starting time of 3:00 p.m. The route is: Jodrey State Fish Pier to Parker Street; left onto Main Street to Western Avenue and end at the Tree Lighting Ceremony at Kent Circle. The following conditions apply:

1. Certificate of Insurance, issued through the Carroll K. Steele Insurance Agency will be on file

seven (7) days in advance of the parade on file with the City Clerk's office;

2. Gloucester Police Department to sign off on the proposed route seven (7) days in advance of the parade on file with the City Clerk's office;
3. Santa Claus or his designee to sign a waiver indemnifying the City of Gloucester regarding any liability as prepared by Fire Chief Phil Dench of the Gloucester Fire Department for permission to ride atop the Gloucester Fire Department's ladder truck and to be on file seven (7) days in advance of the parade with the City Clerk's office.

MOTION: On motion by Councilor Whynott, seconded by Councilor Verga, City Council voted 8 in favor, 0 opposed, 1 (Ciolino) recused, to permit the Downtown Gloucester Holiday Parade to proceed on City streets on Sunday, November 28, 2010 with a weather date of Sunday December 5, 2010. The parade will assemble at the Jodrey State Fish Pier on Parker Street with a starting time of 3:00 p.m. The route is: Jodrey State Fish Pier to Parker Street; left onto Main Street to Western Avenue and end at the Tree Lighting Ceremony at Kent Circle. The following conditions apply:

1. **Certificate of Insurance, issued through the Carroll K. Steele Insurance Agency will be on file seven (7) days in advance of the parade on file with the City Clerk's office;**
2. **Gloucester Police Department to sign off on the proposed route seven (7) days in advance of the parade on file with the City Clerk's office;**
3. **Santa Claus or his designee to sign a waiver indemnifying the City of Gloucester regarding any liability as prepared by Fire Chief Phil Dench of the Gloucester Fire Department for permission to ride atop the Gloucester Fire Department's ladder truck and to be on file seven (7) days in advance of the parade with the City Clerk's office.**

Councilors' Requests Other than to the Mayor:

Councilor Whynott hoped people would come out and support veterans on Veteran's Day.

Councilor Theken thanked the veterans and congratulated Councilor Gus Foote on his award. Open enrollment is ongoing and to please call her at 978-283-4001, x623. She will only work with seniors only.

A motion was made, seconded and voted unanimously to adjourn the meeting at 11:12 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of Committees**

DOCUMENTATION/ITEMS SUBMITTED DURING THE MEETING:

- **Photographs of Lexington Avenue re: PH2010-086 and PH2010-099**